

ORDINANCE NO: 2024- 60

**AN ORDINANCE AMENDING VARIOUS SECTIONS WITHIN TITLE 16 OF THE FARMINGTON MUNICIPAL CODE, RELATED TO STORM WATER PERMITS AND ENFORCEMENT**

**WHEREAS**, the State of Utah has mandated that cities within Utah modify their practices and ordinances as provided in HB 507 of the 2024 Utah Legislative General Session; and

**WHEREAS**, the City Council finds that the changes proposed are consistent with the directives issued by the Utah Legislature and retain as much police power as possible to prevent the pollution of storm water systems in Farmington City,

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF FARMINGTON CITY, STATE OF UTAH, AS FOLLOWS:**

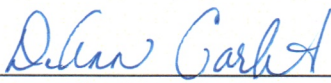
**Section 1: Amendment.** Sections 16-3-010, 16-3-060, 16-3-120, 16-4-070, 16-4-080, 16-4-090, 16-5-050, and 16-5-060 of the Farmington City Municipal Code are amended, as provided in Exhibit A.

**Section 2: Severability.** If any section, clause, or provision of this Ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.

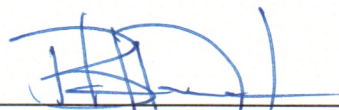
**Section 3: Effective Date.** This Ordinance shall become effective immediately upon its passage.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF FARMINGTON CITY, STATE OF UTAH, THIS 17TH DAY OF December 2024.**

ATTEST:

  
\_\_\_\_\_  
DeAnn Carlile, City Recorder

FARMINGTON CITY

  
\_\_\_\_\_  
Brett Anderson, Mayor



### **16-3-010: CITY STORMWATER PERMIT REQUIRED:**

- A. Except as otherwise exempted under section 16-3-020 of this chapter, any person or entity proposing to disturb one acre or more of ground in connection with any development, land disturbance or construction activity within the city or any person or entity proposing to disturb less than one acre of ground which is part of a larger common plan of development that disturbs one acre or more of ground shall be required to obtain a stormwater permit from the state of Utah ~~and the city of Farmington~~. Such a permit is required to be obtained prior to or in conjunction with the issuance of any demolition, excavation, land disturbance, building, site plan, land use or subdivision permit or approval, or any development or construction activity within the city. ~~A city Land Disturbance permit shall also be required for any building permit for a structure requiring earthmoving, or any earthmoving activity in an environmentally sensitive area unless otherwise waived by the stormwater official. In determining whether to grant a waiver, the stormwater official shall consider the following with respect to the property and circumstances associated with the same: topography, vegetation, wetlands, steep slopes, sensitive areas, high water table, proximity to water channels, creeks, wells or riparian areas.~~
- A.B. The provisions of this chapter shall not be interpreted to conflict with federal or Utah state laws governing stormwater management. If any ordinance conflicts with those laws, then the city code is overridden by the conflicting law.

### **16-3-060: PERMIT REVIEW AND APPROVAL:**

- A. The stormwater official and/or city engineer shall review all stormwater permit applications and city SWPPP for compliance with the terms and conditions of this title.
- B. In the event the stormwater permit application or city SWPPP as submitted is deemed inadequate or fails to meet the terms and requirements of this title, the stormwater official and/or city engineer may require additional information or impose additional conditions and requirements on the proposed construction activities to the extent necessary to bring the application and/or plan into compliance with the terms and purposes of this title.
- C. Failure to comply with the terms and conditions of this title shall be grounds for denial of the stormwater permit and/or any development, land use, subdivision or land disturbance permit or approval.



~~B.D.~~ No construction activity, land use or land disturbance activity shall occur on ~~the subject~~ property subject to a requirement to obtain a stormwater permit until a stormwater permit is approved by the stormwater official and/or city engineer.

#### **16-3-120: INSPECTIONS:**

- A. ~~Field~~ inspections may occur during and postconstruction to verify BMPs are built and properly designed and to ensure BMPs are properly maintained.
- B. Pursuant to Utah state law, inspections shall be conducted electronically as described in subsection 19-5-108.3(14) of the Utah Code. On-site inspections are appropriate if the stormwater official has a documented reason justifying an on-site inspection, which include, without limitation, the following:
1. Evidence of BMP failures or stormwater contamination in the electronic documentation provided by the permittee;
  2. Failure of permittee to provide scheduled photographic or video evidence of each BMP identified on the permittee's stormwater pollution prevention plan;
  3. Complaints of stormwater violations or concerns;
  4. Written consent from the permittee to on-site inspections for the construction activity;
  5. Discovery of discharges into the stormwater system from the permittee's site, which could reasonably be attributed to the permittee's work; and
  6. Prior contamination or dishonest activities of the permittee, documented by the stormwater official.
- C. ~~Field~~ On-site inspections for compliance with this title and any permits issued hereunder shall be conducted by the stormwater official, the city building inspector, the city ordinance enforcement officer and/or other designated agent of the city. ~~The stormwater official may prepare an inspection checklist to assist in field inspections.~~

#### **16-4-070: TRACKING MUD OR MATERIALS ON PUBLIC STREET:**



- A. It is unlawful for any person or entity to track or drop mud, stones, dirt, concrete, gravel, sediment or other similar materials onto public streets by construction or delivery vehicles.
- B. It shall be the duty of the driver of a vehicle who unlawfully drops or deposits mud, stones, concrete, gravel, sediment or other similar materials or permits the load or any portion thereof to be dropped or deposited upon any public street to immediately remove the same or cause the same to be removed.
- C. It shall be the duty of the driver of any vehicle to clean the tires and vehicle undercarriage of dirt or debris before the vehicle enters onto a paved public street.
- D. Developers, builders and any responsible person shall provide for the cleaning of all construction vehicles on site before the vehicles leave the site. Developers, builders and any responsible person shall be required to bond for protection measure and potential cleanup costs as determined by the stormwater official or city engineer in connection with ~~any city approvals or permits issued for the land disturbance or construction activity~~the stormwater permit.
- A.E. ~~Ifn the event~~ construction traffic causes debris to be dropped or deposited onto public streets in violation of this section, developers, builders and any responsible person shall also be responsible and liable for cleaning the public streets.
- B.F. Curbs, gutters and streets adjacent to construction projects will be inspected by the city for compliance with the provisions herein, as provided in state code and section 16-3-120 of this Code.

#### **16-4-080: WASHING OUT CONCRETE TRUCKS:**

- A. It is unlawful for any person or entity to wash out a concrete truck, including windows, tires and the truck exterior, at any construction site, other than in preapproved designated areas or to discharge waste concrete or concrete truck rinse water, except into preapproved discharge facilities. Dumping of excess concrete at any construction site shall not be allowed.
- B. It shall be the duty of the driver of the concrete vehicle to wash out his or her concrete truck in preapproved designated areas. The driver of the vehicle shall be responsible for cleaning up any concrete or debris deposited on any site in violation of this section.



C. Developers, builders and any responsible person shall provide a preapproved designated area for the cleaning of concrete trucks.

D. Developers, builders and any responsible person shall be required to bond for protection measure and potential cleanup costs as determined by the stormwater official or city engineer in connection with any city approvals or permits issued for the land disturbance or construction activity.

E. In the event a concrete truck is washed out or excess concrete is deposited on any site, the developers, builders and any responsible person shall also be responsible and liable for cleaning up the illegally deposited concrete from the site.

A.F. Projects will be inspected by the city for compliance with the provisions herein, as provided in Utah state code and section 16-3-120 of this Code.

#### **16-4-090: STOCKPILING DEBRIS OR MATERIALS:**

A. It is unlawful for any person or entity to stockpile construction or yard improvement materials or debris in the street, gutter or in any drainage channel (natural or manmade). This includes, but is not limited to, ramps being constructed for temporary access across the existing curb and gutter, stockpiling of topsoil or other fill material, stockpiling of sand, gravel, landscape rock, bark, mulch or any other material that may be considered a source of pollution in the storm drain system.

A.B. Materials stored on a pallet, in a self-contained storage unit, or by other acceptable means, may be preapproved by the stormwater official as a BMP.

#### **16-5-050: STOP WORK ORDER; REVOCATION OF PERMIT:**

A. ~~In the event that~~ If any person holding a stormwater permit pursuant to this title fails to complete the work required under the permit, fails to comply with all the requirements, conditions and terms of the permit, or violates the terms of the permit, the city may pursue enforcement as provided in section 19-5-108.3 of the Utah Code. suspend or revoke the stormwater permit and/or the applicable site development permit and issue a stop work order as is necessary to eliminate any danger to persons or property and to leave the site in a safe condition. If the city issues a stop work order, the permittee, and its subcontractors, shall immediately stop all work on the project, building or permit activity. Except as otherwise authorized by the city, no work shall be conducted on the project, building or permit activity until and



unless the violation has been remedied and the city has issued a reinstated permit. The permittee shall be required to pay a reinstatement fee in accordance with the Farmington City fee schedule.

~~A.B.~~ The city may authorize completion of all necessary temporary or permanent erosion control or stabilization measures and may use authorized bond funds to pay for the same. The permittee shall be liable to the city for all costs and expenses that may be incurred or expended by the city in bringing the property into compliance with the requirements of the permit and any collection costs, including legal fees, incurred by the city. The city may recover these costs through appropriate legal action.

#### **16-5-060: ORDER COMPLIANCE:**

Whenever the city finds that a person or entity has violated a prohibition or failed to meet a requirement of this title, the authorized enforcement official may order compliance by written notice of violation to the responsible person, in conformance with subsection 19-5-108.3(11) of the Utah Code. Such notice may require, without limitation:

- A. The performance of monitoring, analyses and reporting;
- ~~B.~~ The elimination of illicit connections or discharges;
- ~~C.~~ An order to stop construction activity, unless the permittee:
  - ~~1.~~ Selected the City's preferred best management practices for the site;
  - ~~2.~~ Implemented and properly maintained the preferred best management practices; and
  - ~~3.~~ The violation resulted from a deficiency in the preferred and implemented best management practice.
- ~~B.D.~~ That violating discharges, practices or operations shall cease and desist;
- ~~C.E.~~ The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
- ~~D.F.~~ Payment of a fine to cover~~Recoupment of~~ administrative and remediation costs; and
- ~~G.~~ The implementation of source control or treatment BMPs.