

**SECTION 1:            AMENDMENT** “Title 5 Storm Water” of the Payson  
Municode Code is hereby *amended* as follows:

AMENDMENT

Title 5 ~~Storm Water~~Stormwater

**SECTION 2:            AMENDMENT** “5.04.010 Findings” of the Payson Municode  
Code is hereby *amended* as follows:

AMENDMENT

5.04.010 Findings

The City Council makes the following findings regarding storm-water runoff and the City's  
stormwater management facilities~~sewer~~ system:

- A. Historically, the City's stormwater~~sewer~~ system consisted of a network of ditches that were previously used for irrigation. Those ditches are being removed as improvements are made by installing curb & gutter. With the elimination of the ditches, ~~there is no way for~~ the storm-water ~~to~~cannot be dispersed.
- B. The ~~City's~~ existing culverts and remaining ditches do not adequately handle the storm water runoff generated in the City.
- C. The ~~City's~~ anticipated growth will place increased demands on the already inadequate stormwater~~sewer~~ system.
- D. Uncontrolled or inadequately controlled storm-water runoff causes erosion and property damage.
- E. Uncontrolled or inadequately controlled storm-water runoff hinders the ~~City's~~ ability to provide emergency services to its residents.
- F. Uncontrolled or inadequately controlled storm-water runoff impedes the regular flow of traffic in the City.
- G. Uncontrolled or inadequately controlled storm-water runoff poses hazards to the citizens of the community.
- H. Storm-water runoff carries concentrations of oil, grease, nutrients, chemicals, heavy metals, toxic materials, and other undesirable materials that may jeopardize the integrity of ground waters and receiving waters including the ~~City's~~ culinary water supply.
- I. All developed properties in the City contribute to the need for the stormwater ~~sewer~~ system by converting natural ground cover into impervious surfaces.
- J. All developed properties in the City make use of or benefit from the ~~City's~~ operation and maintenance of the stormwater ~~sewer~~ system.

- K. The State Department of Environmental Quality (DEQ) has determined that some of the city's storm-water sumps must be included on the prioritized contamination sources for culinary wells.
- L. Inadequate drainage along existing streets due to the lack of an adequate storm~~water~~~~sewer~~ system causes the street pavement to deteriorate and fail thus increasing street maintenance costs.
- M. Absent effective maintenance, operation, regulation, and control, of existing storm water drainage conditions in the City constitute a potential hazard to the health, safety, and general welfare of the City, its residents, and its businesses.
- N. A storm~~water~~~~sewer~~ utility is the most equitable and efficient method of managing storm-water in the City and ensuring that each property in the City pays its fair share of the amount that the property contributes to, benefits from, and otherwise uses the storm~~water~~~~sewer~~ system.

**SECTION 3:            AMENDMENT** “5.04.020 General Provisions” of the Payson Municode Code is hereby *amended* as follows:

#### A M E N D M E N T

##### 5.04.020 General Provisions

**Purpose.** It is the purpose of this ~~ordinance~~Title to:

- A. Protect, maintain, and enhance the environment of Payson City.
- 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/Utah 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 or not;
  - 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~~controls;
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 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.

F. Provide annual training for all employees, contracted staff, and other responsible entities that have the primary operation or maintenance job functions likely to impact stormwater quality covering all required training addressed in the SWMP.

G. Provide training for new hires that have the primary operation or maintenance job functions likely to impact stormwater quality within 60 days of hire covering all required training addressed in the SWMP.

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

**SECTION 4:            AMENDMENT “5.04.030 Definitions: Storm Water Ordinance” of the Payson Municode Code is hereby *amended* as follows:**

#### AMENDMENT

5.04.030 Definitions: ~~Storm-Water~~Stormwater Ordinance

For the purpose of this Title, 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 means drawings depicting conditions as ~~they were~~ actually constructed.

BEST MANAGEMENT PRACTICES or BMPS are physical, structural, and/or managerial practices that, when used singly or in combination, prevent or reduce pollution of water, that have been approved by Payson~~the~~ City and that have been incorporated by reference into this ~~ordinance~~ Title as if fully set out therein. For purposes of this Title, the relevant BMP's are more particularly defined in the current copy of the Payson City Development Guidelines.

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

CITY ENGINEER means the City Engineer of Payson City or an authorized designee.

~~CITY STORM WATER SYSTEM means city-owned storm systems including without limitation gutters, catch basins, grates, pipelines, and property encumbrances that receive runoff from public right-of-way, private property, natural waterways and systems identified as city easements.~~

COMMUNITY WATER means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wetlands, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of Payson~~the~~ City.

CONTAMINANT means any physical, chemical, biological, or radiological substance or matter ~~which~~that is not naturally occurring and introduced into the storm-water system.

DESIGN STORM EVENT means a hypothetical storm event, of a given frequency interval and duration, used in the analysis and design of a storm-water ~~facility~~system.

DISCHARGE means 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~~water~~~~sewer~~ system.

EASEMENT means 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 means 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 means 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.

GENERAL CONSTRUCTION STORM-WATER PERMIT means a permit required by the Utah Department of Environmental Quality, Division of ~~w~~Water Quality.

HOT SPOT (PRIORITY AREA) means an area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in storm-water.

ILLICIT CONNECTIONS means illegal and/or unauthorized connections to the municipal separate storm-water system whether or not such connections result in discharges into that system. Any drain or conveyance whether on the surface or subsurface, which allows a contaminated or illicit discharge to enter the storm-drain~~water~~ system. Examples include, but are not limited to, any conveyances ~~which~~that allow non-storm-water discharge such as sewage, process wastewater, or wash water to enter the storm-drain~~water~~ system, and any connections to the storm-drain~~water~~ system from indoor drains or sinks regardless of whether said drain or connection had been previously allowed, permitted, or approved by a government agency; or any drain or conveyance connected to or discharging to the storm-drain~~water~~ system, which has not been (1) documented in plans, maps, or equivalent records submitted to the City, and (2) approved in writing by the City.

ILLICIT DISCHARGE means any discharge to the municipal separate storm~~water~~-drain system that is not composed entirely of storm-water and not specifically exempted under this ~~ordinance~~Title. Illicit discharges include both direct connections (e.g., wastewater piping either mistakenly or deliberately connected to the storm-water system) and indirect connections (e.g., infiltration into the storm-water system or spills collected by drain inlets).

IRRIGATION DITCHES means gravity irrigation ditches used by irrigation shareowners having a right of water passageway by ROW, easement, or prescription. Irrigation ditches also include those facilities ~~which~~that function as a combined storm-water and irrigation conveyance intended at times as a water routing and disposal system.

LAND DISTRIBUTION PERMIT means a Payson City Land Disturbance Permit as adopted by the City.

LAND DISTRIBUTING ACTIVITY means 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, re-development, demolition, construction, reconstruction, clearing, grading, filling, and excavation.

MAINTENANCE means any activity that is necessary to keep a storm-water ~~facility~~system in good working order so as to function as designed. Maintenance shall include complete reconstruction of a storm-water ~~facility~~system 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~~system or cause degradation of the storm-water quality.

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

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) (~~MUNICIPAL SEPARATE STORM WATER SYSTEM~~) means the conveyances owned or operated by the ~~municipality~~ City 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 or NPDES PERMIT means a permit issued pursuant to 33 U.S.C. 1342.

NOTICE OF VIOLATION (N.O.V.). Whenever the City Engineer finds that a person is in non-compliance with this ~~ordinance~~ Title, 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 City Engineer, and may include monitoring, fines, payment to cover costs relating to the non-compliance, and the implementation of Best Management Practices.

OFF-SITE FACILITY means any facility being a structural BMP or otherwise located outside the subject property boundary described in the permit application for land development activity ~~which~~ that is intended to form an integral part of the stormwater-drain system for a given parcel.

ON-SITE FACILITY means a structural BMP located within the subject property boundary described in the permit application for land development activity.

PEAK FLOW means the maximum instantaneous rate of flow of water at a particular point resulting from a storm event.

PERSON means any individual, corporation, partnership, association, company, or body politic, including any agency of the State of Utah and the United States government, ~~this~~ which includes both the singular and plural form of said groups, who acts to discharge to or otherwise influence the storm-water system in the City ~~of Payson~~.

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

PRIORITY AREA means HOT SPOT as defined in this Section.

PROPERTY OWNER means a land-owner of property within the boundary of ~~Payson~~ the City.

RUNOFF means that portion of the precipitation on a drainage area that is discharged from the area into the municipal separate storm-water system. Also, water produced by storms, surface drainage, snow and ice melt, and other water handled by the stormwater-drainage system.

SEDIMENT means 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 or within any stormwater-drainage ~~conveyance~~ system.

SEDIMENTATION means soil particles that can settle or have settled in the stream beds and disrupt the natural flow of the stream or otherwise disrupt the intended stormwater-drain system function.

SOILS REPORT means 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 means 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 means the current Payson City storm-water standards and regulations as adopted by the City whether in this Title or the Payson City Development Guidelines.

STORM-WATER MASTER PLAN means the current Payson City Storm-Water Master Plan as adopted by the City.

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

STORM-WATER ~~MANAGEMENT FACILITIES~~ SYSTEM means city-owned systems including without limitation the drainage structures, conduits, ditches, combined sewers, sewers, gutters, catch basins, grates, pipelines, and property encumbrances that receive runoff from public right-of-way, private property, natural waterways, and systems identified as city easements including ~~and~~ all device appurtenances by means of which storm-water is collected, transported, pumped, treated, or disposed of.

STORM-WATER POLLUTION PREVENTION PLAN (SW~~A~~PP) means the set of drawings and other documents showing the location of the BMPs during the different phases of construction and system management and 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 during and after construction.

~~SWMP means "Storm Water Management Program."~~ A STORMWATER MANAGEMENT PROGRAM or SWMP means a Technical Report including a copy of the Land Disturbance Permit, Notice of Intent (NOI) (if applicable), Storm-Water Pollution Prevention Plan, during construction and post construction, storm-water pollution prevention BMPs, spill prevention and countermeasure information, inspection records, and signed and dated Certification Statement from the Site Operator and the responsible person preparing the report.

STORM-WATER RUNOFF means flow on the surface of the ground or within the storm water system, resulting from precipitation or other forms of water origination being those ~~which~~that are both natural and artificially occurring.

STORM-WATER UTILITY means the storm-water ~~utility~~department created by ordinance of the ~~e~~City to administer ~~the this Title 5 s~~Storm-water~~-management ordinance~~, and other storm water rules and regulations adopted by the ~~municipality~~City-to maintain and manage the storm water system of the City.

STRUCTURAL BMPS means devices that are constructed to provide control of both the quality and quantity of storm~~-~~water runoff.

SURFACE WATER means and 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, ponds, sloughs, or other bodies of water.

WATERCOURSE means a permanent or intermittent stream or other body of water, either natural or man-made, ~~which~~that gathers or carries surface water.

WATERSHED means all the land area that contributes runoff to a particular point along a waterway or other storm~~-~~water conveyance.

UPDES means Utah Pollution Discharge Elimination System.

- A. Property owners proposing to redirect runoff, surface, and/or pipe flow to properties or facilities outside Payson City boundaries must provide written approval from the state, county, or municipality or their agents.
- B. Property owners are responsible for the protection of canals per the relevant sections of this ~~ordinance~~Title.
- C. Discharges or modifications to the canals require written approval from the canal owners and applicable governing agencies.

**SECTION 5:            AMENDMENT** “5.04.040 Storm Sewer Utility” of the Payson Municode Code is hereby *amended* as follows:

#### A M E N D M E N T

##### 5.04.040 ~~Storm-Sewer~~Stormwater Utility

- A. **Creation.** The City Council hereby creates and establishes a storm~~water-sewer~~water utility as part of the City’s overall sewer system. The storm~~water-sewer~~water utility shall plan, design, construct, maintain, administer, and operate the City’s storm~~water-sewer~~water system.
- B. **Enterprise Fund.** The City Council hereby establishes a storm~~water-sewer~~water utility



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

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

**SECTION 6:            AMENDMENT** "5.04.050 Storm Sewer Utility Fee" of the Payson Municode Code is hereby *amended* as follows:

#### AMENDMENT

##### 5.04.050 ~~Storm-Sewer~~Stormwater Utility Fee

- A. **Imposed.** Each developed parcel of real property in the City shall be charged a stormwater-sewer utility fee. However, when the City annexes property into the municipal limits of Payson City, no stormwater-drain utility fee shall be assessed on the annexed property until such time as the annexed property is developed, until a stormwater-drain facilities system ~~are~~is installed, or as directed by an annexation agreement.
- B. **ESU.** The stormwater utility fee shall be based on the number of equivalent service units (ESU's) contained in the parcel. The City Council finds that the ESU is the most accurate measurement for determining the amount that each parcel contributes to, benefits from, and otherwise uses the stormwater-sewer utility system. Based on a study completed by an independent engineer, the City Council finds and establishes that one ESU equals 2,700 square feet of impervious surface area.
- C. **Calculation.** The City Council finds that each single-family residential parcel contributes approximately the same amount of storm-water runoff; therefore, each developed single-family residential parcel shall pay a base rate of one (1) ESU. All non-single-family residential parcels shall pay a multiple of this base rate, expressed in ESU's according to the measured impervious area on the parcel. The City Council

may adopt separate rates for PRD's, condominiums, and other uses that are not easily handled under the standard rate schedule.

- D. **Charge Per ESU.** The amount charged for each ESU shall be ~~established by resolution of the City Council~~ set forth in the City Fee Schedule.
- E. **Exemptions And Credits.** The City Council may establish exemptions and credits to the storm~~water-sewer~~ utility fee ~~by resolution~~ as set forth in the City Fee Schedule.
- F. **Policies.** The Street and Stormwater Superintendent may adopt policies, consistent with this ~~ordinance~~ Title and any resolutions passed by the City Council, to assist in the application, administration, and interpretation of this ~~ordinance~~ Title and any resolutions related to the storm~~water-sewer~~ utility.
- G. **Appeals.** Any person or entity that believes that this ~~ordinance~~ Title, or any storm~~water-sewer~~ utility ~~rate~~ fee ~~resolution~~, was interpreted or applied erroneously may appeal to the Street and Stormwater Superintendent ("Superintendent"). 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 Superintendent may elect to hold a hearing on the appeal. The Superintendent shall decide the appeal within ten (10) days of when the appeal is filed. If the person or entity is not satisfied with the Superintendent's decision, a further appeal may be made to the City Manager (or ~~his or her~~ designee). The appeal to the City Manager shall follow the same procedure as the appeal to the Superintendent. The City Manager's decision shall be final and binding on all parties.

**SECTION 7:            AMENDMENT "5.04.060 Billing" of the Payson Municode Code is hereby *amended* as follows:**

## AMENDMENT

### 5.04.060 Billing

The City Council finds that the ~~C~~city's storm~~water-sewer~~ system, sanitary sewer and wastewater 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-sewer~~ utility fee shall be included on the City's regular monthly utility bill for any given property; ~~†~~ The storm~~water-sewer~~ utility fee shall be charged to the owner of the property. The fee shall be deemed a civil debt owed to the City by the person or entity paying for the City utility services provided to the property. All properties shall be charged the stormwater utility fee, regardless of whether or not the owner or occupant of the property requests the storm~~water-sewer~~ utility service. Failure to pay any portion of the utility bill may result in termination of water service.

**SECTION 8:**        **AMENDMENT** “5.08.010 When Required” of the Payson Municode Code is hereby *amended* as follows:

A M E N D M E N T

5.08.010 When Required

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

- A. Land disturbing activity that generally disturbs one (1) or more acres of land.
- B. 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~~;~~.
- C. 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, ~~or~~ public health, or safety~~;~~.
- D. The creation and use of borrow pits.
- E. Development of a single-family home.
- F. Processing of earthen materials such as top soil and gravel screening.
- G. Construction of parking lots.

**SECTION 9:**        **AMENDMENT** “5.08.020 Drainage Channels, Waterways And Sensitive Areas” of the Payson Municode Code is hereby *amended* as follows:

A M E N D M E N T

5.08.020 Drainage Channels, Waterways, And Sensitive Areas

Property owners shall not alter or restrict natural channels without proper Federal, State, and City permits.

Modifications of sensitive areas are subject to and governed by PCC 14 Sensitive Lands. These actions will require a Land Disturbance Permit and approval from all other governing agencies.

Property owners proposing to redirect runoff, surface and/or pipe flow, to properties or facilities outside Payson City boundaries must provide written approval from the state, county, ~~or~~ municipality, or their agents.

Property owners are responsible for the protection of canals per the relevant sections of this ~~ordinance~~ Title.

Discharges or modifications to the canals require written approval from the canal owners and applicable governing agencies.

**SECTION 10:**        **AMENDMENT** “5.08.040 Exemptions” of the Payson Municode Code is hereby *amended* as follows:

#### AMENDMENT

##### 5.08.040 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 including activities required to promote public safety, repairs to water lines, and/or other City infrastructure repairs.
- B. Existing nursery and agricultural operations conducted as a permitted main or accessory use.
- C. Any agricultural activity that is 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.

**SECTION 11:**        **AMENDMENT** “5.08.050 Application For A Land Disturbance Permit.” of the Payson Municode Code is hereby *amended* as follows:

#### AMENDMENT

##### 5.08.050 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 Utah County Assessor;
  - 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.

7. The applicant shall obtain from any other state or federal agency any other appropriate environmental permits that pertain to the property such as the UPDES Storm-~~W~~water General Permit for Construction Activities ~~UTR 090000~~ UTRC00000 for projects disturbing greater than or equal to one acre, or UPDES Common Plan Permit UTRH00000 for projects less than one acre that are part of a larger common plan of development or sale that will collectively disturb greater than or equal to one acre. 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~~ Title, on the development of property covered by those permits.

8. Each application shall be accompanied by:

~~B.~~ A storm-water pollution prevention plan (SWPPP) providing for erosion and sediment control and storm-water ~~management~~ during the land disturbing activity and after the activity has been completed meeting the requirements of Storm-~~W~~water General Permit for Construction Activities Permit No. ~~UTR-090000~~ UTRC00000 or the Common Plan Permit No. UTRH00000. Each application for a land disturbance permit shall be accompanied by payment of land disturbance permit fees as ~~adopted by resolution and found~~ set forth in the ~~e~~City ~~f~~Fee ~~s~~ Schedule.

**SECTION 12:**            **AMENDMENT** “5.08.060 Review And Approval Of Application” of the Payson Municode Code is hereby *amended* as follows:

#### AMENDMENT

##### 5.08.060 Review And Approval Of Application

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

- A. Approval of the permit application;
- B. Approval of the permit application, subject to such reasonable conditions as may be necessary to secure substantially the objectives of this ~~ordinance~~ Title, and issue the permit subject to these conditions; or
- C. Denial of the permit application, indicating the reason(s) for the denial.

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 shall be allowed to proceed with ~~his~~ the land disturbing activity so long as it conforms to conditions established by the City Engineer.

No development plans will be released until the land disturbance permit has been approved.

**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.

**Notice Of Construction.** The applicant must notify the City Engineer ten (10) working days in advance of the commencement of construction.

**Inspection.** Regular inspections of the storm-water ~~management~~ system construction shall be conducted by the party responsible for the work and reviewed by the City Engineer. The property owner shall allow access to the City Engineer or a representative to inspect storm water control measures that discharge to the MS4. The inspection shall review the control measures in place, the maintenance plan, and the need for additional measures to completely address the erosion and sediment control for the project.

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 management ~~plan~~program;
- C. Variations from the approved construction specifications;
- D. Any violations that exist.
- E. Performance bonds.

The City Engineer may, at ~~his~~their discretion:

- A. 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~~program.
  - 1. 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 damages or enforcement.
  - 2. The performance security or performance bond shall contain forfeiture provisions for failure to complete work specified in the storm-water management ~~plan~~program. If the work is not started within one hundred eighty (180) days of the pre-construction meeting, the bond will be returned minus any utility modeling fees that will be taken from the testing and inspection portion of the performance security or performance bond. If the contractor starts work on the project and leaves the site for forty-five (45) continuous days, then the performance security or performance bond shall be used to hire another contractor to complete the project.
  - 3. 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.

4. Alternatively, the City Engineer shall have the right to calculate the cost of construction cost estimates.
5. The performance security or performance bond shall be released in full only upon submission of as-built plans written certification by a registered professional engineer licensed to practice in the State of Utah that the structural BMP has been installed in accordance with the approved plan, signed Notice of Termination of the Construction General Permit, and other applicable provisions of this ~~ordinance~~Title.

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~~Title. 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.

**SECTION 13:**        **AMENDMENT** “5.12 Storm Water System Design And Management Standards” of the Payson Municode Code is hereby *amended* as follows:

#### AMENDMENT

5.12 ~~Storm Water~~Stormwater System Design And Management Standards

**SECTION 14:**        **AMENDMENT** “5.12.010 Prior Approval And Standard” of the Payson Municode Code is hereby *amended* as follows:

#### AMENDMENT

5.12.010 Prior Approval And Standard

When a person is engaged in development activity ~~which~~that requires prior approval by the ~~e~~City and the issuance of a land disturbance permit, the following standards apply to the design and management of any water carrying system found on the property disturbed by that person. Prior to or during the site design process, applicants for land disturbance permits shall consult with the ~~e~~City ~~e~~Engineer to determine if they are subject to storm-water design requirements in addition to what is described in this Section.

**SECTION 15:**        **AMENDMENT** “5.12.020 Irrigation Ditches” of the Payson Municode Code is hereby *amended* as follows:

## AMENDMENT

### 5.12.020 Irrigation Ditches

All existing irrigation ditches located on the site or straddling a site property boundary shall be piped with a sufficient size pipe and shall be coordinated with the water user and the City Engineer.

Property owners are responsible for the protection of irrigation ditches per the relevant sections of this ~~ordinance~~Title.

Discharges to private ditches require written approval from the ditch owners, and the design shall comply with the terms of approvals and the Payson City Development Guidelines and the Land Disturbance Permit.

Piping of ditches and modification to the diversion boxes require documented coordination with ditch owners or representative and are required to receive written approval of ditch owners. Design and coordination requirements shall comply with the Payson City Development Guidelines and the Land Disturbance Permit~~-documents~~.

**SECTION 16:**        **AMENDMENT** “5.12.030 Storm Water Design And BMP Manuals” of the Payson Municode Code is hereby *amended* as follows:

## AMENDMENT

### 5.12.030 ~~Storm-Water~~Stormwater Design And BMP Manuals

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

- A. Payson City Development Guidelines.
- B. Payson City Storm-~~W~~water Master Plan
- C. Guidance Document for Storm-~~W~~water Management (EPA Construction Site Storm ~~W~~water Runoff Control) available online at  
[https://www3.epa.gov/npdes/pubs/sw\\_swppp\\_guide.pdf](https://www3.epa.gov/npdes/pubs/sw_swppp_guide.pdf).

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, at the discretion of the ~~governing body-of-the~~ City Council, upon the recommendation of the City Engineer, based on improvements in engineering, science, monitory, 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.



**SECTION 17:            AMENDMENT** “5.12.040 General Performance Criteria For Storm Water Management” of the Payson Municode Code is hereby *amended* as follows:

A M E N D M E N T

5.12.040 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. Design of storm~~water drain~~-systems within ~~C~~city boundaries that discharges into a Payson City storm~~water drain~~-system requires direct supervision of a Utah registered professional engineer; and shall carry the seal of the same supervising professional engineer.
- B. Site designs shall control the peak flow rates of storm-water discharge associated with design storms specified in this ~~ordinance~~Title or ~~in the BMP manual~~Development Guidelines and reduce the generation of post-construction storm-water runoff to pre-construction levels ~~according to the BMP manual~~or 0.2 cfs/acre, whichever is less, according to the Development Guidelines. These practices should seek to utilize low impact design (LID) methods including using 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.
- C. Specific channel protection criteria shall be provided as prescribed in the ~~BMP manual~~Development Guidelines to protect stream channels from degradation. A Stream Alteration Permit is also required for any work performed in Dry Creek or Peteetneet Creek.
- D. Storm-water discharges to critical areas with sensitive resources (i.e., cold water fisheries, swimming beaches, recharge areas, water supply reservoirs) may be subject to additional performance criteria, or may need to utilize or restrict certain storm water management practices.
- E. Storm-water discharges from “hot spots” may require the application of specific structural BMPs and pollution prevention practices.
- F. 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.
- G. Calculations for determining allowable peak flows and runoff volumes as found in the ~~BMP manual~~Development Guidelines shall be used for sizing all storm-water facilities.

**SECTION 18:            AMENDMENT** “5.12.050 Minimum Control Requirements” of the Payson Municode Code is hereby *amended* as follows:

## AMENDMENT

### 5.12.050 Minimum Control Requirements

Storm-water discharge during all construction activities shall comply with the terms of the UPDES Storm-~~W~~water General Permit for Construction Activities ~~UTR-300000~~, UTRC00000 in the case of a project that impacts greater than or equal to one acre or the UPDES Common Plan Permit UTRH00000 in the case of a project that impacts less than an acre that is part of a larger common plan of development or sale that will collectively disturb greater than or equal to one acre, Land Disturbance Permit, the Payson City Development Guidelines, and/or requirements set forth by the building Code, and the State of Utah UPDES requirements.

Storm-water designs shall meet the multi-stage storm frequency storage and runoff volume requirements as identified in the ~~BMP-manual~~Development Guidelines, along with the operation, installation, and maintenance standards in the ~~BMP-manual~~Development Guidelines unless the City Engineer has granted the applicant a full or partial waiver for a particular BMP under PCC 5.12.040.

Runoff rates from one lot to another may not exceed pre-existing conditions or in such a manner that may unreasonably and unnecessarily cause more harm than formerly.

If hydrologic or topographic conditions warrant greater control than that provided by 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.

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 to the satisfaction of the City Engineer. Failure to remove the sediment, soil, or debris shall be deemed a violation of this ~~ordinance~~Title.

**SECTION 19:**        **AMENDMENT** “5.12.060 Storm Water Pollution Prevention Plan Requirements” of the Payson Municode Code is hereby *amended* as follows:

## AMENDMENT

### 5.12.060 ~~Storm Water~~Stormwater Pollution Prevention Plan Requirements

Property owners are responsible ~~to manage~~ for managing 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. In order to manage storm-water quality, the Property Owner must develop a storm-water pollution prevention plan and implement the plan. The storm-water pollution prevention plan shall include sufficient information to allow the City Engineer to evaluate the environmental and historical 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 pollution prevention plan shall include the following:

- A. Project Description: Briefly describe the intended project and proposed land disturbing activity, number of units, and structures to be constructed, and infrastructure required.
- B. Topographic Base Map: A topographic base map of the site, which extends a minimum of 1,000 feet beyond the limits of the proposed development and indicates:
  1. Existing surface water drainage including streams, ponds, culverts, ditches, sink holes, wetlands; and the type, size, elevation, etc., of the nearest upstream and downstream drainage structures;
  2. Current land use including all existing structures, locations of utilities, roads, and easements;
  3. All other existing significant natural and artificial features including a general description of existing land cover. Individual trees and shrubs do not need to be identified.
  4. 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, and the limits of clearing and grading;
  5. Proposed structural BMPs;
  6. A written description of the site plan and justification of proposed changes in natural conditions may also be required.

**Calculations.** Hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in the ~~BMP manual~~ Development Guidelines. These calculations must show that the proposed storm-water management measures are capable of controlling runoff from the site in compliance with this ~~ordinance~~ Title and the specifications of the Development g ~~Guidelines of the BMP manual~~. 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~~ for any storage area;
- F. Culvert, storm-water sewer system, 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 ~~BMP manual~~ Development Guidelines; and
- I. Documentation of sources for all computation methods and field test results.

**Soils Information.** If a storm-water management control measure depends on the hydrologic properties of soils (e.g., infiltration basins, ponds, sumps, etc.), 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. In all cases where subsurface infiltration is a component of the storm-water management ~~plan~~ program, a site specific percolation test shall be submitted based upon field observations and testing at the location of the infiltration facility.

**Work Sequence.** 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.

**Installation Maintenance And Repair Plan.** The design and planning of all storm-water ~~management facilities~~ systems shall include detailed installation, maintenance, and repair procedures to ensure their continued performance. These plans will identify the parts or components of a storm-water ~~management facility~~ system that needs 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.

**SECTION 20:**            **AMENDMENT** "5.16.010 As Built Plans" of the Payson Municode Code is hereby *amended* as follows:

## AMENDMENT

### 5.16.010 As Built Plans

All applicants are required to submit 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~~ system and must be sealed by a registered professional engineer licensed to practice in Utah. A final inspection by the City ~~Inspector~~ Public Works Director or designee is required before any performance security or performance bond will be released. The City ~~Inspector~~ Public Works Director or designee 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, occupation permits shall not be granted until corrections to all BMP's have been made and accepted by the City ~~Inspector~~ Public Works Director or designee.

**SECTION 21:**            AMENDMENT “5.16.020 Landscaping And Stabilization Requirements” of the Payson Municode Code is hereby *amended* as follows:

## AMENDMENT

### 5.16.020 Landscaping And Stabilization Requirements

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

- A. Reseeding must be done with an annual or perennial vegetative cover ~~erop~~ accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until such time as the vegetative cover ~~erop~~ is established over one hundred percent (100%) of the seeded area.
- B. 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.
- C. Any area of re-vegetation must exhibit a minimum of seventy percent (70%) of the vegetative cover ~~erop~~ throughout the year immediately following re-vegetation. Re-vegetation must be repeated in successive years until the minimum seventy percent (70%) density for one (1) year is achieved.
- D. In addition to the above requirements, a 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.
- E. Stabilization must occur as required in the Storm-~~W~~water General Permit for Construction Activities Permit No ~~UTR300000~~ UTRC00000 in the case of a project that impacts greater than or equal to one acre or the UPDES Common Plan Permit UTRH00000 in the case of a project that impacts less than an acre that is part of a

larger common plan of development or sale, which will collectively disturb greater than or equal to one acre.

**SECTION 22:**        **AMENDMENT** “5.16.030 Inspection Of Storm Water Management Facilities” of the Payson Municode Code is hereby *amended* as follows:

AMENDMENT

5.16.030 Inspection Of ~~Storm Water Management Facilities~~ Stormwater Systems

Periodic inspections of facilities shall be performed as provided for in this Title and Section 4.2.4.2.4 of the Payson City Storm-~~W~~water Management ~~Plan~~Program.

**SECTION 23:**        **AMENDMENT** “5.16.040 Records Of Installation And Maintenance Activities” of the Payson Municode Code is hereby *amended* as follows:

AMENDMENT

5.16.040 Records Of Installation And Maintenance Activities

Parties responsible for the operation and maintenance of a storm-water ~~management facility~~system shall make records of the installation of the storm-water ~~facility~~system and of all maintenance and repairs to the facility; and shall retain the records for at least five (5) years. These records shall be made available to the City Engineer during inspection of the facility and at other reasonable times upon request.

**SECTION 24:**        **AMENDMENT** “5.16.050 Failure To Meet Or Maintain Design Or Maintenance Standards” of the Payson Municode Code is hereby *amended* as follows:

AMENDMENT

5.16.050 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 ~~a~~ storm-water ~~facilities~~system under this ~~ordinance~~Title, 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~~system 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~~system. Upon receipt of that notice, the responsible person shall have fifteen (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 responsible.

**SECTION 25:**            **AMENDMENT** “5.20.010 General” of the Payson Municode Code is hereby *amended* as follows:

#### AMENDMENT

##### 5.20.010 General

Every applicant shall provide for post construction storm-water management as required by this ~~ordinance~~Title, unless a written request is filed to waive this requirement. Requests to waive the storm-water management ~~plan~~program requirements shall be submitted to the City Engineer for review, processing, and approval or forwardinged to the City Council, where deemed appropriate by City Engineer, for approval.

**SECTION 26:**            **AMENDMENT** “5.20.020 Conditions For Waiver” of the Payson Municode Code is hereby *amended* as follows:

#### AMENDMENT

##### 5.20.020 Conditions For Waiver

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:

- A. It can be demonstrated that the proposed development is not likely to impair attainment of the objectives of this ~~ordinance~~Title.
- B. Alternative minimum requirements for on-site management of storm-water discharges have been established in a storm-water management ~~plan~~program that has been approved by the City Engineer.

- C. 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.

**SECTION 27:**        **AMENDMENT** “5.20.030 Downstream Damage, Etc., Prohibited” of the Payson Municode Code is hereby *amended* as follows:

A M E N D M E N T

5.20.030 Downstream Damage, Etc., Prohibited

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:

- A. Deterioration of existing culverts, bridges, dams, and other structures;
- B. Degradation of biological functions or habitat;
- C. Accelerated stream bank or streambed erosion or siltation;
- D. Increased threat of flood damage to public health, life, or property.

**SECTION 28:**        **AMENDMENT** “5.20.040 Land Disturbance Permit Not To Be Issued Where Waiver Requested” of the Payson Municode Code is hereby *amended* as follows:

A M E N D M E N T

5.20.040 Land Disturbance Permit Not To Be Issued Where Waiver Requested

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 pollution prevention plan.

**SECTION 29:**        **AMENDMENT** “5.24.010 Requirements For All Existing Locations And Developments” of the Payson Municode Code is hereby *amended* as follows:

A M E N D M E N T

5.24.010 Requirements For All Existing Locations And Developments



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

- A. Denuded areas must be vegetated or covered under the standards and guidelines specified in the ~~BMP manual~~Development Guidelines and on a schedule acceptable to the City Engineer.
- B. Cuts and slopes must be properly covered with appropriate vegetation and/or retaining walls constructed.
- C. Drainage ways shall be properly covered in vegetation or secured with rip-rap, channel lining, etc., to prevent erosion.
- D. Trash, junk, rubbish, etc. shall be cleared from drainage ways.
- E. Storm-water runoff shall be controlled to the extent reasonable to prevent pollution of local waters. Such control measures shall include those methods and measures identified in the Payson City Storm-~~W~~water Management Program. Such control measures may include, but are not limited to, the following:
  - 1. **Ponds.**
    - a. Detention pond
    - b. Extended detention pond
    - c. Wet pond
  - 2. **Alternative Storage Measures.**
    - a. Constructed wetlands
    - b. Infiltration systems
      - (1) Infiltration/percolation trench
      - (2) Infiltration basin
      - (3) Retention basin
    - c. Drainage (recharge) well
    - d. Porous pavement
  - 3. **Filtering Systems.**
    - a. Catch basin inserts/media filter
    - b. Sand filter
    - c. Filter/absorption bed
    - d. Filter and buffer strips
    - e. Open channel, Swale

**SECTION 30:**            **AMENDMENT** “5.24.020 Requirements For Existing Problem Locations” of the Payson Municode Code is hereby *amended* as follows:

#### AMENDMENT

#### 5.24.020 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.

**SECTION 31:**        **AMENDMENT** “5.24.030 Inspection Of Existing Facilities” of the Payson Municode Code is hereby *amended* as follows:

#### AMENDMENT

##### 5.24.030 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~~systems, including those built before as well as after the adoption of this ~~ordinance~~Title, 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~~that are more likely than the typical discharge to cause violations of the municipality’s NPDES/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.

**SECTION 32:**        **AMENDMENT** “5.28.010 Purpose” of the Payson Municode Code is hereby *amended* as follows:

#### AMENDMENT

##### 5.28.010 Purpose

To be in accordance with the General Permit for Discharges for Small Municipal Separate Storm Sewer Systems (MS4), Permit No. UTR090000, the City will conduct inspections to monitor all discharges to natural water bodies including lakes, ~~rivers,~~ streams~~,~~ and canals, storm-water controls~~,~~ and BMPs.

**SECTION 33:**        **AMENDMENT** “5.28.020 Scope” of the Payson Municode Code is hereby *amended* as follows:

A M E N D M E N T

5.28.020 Scope

Inspections relating to the MS4 Permit include but are not limited to illicit discharges, construction activities and post construction operation and maintenance of storm-water controls, 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 either publicly or privately owned.

**SECTION 34:**        **AMENDMENT** “5.28.030 Access” of the Payson Municode Code is hereby *amended* as follows:

A M E N D M E N T

5.28.030 Access

**Visual Inspections.** Visual inspections of discharges to natural water bodies, spills, storm water related controls on private property within the ~~E~~city limits of Payson are permitted by the City Engineer at any time.

**Other Inspections.** When a visual inspection is not adequate to determine the extent of discharges to natural water bodies, spills, or determine the status of storm-water related controls on private property, the City will give twenty-four (24) hours’ notice of the inspection to take place and the extent of the inspection. Equipment and manpower necessary to perform the inspection will be allowed to access and work as necessary to determine the state of the situation.

**Emergency Inspections.** During times of emergency including discharges to natural water bodies, spills, or potential damage to life or property, the City may access the location of concern as necessary and with the equipment required to determine the status of the situation. Reasonable attempts to contact the property owner prior to the inspection will be made prior to accessing private property.

**SECTION 35:**        **AMENDMENT** “5.28.040 Follow-Up Inspections” of the Payson Municode Code is hereby *amended* as follows:

## AMENDMENT

### 5.28.040 Follow-Up Inspections

During initial or routine inspections if problems are identified ~~which~~that require corrective actions, then a follow-up inspection will be scheduled.

**SECTION 36:**        **AMENDMENT** “5.32.010 Scope” of the Payson Municode Code is hereby *amended* as follows:

## AMENDMENT

### 5.32.010 Scope

This Section shall apply to all water generated on developed or undeveloped land entering the municipality's separate storm~~water-sewer~~ system.

**SECTION 37:**        **AMENDMENT** “5.32.020 Prohibition Of Illicit Discharges” of the Payson Municode Code is hereby *amended* as follows:

## AMENDMENT

### 5.32.020 Prohibition Of Illicit Discharges

No person shall introduce or cause to be introduced into the municipal-separate storm~~water-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~~water-sewer~~ system is prohibited except as described ~~as follows~~herein:

Uncontaminated discharges from the following sources:

- A. Water line flushing or other potable water sources;
- B. Landscape irrigation or lawn watering runoff with potable or secondary water;
- C. Diverted stream flows;
- D. Rising ground water;
- E. Groundwater infiltration to storm drains;
- F. Uncontaminated pumped groundwater;
- G. Discharges from potable water sources
- H. Foundation or footing drains;
- I. Crawl space pumps;
- ~~J. Lawn watering runoff~~
- K. Individual residential car washing

- L. Air conditioning condensation;
- M. Irrigation water
- N. Springs;
- O. Natural riparian habitat or wet-land flows;
- ~~P. Swimming pools (if de-chlorinated – typically less than one PPM chlorine);~~
- Q. Water reservoir discharge ( if de-chlorinated – typically less than one PPM chlorine)
- R. Residual street wash water
- S. Firefighting activities
- T. Any other uncontaminated water source
- U. Discharges specified in writing by the City Engineer as being necessary to protect public health and safety;
- V. Dye testing is an allowable discharge if the City Engineer has so specified in writing
- W. The prohibition shall not apply to any 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~~water~~~~drain~~ system.

**SECTION 38:**        **AMENDMENT** “5.32.030 Prohibition Of Illicit Connections” of the Payson Municode Code is hereby *amended* as follows:

#### AMENDMENT

##### 5.32.030 Prohibition Of Illicit Connections

- A. The construction, use, maintenance, or continued existence of illicit connections to the ~~separate municipal-city's~~ storm~~water~~ ~~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.

**SECTION 39:**        **AMENDMENT** “5.32.040 Reduction Of Storm Water Pollutants By The Use Of Best Management Practices” of the Payson Municode Code is hereby *amended* as follows:

#### AMENDMENT

##### 5.32.040 Reduction Of ~~Storm Water~~Stormwater 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~~water sewer~~ system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm~~water~~ associated with industrial activity, to the extent practicable, shall be deemed complian~~ee~~t with the provisions of this Section.

**SECTION 40:**            **AMENDMENT** “5.32.050 Notification Of Spills” of the Payson Municode Code is hereby *amended* as follows:

#### AMENDMENT

##### 5.32.050 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~~that are resulting in, or may result in, illicit discharges or pollutants discharging into storm~~water~~, ~~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~~Stormwater Superintendent 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~~Stormwater Superintendent 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 and the actions taken to prevent its recurrence. Such records shall be retained for at least five (5) years.

**SECTION 41:**            **AMENDMENT** “5.36.010 Enforcement Authority” of the Payson Municode Code is hereby *amended* as follows:

#### AMENDMENT

##### 5.36.010 Enforcement Authority

The City Engineer ~~or his designees~~ shall have the authority to issue notices of violation, stop work orders, finest, and citations, and to impose the civil penalties provided in this Section.

With the issuance of a Land Disturbance Permit or SWPP, the City Engineer ~~or designee~~ shall be permitted to enter and inspect, including testing and investigation, facilities subject to this ~~ordinance~~Title at all reasonable times and as often as necessary to determine compliance. Failure to comply with the terms of this ~~ordinance~~Title may result in punitive actions by Payson City ordinance enforcement, by Utah County Health Department, or by other means identified in permits or terms set forth in development applications.

**SECTION 42:**        **AMENDMENT** “5.36.020 Notification Of Violation” of the Payson Municode Code is hereby *amended* as follows:

#### AMENDMENT

##### 5.36.020 Notification Of Violation

- A. **Written Notice.** Whenever the ~~City Engineer~~Stormwater Superintendent finds that any permittee or any other person discharging storm-water ~~has violated or~~ is violating this ~~ordinance~~Title or a permit or order issued hereunder, the ~~City Engineer~~Stormwater Superintendent may serve upon such person written notice of the violation. Within ten (10) days of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the ~~City Engineer~~Stormwater Superintendent. Submission of this plan in no way relieves the discharger of liability for any violations occurring before or after receipt of the notice of violation.
- B. **Consent Orders.** The City Engineer is empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the noncompliance. Such orders will include specific action to be taken by the person to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as administrative orders issued pursuant to paragraphs D and E below.
- C. **Show Cause Hearing.** The City Engineer may order any person who violates this ~~ordinance~~Title or permit, or order issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served on the person specifying the time and place for the meeting, the proposed enforcement action, and the reasons for such action, and a request that the violator show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing.
- D. **Compliance Order.** When the City Engineer finds that any person has violated or continues to violate this ~~ordinance~~Title or a permit or order issued thereunder, the ~~City Engineer~~City Engineer may issue an order to the violator directing that, following a specific time

period, adequate structures, devices, be installed or procedures implemented and properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the construction of appropriate structures, installation of devices, self-monitoring, and management practices.

- E. **Cease and Desist Orders.** When the ~~City Engineer~~Stormwater Superintendent finds that any person has violated or continues to violate this ~~ordinance~~Title or any permit or order issued hereunder, the ~~City Engineer~~Stormwater Superintendent may issue an order to cease and desist all such violations and direct those persons in noncompliance to:
- F. Comply forthwith; or
- G. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

**SECTION 43:**        **AMENDMENT** “5.36.030 Conflicting Standards” of the Payson Municode Code is hereby *amended* as follows:

#### AMENDMENT

##### 5.36.030 Conflicting Standards

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

**SECTION 44:**        **AMENDMENT** “5.40.020 Measuring Civil Penalties” of the Payson Municode Code is hereby *amended* as follows:

#### AMENDMENT

##### 5.40.020 Measuring Civil Penalties

In assessing a civil penalty, the City Engineer may consider:

- A. The harm done to the public health or the environment;
- B. Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;
- C. The economic benefit gained by the violator;
- D. The amount of effort put forth by the violator to remedy this violation;
- E. Any unusual or extraordinary enforcement costs incurred by the ~~municipality~~City;



- F. The amount of penalty established by ordinance or resolution for specific categories of violations; and
- G. Any equities of the situation ~~which~~that outweigh the benefit of imposing any penalty or damage assessment.

**SECTION 45:**        **AMENDMENT** “5.40.030 Recovery Of Damages And Costs” of the Payson Municode Code is hereby *amended* as follows:

#### AMENDMENT

##### 5.40.030 Recovery Of Damages And Costs

In addition to the civil penalty in PCC 5.40.020, the ~~municipality~~City may recover;

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

**SECTION 46:**        **AMENDMENT** “5.40.040 Other Remedies” of the Payson Municode Code is hereby *amended* as follows:

#### AMENDMENT

##### 5.40.040 Other Remedies

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

**SECTION 47:**        **AMENDMENT** “5.44.010 Appeals To Municipal Governing Body” of the Payson Municode Code is hereby *amended* as follows:

#### AMENDMENT

##### 5.44.010 Appeals To ~~Municipal Governing Body~~City Council

Pursuant to Utah Code § 17-27a-707, any person aggrieved by the imposition of a civil penalty or damage assessment as provided by this ~~ordinance~~Title may appeal said penalty or damage assessment to the ~~municipality's governing body~~City Council.

**SECTION 48:**        **AMENDMENT** “5.44.020 Appeals To Be In Writing” of the Payson Municode Code is hereby *amended* as follows:

#### AMENDMENT

##### 5.44.020 Appeals To Be In Writing

The appeal shall be in writing and filed with the ~~municipal~~city recorder~~-or clerk~~ within fifteen (15) days after the civil penalty and/or damage assessment is served in any manner authorized by law.

**SECTION 49:**        **AMENDMENT** “5.44.030 Public Hearing” of the Payson Municode Code is hereby *amended* as follows:

#### AMENDMENT

##### 5.44.030 Public Hearing

Upon receipt of an appeal, the ~~municipality's governing body~~City Council shall hold a public hearing within thirty (30) days. Ten (10) days prior notice of the time, date, and location of said hearing shall be published ~~in a daily newspaper of general circulation~~as a Class A Notice according to Utah Code § 63G-30-102 (1953 as amended). Ten (10) day notice by registered mail shall also be provided to the aggrieved party, such notice to be sent to the address provided by the aggrieved party at the time of appeal. The decision of the ~~governing body~~City Council~~-of the municipality~~ shall be final.

**SECTION 50:**        **AMENDMENT** “5.44.040 Appealing Decisions Of The Municipality's Governing Body” of the Payson Municode Code is hereby *amended* as follows:

#### AMENDMENT

##### 5.44.040 Appealing Decisions Of The Municipality's Governing Body

Any alleged violator may appeal a decision of the ~~municipality's governing body~~City Council pursuant to the provisions of Utah Code § 17-27a-707 (1953 as amended).

