AN ORDINANCE REPEALING TITLE 13, CHAPTER 13.14 OF THE LOGAN MUNICIPAL CODE

WHEREAS, The City of Logan is a permitted Phase II municipality per the Utah Pollutant Discharge Elimination System (Utah Administrative Rule R317-8);

WHEREAS, the City is required by the State of Utah Department of Environmental Quality, Division of Water Quality, to comply with the General Permit for Discharges from Small Municipal Separate Storm Sewer Systems (MA4s), Permit No. UTR090000; and,

WHEREAS, an ordinance has been prepared in compliance with the General Permit for Discharges from Small Municipal Separate Storm Sewer Systems (MS4s), Permit No. UTR090000;

NOW THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF LOGAN, UTAH, AS FOLLOWS:

SECTION 1:

Chapter 13.14
STORM WATER UTILITY

Article I. Storm Water Utility

13.14.010: PURPOSE:

The purpose of this chapter 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. (Ord. 05-14 § 1, 2005)

13.14.020: DEFINITIONS:

The following words and phrases shall be defined as follows for the purposes of Article I:
DEVELOPED PARCEL: Any parcel that has been altered from its natural condition by grading, filling, or the construction of improvements or other impervious surfaces.

EQUIVALENT RESIDENTIAL UNIT (ERU): The average amount of impervious surface, expressed in square feet, on developed single-family residential parcels in Logan. One ERU equals three thousand (3,000) square feet of impervious surface area.

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 greater rates of flow than the natural surface. (Ord. 05-14 § 1, 2005)

13.14.030: ESTABLISHED:

A. The city council hereby creates and establishes a storm water utility as part of the city's overall storm sewer system. The storm water utility shall plan, design, construct, maintain, administer and operate the city's storm sewer system.

B. The city council hereby establishes a storm water utility enterprise fund to handle all income, expenses and other financial transactions related to the storm water utility. All storm water utility service charges shall be accounted for in the enterprise fund. However, the storm water utility may pay other city funds for services and expenses directly attributable to the storm water utility. The enterprise fund shall be operated according to state law and city policy.

C. The storm water utility shall operate independently of city operations funded by the general fund. The storm water utility shall have the same relationship to the city as other city utilities, such as the water utility and the sanitary sewer (wastewater) 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 public works director) shall be transferred to the storm water utility in consideration for the storm water utility's agreement to take primary responsibility for planning, designing, constructing, maintaining, administering and operating the city's storm sewer system.

D. The storm water utility shall be administered by the city's public works director or his designee. (Ord. 05-14 § 1, 2005)

13.14.040: FEE:

A. Each developed parcel of real property in the city shall be charged a storm water utility fee.
B. The fee shall be based on the number of equivalent residential units (ERUs) 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 water utility. Based on a study completed by an independent engineer, the city council finds and establishes that one ERU equals three thousand (3,000) square feet of impervious surface area.

C. 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 ERU. All nonsingle-family residential parcels shall pay a multiple of this base rate, expressed in ERUs, according to the measured impervious area on the parcel. The city council may adopt separate rates for PUDs, condominiums and other uses that are not easily handled under the standard rate schedule.

D. The amount charged for each ERU shall be established by resolution of the city council.

E. The city council may establish exemptions, surcharges and credits to the storm water utility fee by resolution.

F. The public works director may adopt policies, consistent with this chapter and any resolutions passed by the city council, to assist in the application, administration and interpretation of this chapter and any resolutions related to the storm water utility.

G. Any person or entity that believes that this chapter, or any storm water 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 (Ord. 05-14 § 1, 2005)

13.14.050: 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 water utility fee shall be included on the city's regular monthly utility bill for any given property. If there is no regular utility bill for the property, the storm water 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 water utility service. Failure to pay any portion of the utility bill may result in termination of any or all utility services. (Ord. 05-14 § 1, 2005)
Article II: Storm Water General Provisions

13.14.060: PURPOSE

Purpose. The purpose of this ordinance is to:

A. Protect, maintain, and enhance the environment of the City of Logan.
B. Establish responsibilities for controlling and managing storm water runoff.
C. Protect the public health, safety and the general welfare of the citizens of the city, by controlling discharges of pollutants to the city’s storm water system and to maintain and improve the quality of the receiving waters into which the storm water outfalls flow, including, without limitation, lakes, rivers, streams, ponds, wetlands, and groundwater of the city.
D. Enable the City to comply with the National Pollution Discharge Elimination System permit (NPDES /UPDES) and applicable regulations, 40 CFR §122.26 for storm water discharges.
E. Allow the City to exercise the powers granted by Utah Code, which provides that, among other powers municipalities have with respect to storm water facilities, is the power by ordinance or resolution to:

1. Exercise general regulation over the planning, location, construction, and operation and maintenance of storm water facilities in the municipality, whether or not owned and operated by the municipality;
2. Adopt any rules and regulations deemed necessary to accomplish the purposes of this statute, including the adoption of a system of fees for services and permits;
3. Establish standards to regulate the quantity of storm water discharged and to regulate storm water contaminants as may be necessary to protect water quality;
4. Review and approve plans and plats for storm water management in proposed subdivisions or commercial developments;
5. Issue permits for storm water discharges, or for the construction, alteration, extension, or repair of storm water facilities;
6. Suspend or revoke permits when it is determined that the permittee has violated any applicable ordinance, resolution, or condition of the permit;
7. Regulate and prohibit discharges into storm water facilities of sanitary, industrial, or commercial sewage or other waters that have otherwise been contaminated; and
8. Expend funds to remediate or mitigate the detrimental effects of contaminated land or other sources of storm water contamination, whether public or private.

13.14.070 ADMINISTRATOR OF ORDINANCE

The City Engineer shall administer the provisions of this ordinance. Nothing in this ordinance shall relieve any person from responsibility for damage to other persons or property, nor impose upon the City of Logan, its officers, agents or employees, any liability for damage to other persons or property.
13.14.080: DEFINITIONS

For the purpose of Articles II - XI, the following definitions shall apply: Words used in the singular shall include the plural, and the plural shall include the singular; words used in the present tense shall include the future tense. The word "shall" is mandatory and not discretionary. The word "may" is permissive. Words not defined in this section shall be construed to have the meaning given by common and ordinary use as defined in the latest edition of Webster's Dictionary:

AS BUILT PLANS: Drawings that depict conditions as they were actually constructed.

APPLICANT: A property owner or agent of a property owner who has filed an application for a land disturbance permit.

BEST MANAGEMENT PRACTICES (BMPs): the schedule of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce pollution to waters of the State. BMPs also include treatment, operating procedures, and practices to control site runoff, spillage or leaks, waste disposal, or drainage from material storage. BMPs also include structural and nonstructural control.

CHANNEL: A natural or artificial watercourse with a definite bed and banks that conducts flowing water continuously or periodically.

CITY: Means the City of Logan

CITY ENGINEER: The City Engineer for the City of Logan, or authorized designee.

CITY STORM WATER SYSTEM: Storm Systems that receive runoff from public right-of-ways, natural and manmade waterways, systems identified in a City easement, and systems identified on the City storm drainage map.

CONTAMINANT: Any physical, chemical, biological, or radiological substance or matter in water.

DESIGN STORM EVENT: A hypothetical storm event, of a given frequency interval and duration, used in the analysis and design of a storm water facility.

DISCHARGE: Dispose, deposit, spill, pour, inject, seep, dump, leak or place by any means, or that which is disposed, deposited, spilled, poured, injected, seeped, dumped, leaked, or placed by any means including any direct or indirect entry of any solid or liquid matter into the municipal separate storm sewer system.

DEVELOPED PARCEL: Any parcel that has been altered from its natural condition by grading, filling, or the construction of improvements or other impervious surfaces.
EASEMENT: An acquired privilege or right of use or enjoyment that a person, party, firm, corporation, municipality or other legal entity has in the land of another.

EROSION: The removal of soil particles by the action of water, wind, ice or other geological agents, whether naturally occurring or acting in conjunction with or promoted by anthropogenic activities or effects.

EROSION AND SEDIMENT CONTROL PLAN: A written plan (including drawings or other graphic representations) that is designed to minimize the accelerated erosion and sediment runoff at a site during construction activities.

EQUIVALENT RESIDENTIAL UNIT (ERU): The average amount of impervious surface, expressed in square feet, on developed single-family residential parcels in Logan. One ERU equals three thousand (3,000) square feet of impervious surface area.

GENERAL CONSTRUCTION STORM WATER PERMIT: Permit required by the Utah Department of Environmental Quality, Division of water Quality.

ILLICIT CONNECTIONS: Illegal and/or unauthorized connections to the Municipal separate storm water system whether or not such connections result in discharges into that system.

ILLICIT DISCHARGE: means any discharge to the municipal separate storm sewer system that is not composed entirely of storm water and not specifically exempted under 13.14.130.

IRRIGATION DITCHES: Gravity irrigation ditches used by irrigation shareowners having a right of water passageway by right of way (ROW), easement or prescription.

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 greater rates of flow than the natural surface.

LAND DISTURBANCE PERMIT: City of Logan Land Disturbance Permit as adopted by the City.

LAND DISTURBING ACTIVITY: Any activity on property that results in a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land-disturbing activities include, but are not limited to, development, re­development, demolition, construction, reconstruction, landscaping, clearing, grading, filling, and excavation.

MAINTENANCE: Any activity that is necessary to keep a storm water facility in good working order so as to function as designed. Maintenance shall include complete reconstruction of a storm water facility if reconstruction is needed in order to restore the facility to its original operational design parameters. Maintenance shall also include the
correction of any problem on the site property that may directly impair the functions of the storm water facility.

MAINTENANCE AGREEMENT: A document recorded in the land records that acts as a property deed restriction, and which provides for long-term maintenance of storm water management practices.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) (MUNICIPAL SEPARATE STORM WATER SYSTEM): The conveyances owned or operated by the municipality for the collection and transportation of storm water, including the roads and streets and their drainage systems, catch basins, curbs, gutters, ditches, man-made channels, and storm drains.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT (NPDES) PERMIT: A permit issued pursuant to 33 U.S.C. 1342.

NOTICE OF TERMINATION (N.O.T.): A written document which indicates the requirements of the NOI or Land Disturbance Permit has been completed. Issuance of this document releases the permittee of further obligation for the construction site. An N.O.T. will be issued by the City and the State of Utah if land disturbance is greater than one acre.

NOTICE OF VIOLATION (N.O.V.): Whenever the City Engineer finds that a person is in non-compliance with this ordinance, the City Engineer will order compliance by written notice of violation to the responsible person. Requirements in this Notice are at the discretion of the Engineer, and may include monitoring, payment to cover costs relating to the non-compliance, and the implementation of Best Management Practices

PRE-EXISTING CONDITIONS: Conditions of property in its native state or changed under approval by the City or changed property that is grandfathered.

RUNOFF: That portion of the precipitation on a drainage area that is discharged from the area into the municipal separate storm water system.

SEDIMENT: Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface either above or below sea level.

SEDIMENTATION: Soil particles suspended in storm water that can settle in stream beds and disrupt the natural flow of the stream.

SOILS REPORT: A study of soils on a subject property with the primary purpose of characterizing and describing the soils. The soils report shall be prepared by a qualified soils engineer, who shall be directly involved in the soil characterization either by performing the investigation or by directly supervising employees.
STABILIZATION: Providing adequate measures, vegetative and/or structural, that will prevent erosion from occurring.

STORM WATER: Means storm water runoff, snow melt runoff, surface runoff, street wash waters related to street cleaning or maintenance, infiltration and drainage.

STORM WATER DESIGN STANDARDS AND REGULATIONS: Current City of Logan storm water standards and regulations as adopted by the City.

STORM WATER MASTER PLAN: Current City of Logan Storm Water Master Plan as adopted by the City.

STORM WATER MANAGEMENT: The programs to maintain quality and quantity of storm water runoff to pre-development levels.

STORM WATER MANAGEMENT FACILITIES: The drainage structures, conduits, ditches, combined sewers, sewers, and all device appurtenances by means of which storm water is collected, transported, pumped, treated or disposed of.

STORM WATER MANAGEMENT PLAN: Means the set of drawings and other documents that comprise all the information and specifications for the programs, drainage systems, structures, BMPs, concepts and techniques intended to maintain or restore quality and quantity of storm water runoff to pre-development levels.

STORM WATER POLLUTION PREVENTION PLAN (SWPPP): refers to the plan required in Part 3 of the State of Utah Department of Environmental Quality, Division of Water Quality, Storm Water General Permit for Construction Activities, Permit No. UTR300000.

STORM WATER RUNOFF: Means flow on the surface of the ground, resulting from precipitation.

STORM WATER UTILITY: Means the storm water utility created by ordinance of the city to administer the storm water management ordinance, and other storm water rules and regulations adopted by the municipality.

STRUCTURAL BMPS: Means devices that are constructed to provide control of storm water runoff.

SURFACE WATER: Includes waters upon the surface of the earth in bounds created naturally or artificially including, but not limited to, streams, other water courses, lakes and reservoirs.

WATERCOURSE: Means a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.
WATERSHED: Means all the land area that contributes runoff to a particular point along a waterway.

UPDES: means Utah Pollution Discharge Elimination System which is the State/National program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under Sections 307, 318, 402, and 405 of the Clean Water Act.
Article III: Land Disturbance

13.14.090: LAND DISTURBANCE PERMITS

Permits for Land Disturbances shall be required for the following:

A. Every person will be required to obtain a land disturbance permit from the City Engineer in the following cases:

1. Land disturbing activity generally disturbs one (1) or more acres of land.
2. Land disturbing activity of less than one (1) acre of land if such activity is part of a larger common plan of development that affects one (1) or more acre of land;
3. Land disturbing activity of less than one (1) acre of land, if in the discretion of the City Engineer such activity poses a unique threat to water quality, air quality, or public health or safety;
4. The creation and/or use of borrow pits.
5. Development of any parcel.
6. Processing of earthen materials such as top soil and gravel screening.
7. Construction of parking lots.
8. Placement or stock piling of fill materials.
9. Modification of Sensitive Lands as defined in the City Land Development Code.

13.14.100: DRAINAGE CHANNELS, WATERWAYS AND SENSITIVE AREAS

A. Property owners shall not alter or restrict natural channels and waterways without proper Federal, State and City permits.
B. Modifications of sensitive areas are subject to and governed by Chapter 17.31: Sensitive Lands (SL) Combining District of the City of Logan Land Development Code. These actions will require a Land Disturbance Permit and approval from all other governing agencies.
C. Property owners proposing to redirect runoff, surface and/or pipe flow to properties or facilities outside Logan City boundaries must provide written approval from the state, county or municipality or their agents.
D. Property owners are responsible for the protection of canals per the relevant sections of this ordinance.
E. Discharges or modifications to the canals require written approval from the canal owners and applicable governing agencies.
F. Property owners proposing to redirect runoff, surface and/or pipe flows to locations or properties not in their ownership, must provide written approval for the affected property owner(s).

13.14.110 BUILDING PERMIT

No building permit shall be issued until the applicant has obtained a Land Disturbance
Permit where the same is required by this ordinance.

13.14.120 EXEMPTIONS

The following activities are exempt from the permit requirement:

A. Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.
B. Existing nursery and agricultural operations conducted as a permitted main or accessory use.
C. Agricultural activities that are consistent with an approved farm conservation plan or a management plan prepared or approved by the appropriate City, Federal, or State Agency.
D. Additions or modifications to existing single family structures.
E. Landscaping as long as City right of way and adjacent property owners are not adversely affected, as determined by the City Engineer.

13.14.130 APPLICATION FOR A LAND DISTURBANCE PERMIT

A. Each application shall include the following:

1. Name of applicant;
2. Business or residence address of applicant;
3. Name, address and telephone number of the owner of the property of record in the office of the County Assessor of property;
4. Address and legal description of subject property including the tax reference number and parcel number of the subject property;
5. Name, address and telephone number of the contractor and any subcontractor(s) who shall perform the land disturbing activity and who shall implement the erosion and sediment control plan;
6. A statement indicating the nature, extent and purpose of the land disturbing activity including the size of the area for which the permit shall be applicable and a schedule for the starting and completion dates of the land disturbing activity.

B. The applicant shall obtain from any other state or federal agency any other appropriate environmental permits that pertain to the property. However, the inclusion of those permits in the application shall not foreclose the City Engineer from imposing additional development requirements and conditions, commensurate with this ordinance, on the development of property covered by those permits.

C. Each application shall be accompanied by:
1. A sediment and erosion control plan prepared in accordance with the Cache Valley Storm Water Design Standards (as amended by the City of Logan).

2. A landscaping/revegetation plan.

3. Post Construction BMP(s).

D. A Storm Water Pollution Prevention Plan (SWPPP) which meets the requirements of this Ordinance and the requirements of the State of Utah Construction General Permit providing for storm water management during the land disturbing activity and after the activity has been completed. The SWPPP shall remain in place until a Notice of Termination (N.O.T.) has been issued by the City and State. Each application for a land disturbance permit shall be accompanied by payment of land disturbance permit and other storm water management fees, as adopted by resolution and found in the City Fee Schedule.

13.14.140 REVIEW AND APPROVAL OF APPLICATION

A. The City Engineer will review each application for a land disturbance permit to determine its conformance with the provisions of this ordinance. Within 15 days after receiving a complete application, the City Engineer shall provide one of the following responses in writing:

1. Approval of the permit application;
2. Approval of the permit application, subject to such reasonable conditions as may be necessary to secure substantially the objectives of this ordinance, and issue the permit subject to these conditions; or
3. Denial of the permit application, indicating the reason(s) for the denial.

B. If the City Engineer has granted conditional approval of the permit, the applicant shall submit a revised plan that conforms to the conditions established by the City Engineer. However, the applicant may be allowed to proceed with their land disturbing activity so long as it conforms to conditions established by the City Engineer.

C. No development plans will be approved and released for construction until the land disturbance permit has been issued.

13.14.150 PERMIT DURATION

Every land disturbance permit shall expire and become null and void if substantial work authorized by such permit has not commenced within one hundred eighty (180) calendar days of issuance, or is not complete within eighteen (18) months from the date of the commencement of construction, unless a written extension has been issued by the City Engineer prior to the expiration date. A written extension may only be issued for good cause and may not exceed 6 months.
13.14.160 NOTICE OF CONSTRUCTION

The applicant must notify the City Engineer ten (10) working days in advance of the commencement of construction. Regular inspections of the storm water management system construction shall be conducted by the City Engineer or his designee. All inspections shall be documented and written reports prepared that contain the following information:

A. The date and location of the inspection;
B. Whether construction is in compliance with the approved Storm water Prevention Pollution Plan;
C. Variations from the approved construction specifications;
D. Any violations that exist.

13.14.170 PERFORMANCE BONDS

A. The City Engineer may, at his discretion:

1. Require the submittal of a performance security or performance bond prior to issuance of a permit in order to ensure that the storm water practices are installed by the permit holder as required by the approved storm water management plan.

   a. The amount of the installation performance security or performance bond shall be the total estimated construction cost of the structural BMPs approved under the permit plus any reasonably foreseeable additional related costs, e.g., for warranty, damages or enforcement.
   b. The performance security shall contain forfeiture provisions for failure to complete work specified in the storm water management plan.
   c. The applicant shall provide an itemized construction cost estimate complete with unit prices which shall be subject to acceptance, amendment or rejection by the City Engineer.
   d. Alternatively the City Engineer shall have the right to calculate estimates for the cost of construction.

B. The performance security or performance bond shall be released in full only upon submission of as-built plans and written certification by the City Engineer or his designee that the permanent structural BMP(s) has been installed in accordance with the approved plan and other applicable provisions of this ordinance.

C. The City Engineer will make a final inspection of the structural BMP to ensure that it is in compliance with the approved plan and the provisions of this ordinance. Provisions for a partial pro-rata release of the performance security or performance
bond based on the completion of various development stages can be made at the discretion of the City Engineer.
Article IV Storm Water System Design and Management Standards

13.14.180 IRRIGATION DITCHES

A. Any impacts to irrigation ditches and structures shall comply with the following:
   1. All existing irrigation ditches located on the site or straddling a site property boundary shall be maintained with sufficient size and capacity for all identified flows. Ditches may be either open channel or piped. All modifications shall be coordinated with water user and/or ditch owner, and approved by the City Engineer and/or any necessary state or federal agencies.
   2. Property owners are responsible for the protection of irrigation ditches per the relevant sections of this ordinance.
   3. Discharges to private ditches require written approval from the ditch owners and design shall comply with the terms of approvals and the “Cache Valley Storm Water Design Standards (as amended by the City of Logan)” and the “Land Disturbance Permit” incorporated by reference into this ordinance.
   4. Piping of ditches and modification to the diversion boxes require documented coordination with ditch owners or representative but are not required to receive written approval of ditch owners. Design and coordination requirements shall comply with the “Cache Valley Storm Water Design Standards (as amended by the City of Logan)” and the “Land Disturbance Permit” incorporated by reference into this ordinance.

13.14.190 STORM WATER DESIGN AND BMP MANUALS

A. Design of storm drain systems and discharges into a Logan City storm drain system requires direct supervision of a Utah registered professional engineer, and shall carry the seal of the same supervising professional engineer.

B. Adoption. The City adopts as its storm water design and best management practices (BMP) manuals the following publications, which are incorporated by reference in this ordinance as is fully set out herein:

1. Cache Valley Storm Water Design Standards (as amended by the City of Logan).
2. City of Logan “Storm Drain Master Plan”
3. Salt Lake County Public Works Department “Guidance Document for Storm Water Management” for Construction Activities, or other guidance documents as approved by the City Engineer.

C. These manuals include a list of acceptable BMPs and include specific design performance criteria and operation and maintenance requirements for each storm water practice. The manuals may be updated and expanded from time to time, as approved by the City Engineer, based on improvements in engineering, science, monitoring and local maintenance experience. Storm water facilities that are designed, constructed and maintained in accordance with these BMP criteria will be presumed to meet the minimum water quality performance standards.
13.14.200 GENERAL PERFORMANCE CRITERIA FOR STORM WATER MANAGEMENT.

Unless granted a waiver or judged by the City Engineer to be exempt, the following post construction performance criteria shall be addressed for storm water management at all sites:

A. All site designs shall control the peak flow rates of storm water discharge associated with design storms specified in this ordinance or in the BMP manual and reduce the generation of post construction storm water runoff volumes and water quality to pre-construction levels. These practices should seek to utilize pervious areas for storm water treatment and to infiltrate storm water runoff from driveways, sidewalks, rooftops, parking lots, and landscaped areas to the maximum extent practical to provide treatment for both water quality and quantity. Other Low Impact Development (LID) methods are also encouraged.

B. To protect stream channels from degradation, specific channel protection criteria shall be provided as prescribed in the BMP manual.

C. Storm water discharges to critical areas with sensitive resources (i.e., cold water fisheries, recreation areas, recharge areas, water supply reservoirs) may be subject to additional performance criteria, or may need to utilize or restrict certain storm water management practices.

D. Storm water discharges from sites with known potential contaminant sources may require the application of specific structural BMPs and pollution prevention practices.

E. Prior to or during the site design process, applicants for land disturbance permits shall consult with the City Engineer to determine if they are subject to additional storm water design requirements.

F. The calculations for determining peak flows for construction activities as found in the “Cache Valley Storm Water Design Standards (as amended by the City of Logan)” shall be used for sizing all storm water facilities.

13.14.210 MINIMUM CONTROL REQUIREMENTS

A. Storm water discharge during all construction activities shall comply with the terms of the Land Disturbance Permit, the “Cache Valley Storm Water Design Standards (as amended by the City of Logan)”, requirements set forth by the Uniform Building Code, and the State of Utah UPDES requirements.

B. Storm water designs for post construction BMPs shall meet storage requirements as identified in the “Cache Valley Storm Water Design Standards (as amended by the City of Logan)” unless the City Engineer has granted the applicant a full or partial waiver for a particular BMP under §Article IV.

C. Runoff rates from one lot to another may not exceed pre-existing conditions and may not cause more impact than formerly experienced in accordance with the “Cache Valley Storm Water Design Standards (as amended by the City of Logan).”
D. If hydrologic or topographic conditions warrant modifications to the minimum control requirements, the City Engineer may impose any and all additional requirements deemed necessary to control the volume, timing, and rate of runoff.

13.14.220 STORM WATER MANAGEMENT PLAN REQUIREMENTS

A. Property owners are responsible to manage storm water runoff and sediment whether in conduit systems or on the surface that traverse or originate on their property, unless this responsibility is relinquished through the terms and conditions of an easement. The storm water management plan shall include sufficient information to allow the City Engineer to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site, both present and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing storm water generated at the project site. To accomplish this goal the storm water management plan shall include the following:

1. Topographic Base Map:
2. Existing surface water drainage including streams, ponds, culverts, ditches, sink holes, wetlands; and the type, size, elevation, etc., of nearest upstream and downstream drainage structures;
3. Current land use including all existing structures, locations of utilities, roads, and easements;
4. All other existing significant natural and artificial features;
5. Proposed land use with tabulation of the percentage of surface area to be adapted to various uses; drainage patterns; locations of utilities, roads and easements; the limits of clearing and grading;
6. Proposed structural and non-structural BMPs;
7. A written description of the site plan and justification of proposed changes in natural conditions shall also be required.
8. Calculations: Hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in the “Cache Valley Storm Water Design Standards (as amended by the City of Logan)”. These calculations must show that the proposed storm water management measures are capable of controlling runoff from the site in compliance with this ordinance and the guidelines of the “Cache Valley Storm Water Design Standards (as amended by the City of Logan)”. Such calculations shall include:
   a. A description of the design storm frequency, duration, and intensity where applicable;
   b. Time of concentration;
   c. Soil curve numbers or runoff coefficients including assumed soil moisture conditions;
   d. Peak runoff rates and total runoff volumes for each watershed area;
   e. Infiltration rates, where applicable;
   f. Culvert, storm water sewer, ditch and/or other storm water conveyance capacities;
   g. Flow velocities;
h. Data on the increase in rate and volume of runoff for the design storms referenced in the “Cache Valley Storm Water Design Standards (as amended by the City of Logan)”;
i. Documentation of sources for all computation methods and field test results.

9. Soils Information: If a storm water management control measure depends on the hydrologic properties of soils (e.g., infiltration basins, grassed swales), then a soils report shall be submitted. The soils report shall be based on on-site boring logs or soil pit profiles and soil survey reports. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soil types present at the location of the control measure.

10. Operation and Maintenance Plan: The design and planning of all storm water management facilities shall include detailed maintenance and repair procedures to ensure their continued performance. These plans will identify the parts or components of a storm water management facility that need to be maintained and the equipment and skills or training necessary. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan. A permanent elevation benchmark shall be identified in the plans to assist in the periodic inspection of the facility. Plan shall designate responsible party(s) for implementation and maintenance of the operation and maintenance plan.

11. Landscaping Plan: The applicant must present a detailed plan for management of vegetation at the site after construction is finished, including who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved. Where it is required by the BMP.

13.14.230 MAINTENANCE EASEMENTS

The applicant must ensure access to the site for the purpose of inspection, maintenance, and repair by securing all the maintenance easements needed. These easements must be binding on the current property owner and all subsequent owners of the property and must be properly recorded in the land record.

13.14.240 MAINTENANCE AGREEMENT

A. The owner of property to be served by an on-site storm water management facility must execute an inspection and maintenance agreement that shall operate as a deed restriction binding on the current property owner and all subsequent property owners. The maintenance agreement shall:

1. Assign responsibility for the maintenance and repair of the storm water facility to the owner of the property upon which the facility is located and be recorded as such on the plat for the property by appropriate notation.
2. Provide for periodic inspections by the property owner as outlined in the State of Utah General Construction Permit for the purpose of documenting maintenance and repair needs and ensure compliance with the purpose and requirements of this ordinance. The property owner will arrange for this inspection to be conducted by Owner or Operator and provide inspection documentation for the City Engineer. It shall also grant permission to the city to enter the property at reasonable times and to inspect the storm water facility to ensure that it is being properly maintained.

3. Provide that the minimum maintenance and repair needs include, but are not limited to: the removal of silt, litter and other debris, the removal of other accumulated contaminants, the cutting of grass, grass cuttings and vegetation removal, and the replacement of landscape vegetation, in detention and retention basins, and inlets and drainage pipes and any other storm water facilities. It shall also provide that the property owner shall be responsible for additional maintenance and repair needs consistent with the needs and standards outlined in the BMP manual.

4. Provide that maintenance needs must be addressed in a timely manner, on a schedule to be determined by the City Engineer.

5. Provide that if the property is not maintained or repaired within the prescribed schedule, the City Engineer may perform the maintenance and repair at its expense, and bill the same to the property owner. The maintenance agreement may also provide that the City’s cost of performing the maintenance shall be a lien against the property.

13.14.250 DEDICATION

A. The municipality shall have the discretion to accept the dedication of any existing or future storm water management facility, provided such facility meets the requirements of this ordinance, and includes adequate and perpetual access and sufficient areas, by easement or otherwise, for inspection and regular maintenance. Any storm water facility accepted by the municipality must also meet the municipality’s construction standards and any other standards and specifications that apply to the particular storm water facility in question.

13.14.260 SEDIMENT AND EROSION CONTROL PLANS

The applicant must prepare a sediment and erosion control plan which meets the requirement of the State of Utah General Construction Permit for all construction activities regulated by this chapter.

A. The sediment and erosion control plan shall accurately describe the potential for soil erosion and sedimentation problems resulting from land disturbing activity and shall explain and illustrate the measures that are to be taken to control these problems. The length and complexity of the plan is to be commensurate with the size of the project,
severity of the site condition, and potential for off-site damage. The plan shall be certified by a registered Professional Engineer licensed in the State of Utah, unless it is determined by the City Engineer that said certification is not necessary because of the simplicity or the common nature of the plan. The plan shall also conform to the requirements found in the BMP manual, and shall include at least the following:

a. Project Description - Briefly describe the intended project and proposed land disturbing activity including number of units and structures to be constructed and infrastructure required.

b. A topographic map with contour intervals showing present conditions and proposed contours resulting from land disturbing activity.

c. All existing drainage ways, including intermittent and wet-weather. Include any designated floodways or flood plains.

d. A general description of existing land cover. Individual trees and shrubs do not need to be identified.

e. Stands of existing trees as they are to be preserved upon project completion, specifying their general location on the property. Differentiation shall be made between existing trees to be preserved, trees to be removed and proposed planted trees. Tree protection measures must be identified, and the diameter of the area involved must also be identified on the plan and shown to scale. Information shall be supplied concerning the proposed destruction of exceptional and historic trees in setbacks and buffer strips, where they exist. Complete landscape plans may be submitted separately. The plan must include the sequence of implementation for tree protection measures.

f. Approximate limits of proposed clearing, grading and filling.

g. Approximate flows of existing storm water leaving any portion of the site (during and after construction).

h. A general description of existing soil types and characteristics and any anticipated soil erosion and sedimentation problems resulting from existing characteristics.

i. Location, size and layout of proposed storm water and sedimentation control improvements.

j. Proposed drainage network.

k. Proposed drain or waterway sizes.

l. Approximate flows leaving site after construction and incorporating water run-off mitigation measures. The evaluation must include projected effects on property adjoining the site and on existing drainage facilities and systems. The plan must address the adequacy of outfalls from the development: when water is concentrated, what is the capacity of waterways, if any, accepting storm water off-site; and what measures, including infiltration, sheeting into buffers, etc., are going to be used to prevent the scouring of waterways and drainage areas off-site, etc.

m. The projected sequence of work represented by the grading, drainage and sedimentation and erosion control plans as related to other major items of construction, beginning with the initiation of excavation and including the construction of any sediment basins or retention facilities or any other structural BMP’s.
n. Specific remediation measures to prevent erosion and sedimentation run-off. Plans shall include detailed drawings of all control measures used; stabilization measures including vegetation and non-vegetation measures, both temporary and permanent, will be detailed. Detailed construction notes and a maintenance schedule shall be included for all control measures in the plan.

o. Specific details for: the construction of rock pads, wash down pads, and settling basins for controlling erosion; road access points; eliminating or keeping soil, sediment, and debris on streets and public ways at a level acceptable to the City Engineer. Soil, sediment, and debris brought onto streets and public ways must be removed by the end of the work day by machine, broom or shovel as a minimum. More frequent intervals may be required and directed by the City Engineer if hazards or tracking nuisances are present. Street cleaning shall be conducted in a manner as to minimize dust and airborne emissions. Failure to remove the sediment, soil or debris shall be deemed a violation of this ordinance.

p. Proposed structures; location (to the extent possible) and identification of any proposed additional buildings, structures or development on the site.

q. A description of on-site measures to be taken to recharge surface water into the ground water system through infiltration.
Article V Post Construction

13.14.270 AS BUILT PLANS

All applicants are required to submit actual as built plans for any structures located on-site after final construction is completed. The plan must show the final design specifications for all storm water management facilities. A final inspection by the City Engineer is required before any performance security or performance bond will be released. The City Engineer shall have the discretion to adopt provisions for a partial pro-rata release of the performance security or performance bond on the completion of various stages of development. In addition, occupancy permits and N.O.T. shall not be granted until corrections to all development requirements and BMP's have been made and accepted by the City Engineer.

13.14.280 LANDSCAPING AND STABILIZATION REQUIREMENTS

A. Any area of land from which the natural vegetative cover has been either partially or wholly cleared by development activities shall be revegetated according to a schedule approved by the City Engineer. The following criteria shall apply to revegetation efforts:

1. Reseeding must be done with an annual or perennial cover crop accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until such time as the cover crop is established over ninety percent (90%) of the seeded area.

2. Replanting with native woody and herbaceous vegetation must be accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until the plantings are established and are capable of controlling erosion.

3. Any area of revegetation must exhibit survival of a minimum of seventy-five percent (75%) of the cover crop throughout the year immediately following revegetation. Revegetation must be repeated in successive years until the minimum seventy-five percent (75%) survival for one (1) year is achieved.

4. In addition to the above requirements, a stabilization or landscaping plan must be submitted with the final design describing the vegetative stabilization and management techniques to be used at a site after construction is completed. This plan will explain not only how the site will be stabilized after construction, but who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved.

13.14.290 INSPECTION OF STORM WATER MANAGEMENT FACILITIES

Periodic inspections of facilities shall be performed as provided for in §Article V.

13.14.300 RECORDS OF INSTALLATION AND MAINTENANCE ACTIVITIES
Parties responsible for the operation and maintenance of a storm water management facility shall make records of the installation of the storm water facility, and of all maintenance and repairs to the facility, and shall retain the records for at least 3 years. These records shall be made available to the City Engineer during inspection of the facility and at other reasonable times upon request.

13.14.310 FAILURE TO MEET OR MAINTAIN DESIGN OR MAINTENANCE STANDARDS

If a responsible party fails or refuses to meet the design or maintenance standards required for storm water facilities under this ordinance, the City Engineer, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition. In the event that the storm water management facility becomes a danger to public safety or public health, the City Engineer shall notify in writing the party responsible for maintenance of the storm water management facility. Upon receipt of that notice, the responsible person shall have 15 days to effect maintenance and repair of the facility in an approved manner. In the event that corrective action is not undertaken within that time, the City Engineer may take necessary corrective action. The cost of any action by the City Engineer under this section shall be charged to the responsible party.
Article VI Waivers

13.14.320 GENERAL

Every applicant shall provide for post construction storm water management as required by this ordinance, unless a written request is filed to waive this requirement. Requests to waive the storm water management plan requirements shall be submitted to the City Engineer for approval.

13.14.330 CONDITIONS FOR WAIVER

A. The minimum requirements for storm water management may be waived in whole or in part upon written request of the applicant, provided that at least one of the following conditions applies:
   1. It can be demonstrated that the proposed development is not likely to impair attainment of the objectives of this ordinance.
   2. Alternative minimum requirements for on-site management of storm water discharges have been established in a storm water management plan that has been approved by the City Engineer.
   3. Provisions are made to manage storm water by an off-site facility. The off-site facility must be in place and designed to provide the level of storm water control that is equal to or greater than that which would be afforded by on-site practices. Further, the facility must be operated and maintained by an entity that is legally obligated to continue the operation and maintenance of the facility.

13.14.340 DOWNSTREAM DAMAGE PROHIBITED

A. In order to receive a waiver, the applicant must demonstrate to the satisfaction of the City Engineer that the waiver will not lead to any of the following conditions downstream:
   1. Deterioration of existing culverts, bridges, dams, and other structures;
   2. Degradation of biological functions or habitat;
   3. Accelerated stream bank or streambed erosion or siltation;
   4. Increased threat of flood damage or water quality degradation to public health, life or property.

13.14.350 LAND DISTURBANCE PERMIT ISSUANCE RESTRICTIONS

No land disturbance permit shall be issued where a waiver has been requested until the waiver is granted. If no waiver is granted, the plans must be resubmitted with a storm water management plan.
Article VII Existing locations and developments

13.14.360 REQUIREMENTS FOR ALL EXISTING LOCATIONS AND DEVELOPMENTS

A. The following requirements shall apply to all locations and development at which land disturbing activities have occurred previous to the enactment of this ordinance:

1. Denuded areas must be vegetated or covered under the standards and guidelines specified in the BMP manual and on a schedule acceptable to the City Engineer.

2. Cuts and slopes must be properly covered with appropriate vegetation and/or retaining walls constructed.

3. Drainage ways shall be properly covered in vegetation or secured with rip-rap, channel lining, etc., to prevent erosion.

4. Trash, junk, rubbish, etc. shall be cleared from drainage ways.

5. Storm water runoff shall be controlled to the extent reasonable to prevent pollution of local waters. Such control measures may include, but are not limited to, the following:
   a. Ponds
      i. Detention/Retention pond
      ii. Extended detention pond
      iii. Wet pond
      iv. Alternative storage measures
   b. Constructed wetlands
   c. Infiltration systems
      i. Infiltration/percolation trench
      ii. Infiltration basin
      iii. Drainage (recharge) well
      iv. Porous pavement
   d. Filtering systems
      i. Catch basin inserts/media filter
      ii. Sand filter
      iii. Filter/absorption bed
      iv. Filter and buffer strips
   e. Open channel
   f. Swale

13.14.370 REQUIREMENTS FOR EXISTING PROBLEM LOCATIONS

The City Engineer shall in writing notify the owners of existing locations and developments of specific drainage, erosion or sediment problem affecting such locations and developments, and the specific actions required to correct those problems. The notice shall also specify a reasonable time for compliance.
13.14.380 INSPECTION OF EXISTING FACILITIES

The City Engineer may, to the extent authorized by state and federal law, establish inspection programs to verify that all storm water management facilities, including those built before as well as after the adoption of this ordinance, are functioning within design limits. These inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of the municipality’s UPDES storm water permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other BMPs.

13.14.390 CORRECTIONS OF PROBLEMS SUBJECT TO APPEAL

Corrective measures imposed by the City Engineer under this section are subject to appeal under §Article XI of this ordinance.
Article VIII  Illicit Discharges

13.14.400 SCOPE

This section shall apply to all water generated on developed or undeveloped land and entering the municipality’s storm sewer system.

13.14.410 PROHIBITION OF ILLICIT DISCHARGES

A. No person shall introduce or cause to be introduced into the municipal separate storm sewer system any discharge that is not composed entirely of storm water. The commencement, conduct or continuance of any non-storm water discharge to the municipal separate storm sewer system is prohibited except as described as follows:

1. Uncontaminated discharges from the following sources:
   a. Water line flushing or other potable water sources,
   b. Uncontaminated landscape irrigation,
   c. Diverted stream flows,
   d. Rising ground water,
   e. Groundwater infiltration to storm drains,
   f. Uncontaminated pumped groundwater,
   g. Foundation or footing drains,
   h. Crawl space pumps,
   i. Uncontaminated air conditioning condensation,
   j. Springs,
   k. Natural riparian habitat or wet-land flows,
   l. Swimming pools (if dechlorinated - typically less than one PPM chlorine),
   m. Fire fighting activities, and
   n. Any other uncontaminated water source.
   o. Discharges specified in writing by the City Engineer as being necessary to protect public health and safety.
   p. Dye testing.

2. Non-storm water discharge permitted under an UPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the State of Utah Division of Water Quality, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

13.14.420 PROHIBITION OF ILLICIT CONNECTIONS

A. The construction, use, maintenance or continued existence of illicit connections to the separate municipal storm sewer system is prohibited.
B. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

13.14.430 REDUCTION OF STORM WATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES

Any person responsible for a property or premises, which is, or may be, the source of an illicit discharge, may be required to implement, at the person's expense, the BMP's necessary to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid UPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.

13.14.440 NOTIFICATION OF SPILLS

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting in, or may result in, illicit discharges or pollutants discharging into storm water, and the municipal separate storm sewer system, the person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials the person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, the person shall notify the City Engineer in person or by telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the City Engineer within three (3) business days of the telephone notice. 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, actions taken to clean up the discharge, and the actions taken to prevent its recurrence. Such records shall be retained for a minimum of 3 years.
Article IX Enforcement

13.14.450 ENFORCEMENT AUTHORITY

A. The City Engineer or his designees shall have the authority to issue notices of violation, stop work orders, and citations, and to pursue civil and criminal penalties provided by law.

1. With the issuance of a City Land Disturbance Permit, Building Permit, Conditional Use Permit or other permits issued by the City, the City Engineer shall be permitted to enter and inspect facilities subject to this ordinance at all reasonable times and as often as necessary to determine compliance. Failure to comply with the terms of this ordinance may result in punitive actions by the City of Logan ordinance enforcement, by the Bear River Health Department (BRHD), Utah State Division of Water Quality, EPA or by other means identified in permits or terms set forth in development applications.

13.14.460 CONFLICTING STANDARDS

Whenever there is a conflict between any standard contained in this ordinance and in the BMP manual adopted by the municipality under this ordinance, the strictest standard shall prevail.

13.14.470 VIOLATIONS

Any person who shall commit any act declared unlawful under this ordinance, who violates any provision of this ordinance, who violates the provisions of any permit issued pursuant to this ordinance, or who fails or refuses to comply with any lawful communication or notice to abate or take corrective action by the City Engineer, shall be subject to: criminal prosecution punishable as a Class B Misdemeanor; administrative enforcement pursuant to the procedures set forth in LDC §17.60 Administrative Enforcement Code; and any other civil actions allowed by law. The municipality shall have sole discretion in deciding whether to file a civil or criminal case or pursue administrative enforcement action.

13.14.480 RECOVERY OF DAMAGES AND COSTS

In addition to the penalties set forth in this ordinance, the municipality may recover;

A. All damages proximately caused by the violator to the municipality, which may include any reasonable expenses incurred in investigating violations of, and enforcing compliance with, this ordinance, or any other actual damages caused by the violation.
B. The costs of the municipality’s maintenance of storm water facilities when the user of such facilities fails to maintain them as required by this ordinance.

13.14.490 OTHER REMEDIES

The municipality may bring legal action to enjoin the continuing violation of this ordinance, and the existence of any other remedy, at law or equity, shall be no defense to any such actions.

13.14.500 REMEDIES CUMULATIVE

The remedies set forth in this section shall be cumulative, not exclusive, and it shall not be a defense to any action, civil or criminal, that one (1) or more of the remedies set forth herein has been sought or granted.
SECTION 2: Effective Date. This ordinance shall become effective upon publication.

ADOPTED BY THE LOGAN MUNICIPAL COUNCIL THIS ___ DAY OF MARCH 2011, BY THE FOLLOWING VOTE:
AYES: Swenson, Olsen, McFerrin, Cantwell
NAYS: None
ABSENT: .

/s/ Herm Olsen, Chair

ATTEST:
/s/ Teresa Harris, City Recorder

PRESENTATION TO MAYOR

The foregoing ordinance was presented by the Logan Municipal Council to the Mayor for approval or disapproval this ___ day of March, 2011.

/s/ Herm Olsen, Chair

MAYOR’S APPROVAL OR DISAPPROVAL

The foregoing ordinance is hereby approved this ___ day of March, 2011.

/s/ Randy Watts, Mayor