

CHAPTER 9

STORM WATER MANAGEMENT

SECTION:

- 7-9-1: Storm Water Management Permit
- 7-9-2: Easements
- 7-9-3: Authority to Inspect
- 7-9-4: Requirements to Monitor and Analyze
- 7-9-5: Nuisances

7-9-1: **STORMWATER MANAGEMENT PERMIT:**

- A. Permit Required. No person, company, or entity shall construct or cause to be constructed any building, facility, structure or other improvement on any parcel of land with a total disturbed area of one (1) acre or greater in size without first obtaining a NPDES/UPDES Permit and a Storm Water Management Permit from the City.
- B. Construction and Redevelopment. Without affecting the generality of subsection A above, any person beginning any type of construction requiring a building permit shall submit with the building plan, a site plan or plat to show how storm water runoff will be controlled. City BMPs shall be used.
- C. Exempt Construction. The following improvements are exempt from the requirement to obtain a Storm Water Management Permit:
 - 1. Detached single family residence or accessory building, provided that the runoff from the residence is handled according to a plat or site plan approved by the City. However, any person desiring to use a basement pump, foundation drain, or other related fixture directly or indirectly connecting to the storm sewer system must obtain a Storm Water Management Permit.
 - 2. Connections to the storm sewer system made by the City.
- D. Application. The applicant for a Storm Water Management Permit shall submit the following to the City:
 - 1. Application Form. An applicant must submit a completed application form. If the applicant proposes to obtain the permit in conjunction with another development activity requiring City approval (e.g. building permit, subdivision plat, site plan, or conditional use permit), the application for the Storm Water

Management Permit may be included as part of the application form for the other development activity. If the applicant proposes to obtain the permit independent of any other City approval, the applicant shall apply for the permit on a separate form prepared by the City. Application forms will be available at the City Office.

2. **BMP Plan.** A Best Management Practices (BMP) plan.
 - a. **Requirements.** The BMP plan shall designate specific city BMPs that the applicant will use to regulate, control and facilitate storm water discharges from the site. All BMP plans shall provide for pretreatment of storm water unless the applicant demonstrates to the satisfaction of the City that pretreatment is not necessary because of (1) lack of pollutants in the storm water from the site, or (2) insufficient quantity of storm water from the site.
 - b. **Purpose of BMPs.** The BMPs shall be designed to ensure that the quality and quantity of storm water discharged to the City's storm sewer system meets the requirements of federal, state and local laws and regulations and the City's NPDES/UPDES permit, and will not exceed the designed capacity of the storm sewer system or jeopardize the integrity of the storm sewer system.
 - c. **Acceptable BMPs.** BMPs may be structural and/or non-structural, depending on the needs of the site. The applicant may propose BMPs designed specifically for a given site that have been pre-approved by the City. The City shall establish a menu of pre-approved BMPs by administrative policy. The policy may designate specified areas of the City where certain types of BMPs may or may not be used.
 - d. **City Approval of BMP Plan.** The applicant's BMP plan must be approved by the City. The BMP plan will be reviewed as part of the Storm Water Management Permit review process described below.
3. **Maintenance Plan.** A plan outlining how the applicant will maintain the storm water improvements listed in the application. An inspection shall be completed yearly by the City or assigns and a copy submitted to the City each year by no later than June 30. This shall be submitted on the approved City Annual Maintenance Inspection and Report form.
4. **Fee.** A fee in an amount established in the most recently adopted prevailing fee schedule. All fees are non-refundable.

5. If the maintenance plan is submitted for a lot(s) in a development, notification of this requirement shall be shown on the final plat and development agreement and recorded on the permanent deed for the property. Any maintenance plan required for land disturbance shall be recorded with the Cache County Recorder and a copy given to the City prior to start of the project. All Stormwater Management permits shall run with the land and shall be binding on the original applicants, their heirs, successors, and assigns.
- E. Review of Application. The Storm Water Management Permit application shall be reviewed by the City Public Works Director (PWD), or his/her designee and either approved, approved with conditions, or denied.
1. Factors. When deciding whether to approve, conditionally approve, or deny a Storm Water Management Permit application, the PWD shall consider the following factors:
 - a. Whether the application complies with applicable City ordinances and policies.
 - b. Whether the application complies with the City of Providence Storm Drainage Master Plan.
 - c. Whether the application includes an effective BMP plan. The BMP plan shall be considered effective if (1) it complies with the City's menu of pre-approved BMPs, or (2) it ensures that the quality and quantity of storm water discharged to the City's storm sewer system meets the requirements of federal, state and local laws and regulations and the City's UPDES permit, and will not exceed the designed capacity of the storm sewer system or jeopardize the integrity of the storm sewer system.
 - d. Whether the proposed development introduces pollutants into the storm drain system.

- e. Whether the proposed development affects the integrity of the storm sewer system infrastructure.
- f. Whether the proposed development endangers the City's drinking water.
- g. Whether the applicant has submitted a maintenance plan ensuring the proper maintenance and upkeep of the applicant's on-site storm water improvements.
- h. Whether written permission to discharge to a canal has been secured from the local canal company with jurisdiction in cases where discharge will be made to a canal. (see 7-8-14)

2. Appeals. Either the permit applicant or the City may appeal the PWD's decision to the City Administrator. The appeal shall be made according to procedures established by the City Administrator.
- F. As-Built. Any person connecting to the storm sewer system shall provide the City's storm water utility with "as-built" engineered plans showing the details and the location of the connection. This shall be completed prior to issuance of the N.O. T. The plans shall be in a format that is acceptable to the City.
- G. Failure to Comply with Permit. Failure to construct or maintain storm water improvements in accordance with an approved Storm Water Management Permit (including the BMP plan and/or the maintenance plan) shall be a violation of this ordinance.

7-9-2: **EASEMENTS:** The PWD or his/her designee(s) may enter all private properties through which the City holds an easement for the purposes of inspecting, observing, measuring, sampling, repairing or maintaining any portion of the storm sewer facilities lying within the easement, or the performance of any other duties pertinent to the operation of the storm sewer system. All entry and subsequent work, if any, on an easement, shall be completed according to any special terms of the easement.

7-9-3: **AUTHORITY TO INSPECT:** Whenever necessary to make an inspection to enforce any provision of this Chapter, or whenever the City has cause to believe that there exists, or potentially exists, a condition which constitutes a violation of this Chapter, the City may enter the premises at all reasonable times to inspect the same and to inspect and copy records related to storm water compliance. In the event the owner or occupant refuses entry after a request to enter and inspect has been made, the City is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.

7-9-4

7-9-5

7-9-4: **REQUIREMENTS TO MONITOR AND ANALYZE:** If City tests or inspections indicate that a site is causing or contributing to storm water pollution, illegal discharges, and/or non-storm water discharges to the storm sewer system or waters of the United States, and if the violations continue after notice from the City, the City may require any person engaged in the illicit activity and/or the owner or operator of the site to provide, at their own expense, monitoring and analyses required by the City to determine compliance with this Chapter.

7-9-5: **NUISANCES:** The owner of each stormwater BMP, Whether Structural or Non-Structural BMP, shall maintain it so as not to create or result in a nuisance condition.