

DIVISION III. STORMWATER SEWER SYSTEM

CHAPTER 17.75

GENERAL PROVISIONS

SECTION:

17.75.100: Short Title

17.75.200: Findings And Purposes

17.75.300: Authority

17.75.400: Responsibility For Administration

17.75.100: SHORT TITLE:

This division shall be known collectively as the *SALT LAKE CITY STORMWATER CONTROL ORDINANCE*. (Ord. 53-07 § 4, 2007)

17.75.200: FINDINGS AND PURPOSES:

A. Findings On Stormwater Runoff Harm: The city council finds that stormwater runoff has the potential for causing property damage and erosion; carrying concentrations of nutrients, chemicals, heavy metals, oil and toxic materials into receiving waters and ground water; degrading the integrity of city streets, curbs, gutters and other infrastructure; reducing residents' access to emergency services; and imposing other hazards to both life and property. For these and other reasons, stormwater runoff has the potential for adversely impacting the health, safety, property, recreational opportunities and general welfare of the community. The city council has determined that the potential for such negative impacts will increase as the amount of stormwater runoff increases due to the city's physical growth and urban development.

B. State And Federal Regulation: The federal government has established, through the clean water act, regulations regarding stormwater runoff for the protection of receiving waters. The state of Utah has also enacted the water quality act, together with related regulations. These federal and state laws and regulations are administered through the Utah department of environmental quality and include requirements that the city obtain, and abide by the provisions of, a UPDES permit for the city's discharge of stormwater runoff into receiving waters.

C. Purposes And Objectives: In view of the foregoing, the purposes and objectives of this chapter through chapter 17.91, inclusive, of this title are to:

1. Provide for and maintain a stormwater sewer system for collecting and disposing of stormwater runoff;
2. Establish the inspection, surveillance and monitoring procedures, and all related rules and regulations, necessary to regulate discharges into the stormwater sewer system, and to establish the legal authority to enforce compliance with such rules and regulations; and
3. Provide fair, equitable and nondiscriminatory rates and charges which will generate sufficient revenues to construct, operate, improve and maintain the stormwater sewer system at a level commensurate with stormwater sewer management needs. It shall be the policy of the city that present and future costs of operating the stormwater sewer system shall be fairly allocated among the various users of the stormwater sewer system through the establishment of rates and charges based upon such factors as the intensity of development of the parcel; the types of development on the parcel; the amount of impervious surface on the parcel; the cost of maintenance, operation, repair and improvements of the various parts of the system; the quantity and quality of the runoff generated; and other factors which present a reasonable basis for distinction, and which will allow for management of the stormwater sewer system in a manner that protects the public health, safety and welfare. (Ord. 53-07 § 5, 2007)

17.75.300: AUTHORITY:

This chapter through chapter 17.91, inclusive, of this title is adopted under the authority of the Utah water quality act, the federal clean water act and the rules and regulations promulgated thereunder relating to stormwater discharges, as well as certain requirements set forth in the city's UPDES permit for stormwater discharges, issued by the Utah department of environmental quality. Specifically, section 19-5-115(10), Utah Code Annotated, authorizes the city to enact and enforce rules and ordinances for the implementation of the water quality act, including stormwater discharges. (Ord. 53-07 § 6, 2007)

17.75.400: RESPONSIBILITY FOR ADMINISTRATION:

The director shall be responsible for administering, implementing, and enforcing the provisions of this chapter through chapter 17.91, inclusive, of this title. Any powers granted or duties imposed upon the director may be delegated by the director to persons in the employ of the city and under the supervision of the director. (Ord. 53-07 § 7, 2007)

CHAPTER 17.78

DEFINITIONS

SECTION:

17.78.100: Terms Defined

17.78.100: TERMS DEFINED:

For purposes of chapters 17.81 through 17.91, inclusive, of this title, the following words, terms and phrases shall have the following meanings:

BEST MANAGEMENT PRACTICES OR BMPs:	Schedules of activities, prohibitions of practices, maintenance procedures, treatment requirements, operating practices, techniques, methodologies or other management practices that, through experience and research, have proven reliable to prevent or reduce pollutants from entering the storm sewer system, and that are recognized, required, or accepted as BMPs under the clean water act, the water quality act, and related rules, regulations, guidance documents and storm water permits issued thereunder. All BMPs shall be designed and installed to allow for necessary maintenance as specified in its design manual for each BMP. BMPs shall be an integral part of an SWPPP as necessary for compliance with a UPDES permit, or a city discharge permit under chapter 17.84 of this title.
CITY:	Salt Lake City Corporation, a municipal corporation of the state.
CITY DISCHARGE PERMIT:	A permit to discharge storm water into the city's storm sewer system, issued pursuant to section 17.84.400 of this title.
CLEAN WATER ACT:	The federal water pollution control act, 33 U.S.C. section 1251 et seq., as amended, including all related rules and regulations.
CONSTRUCTION ACTIVITY:	Activities for which a UPDES general construction storm water permit, as defined in the rules promulgated under the clean water act, must be obtained. These include construction activities such as clearing and grubbing, grading, excavating and demolition that disturb one acre of land or more, including projects less than one acre that are part of a larger common plan of development.
COUNCIL:	The Salt Lake City council.
COUNTY:	Salt Lake County, Utah.
DEPARTMENT:	The city's department of public utilities.
DEVELOPED PARCEL:	Any parcel which has been altered by grading or filling of the ground surface, or by construction of any improvements or other impervious surface area that affects the hydraulic properties of the parcel.
DIRECTOR:	The director of the department, or the director's duly authorized designee.
DISCHARGE:	Any addition, injection, pumping, spilling, dumping, emitting, emptying, leaching, or introduction of any material so that such material, directly or indirectly, enters into the storm sewer system or any watercourse. Discharge includes any storm water runoff.
DISCHARGE PERMIT:	Means and includes any permit regulating discharges into the storm sewer system, including a UPDES permit, and a city discharge permit.
EPA:	The U.S. environmental protection agency.
EQUIVALENT RESIDENTIAL UNIT OR ERU:	The unit of measurement of the magnitude of use of the storm sewer system attributable to a developed parcel. One ERU is equal to the storm water runoff from a developed parcel containing two thousand five hundred (2,500) square feet of combined impervious surface area, in any configuration, which is the estimated contribution of storm water runoff from the average single-family residential dwelling unit and accompanying parcel of land.
ILLICIT CONNECTION:	An illicit connection is defined as either of the following: (1) Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm sewer system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm sewer system and any connections to the storm sewer system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or (2) Any drain or conveyance connected from any land use to the storm sewer system and that has not been documented in plans, maps or equivalent records and approved by an authorized agency.

ILLEGAL DISCHARGE:	Any direct or indirect discharge to the municipal separate storm sewer system that is not composed entirely of storm water, except for discharges allowed under a city discharge permit, a UPDES permit, or waters used for emergency firefighting operations.
IMPERVIOUS SURFACE:	That hard surface area of a developed parcel that either prevents or retards the entry of water into the soil mantle and/or causes water to run off the surface in greater quantities or at an increased rate of flow from that which would be present under natural conditions. Impervious surfaces may include, but are not limited to, rooftops, concrete or asphalt paving, walkways, patios, driveways, parking lots or storage areas, trafficked gravel, or other surfaces which similarly impede the natural infiltration into the ground of runoff of storm and surface water.
INDUSTRIAL ACTIVITY:	Generally, activity for which a UPDES permit is required. Industrial activity is more particularly defined in 40 CFR section 122.26(b)(14) and Utah administrative rule R.317-8-2.5, which definitions are incorporated herein by reference. Such activities include, by way of example, manufacturing, processing or raw materials storage at an industrial plant, and most construction activity on parcels of one acre and greater or part of a larger common plan of development.
NON-STORM WATER DISCHARGE:	Any discharge to the storm sewer system that is not composed entirely of storm water.
ON PARCEL MITIGATION OR MITIGATION:	Post-construction storm water control facilities designed to city standards located on the parcel, which either hold runoff for a short period of time and release it to the storm sewer system, or hold water for a considerable length of time and disperse it by evaporation or infiltration into the ground.
OPERATOR:	With respect to any industrial activity or construction activity, the person or persons who either individually or taken together meet the following two (2) criteria: a) they have operational control over the site specifications (including the ability to make modifications in specifications); and b) they have the day to day operational control of those activities at the site necessary to ensure compliance with SWPPP requirements and any permit conditions.
PARCEL:	The smallest separately segregated unit or plot of land which is documented and given a property serial number by the county.
PERSON:	Any individual, partnership, co-partnership, firm, limited liability company, corporation, association, joint stock company, trust, estate, government entity or any other entity recognized by law, and any offices, departments, institutions, bureaus or agencies thereof, or any other entity recognized by law and acting as either the owner or as the owner's agent.
POLLUTANT:	Anything that causes or contributes to pollution. Pollutant includes, without limitation, dredged soil, solid waste, salt piles, incinerator residue, sewage, garbage, sewage sludge, filter backwash, munitions, chemical wastes, biological materials, toxic materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, petroleum products, and industrial, municipal, recreational and agricultural waste.
POLLUTION:	Means any man-made or man-induced alteration of the chemical, physical, biological, or radiological integrity of any waters of the State, unless such alteration is necessary for the public health and safety. Alterations which are not consistent with the requirements of the Clean Water Act and implementing regulations shall not be deemed to be alterations necessary for the public health and safety. A discharge not in accordance with Utah Water Quality Standards, stream classification, and UPDES permit requirements, including technology-based standards shall be deemed to be pollution.
PREMISES:	Any building lot, parcel, or portion of land whether improved or unimproved, including adjacent sidewalks and parking strips.
PROHIBITED DISCHARGE:	Any discharge prohibited by section 17.84.100 of this title.

RESPONSIBLE PARTY:	A. An operator; B. A person or entity who discharges to the storm sewer system or any watercourse, whether or not pursuant to a discharge permit; or C. A person or entity responsible for emergency response for a facility or operation.
SINGLE-FAMILY RESIDENTIAL PARCEL:	Any parcel of land which is improved with a ""dwelling unit"" as defined by subsection 17.72.030B3 of this title.
STATE:	The state of Utah.
STORM WATER:	Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.
STORM WATER POLLUTION PREVENTION PLAN OR SWPPP:	A plan that describes and ensures the implementation of the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site, and the actions to eliminate or reduce pollutant discharges to storm water, the storm sewer system and/or receiving waters to the maximum extent practicable.
STORM WATER RULES:	The rules promulgated by the state relating to storm water discharges, and set forth in Utah administrative rule R.317-8-3.9.
STORM SEWER FACILITIES:	Any facilities comprising part of the storm water sewer system.
STORM SEWER SYSTEM:	The city-owned and operated system of conveyances designed or used for collecting, storing, controlling, treating and/or conveying storm water. This system includes, but is not limited to, sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade or altered channels, reservoirs or piped storm drains. This system does not include any part of the sanitary sewer system.
STORM SEWER UTILITY:	The utility created in section 2.08.100 of this code, which operates, maintains, regulates and improves storm water facilities and programs within the city.
UPDES PERMIT:	A permit issued by the Utah Department of Environmental Quality that authorizes the discharge of pollutants to waters of the state, whether the permit is applicable on an individual, group or general area-wide basis.
UNDEVELOPED PARCEL:	Any parcel which is not a developed parcel.
UTAH POLLUTANT DISCHARGE ELIMINATION SYSTEM OR UPDES PROGRAM:	The program delegated to the state by the EPA pursuant to 33 USC section 1342(b) and sections 19-5-101 to 123 of the Utah code.
VIOLATION:	A violation of any provision of any storm water discharge permit, chapters 17.81 through 17.91, inclusive, of this title or any order, rule or regulation issued or promulgated hereunder.
WASTEWATER:	Wastewater means any water or other liquid, other than uncontaminated storm water or allowable non-storm water, discharged from a facility.
WATER QUALITY ACT:	The statute codified at section 19-5-101 et seq., Utah Code, as amended, including all related rules and regulations.
WATERCOURSE:	Aqueducts, pipelines, natural or artificial streams or channels through or in which water at any time flows. (Ord. 29-20, 2020: Ord. 53-07 § 8, 2007)

CHAPTER 17.81

STORMWATER SEWER UTILITY ESTABLISHMENT AND FUNDING

SECTION:

17.81.100: Establishment Of Stormwater Sewer Utility And Administration Of Stormwater Sewer Facilities

17.81.200: System Of Rates And Charges

17.81.300: Billing And Collection

17.81.400: Stormwater Impact Fee

17.81.500: Appeal Of Charges

17.81.100: ESTABLISHMENT OF STORMWATER SEWER UTILITY AND ADMINISTRATION OF STORMWATER SEWER FACILITIES:

The stormwater sewer utility has been established pursuant to section 2.08.100 of this code, and is operated as a separate enterprise fund within the department of public utilities. All portions of the stormwater sewer system (other than streets, curbs, gutters and sidewalks) shall be operated, managed and administered by the director within the stormwater sewer utility. (Ord. 53-07 § 11, 2007)

17.81.200: SYSTEM OF RATES AND CHARGES:

A. Generally: There are hereby imposed stormwater sewer service fees, rates and charges, effective for all billing periods after and including July 1, 2011, and thereafter until further amended, on the owner of each developed parcel within the city, except: 1) governmentally owned streets, and 2) parcels on which are located stormwater sewer facilities operated and maintained by, or for, the county. The charges shall fund the administration, planning, design, construction, water quality programming, operation, maintenance and repair of existing and future stormwater sewer facilities.

B. Residential Service Charges: Residential service charges for use of the stormwater sewer system shall be as shown on the Salt Lake City consolidated fee schedule.

C. Undeveloped Parcels: Undeveloped parcels shall not be assessed a stormwater service charge.

D. Other Parcels: The charge for all other parcels shall be based upon the total square footage of measured impervious surface, divided by two thousand five hundred (2,500) square feet, or one ERU, and rounded to the nearest whole number. The actual total monthly service charge shall be computed by multiplying the total ERUs for a parcel by the monthly rate shown on the Salt Lake City consolidated fee schedule

E. Credit For On Parcel Mitigation: Nonresidential parcels with on site stormwater detention or retention facilities are eligible for a service charge credit upon application to the director by the person owning the parcel, or such person's agent. The amount of credit, if any, for on site detention or retention facilities is based on the following formula:

$$P = 0.25 + 0.70 (\text{factor}) + 0.05 (\text{permit})$$

The foregoing symbols have the following meanings:

P	Percentage of total service charge to be applied to each parcel.
0.25	Represents 10 percent for department administration cost plus 15 percent for utility operation and maintenance costs (half of the estimated total cost for utility operation and maintenance).
0.70	Represents 15 percent for utility operation and maintenance (half of the estimated total cost for utility operation and maintenance) plus 55 percent for a utility capital improvement program.
Factor	Restricted discharge (Qr) from a developed parcel divided by the peak discharge (Qp) from the same developed parcel which would result if the flow restriction facilities were not in place.
0.05	Represents 5 percent for NPDES stormwater permit for the parcel.
Permit	The rate adjustment, which applies when the parcel has an NPDES discharge permit from the state, will be equal to 0. When the parcel is included in the city NPDES permit, this rate adjustment is equal to 1.

1. Mitigation credit is available only for those nonresidential parcels whose stormwater facilities meet the city's design and maintenance standards.

2. If the stormwater facilities are not properly maintained or if related structures are modified from an approved design, the mitigation credit may be modified or terminated by the city.

3. The director shall provide a complete on site mitigation evaluation at the request and expense of the person owning the parcel, or the owner's duly authorized agent.

F. Low Income Abatement: A person who owns a single-family residential parcel and is qualified for an abatement of the minimum monthly water charge pursuant to section 17.16.670 of this title shall be eligible for a fifty percent (50%) reduction of the service charge for such parcel.

G. Nonservice Abatement: A parcel which is not directly or indirectly benefited by the stormwater sewer utility shall be entitled to an abatement of the service charge for said parcel. In order to receive such abatement, the owner, or the owner's agent, shall apply, in writing, to the director pursuant to section 17.81.500 of this chapter. (Ord. 40-11, 2011)

17.81.300: BILLING AND COLLECTION:

A. Billing: In the case of developed parcels, the department shall cause billings for stormwater sewer utility services to be mailed periodically to the person who has signed for water and sanitary sewer service to the parcel. The amounts to be billed shall be included on the existing department bill as a separate line item. In the case of undeveloped parcels, a stormwater only billing will be sent to the owner of the parcel, as shown on the records of the county recorder.

B. Collection:

1. In the event partial payment is made on a combined bill, the payment shall be applied first to franchise fees due, and then to each service on a pro rata basis.

2. In the event of delinquency, fees and charges levied in accordance herewith shall be a debt due the city. If this debt is not paid within thirty (30) days after billing, it shall be deemed delinquent. The department shall have the right to terminate water, sewer and other city services to the premises to enforce payment. Any uncollected amount due from the person or persons who own the parcel on any inactive, terminated or discontinued account may be transferred to any active account under the same person or persons' name(s) and, upon failure to pay such bill after at least five (5) days' prior written notice, water and other city services to that account and parcel may be discontinued.

3. Water, sewer, garbage and storm sewer service shall not be restored until all charges have been paid in full.

C. Stormwater Sewer Utility Enterprise Fund: All funds received from storm sewer service charges shall be placed in the stormwater sewer enterprise fund and kept separate and apart from all other city funds. The collection, accounting and expenditure of all stormwater sewer utility funds shall be in accordance with existing fiscal policy of the city. (Ord. 53-07 § 14, 2007)

17.81.400: STORMWATER IMPACT FEE:

A. The fee shown on the Salt Lake City consolidated fee schedule for each one-fourth ($\frac{1}{4}$) acre or portion thereof shall be imposed on all new development within city boundaries for stormwater improvements.

B. Such fee shall be paid prior to city issuance of a building permit.

C. All stormwater improvements to be maintained by the city shall be installed in the public right of way, or on other property owned by the city or with respect to which the city has all necessary easements, shall be subject to approval by the director as to materials, design and construction, and shall be under the director's exclusive control. All excavation and other permits necessary shall be obtained at the expense of the applicant. All facilities not accepted by the city as part of the stormwater sewer system shall be maintained by the property owners.

D. All stormwater sewer facilities shall be constructed at the expense of the person, persons or corporation seeking the building permit, without special taxes being levied to pay for the same. All stormwater sewer facilities shall be extended, at minimum, to the far end of the lot being serviced. All roads shall be subgraded prior to installation of the stormwater sewer facilities. (Ord. 24-11, 2011)

17.81.500: APPEAL OF CHARGES:

A. Those single-family and duplex parcels larger than 0.25 gross acre, but having less than three thousand (3,000) square feet of impervious surface, may request a reduction of the charge to the tier 1 level.

B. Any owner or person who considers the city's stormwater charge as applied to a parcel owned by such person to be inaccurate, or who otherwise disagrees with the utility rate determination, may apply to the director for a service charge adjustment. Such a request shall be in writing and state the grounds for such an appeal. The director shall review the case file and determine whether an error was made in the calculation or application of the charge and make an adjustment to the charge, if necessary, to provide for proper application of the city's rates and charges pursuant hereto. In all cases, the decision of the director shall be final unless appealed.

C. Any appeal of the amount billed under this chapter shall be filed in writing with the director no later than twenty (20) days after the billing. Any subsequent appeal shall be brought within twenty (20) days after the date of the appealed decision.

D. Appeal of decisions made by the director may be brought before the public utilities advisory committee (PUAC), which may reevaluate the issue raised in the appeal. Decisions of the PUAC shall be final and conclusive.

E. Nothing in this chapter shall be construed to grant a right to judicial review which does not otherwise exist at law. (Ord. 40-11, 2011; Ord. 24-11, 2011)

CHAPTER 17.84

DISCHARGES INTO CITY STORMWATER SEWER SYSTEM

SECTION:

17.84.100: Prohibited Discharges And Connections

17.84.200: Preventing Accidental Discharge

17.84.300: City Discharge Permit

17.84.400: City Discharge Permit Application Process

17.84.500: Inspection Right Of Entry

17.84.600: Requirement For Use Of Best Management Practices

17.84.700: Watercourse Protection

17.84.800: Accidental Discharges

17.84.900: Release Of Stormwater Or Discharge Onto Other Property Prohibited

17.84.100: PROHIBITED DISCHARGES AND CONNECTIONS:

Except as authorized by this chapter, or by applicable federal or state law, it shall be unlawful to:

A. Make any discharge for which a discharge permit is required, without first obtaining a discharge permit;

B. No person shall discharge or cause to be discharged into the municipal storm sewer system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

1. Discharges made in full compliance with the terms and conditions of a discharge permit;
2. Water line flushing or other potable water sources;
3. Landscape irrigation or lawn watering;
4. Diverted stream flows;
5. Rising ground water;
6. Ground water infiltration to storm drains;
7. Uncontaminated pumped ground water;
8. Foundation or footing drains (not including active groundwater dewatering systems);
9. Crawl space pumps;
10. Air conditioning condensation;
11. Springs;
12. Non-commercial washing of vehicles;
13. Residential street wash water;
14. Natural riparian habitat or wet-land flows;
15. Dechlorinated swimming pools;
16. Fire-fighting activities; and
17. Any other water source not containing pollutants.

C. It shall be unlawful to construct, use, maintain or allow to remain in place an illicit connection, whether or not the connection was permissible under law or practices applicable or prevailing at the time of connection. (Ord. 29-20, 2020: Ord. 53-07 § 18, 2007)

17.84.200: PREVENTING ACCIDENTAL DISCHARGE:

Any person conducting an activity which can reasonably be anticipated to create the risk of a prohibited discharge shall provide adequate protection against accidental discharge through the use of structural and nonstructural BMPs. Such BMPs include, but are not limited to: a) implementing procedures or practices which tend to reduce the likelihood of an accidental discharge, and b) installing structures or facilities designed to prevent such accidental discharge. BMPs to prevent an accidental discharge shall be provided and maintained at the person's own cost and expense. The department shall have reasonable access as defined under 17.84.500 for inspection of all post-construction structural controls. Failure to provide or maintain such BMPs, or any discharge resulting from such failure, shall be considered a violation of this chapter. (Ord. 29-20, 2020: Ord. 53-07 § 18, 2007)

17.84.300: CITY DISCHARGE PERMIT:

A. The Director may require a City Discharge permit for allowable non-storm water discharges to the storm sewer system.

B. Any person required to obtain an UPDES permit in connection with storm water discharges associated with industrial activity, including construction activity, or to operate under authority of such a permit, as required by the applicable provisions of the clean water act and/or the water quality act shall: 1) obtain such permit as required and comply with all provisions of such permit and, in addition 2) obtain a city discharge permit from the department and comply with the provisions thereof.

C. The term of the city's discharge permit shall be concurrent with the applicable UPDES permit.

D. Persons required to obtain a city discharge permit pursuant to this section must file an application for a first time city discharge permit within sixty (60) days after the effective date hereof.

E. No person may commence industrial activity, including construction activity, until a city discharge permit required by subsection B of this section has been issued by the department. The city shall not issue a building permit for any project constituting industrial activity, including construction activity, until a city discharge permit has been issued.

F. The director may include in a city discharge permit any and all reasonable requirements necessary to prevent a prohibited discharge to the storm sewer system, including requirements to control erosion and sediment, waste such as discarded building materials, concrete truck washout, chemicals, litter and sanitary waste, or any other pollutant, that may cause adverse impacts to water quality. (Ord. 29-20, 2020: Ord. 53-07 § 18, 2007)

17.84.400: CITY DISCHARGE PERMIT APPLICATION PROCESS:

A. An application for a city discharge permit shall be submitted in writing to the director, and shall include, at a minimum, the following information: 1) the name and mailing address of the applicant, 2) the location of discharge, 3) the nature and general

description of the activity giving rise to the discharge or potential discharge, 4) a copy of the applicant's application for an UPDES permit if applicable, and 5) any other information reasonably requested by the director. The city anticipates that a full and complete application for an UPDES permit, including all attachments, may be sufficient to satisfy these requirements.

B. The director may charge an application fee shown on the Salt Lake City consolidated fee schedule in an amount reasonably determined by the director to be sufficient to recoup the costs of the application process, but not to exceed the amount shown on the Salt Lake City consolidated fee schedule.

C. Within five (5) business days after submission of a completed application to the director, the director shall evaluate the application and either approve or deny the application. If approved, the city discharge permit issued by the director shall be accepted in writing by the applicant. (Ord. 29-20, 2020: Ord. 24-11, 2011)

17.84.500: INSPECTION RIGHT OF ENTRY:

A. Applicability. This section applies to all properties, including: (1) industrial facilities, (2) commercial facilities, and (3) parcels undergoing construction activities, that have storm water discharges regardless of whether associated with a city discharge permit.

B. All dischargers shall grant the director reasonable access to all relevant parts of the premises for the purposes of inspection, sampling, examination, copying of records that must be kept under the conditions of any discharge permit or agreements, monitoring compliance with all discharge permits, and performing any additional duties as defined by state and federal law. "Reasonable access" means, at a minimum, access during normal business hours, without prior notice, to all portions of a parcel and the improvements thereon which may contribute to a storm water discharge, subject only to bona fide safety or security precautions. Each city discharge permit or other agreement if applicable shall contain provisions granting the city appropriate inspection rights. If the applicant has bona fide safety or security measures in force, the applicant shall make the necessary arrangements to allow prompt access by personnel from the city or its designated enforcement agent.

C. The director shall have the right to set up on any operator's property or any other representative location such devices as are deemed necessary to conduct sampling, inspection, compliance monitoring and/or metering of the facility's discharges.

D. The director may require the operator to install sampling and monitoring equipment at the operator's expense. This sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the operator, at its own expense. All devices used to measure storm water flow and quality shall be calibrated to ensure accuracy.

E. Any temporary or permanent obstruction to safe and easy access to the area or facility to be inspected or sampled shall, unless part of a BMP, be promptly removed by the operator at the written or verbal request of the director. The costs of providing such safe and easy access shall be borne by the operator.

F. The director's request for reasonable access to a facility for the purposes of conducting any activity authorized or required by this chapter shall not be unreasonably delayed by an operator. Any unreasonable delay or refusal of access constitutes a violation of this ordinance and any discharge permits or applicable agreements. (Ord. 29-20, 2020: Ord. 53-07 § 18, 2007)

17.84.600: REQUIREMENT FOR USE OF BEST MANAGEMENT PRACTICES:

A. The director may adopt policies and procedures requiring BMPs for any activity, operation, or facility which may cause or contribute to a prohibited discharge.

B. Any person responsible for a parcel which is, or may become, the source of a prohibited discharge shall be required to implement, at said person's expense, additional structural and nonstructural BMPs to prevent a prohibited discharge.

C. Compliance with all terms and conditions of a valid UPDES permit shall be deemed compliance with all similar requirements of this section.

D. Any person required to implement additional structural and nonstructural BMPs to prevent a prohibited discharge shall maintain such BMPs at the sole expense of the person. Certification of an annual inspection of all structural and nonstructural BMPs by a qualified inspector may be required to be submitted to the Department.

E. Failure to maintain required BMPs and submit an annual inspection certification by a qualified inspector in a form acceptable by the Department may be deemed a violation of this chapter. (Ord. 29-20, 2020: Ord. 53-07 § 18, 2007)

17.84.700: WATERCOURSE PROTECTION:

Every person owning or occupying a parcel through which a watercourse passes shall keep and maintain that portion of the watercourse within such parcel free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, such person shall maintain existing privately owned structures within or adjacent to the watercourse so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse. (Ord. 29-20, 2020: Ord. 53-07 § 18, 2007)

17.84.800: ACCIDENTAL DISCHARGES:

A. This section shall apply to any person responsible for a facility, operation, or parcel, or responsible for emergency response for a facility, operation or parcel, whether or not a discharge permit is required to be obtained in connection with such facility, operation or parcel.

B. Notwithstanding other provisions of law, as soon as a person described in subsection A of this section has information of any known or suspected release of materials which are resulting, or may result, in a prohibited discharge, such person shall take the following actions:

1. Such person shall take all necessary steps to ensure the recovery, containment and cleanup of such release.

2. Such person shall immediately notify the director of the incident by telephone. This notification shall be in addition to, and not in lieu of, any other notifications required under applicable law. The notification shall include location of the release, the type, concentration and volume of the material, and any corrective actions taken or planned.

3. Such person shall, within five (5) days following the incident, submit to the director a detailed written report describing the cause of the release and the measures to be taken to prevent similar future occurrences. Such notification shall not relieve the person of any expense, loss, damage or other liability which may be incurred as a result of the release, nor shall such notification relieve the person of any fines, civil penalties or other liability which may be imposed by this chapter or other applicable law.

4. A notice shall be posted on the person's bulletin board or other prominent place advising employees of the incident, and of any possible dangers and safety precautions to be taken. Such notice shall also include recommended measures to prevent future releases.

5. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years.

C. Each person subject to this section shall ensure that all employees are familiar with the requirements of this section. (Ord. 29-20, 2020: Ord. 53-07 § 18, 2007)

17.84.900: RELEASE OF STORMWATER OR DISCHARGE ONTO OTHER PROPERTY PROHIBITED:

It shall be unlawful to knowingly, intentionally or recklessly: a) release or direct the flow of storm water into any conveyance facilities, or onto any property, or b) make any discharge into any conveyance facilities or onto any property, without the legal right to do so. Violation of this section shall constitute a class B misdemeanor. (Ord. 29-20, 2020: Ord. 53-07 § 18, 2007)

CHAPTER 17.87

ENFORCEMENT

SECTION:

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17.87.100: NOTIFICATION OF VIOLATION:

Whenever the director finds a violation of chapter 17.81 and/or 17.84 of this title the director may serve upon the responsible party a written notice of violation. Such written notice shall be served in person or by certified mail, return receipt requested. Within five (5) days after the receipt of such notice, an explanation for the violation and a plan for the satisfactory correction and prevention thereof, which shall include specific required actions, shall be submitted by the responsible party to the director. Submission of this plan in no way relieves the responsible party of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the director to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation. (Ord. 53-07 § 19, 2007)

17.87.150: CONSENT ORDERS:

The director is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any responsible party who is responsible for noncompliance. Such orders will include specific action to be taken by the responsible party. Consent orders shall have the same force and effect as administrative orders issued pursuant to sections 17.87.250 and 17.87.300 of this chapter, and shall be judicially enforceable. (Ord. 53-07 § 19, 2007)

17.87.200: SHOW CAUSE HEARING:

The director may order any responsible party suspected of causing or contributing to violation(s), to appear before the director and show cause why a proposed enforcement action should not be taken. Written notice shall be served on the responsible party, and shall specify the time and place for the hearing, the proposed enforcement action, the reasons for such action, and a request that the responsible party show cause why this enforcement action should not be taken. The notice shall be served in person on any authorized representative of the responsible party, or by certified mail, return receipt requested, at least seven (7) days prior to the hearing. Whether or not the responsible party appears as ordered, immediate enforcement action may be pursued following the hearing date. A show cause hearing shall not be a prerequisite for taking any other actions against the responsible party. (Ord. 53-07 § 19, 2007)

17.87.250: COMPLIANCE ORDERS:

When the director finds a violation or continuing violation, he may issue an order to the responsible party directing that the responsible party come into compliance within thirty (30) days, or such shorter period as the director may determine. If the responsible party does not come into compliance within the time specified, the director may take any remedial action authorized by this chapter. The issuance of an order pursuant to this section shall not be a prerequisite to emergency remedial action deemed necessary by the director. Compliance orders may also contain other requirements to address noncompliance, including additional self-monitoring, and BMPs designed to minimize the amount of pollutants discharged to the stormwater sewer system. A compliance order may not extend a federal standard or requirement, nor does a compliance order release the responsible party from state or federal liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a prerequisite to taking any other action against the responsible party. (Ord. 53-07 § 19, 2007)

17.87.300: CEASE AND DESIST ORDERS:

When the director finds a violation, or finds that the responsible party's past violations are likely to recur, the director may issue an order to the responsible party directing it to cease and desist all such violations and directing the responsible party to:

- A. Immediately comply with all requirements; and
- B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations, implementing additional BMPs, and/or terminating the discharge. Issuance of a cease and desist order shall not be a prerequisite to taking any other action against the responsible party. (Ord. 53-07 § 19, 2007)

17.87.350: ADMINISTRATIVE FINES; COSTS OF REMEDIATION:

A. Notwithstanding any other section of this chapter and chapters 17.81 and 17.84 of this title, any responsible party determined by the director, without regard to intent or negligence, to be in violation of this chapter and/or chapter 17.81 and/or 17.84 of this title may be fined in an amount not greater than ten thousand dollars (\$10,000.00) per violation, per day, as determined by the director in his or her reasonable discretion; provided, however, that any fine based on a violation of section 17.84.900 of this title shall not exceed the fine imposed for a class B misdemeanor.

1. The director may adopt an escalating fine schedule for penalties assessed under subsection A that allows for increased penalties for multiple violations.
 2. Penalties assessed under subsection A may be increased and/or trebled, in the director's discretion, where the responsible party has received another notice of violation at any time; for violations resulting in physical harm to persons or to private or public property; for knowing or deliberate violations; or for violations resulting from grossly negligent or reckless conduct.
- B. The director may charge a responsible party for all costs related to an administrative enforcement action, including but not limited to inspections, sampling, monitoring and preparing such as notices and orders, which charge may be assessed whether or not a fine under subsection A of this section is also imposed.
- C. The director may also charge a responsible party for the actual costs and expenses incurred by the city after the effective date hereof to respond to any prohibited discharge, regardless of whether such prohibited discharge occurs prior to or after the effective date hereof. Such charges may include all labor, equipment and materials used by the city, costs incurred to address damages to or contamination of the storm sewer system, watercourses or any public private property, public health studies or other assessments, and all related administrative costs. Such charge may be assessed whether or not a fine under subsection A of this section is also imposed.
- D. Assessments for fines and/or costs may be added to the responsible party's next scheduled storm water utility service charge, and the director shall have such other collection remedies as may be available for other service charges and fees.
- E. Unpaid charges, fines, assessments and penalties shall, after sixty (60) calendar days, be assessed an additional penalty of ten percent (10%) of the unpaid balance. Thereafter, interest on any unpaid balances, including penalties, shall accrue at a rate of one percent (1%) per month. A lien against the responsible party's property may be sought for unpaid charges, fines, and penalties. Unpaid charges, fines, assessments and penalties shall be judicially enforceable by the City in any court of competent jurisdiction, and the City may recover all reasonable attorney fees, court costs, and other expenses of litigation related to such enforcement.
- F. Responsible parties desiring to dispute such fines or assessments must file a written request for the director to reconsider the fine or assessment, along with full payment thereof, within thirty (30) days after being notified of the fine or assessment. The director shall convene a hearing on the matter within fourteen (14) days after receiving the request from the responsible party. In the event the director determines that all or any portion of the fines, assessments or charges were improper, such amounts paid by the responsible party to the director shall be returned to the responsible party, without interest.
- G. The imposition of fines, assessments or other charges shall not be a prerequisite for taking any other action against the responsible party. (Ord. 29-20, 2020: Ord. 53-07 § 19, 2007)

17.87.400: EMERGENCY SUSPENSIONS:

The director may order the immediate suspension or shutoff of a responsible party's discharge or storm sewer system access (after informal notice to the responsible party) whenever such suspension or shutoff is necessary in order to stop an actual or threatened

discharge which reasonably appears to present or cause a risk of an imminent or substantial:

- A. Damage to the storm sewer system or harm to the receiving waters,
- B. Endangerment to the health, safety or welfare of any person served by the storm sewer system,
- C. Interference with the operation of the storm sewer system,
- D. Violation of the city's discharge permit or agreements, or
- E. Endangerment to the environment.

Any responsible party notified of a suspension of its discharge shall immediately stop or eliminate its contribution or discharge. In the event of a responsible party's failure to immediately comply voluntarily with the suspension order, the director may take such steps as deemed necessary, including immediate severance of the storm sewer system connection, to enforce such order. The director shall allow the responsible party to recommence its discharge when the responsible party has demonstrated to the satisfaction of the director that the period of endangerment has passed, unless the termination proceedings set forth in section 17.87.450 of this chapter are initiated against the responsible party. A responsible party that is responsible in whole or in part, for any discharge presenting imminent endangerment, shall submit to the director a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, prior to the date of any show cause or termination of discharge hearing under sections 17.87.200 and 17.87.450 of this chapter. Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section. (Ord. 29-20, 2020: Ord. 53-07 § 19, 2007)

17.87.450: TERMINATION OF CITY DISCHARGE PERMIT:

Violation by the holder of a city discharge permit of any of the provisions thereof, or of any of the provisions of this chapter and/or chapter 17.81 and/or 17.84 of this title, shall be grounds for termination and revocation of such permit by the director. The permit holder shall be notified of the proposed termination of a discharge permit and be offered an opportunity to show cause under section 17.87.200 of this chapter why the proposed action should not be taken. (Ord. 53-07 § 19, 2007)

17.87.500: INJUNCTIVE RELIEF:

Whenever the director finds a violation or continuing violation, the director may petition any court of competent jurisdiction for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the discharge permit; compliance with an order, rule, regulation or other requirement; and/or payment of charges, fines, assessments and penalties. In addition, the director may recover reasonable attorney fees, court costs, and other expenses of litigation by appropriate legal action against the responsible party for any violation. Such other action as appropriate for legal and/or equitable relief may also be sought by the director. A petition for injunctive relief need not be filed as a prerequisite to taking any other action against a responsible party. (Ord. 29-20, 2020: Ord. 53-07 § 19, 2007)

17.87.550: CIVIL FINE AND COST OF PASS-THROUGH RECOVERY:

In the event that a responsible party discharges pollutants which causes the city to violate any conditions of its UPDES permit or otherwise violate any applicable law, rule or regulation, and the city is found to be liable for such discharges of pollutants (including civil or administrative fines, penalties or other charges), then the responsible party shall be fully liable to the total amount of such liability (including civil or administrative fines and penalties) incurred by or otherwise assessed against the city, including administrative costs incurred. (Ord. 53-07 § 19, 2007)

17.87.600: REFERRAL TO STATE OF UTAH FOR ACTION:

The director may refer civil or criminal violations of any discharge permit conditions to other cooperating agencies for enforcement. The Utah attorney general's office may offer the county the option of prosecuting the violator. Should the county decline, the state, in its discretion, may initiate appropriate criminal action. The director may assist the Utah attorney general's office or the county with appropriate support for the action taken. (Ord. 29-20, 2020: Ord. 53-07 § 19, 2007)

17.87.650: PERFORMANCE BONDS:

The director may decline to reissue a city discharge permit to any responsible party which has caused a violation, unless such responsible party first files a satisfactory bond, payable to the director, in a sum not to exceed a value determined by the director to be necessary to achieve consistent compliance. (Ord. 53-07 § 19, 2007)

17.87.700: LIABILITY INSURANCE:

The director may decline to reissue a city discharge permit to any responsible party which has caused a violation, unless the responsible party first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the stormwater sewer system, and indemnify and hold the city harmless from any future violation. (Ord. 53-07 § 19, 2007)

17.87.750: WATER SUPPLY SEVERANCE:

Whenever the director finds that a person has violated or continues to violate the provisions of this chapter and/or chapter 17.81 and/or 17.84 of this title, or of any discharge permit, or order, rule or regulation issued or promulgated hereunder, water service to the person may be discontinued. Service will only recommence, at the person's expense, after it has satisfactorily demonstrated its ability to comply. (Ord. 53-07 § 19, 2007)

17.87.800: PUBLIC NUISANCES:

Any violation of this chapter and/or chapter 17.81 and/or 17.84 of this title is hereby declared a public nuisance and shall be corrected or abated as directed by the director. In addition to any other powers granted the director under chapter 17.75 of this title, the director shall be entitled to exercise all of the powers and remedies set forth in the provisions of this code governing nuisances, and shall be entitled to reimbursement for any costs incurred in removing, abating or remedying such nuisance. (Ord. 53-07 § 19, 2007)

17.87.850: CONTRACTOR LISTING:

Responsible parties who have caused or significantly contributed to a violation:

A. Are not eligible to receive a contractual award for the sale of goods or services to the city as long as such violation is continuing and/or any fines hereunder remain unpaid, or remedial action required hereunder remains unperformed; and

B. Existing contracts for the sale of goods or services to the city may be terminated at the discretion of the mayor. (Ord. 53-07 § 19, 2007)

17.87.900: NONEXCLUSIVE REMEDIES:

The provisions of this chapter are not exclusive remedies. The director reserves the right to take any, all, or any combination of these actions against a noncompliant responsible party. Enforcement of violations will generally be in accordance with the department's enforcement plan. However, the director reserves the right to take other action against any responsible party when the circumstances warrant. Further, the director is empowered to take more than one enforcement action against any noncompliant responsible party. These actions may be taken concurrently. (Ord. 53-07 § 19, 2007)

17.87.950: COMPENSATORY ACTIONS:

In lieu of enforcement proceedings, penalties and remedies authorized by this chapter for a violation of a requirement of this title, the director may impose alternative compensatory actions such as storm drain stenciling, watercourse cleanup, and similar community service; or may impose education at the responsible party's expense. (Ord. 29-20, 2020: Ord. 53-07 § 19, 2007)

CHAPTER 17.91

MISCELLANEOUS

SECTION:

17.91.100: Severability

17.91.200: Ultimate Responsibility

17.91.100: SEVERABILITY:

The provisions of chapter 17.75 of this title through this chapter are hereby declared to be severable. If any provision, clause, sentence, or paragraph of chapter 17.75 of this title through this chapter, or the application thereof to any person, establishment or circumstance shall be held invalid, such invalidity shall not affect the other provisions or application of chapter 17.75 of this title through this chapter. (Ord. 53-07 § 20, 2007)

17.91.200: ULTIMATE RESPONSIBILITY:

The standards set forth herein and promulgated pursuant to chapter 17.75 of this title through this chapter are minimum standards; therefore chapter 17.75 of this title through this chapter do not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor prohibited discharge. Review and approval of structures, facilities, and operating procedures shall not relieve a person from the responsibility of modifying a facility or process as necessary to meet the requirements hereof. (Ord. 53-07 § 20, 2007)