

ORDINANCE 25-04

AN ORDINANCE AMENDING TITLE 13G STORMWATER CONTROL SYSTEM ORDINANCE

WHEREAS, the City Council of the City of North Logan, Utah, adopted and passed the Code of Revised Ordinance of the City of North Logan on March 16, 1989, which Code was published and effective on March 20, 1989; and

WHEREAS, the City on March 3, 2006 enacted Ordinance 06-03 to establish procedures and regulation by which stormwater is to be managed within the city; and

WHEREAS, said Code includes Title 13G - Stormwater Control System Ordinance, which the City Council has deemed necessary to amend and provide clarification.

NOW, THEREFORE, the City Council of the City of North Logan, Utah hereby adopts, passes and publishes the following:

BE IT ORDAINED by the City Council of the City of North Logan, Cache County, and State of Utah as follows:

SECTION I: Title 13G, Sections 109, 304.1, 306, 312, and 504.1 are hereby modified as follows: (highlighted portions added, crossed through items deleted):

13G-109 Construction Activity Permit

Words not otherwise defined but used in this Title or the materials referenced herein are defined in the Federal Clean Water Act and any rules and regulations adopted pursuant thereto and any applicable State laws, rules and regulations, including, but not limited to, the UPDES and NPDES programs. As used herein, the following terms, phrases and words shall have the following meanings:

1. **Applicant:** a person that applies for an authorization to discharge under a construction storm water permit to conduct or propose to conduct a use of land for a construction site.
 - a) "Applicant" includes a person granted an authorization to discharge under a construction storm water permit once the authorization has been granted.
2. **Application:** A construction storm water permit application.
3. **Authorized Enforcement Official:** City employees designated to administer and enforce this Ordinance.
4. **Best Management Practices (BMPs):** Includes schedules of activities, prohibitions of practices, maintenance procedures, design standards, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly into the waters of the United States. BMPs also include treatment requirements, operating procedures, educational activities, and practices to control site run-off spillage or leaks, sludge or waste disposal, or drainage from raw material storage. The methods, measures, or practices in compliance with 40 C.F.R. Part 450.
5. **Catch Basin:** A basin combined with a storm drain inlet used to trap solids.
6. **City Approvals:** Any permit or approval required by the City prior to any construction activity, including, but not limited to, site preparation, grading, excavation or construction.
7. **Clean Water Act:** The Federal Water Pollution Control Act (33 U.S.C. ' 1251 et seq.), and any subsequent amendments thereto.
8. **Construction Activity:** Any land disturbance or construction activities such as clearing, grubbing, grading, excavating, building, and demolition.

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9. **Construction Storm Water Permit:** A permit required for soil disturbances of:
- a) an acre or more, or
 - b) less than an acre if the application is part of a common plan of development or sale.
- 7 10. **Conveyance System:** Any channel or pipe for collecting and directing the stormwater.
- 8 11. **Culvert:** A covered channel or large diameter pipe that directs water flow below the ground surface.
- 9 12. **Degradation:** (Biological or Chemical) The breakdown of chemical compounds into simpler substances, usually less harmful than the original compound, as with the degradation of a persistent pesticide. (Geological) Wearing down by erosion. (Water) The lowering of the water quality of a watercourse by an increase in the amount of pollutant(s).
- 10 13. **Detention:** The process of collecting water from developed areas and releasing it at a slower rate than it enters the collection system. The excess of inflow over outflow is temporarily stored in a pond or a vault and is typically released over a few hours or a few days.
- 11 14. **Detention Basin:** A depression, designed with an inlet and outlet that regulates water flow and allows debris to settle out, that is capable of detaining stormwater run-off until it can be released downstream.
- 12 15. **Discharge:** The release of stormwater or other substance from a conveyance system or storage container.
- 13 16. **Drainage:** The collection, conveyance, containment, and/or discharge of surface and stormwater run-off.
- 14 17. **Drain Inlet:** A point of entry into a detention basin, storm drain, or other inlet used to trap solids.
18. **Electronic Site Inspection:** Geo-located and time-stamped photographs the applicant takes, evaluates, and submits electronically to the authority.
- 15 19. **Entity:** Any corporation, partnership, limited liability company, organization, association, trust, governmental agency, or any other legal entity.
- 16 20. **Erosion:** The wearing away of land surface by wind or water. Erosion occurs naturally from weather or run-off but can be intensified by land-clearing practices related to farming, residential or industrial development, road building, or timber-cutting.
- 17 21. **Fill:** A deposit of earth material placed by artificial means.
- 18 22. **Final Stabilization:** All soil disturbing activities at the site have been completed, and that a uniform (e.g. evenly distributed, without large bare areas) perennial vegetative cover with a density of 70% of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures (such as the use of riprap, gabions, track compaction, or geotextiles) have been employed.
- 19 23. **General Permit:** A permit issued under the NPDES or UPDES program to cover a class or category of stormwater discharges.
- 20 24. **Grading:** The cutting and/or filling of the land surface to a desired slope or elevation.
- 21 25. **Hazardous Waste:** By-products of society that can pose a substantial or potential hazard to human health or the environment when improperly managed. Possesses at least one of four characteristics (flammable, corrosive, reactive, or toxic), or appears on special EPA lists.

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- 22 26. **Illegal Discharge:** Any direct or indirect non-stormwater discharge to the storm drain system, except discharges from emergency fire fighting activities and other discharges exempted in this Title.
- 23 27. **Illicit Connection:** Any physical connection to a publicly maintained storm drain system allowing discharge of non-stormwater which has not been permitted by the public entity responsible for the operation and maintenance of the system.
- 24 28. **Impervious Surface:** Any hard surface area which prevents or retards the penetration, absorption or entry of water into the ground, or any hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from that present under natural conditions pre-existent to development. Common impervious surfaces include, but are not limited to: roofs; sidewalks; concrete or asphalt paving; walkways; patios; decks; driveways; parking lots; storage areas; trafficked or compacted gravel; roadbase; or other surfaces which similarly impede the natural infiltration of storm and surface water.
- 25 29. **Individual Permit:** A permit issued under the NPDES or UPDES program for a specific facility, whereby the unique characteristics of that facility may be addressed through the imposition of special conditions or requirements.
- 26 30. **Infiltration:** The downward movement of water from the surface to the subsoil. The infiltration capacity is expressed in terms of inches/hour.
- 27 31. **Inlet:** An entrance into a ditch, storm sewer, or other waterway.
32. **Mulch:** A natural or artificial layer of plant residue or other materials covering the land surface which conserves moisture, holds soil in place, aids in establishing plant cover, and minimizes temperature fluctuations.
- 28 33. **Municipal Separate Storm Sewer System (MS4):** A municipally owned and operated stormwater collection system that may consist of any or all of the following: curb, gutter, drainage swales, piping, ditches, canals, detention basins, inlet boxes, or any other system used to convey stormwater that discharges into canals, ditches, streams, rivers, or lakes not owned and operated by that municipality.
29. ~~**Mulch:** A natural or artificial layer of plant residue or other materials covering the land surface which conserves moisture, holds soil in place, aids in establishing plant cover, and minimizes temperature fluctuations.~~
34. **Municipal System:** A municipal separate storm sewer system described in 40 C.F.R. Sec. 122.26.
- 30 35. **Non-Point Source:** Pollution caused by diffuse sources (not a single location such as a pipe) such as agricultural or urban run-off.
- 31 36. **Nonstructural Practices:** A preventative action to protect receiving water quality that does not require construction. Nonstructural BMPs rely predominantly on behavioral changes in order to be effective. Major categories of nonstructural BMPs include education, recycling, maintenance practices and source controls.
- 32 37. **NPDES (National Pollutant Discharge Elimination System):** EPA's program to control the discharge of pollutants to waters of the United States.
- 33 38. **NPDES Permit:** An authorization, or license, or equivalent control document issued by EPA or an approved state agency to implement the requirements of the NPDES program.
- 34 39. **Off-site:** Any area lying upstream of the site that drains onto the site, any area lying downstream of the site to which the site drains, and any area that is not on-site of the project.

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- 35 40. **On-site:** The entire property that includes the proposed development.
- 36 41. **Outfall:** The point, location, or structure where wastewater or drainage discharges from a sewer pipe, ditch, or other conveyance to a receiving body of water.
42. **Oversight Inspection:** A construction site inspection performed by the authority to impose compliance with the permit.
43. **Permit:** A construction storm water permit
- 37 42. **Person:** Any individual, corporation, partnership, limited liability company, organization, association, trust, governmental agency, or any other legal entity.
- 38 43. **Point Source:** Any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.
- 39 44. **Pollutant:** Generally, any substance introduced into the environment that adversely affects the usefulness of a resource. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.
45. **Prevention Plan:** The storm water pollution prevention plan described in 40 C.F.R. Sec. 122.26.
46. **Program:** The program described in Utah Code 19-5-104(3)(a).
- 40 47. **Receiving Waters:** Bodies of water or surface water systems receiving water from upstream constructed or natural systems.
- 41 48. **Retention:** The process of collecting and holding surface and storm water runoff with no surface outflow.
- 42 49. **Riparian:** A relatively narrow strip of land that borders a stream or river.
- 43 50. **Run-Off:** That part of precipitation, snow melt, or irrigation water that runs off the land into streams or other surface water. It can carry pollutants from the air and land into the receiving waters.
- 44 51. **Source Control:** A practice or structural measure to prevent pollutants from entering stormwater run-off or other environmental media.
- 45 52. **Storm Drain:** A closed conduit for conducting stormwater that has been collected by inlets or collected by other means.
- 46 53. **Storm Drain System:** The City's storm drain system comprised of storm and subsurface water facilities, improvements, streets, gutters, drains, swales, detention basins, property, or other interests therein made, constructed or acquired by the City for purposes of managing and controlling storm or subsurface water.
- 47 54. **Stormwater:** Water produced by storms, surface drainage, snow and ice melt, and spring flows and drainage. Stormwater does not include infiltration.
- 48 55. **Stormwater Pollution Prevention Plan (SWPPP):** A document which describes the BMPs and activities to be implemented by a person or business to identify sources of pollution or

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contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters.

- 49 **56. Structural Practices:** Constructed facilities or measures to help protect receiving water quality and control stormwater quantity. Examples include storage, vegetation, infiltration and filtration.
- 50 **57. Swale:** An elongated depression in the land surface that is at least seasonally wet, is usually heavily vegetated, and is normally without flowing water. Swales direct stormwater flows into primary drainage channels and allow some of the stormwater to infiltrate into the ground surface.
- 51 **58. UPDES Permit:** An authorization, or license, or equivalent control document issued by the State of Utah to implement the requirements of the NPDES and UPDES program.
- 59. Violation:** A failure to implement or maintain preferred best management practices.
- 52 **60. Waters of the State:** Surface waters and ground waters within the boundaries of the State of Utah and subject to its jurisdiction.
- 53 **61. Waters of the United States:** Surface watercourses and water bodies as defined in 40 CFR ' 122.2. including all natural waterways and definite channels and depressions in the earth that may carry water, even though such waterways may only carry water during rains and storms and may not carry stormwater at and during all times and seasons.

13G-304.1 Hydrologic Methods And Design Standards

1. A Stormwater Pollution Prevention Plan ("City SWPPP") shall be required with all permit applications and shall include sufficient information (e.g., maps, hydrologic calculations, soil reports, erosion and sediment control plan, etc.) 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 structural and/or non-structural BMPs proposed for managing stormwater generated at the project site. The City SWPPP shall include a landscaping plan in accordance with Section 13G-3160(e) **316(c)**. The intent of the City SWPPP is to determine the type of stormwater BMPs necessary for the proposed project and to ensure adequate planning for long-term operation, management, and maintenance of stormwater run-off from future development. Furthermore, the SWPPP is intended to protect water quality, reduce pollutant discharge and to control waste and should address these issues as well. ~~The Public Works Director, or designee, may prepare a City SWPPP checklist for assistance in preparing such plans.~~
 - (a) A municipal system shall develop a checklist for a pre-construction prevention plan review that is consistent with the federal Clean Water Act.
 - (b) The applicant, or an applicant's designee, shall participate in the pre-construction site inspections.
 - (c) A municipal system may conduct a pre-construction site inspection in person or using an electronic site inspection tool.
2. For development or redevelopment occurring on a previously developed site, an applicant shall be required to include within the City SWPPP BMPs for controlling existing stormwater run-off discharges from the site in accordance with the standards of this Title to the maximum extent practicable.

13G-306 Permit Review And Approval

~~The Public Works Director, or designee, shall review all Construction Activity Permit applications and City SWPPP for compliance with the terms and conditions of this Title. In the event the Stormwater~~

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Permit application or City SWPPP as submitted is deemed inadequate or fails to meet the terms and requirements of this Title, the Public Works Director, or designee, 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. 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 construction activity permit or approval.

1. To apply for a prevention plan approval with a municipal system authority, an applicant shall submit to the Public Works Director, or designee, a prevention plan for review.
2. Municipal system authority has 14 business days after the day on which an applicant submits a prevention plan to review the prevention plan for compliance with local ordinances, state law, and federal law.
3. A municipal system authority may request more information, or modification to the prevention plan, if the request:
 - a. for more information, lists specifically why the prevention plan is noncompliant; and
 - b. for modification:
 - i. includes citations to the permit requirements, local ordinances, state law, or federal law that require the modification to the prevention plan; and
 - ii. is logged in an index of requested modification.
4. The municipal system authority has five business days after the day on which the applicant submits the information or modification described in 13G-306 (4)(a) to complete the review of the prevention plan.
 - a. Municipal system authority shall:
 - i. maintain a list of requirements that make a complete application for a prevention plan approval; and
 - ii. publish the list on the authority's website.
5. Once the review of the prevention plan is complete, the municipal system authority shall notify the applicant, in writing, whether the authorization to discharge is granted.

No construction activity, land use or land disturbance activity shall occur on the subject property until a construction activity permit is approved by the Public Works Director, or designee.

13G-312 Inspections

Field inspections may occur before, during, and post construction to verify BMPs are built and properly designed and to ensure BMPs are properly maintained. Field inspections for compliance with this Title and any permits issued hereunder shall be conducted by the Public Works Director, or designee, the Drainage Utility Supervisor, the City Building Inspector, the City Ordinance Enforcement Officer, and/or other designated agent of the City. The Public Works Director may prepare an inspection checklist to assist in field inspections.

- 1)
 - a) Except as provided in 13G-312 (2), the authority shall conduct an oversight inspection through an electronic site inspection.
 - b) Photographs submitted for electronic site inspection shall:

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- i) include meta data verifying the date, time, and GPS location corresponding to the construction site; and
 - ii) be of sufficient resolution and clarity to assess compliance with general best management practices.
- c) An applicant may opt out of the electronic site inspection and instead elect an on-site
- 2) The authority may conduct an on-site inspection if the authority:
 - a) has a documented reason for justifying an on-site oversight inspection, which may include:
 - i) alterations of electronic photographs;
 - ii) failure to submit an electronic site inspection at the appropriate time; or
 - iii) the construction site is within one-half mile of a river, a stream, or a lake;
 - b) is inspecting a state transportation project; or
 - c) is inspecting a military project.
- 3) Only the authority that owns the municipal system that accepts runoff from the construction site may require post-construction maintenance agreements.

13G-504.1 Escalating Enforcement

This ordinance gives authority to the inspector to enforce the requirements of this ordinance with the following increments in enforcement, as further described herein:

- 1. Verbal Warning
- 2. Written Warning via email, letter, or any other written means to convey violations
- 3. Fines up to One hundred USD (\$100) a day
- 4. Stop Work Order and/or Written Warning
- 5. Revocation of Permit
- 6. Notice of Violation/Citation

- 1) The North Logan authority:
 - a) shall notify the applicant, in writing, of a specific violation;
 - b) shall provide the applicant a reasonable time of at least one business day to correct the specific violation; and
 - c) may perform an inspection to verify that the applicant corrects the specific violation is corrected.
- 2) If an applicant does not correct the specific violation described in 13G-504.1 (1)(a) within the timeline set under 13G-504.1 (1)(b), the authority:
 - a) shall issue a written warning, that the applicant has not corrected the specific violation;
 - b) may impose a fine if the applicant does not correct the specific violation within no less than an additional one business day; and
 - c) may perform an inspection to verify that the applicant corrected the specific violation.
- 3) If an applicant does not correct the specific violation for which the applicant received notice in accordance with 13G-504.1 (1)(a) within the timeline set under 13G-504.1 (2), the authority:

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- a) shall notify the applicant, in writing, that the applicant has not corrected the specific violation; and
 - b) may impose an administrative fine for each occurrence as follows:
 - i) \$500 per occurrence for working without an approved storm water permit;
 - ii) \$300 per occurrence for tracking mud on road;
 - iii) \$250 per occurrence for failure to clean up or report spills;
 - iv) \$100 per occurrence for failure to conduct storm water inspections;
 - v) \$100 per occurrence for failure to maintain storm water records; and
 - vi) \$500 per site, per occurrence, for failure to use general best management practices, as determined by the authority; and
 - c) may impose the administrative fine:
 - i) for each business day the specific violation continues beginning on the day after the day on which the authority issues the administrative fine; and
 - ii) within 30 days after the day on which the applicant corrects the violation.
- 4) The authority shall:
- a) impose each fine in writing and clearly document the specific violation in the writing; and
 - b) deposit collected fines into a restricted account for education and outreach under a program.
- 5) Except as provided in 13G-504.1 (6), the authority may not issue an order to stop construction activity for a violation if:
- a) an applicant selects the preferred best management practice for the site conditions;
 - b) an applicant implements and properly uses the preferred best management practices; and
 - c) the violation results from a deficiency in the preferred best management practice.
- 6) The authority may issue an order to stop construction if the authority has a clearly documented reason articulating an immediate threat to water quality.
- 7) The authority may recoup the reasonable costs incurred to correct a specific violation the applicant refuses to correct after the enforcement process described in 13G-504.1 has been exhausted if the authority, at the time of clean up, determines there is an imminent threat of significant harm to water quality or the storm water system.
- 8) An authority may not impose a fine for any reason except as provided in 13G-504.1.

SECTION II: CONFLICT. To the extent of any conflict between this ordinance and any other North Logan City ordinance(s) or regulation(s), the provisions of this Ordinance shall be controlling.

SECTION III: SEVERABILITY. The sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable. If any such section, paragraph, sentence, clause, or phrase shall be declared invalid or unconstitutional by the valid judgment or decree of a Court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any of the remaining sections, paragraphs, sentences, clauses, or phrases of this Ordinance.

SECTION IV: EFFECTIVE DATE. In the opinion of the City Council of North Logan, it is necessary that this ordinance take effect immediately; therefore, this Ordinance shall take effect immediately upon

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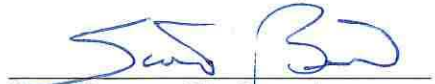
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its passage and first posting as provided by law.

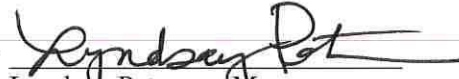
ADOPTED AND PASSED by the City Council of the City of North Logan, Utah, this 19th day of March, 2025.

NORTH LOGAN CITY, A Utah Municipal Corporation

ATTEST:



Scott Bennett, City Recorder

By 

Lyndsay Peterson, Mayor

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CERTIFICATE OF DUE POSTING

I, SCOTT BENNETT, City Recorder of North Logan, Utah, hereby certify that I, on the 20th day of March, 2025, in the City of North Logan, Cache County, State of Utah, posted the foregoing Ordinance No. 25-04 in a likely manner, a copy of which is hereto attached, in each of three public places in the said City of North Logan, to-wit:

1. North Logan City Offices, 2525 North 600 East
2. North Logan City Library, 475 East 2500 North
3. North Park Police Department, 2575 North 600 East

WITNESS my hand this 20th day of March, 2025.



Scott Bennett, City Recorder