

Ordinance No. 2025-16

**AN ORDINANCE AMENDING TITLE 13, CHAPTER 4, REGULATION AND ENFORCEMENT OF STORMWATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITIES**

WHEREAS, the City has previously been designated as a Municipal Separate Storm Sewer System (“MS4”) by the State and must meet the State permit and Code requirements related to this designation; and

WHEREAS, during the 2025 legislative session Senate Bill 220 was adopted, making changes to MS4 management in the State; and

WHEREAS, the City Council desires to adopt changes to the Park City Code to align with State law.

BE IT ORDAINED BY THE CITY COUNCIL OF PARK CITY, UTAH, THAT:

Title 13, Chapter 4 of the Park City Code is hereby amended as shown in Exhibits A. This Ordinance shall become effective upon publication.

PASSED AND ADOPTED this 10<sup>th</sup> day of July, 2025.

PARK CITY MUNICIPAL CORPORATION

Signed by:

*Nann Worel*

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Mayor Nann Worel

Attest:



DocuSigned by:

*Michelle Kellogg*

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Michelle Kellogg, City Recorder

Approved as to form:

DocuSigned by:

*Rufe Henry*

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City Attorney's Office

## **13-4 Regulation And Enforcement Of Stormwater Discharges Associated With Construction Activities**

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### **13-4-1 Purpose**

The purpose of this Chapter is to prevent the discharge by storm water runoff of sediment and other pollutants from land disturbance activities such as excavating, grading, filling, or grubbing. These activities are a major source of pollution to waterways and storm drain systems located within Park City and the surrounding area. Storm water runoff carries sediment from sites where these activities occur into nearby waterways, lakes, canals, irrigation systems, and storm drain systems. Such sediment clogs storm drain systems, pollutes the water in the streams and lakes, and damages wildlife habitat and water quality.

#### **HISTORY**

*Adopted by Ord. [2020-44](#) on 9/17/2020*

### **13-4-2 Definitions**

For the purpose of this Chapter, the definitions listed hereunder shall be construed as specified in this section.

1. **APPLICANT.** The 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.](#) [“Applicant” includes a person granted an authorization to discharge under a construction storm water permit once authorization has been granted.](#)

2. APPLICATION. An Application for a Utah Department of Environmental Quality Construction General Permit or a Common Plan Permit which includes a construction storm water permit.
3. BEST MANAGEMENT PRACTICES (BMPs). Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the City. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, off-site vehicular tracking of Pollutants, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
4. BEST MANAGEMENT PRACTICES STANDARDS (BMP Standards). In order to provide uniform BMPs and to facilitate the issuance of Work Permits, the City has identified certain sets of BMPs that most effectively or practicably mitigate the discharge of pollutants due to storm water.
5. COMMENCEMENT OF CONSTRUCTION. The initial disturbance of soils associated with clearing, Grubbing, Grading or Excavating activities or other construction activities, excluding activities necessary to install erosion BMPs under a Work Permit.
6. CONTROL MEASURE. Any method used to prevent or reduce the discharge of Pollutants.
7. ELECTRONIC SITE INSPECTION. Geo-located and time-stamped photographs taken, evaluated, and submitted electronically by the applicant to the City.
8. EXCAVATION. The mechanical removal of earth material.
9. FILL. A deposit of earth material placed by artificial means.
10. FINAL STABILIZATION. A point in time at which all Land Disturbance Activities at the site have been completed, and 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 rip rap, gabions, or geotextiles) have been employed. In some parts of the City, background native vegetation will cover less than 100% of the ground (e.g. arid areas). Establishing at least 70% of the natural cover of native vegetation meets the vegetative cover criteria for final stabilization. For example, if the native vegetation covers 50% of the ground, 70% of 50% would require 35% cover for final stabilization.

11. GRADING. “Grading” as used in this Chapter is defined in Section 15-15-1.

12. GRUBBING. “Grubbing” as used in this Chapter is defined in Section 15-15-1.

13. IMMEDIATE THREAT. Contaminants are entering a river, stream, or lake.

14. IMMINENT THREAT. Contaminants are anticipated to be discharged into a river, a stream or a lake within 48 hours.

~~13~~.15. LAND DISTURBANCE ACTIVITY. Any soil disturbances of an acre or more, including less than an acre if it is part of a common plan of development or sale, where the disturbance is caused by construction activity including Excavation, Grading, placement of Fill, clearing or Grubbing.

~~14~~.16. PERSON. Any individual, corporation, partnership, association, public utility, company or body politic, including Park City Municipal Corporation and any agency of the State of Utah and the United States Government.

~~15~~.17. POLLUTANT. Dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

~~16~~.18. SITE. Any lot or parcel of land or contiguous combination thereof, under the same ownership, where a Land Disturbance Activity is performed or permitted.

~~17~~.19. STORM WATER. Storm water runoff, snow melt runoff, and surface runoff or drainage.

~~18~~.20. STORM WATER POLLUTION PREVENTION PLAN (SWPPP). A plan for the mitigation of discharge of Pollutants from a Site, conforming to BMP Standards. At a minimum, the SWPPP shall have: a drawing of the location of the intended Land Disturbance Activity; the pertinent dimensions thereof; and the layout, typical sections, and details of the BMPs to be used.

~~19~~.21. WORK PERMIT. A permit issued by the Planning, Engineering or Building Departments authorizing the Applicant to engage in specific Land Disturbance Activities. The permit may require the implementation of a SWPPP or any other conditions to mitigate the discharge of Pollutants.

## HISTORY

Adopted by Ord. [2020-44](#) on 9/17/2020

Amended by Ord. [2024-20](#) on 12/12/2024

### **13-4-3 Prohibition On Unpermitted Land Disturbance**

1. **General Prohibition on Unpermitted Land Disturbance Activities.** No Person shall make or cause to occur any Land Disturbance Activity except in compliance with a Work Permit.
2. **Emergency Conditions.** An emergency Land Disturbance Activity may be made without a Work Permit if the reason for the excavation or grading or placement fill is to prevent imminent loss of life or damage to property. In such emergency situations, the Person making the Land Disturbance Activity shall contact the City to secure a Work Permit at the earliest possible time, but in no case later than the first working day following the emergency work. None of the provisions of this Chapter are waived for emergency situations except for the prior permit requirement.
3. **Exemptions.** The following activities are exempt from the requirements of this Chapter:
  1. actions by a public agency or utility, Park City, or other governmental agency to remove or alleviate an emergency condition, restore utility service, or reopen to traffic a public thoroughfare;
  2. actions by any Person if the City determines and documents in writing that the actions are necessary to remove or alleviate an emergency condition, restore utility service, or reopen to traffic a public thoroughfare; or
  3. bona fide agricultural and farming operations which constitute the principle use of any parcel or tract of ground located in the City and which meet the requirements of the zoning for that portion of the City in which the operation is located.

#### **HISTORY**

*Adopted by Ord. [2020-44](#) on 9/17/2020*

*Amended by Ord. [2024-20](#) on 12/12/2024*

### **13-4-4 Work Permit**

1. **Requirements**
  1. The City may issue a Work Permit, in a form to be determined by the City, for the discharge of Pollutants associated with Land Disturbance Activities upon condition that such discharge will meet either:
    1. any BMP Standards identified by the City, or

2. such conditions as the City determines are necessary to fulfill the requirements of this Chapter. A Work Permit shall be required for any project that requires a permit under any other ordinance, development code, or building permit issued by Park City that includes any Land Disturbance Activity. Where required by state law, City permits shall require the submission of a Utah Pollutant Discharge Elimination System permit and Application from the State of Utah Division of Water Quality.
2. The permit holder shall comply with all provisions of the required permits at all times.
2. Work Permit Applications Work Permit applications shall be made using permit forms published by the City. Applications for all permits shall be made to the City and state the purpose therefore; the person, firm, public utility, or corporation performing the work; and the name of the person, firm, public utility, or corporation for whom or by which the work is being done. The application shall contain:
  1. an agreement that the Applicant will comply with all ordinances and laws of Park City, the State of Utah, and the Federal Government relating to the work to be done;
  2. an agreement that the Applicant shall indemnify the City for any loss, liability, or damage that may result from or because of the making, placement, existence, or manner of guarding or constructing any such Land Disturbance Activity; and
  3. if applicable:
    1. a copy of the Applicant's Construction General Permit or Common Plan Permit, if applicable, and
    2. a Storm Water Pollution Prevention Plan (SWPPP).
3. Fees The City Council may adopt a review and inspection fee to provide for the requirements of this Chapter. Such fee, if adopted, shall accompany each application for a permit.
4. Review and Approval of Applications
  1. The City Engineer or their designee will review each application for a Work Permit to determine its conformance with the provisions of this Chapter.

Within 14 days after receiving a complete application, the City shall provide one of the following responses in writing:

1. Approval of the permit application and issuance of the Work Permit;
2. Approval of the permit application, subject to such reasonable conditions as may be necessary to substantially secure the objectives of this Chapter, and issuance of the Work Permit subject to these conditions.
- ~~2.3.~~ 3. [A request for more information, or modification to the SWPPP if the request for more information lists specifically why the SWPPP is noncompliant; and for modification includes citations to the permit requirements, local ordinances, state law or federal law that require the modification to the SWPPP. The City has five business days after the day on which the applicant submits the information or modification to complete the review of the SWPPP;](#) or
- ~~3.4.~~ 4. Denial of the permit application, indicating the reason(s) for the denial.

2. If the City has granted conditional approval of the permit, the Applicant shall submit a revised plan that conforms to the conditions established by the City. However, the Applicant shall be allowed to proceed with their Land Disturbance Activities so long as those activities conform to the conditions established by the City.
3. No development plans will be released until the Work Permit has been approved and the Applicant has paid in full all plan review and inspection fees.

5. Content of Permit The Work Permit shall contain all elements required under the SWPPP or the most current Construction General Permit or Common Plan Permit, whichever is applicable to the site.

#### HISTORY

Adopted by Ord. [2020-44](#) on 9/17/2020

Amended by Ord. [2024-20](#) on 12/12/2024

#### **13-4-5 Proper Operation And Maintenance**

1. Installation of BMPs The Applicant shall install any BMPs required by the Work Permit before commencing any construction activities on the site to which the Work

Permit applies, or at such time as indicated on the Work Permit. The BMPs shall be properly installed and maintained in accordance with the manufacturer's specifications and good engineering practices. Prior to commencing other construction activities, the Applicant shall contact the Park City Building Department to schedule an inspection of the installed BMPs. This inspection may be performed as part of a Limits of Disturbance inspection under Sections 15-7.3-2(J), 15-7.3-3(H), or 11-15-4(K), if any such inspection is required for the same project.

2. Maintenance of BMPs The Applicant shall maintain such BMPs on the site in good condition until the disturbed areas have achieved Final Stabilization, and the measures are no longer necessary to prevent or minimize, to the maximum extent practicable, the discharge of sediment, debris, and other Pollutants from the site by Storm Water runoff or vehicular tracking. Once any temporary BMPs have been deemed no longer necessary, or once the site is finally stabilized, the temporary BMPs shall be removed from the site in a timely manner.
3. Removal of BMPs Upon completion of Land Disturbance Activities under the Work Permit, the Applicant shall request an inspection from the City's SWPPP Inspector. Once the City inspector deems the site stabilized, the Applicant shall remove in a timely manner any temporary BMPs.

## HISTORY

*Adopted by Ord. [2020-44](#) on 9/17/2020*

*Amended by Ord. [2024-20](#) on 12/12/2024*

### 13-4-6 Inspection And Entry

1. The Applicant shall provide Electronic Site Inspection photos for monthly oversight inspections conducted by the City until Final Stabilization is reached. The submission must include a photo of each BMP and the general site. The Applicant must also identify any BMP which has failed as well as the corrective action which will be taken. If all photos are not included in the submission, the Applicant shall allow authorized employees and representatives of Park City, State of Utah Division of Water Quality, and the United States Environmental Protection Agency to enter the site for inspection. [Photographs submitted for Electronic Site Inspection shall:](#)
  1. [Include meta data verifying the date, time, and GPS location corresponding to the construction site; and](#)
  2. [Be of sufficient resolution and clarity to assess compliance with general BMPs.](#)



2. The City may conduct an onsite inspection if the City:

1. Has a documented reason for justifying an onsite oversight inspection, which may include:

1. Alterations of electronic photographs;

2. Failure to submit an electronic site inspection at the appropriate time;  
or

3. The construction site is within one-half mile of a river, a stream, or a lake;

2. If the Applicant opts out of Electronic Site Inspections.

~~2.3.~~ If the Applicant documents a reason for opting out of Electronic Site Inspections If the City will be conducting onsite inspections, ~~this will be documented during the pre-construction meeting.~~ The Applicant shall allow authorized employees and representatives of Park City, State of Utah Division of Water Quality, and the United States Environmental Protection Agency to enter the site to which the Work Permit applies and to inspect the temporary BMP and permanent Control Measures installed and maintained by the Applicant. Such entry and inspection may be made at any time during or a reasonable time after construction.

~~3.4.~~ Inspections During Construction

1. For construction sites requiring a Construction General Permit or Common Plan Permit, inspection frequency and maintenance and repair consistent with BMPs are as defined in such permit. Sites deemed priority by the City shall also be inspected by the Applicant after every rainfall event in accordance with the permit.
2. Applicants at all other construction sites shall at a minimum conduct a bi-weekly visual inspection of BMPs to ensure they are in good condition. Disturbed areas and areas used for storage of materials exposed to precipitation shall be inspected for evidence of, or the potential for, pollutants entering a drainage system.
3. Repair to BMPs shall be made in accordance with the Work Permit or as noted in the inspection report, whichever is more stringent.

## HISTORY

Adopted by Ord. [2020-44](#) on 9/17/2020

Amended by Ord. [2024-20](#) on 12/12/2024

### 13-4-7 Violations Of Work Permit

1. A Work Permit is subject to all applicable regulations and procedures described in Title 11 of the Park City Municipal Code with respect to construction regulations, processes, and the general provisions of the City's Administrative Code Enforcement (ACE) program.
2. Reasons for Violations. The City Engineer, their designee, or a Code Enforcement Official may issue a violation on a Work Permit upon the occurrence of any of the following:
  1. failure of the Applicant to comply with any condition of the Work Permit;
  2. failure of the Applicant to comply with any provision of this Chapter or any other applicable law, ordinance, rule or regulation; or
  3. a determination by the City that the BMPs implemented by the Applicant pursuant to the Work Permit are inadequate to prevent or minimize, to the maximum extent practicable, the discharge of sediment, debris or other Pollutants from the construction site by Storm Water runoff or vehicular tracking.
3. Notice. Before issuing a violation of a Work Permit under this Chapter, Park City shall provide the Applicant written notice of non-compliance. The notification process is as follows:
  1. The notice shall state the nature and location of the non-compliance and shall specify what action is required for the Applicant to avoid an order to stop construction and the deadline to correct the issue, which in the absence of exceptional circumstances shall not be less than ~~4~~one working business day or more than ~~5 working~~five business days. The notice shall be sent to the address listed for the Applicant on the Application or delivered in person to the Applicant on site.
  2. The City may perform an inspection to verify that the violation is corrected.
  3. If an Applicant does not correct the violation described within the deadline, the City will provide notice, in writing, that the violation has not been corrected and issue a warning that ~~construction activity may be stopped~~ fines

may be assessed if the violation is not corrected within no less than another 24-hour period an additional one business day.

4. The City may perform another inspection to verify that the violation is corrected.
5. If an Applicant does not correct the violation described within the deadline, the City will provide notice, in writing, that the violation has not been corrected. The City may order the Applicant to stop construction activity until the City performs an inspection to verify that the violation is corrected or the Applicant demonstrates that the violation is corrected through an Electronic Site Inspection; impose an administrative fine for each occurrence as adopted in the Park City Fee Schedule and allowed under State code.
  1. The City may impose the administrative fine:
    1. For each business day the specific violation continues, beginning on the day after the day on which the authority issues the administrative fine; and
    2. Within 30 days after the day on which the applicant corrects the violation.
  2. The City shall:
    1. Impose each fine in writing and clearly document the specific violation in the writing; and
    - 5-2. Deposit collected fines into a restricted account for education and outreach under a program.
6. The City may not impose the process described later than 30 days after the day on which the City provided the required preceding notice of violation or continuing violation.
7. The City may issue an order to stop construction earlier than described if the City clearly documents an immediate ~~Immediate threat~~ Threat to water quality.
8. The City may recoup the costs incurred to correct a violation if the Applicant refuses to correct after the enforcement process described has been exhausted if the City, at the time of clean up, determines there is an Imminent Threat of a significant harm to water quality or the storm water

system ~~is imminent determined the course of action was necessary to~~  
~~resolve.~~

#### HISTORY

*Adopted by Ord. [2020-44](#) on 9/17/2020*

*Amended by Ord. [2024-20](#) on 12/12/2024*

#### **13-4-8 Penalties**

1. Continuing Offenses Deemed Daily Violation. In all instances where the violation of this Chapter is a continuing violation, a separate offense shall be deemed committed on each day during or on which the violation occurs or continues.
2. Civil Penalties. In addition to criminal actions, Park City may bring for violations of this Chapter civil actions including injunctions, mandamus, abatement, civil damages, and any other remedies provided by law.
3. Additional Penalties Provided by State Law and Federal Law. In addition to municipal penalties, any person violating any provisions of this Chapter may be subject to federal and state penalties, including but not limited to Utah Code § 19-5-115.

#### HISTORY

*Adopted by Ord. [2020-44](#) on 9/17/2020*

*Amended by Ord. [2024-20](#) on 12/12/2024*

#### **13-4-9 Compliance With Federal And State Law**

Nothing contained in this Chapter is intended to relieve any Person from any obligation to comply with applicable federal and/or state laws and any other regulations pertaining to clean water and/or storm water runoff and erosion control.

#### HISTORY

*Adopted by Ord. [2020-44](#) on 9/17/2020*

#### **13-4-10 Perimeter Control Exemptions**

1. Purpose. Exemptions for silt fence or other perimeter controls for construction sites where such controls may be ineffectual, excessive, and/or detrimental to nearby water resources and other natural resources.
2. Definition. Certain construction sites may be exempt from installing silt fences or other temporary perimeter controls if the site meets the following criteria.

3. Criteria. All exemptions must be approved by the City Engineer or their designee and are limited to the following:
  1. projects where:
    1. total disturbance is less than 1 acre;
    2. a 50 foot wide vegetated buffer exists down gradient from the disturbed portion(s) of the site;
    3. a 100 foot wide vegetated buffer exists down gradient between the disturbed portions(s) of the site and any live stream or existing drainage way;
    4. the site and vegetated buffer have less than 5% slope (slope must be documented);
    5. and the vegetated buffer has at least 70% ground cover;
  2. linear construction projects such as pipelines or utility work that do not discharge to waterways; or
  3. Sites bound by natural or man-made features that would prohibit discharge from the Site.

HISTORY

*Adopted by Ord. [2020-44](#) on 9/17/2020*

*Amended by Ord. [2024-20](#) on 12/12/2024*

**13-4-11 Severability**

Should any section, paragraph, sentence, clause, or phrase of this Chapter be declared unconstitutional or invalid for any reason, the remainder of this Chapter shall not be affected thereby.

HISTORY

*Adopted by Ord. [2020-44](#) on 9/17/2020*

**13-4-12 Effective Date**

This Chapter shall become effective after publication of such in accordance with applicable state law.

HISTORY

*Adopted by Ord. [2020-44](#) on 9/17/2020*