

HOOPER CITY
CITY COUNCIL AGENDA
SEPTEMBER 18, 2025, 7:00PM
COUNCIL CHAMBERS
5580 W. 4600 S.
Hooper, UT 84315

Notice is hereby given that the Hooper City Council will hold a work meeting at 6:00pm and their regularly scheduled meeting at 7pm on Thursday, September 18, 2025, at the Hooper Municipal Building located at 5580 W 4600 S Hooper, UT 84315.

Work Meeting – 6:00pm

1. Discussion on Agenda Items
2. Oversized Structures

Regular Meeting – 7:00pm

1. Meeting Called to Order
2. Opening Ceremony
 - a. Pledge of Allegiance – Councilmember Fowers
 - b. Reverence – Councilmember Hill
3. Upcoming events
 - a. Stephanie Russel; Weber County Economic Development Director – September 24, 2025 @ 5:00 PM
 - b. Halloween Haunt; October 11, 2025
4. Public Comments
5. Consent Items
 - a. Approval of minutes dated August 21, 2025
6. Public Hearings
7. Discussion Items, Reports, and/or Presentations
 - a. Discussion: Emergency Preparedness; Dave Harris
 - b. Budget Review – Councilmember Hill
 - c. Discussion: Fee Schedule updates
 - d. Discussion: Open Meetings act
8. Action Items
 - a. Motion: Award the legal counsel contract
 - b. Discussion/Motion: Approval to draft to the Amendment of HCC 10-2B-6 for oversized structures
 - c. Motion: Approval of Ordinance No. 2025-04 An Ordinance updating the Storm Water ordinances of Hooper City
9. Adjournment

Morghan Yeoman

Morghan Yeoman, City Recorder

**Please see notes regarding public comments and public hearings*

In compliance with the American with Disabilities Act, persons needing special accommodations, including auxiliary communicative aids and services, for this meeting should notify the city recorder at 801-732-1064 or admin@hoopercity.gov at least 48 hours prior to the meeting.

CERTIFICATE OF POSTING

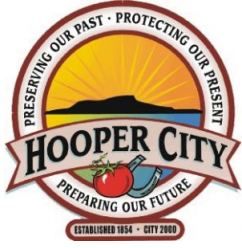
The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted within the Hooper City limits on this 18th day of September, 2025 at Hooper City Hall, on the City Hall Notice Board, on the Utah State Public Notice Website, and at <https://www.hoopercity.com/meetings>.

***NOTES REGARDING PUBLIC COMMENT AND PUBLIC HEARINGS**

- A. Time is made available for anyone in the audience to address the City Council during public comment and through public hearings.
 - a. When a member of the audience addresses the council, they will come to the podium and state their name.
 - b. Each person will be allotted three (3) minutes for their remarks/questions.
 - c. The City Recorder will inform the speaker when their allotted time is up.

***CONFLICT OF INTEREST**

As per Utah State Code §67-16-9; Public officers and employees cannot have personal investments in a business entity that would create a substantial conflict between their private interests and public duties. This also applies to board members.



HOOPER CITY
CITY COUNCIL MEETING MINUTES
THURSDAY, AUGUST 21, 2025, 7:00PM
COUNCIL CHAMBERS
5580 W. 4600 S.
Hooper, UT 84315

The Hooper City Council held a work meeting at 6:00pm and their regular meeting at 7pm on August 21, 2025, at the Hooper City Civic Center located at 5580 W. 4600 S, Hooper, UT 84315.

COUNCIL MEMBERS PRESENT:

Sheri Bingham – Mayor
Dale Fowers – City Council
Bryce Wilcox – City Council
Ryan Hill – City Council

COUNCIL MEMBERS EXCUSED:

Lisa Northrop – City Council
Debra Marigoni – City Council

CITY STAFF & PLANNING COMMISSION PRESENT:

Morghan Yeoman – City Recorder
Malcolm Jenkins – City Planner
Reed Richards – City Attorney
Taylor Stauffer – JUB Engineer

6:00PM WORK MEETING

1. Discussion on Agenda Items

At 6:00 PM, JUB held an open house meeting to discuss the widening of 5500 West between 5500 South and the South County Line with JUB Engineers.

7:00PM REGULAR MEETING

1. Meeting Called to Order – Mayor Bingham

At 7:00 pm Mayor Sheri Bingham called the meeting to order.

2. Opening Ceremony

a. Pledge of Allegiance

Mayor Bingham led in the Pledge of Allegiance.

b. Reverence

Council Member Wilcox offered reverence.

3. Upcoming Events:

- a. Mayor Bingham announced upcoming events, including Tomato Days as the 100th year celebration, with activities such as a community dinner and dance, horse show, heritage booth, magnet fishing, horse pull, and cowboy mounted shoot.
4. Public Comments:
None
5. Consent Items
 - a) Motion- Approval of Minutes dated August 07, 2025
Corrections to the minutes: capitalization of "Smith" on page two, grammatical correction to "city's" on page three, spelling of "Koyle" on page four, and attribution change from Council Member Fowers to Council Member Hill on page four.

COUNCIL MEMBER HILL MOTIONED TO APPROVE THE MINUTES DATED AUGUST 07, 2025, WITH WORDING CORRECTIONS. COUNCIL MEMBER FOWERS SECONDED THE MOTION.

VOTING AS FOLLOWS:

COUNCIL MEMBER:

WILCOX

FOWERS

HILL

MOTION APPROVED.

VOTE:

AYE

AYE

AYE

6. Public Hearings:

- a. Widening of 5500 West between 5500 South and the South County Line.

COUNCIL MEMBER HILL MOTIONED TO MOVE INTO A PUBLIC HEARING. COUNCIL MEMBER WILCOX SECONDED THE MOTION. VOTING AS FOLLOWS:

COUNCIL MEMBER:

WILCOX

FOWERS

HILL

MOTION APPROVED.

VOTE:

AYE

AYE

AYE

Nick Haskin- Hooper Resident

Nick expressed that he does not support the widening of 5500, and spoke on increased speeds, traffic, safety issues, and loss of usable property for parking. Nick spoke on the existing trail. Nick emphasized preserving Hooper's agricultural lifestyle.

Kim Christensen – Hooper Resident

Kim supported widening the road due to deterioration and heavy truck traffic but expressed concerns about speeding and would like the speed to stay at 30 mph.

**COUNCIL MEMBER FOWERS MOTIONED TO
MOVE INTO REGULAR MEETING. COUNCIL
MEMBER WILCOX SECONDED THE MOTION.
VOTING AS FOLLOWS:**

<u>COUNCIL MEMBER:</u>	<u>VOTE:</u>
WILCOX	AYE
FOWERS	AYE
HILL	AYE

MOTION APPROVED.

Taylor Stauffer – JUB Engineer

Taylor Stauffer, the city engineer, talked briefly about the project. Taylor talks about the timeline of the project.

Mayor Bingham explained that the funding was awarded in 2020.

The City Council and Taylor have discussion on questions council had.

Shauna Ray- Hooper Resident

Asked where the off ramps will be coming with the new corridor.

Ray Hancock- Hooper Resident

Ray asked if the funding was coming directly from the city. Taylor explained that the funding is done by WFRC and HUD.

David Craig – Hooper Resident

David asked if there was an expectation for growth with HUD giving the city grant money. Taylor verified that there was no stipulation with the money.

Janet Foster – Hooper Resident

Janet asked what size of pipe will be put in the irrigation ditch. Taylor explained that they have not done those measurements yet.

Miranda Hansen – Hooper Resident

Miranda talked about the pathway that is already there and asked if can just be left there and not have another on the other side.

Larry Ropelato- Hooper Resident

Larry asked how the funding works without knowing the price of the pipe for the ditch. Larry asked that we be firmer with developers. Larry and Taylor had discussion regarding the bids that were received.

Nick Haskin- Hooper Resident

Nick stated that the current road is 34 wide road, and the project is stating 65ft wide with the walking trail. Nick asked if that is stuck on stone or changeable. Taylor is following the city standards for the project.

b. Discussion on Fee Schedule amendments.

Mayor Bingham explained the fee schedule.

COUNCIL MEMBER WILCOX MOTIONED TO MOVE INTO A PUBLIC HEARING. COUNCIL MEMBER HILL SECONDED THE MOTION. VOTING AS FOLLOWS:

COUNCIL MEMBER:

WILCOX

FOWERS

HILL

MOTION APPROVED.

VOTE:

AYE

AYE

AYE

No Public Comment.

COUNCIL MEMBER HILL MOTIONED TO MOVE INTO REGULAR MEETING. COUNCIL MEMBER WILCOX SECONDED THE MOTION. VOTING AS FOLLOWS:

COUNCIL MEMBER:

WILCOX

FOWERS

VOTE:

AYE

AYE

HILL
MOTION APPROVED.

AYE

7. Discussion Items, Reports, and/or Presentations:

Council decided to move agenda item up.

**COUNCIL MEMBER HILL MOTIONED TO MOVE
AGENDA ITEM APPROVAL TO DRAFT ORDINANCE
FOR SWPPP HCC 6-4 ON SEPTEMBER 18, 2025 UP.
COUNCIL MEMBER FOWERS SECONDED THE
MOTION. VOTING AS FOLLOWS:**

COUNCIL MEMBER:

VOTE:

WILCOX

AYE

FOWERS

AYE

HILL

AYE

MOTION APPROVED.

a. Discussion/Motion: Approval to draft ordinance for SWPPP (HCC 6-4) on
September 18, 2025.

Taylor Stauffer from JUB explained that the city had an SWPPP audit and some of the code needs to be updated to follow state statute. Taylor explained storm water and what it included. Taylor asked the city attorney to review what is submitted as suggestions.

**COUNCIL MEMBER FOWERS MOTIONED FOR THE
APPROVAL TO DRAFT BY THE CITY ATTORNEY
ORDINANCE FOR SWPPP HCC 6-4 ON SEPTEMBER
18, 2025. COUNCIL MEMBER HILL SECONDED THE
MOTION. VOTING AS FOLLOWS:**

COUNCIL MEMBER:

VOTE:

WILCOX

AYE

FOWERS

AYE

HILL

AYE

MOTION APPROVED.

b. Budget Review- Council Member Hill

No budget review due to not being ready.

c. Discussion – Weber State University; NUHOPE

Doug Myler from Weber State University introduced himself and explained what they do. Doug explained that they do training such as QPR, and asked Hooper City to be on the coalition and that they need volunteers.

8. Action Items:a. Discussion/Motion: Approve of Fee Schedule on September 18, 2025.

Mayor Bingham asked Council if they had any questions on the updated Fee Schedule. Council Member Wilcox would like to look into the field rentals. Council Member Hill would like to not rent the parks to non-residents or leagues on Sundays. Council had a discussion regarding the Fee Schedules and the changes they would like to make.
No Motion was made.

b. Discussion/Motion: Approval of draft to the Amendment of HCC 10-2B-6 for oversized structures.

Malcolm Jenkins presented amendments to HCC 10-2B-6 for oversized structures and accessory dwelling units (ADU's). Malcolm explained that Planning Commission receives many requests for oversized structures and ADU's and they pass them. Malcolm is hoping to help reduce the amount by increasing the size requirements.
Council discussed exceptions, fines, parking requirements, minimum sizes, and tiny homes. Council agreed to have another discussion in a work meeting.
No Motion was made.

9. Adjournment

**AT APPROXIMATELY 8:37 PM COUNCIL MEMBER FOWERS
MOVED TO ADJOURN THE MEETING. COUNCIL MEMBER
WILCOX SECONDED THE MOTION. VOTING AS FOLLOWS:**

COUNCIL MEMBER:**WILCOX****FOWERS****HILL****MOTION PASSED.****VOTE:****AYE****AYE****AYE**

Date Approved: _____

Jamee Johnston, Deputy City Recorder

MAYOR REPORT

TO: City Council
FROM: Sheri Bingham, Mayor
DATE: September 11, 2025
SUBJECT: Awarding Contract of Legal Services



The following report includes information concerning the awarding of the contract for Legal Services.

Background

The Hooper City Council is a six-member Mayor and City Council form of government, acting as the legislative body. The City Attorney is appointed by the Mayor with the advice and consent of the City Council.

The law firm of Richards & Richards, which encompasses Reed Richards and Brandon Richards have been the legal counsel for Hooper City since 2000. Reed Richards has recently retired, and Brandon Richards has been appointed as a commissioner for the Weber County Court system.

On July 21, 2025, Hooper City submitted a request for proposals (RFP) for new legal representation. The RFP was specifically for a Utah licensed attorney or law firm to serve as General Counsel for the City on an independent contractor basis. Proposals were submitted by August 21st. The proposals were reviewed by the mayor and city council. Applicants were invited to a city council meeting on September 10, 2025, to present their proposal and answer questions. Decision and Notice of Award will be announced at the City Council's regularly scheduled meeting on September 18, 2025.

Analysis

The law firm of Wilson & Wilson, PLLC, with specifically lawyers Matthew Wilson and Darren Curtis, submitted a proposal and resumes. The attorneys met with the mayor and city council to introduce themselves and to answer questions.

Hooper City currently has a contract with Branden Miles to provide prosecutorial services. The legal counsel will include general legal services.

Cost Comparison

2024 Fiscal year - General legal services and prosecutorial services - \$41,692.50.

2025 Fiscal year - General legal services and prosecutorial services - \$31,833.00. (From February to present, general legal services have been reduced)

Anticipated 2026 Fiscal year - Branden Miles - Prosecutorial Services - \$9,000.

Wilson & Wilson - \$30,000 - General legal services

Total of 2026 Fiscal year - \$39,000

Summary

Based on the proposal and interview with Matthew Wilson and Darren Curtis, I would like to appoint and award the legal counsel contract to Matthew Wilson and Darren Curtis. The contract would be effective immediately, based upon an affirmative vote from the city council.

Planning Commission Recommendations:

10-1A-1 Definitions – Zoning And Subdivision

DWELLING, SECONDARY ATTACHED: A dwelling unit for one (1) family that shares a common wall or walls with the principal dwelling, has a separate outside entrance from the principal dwelling. Each principal dwelling unit can qualify for one (1) secondary attached unit. The secondary unit may have separately metered (utilities). For the duration of time that either the primary residence or the attached accessory dwelling unit is being rented, the dwelling not being rented must be occupied by the owner of the property. Proof of occupancy must be provided to city annually. The city may also require proof of occupancy at any point in time. Any exception to the owner occupancy requirement must be approved by the Planning Commission. In the event of violation of this requirement, a fine may be issued and/or the property owner charged with a misdemeanor. All applicants applying for an ADU permit shall sign an agreement acknowledging and agreeing to this ordinance. If at some point in time the property is sold, the new owner will be required to sign an agreement with the city acknowledging and agreeing to this ordinance.

DWELLING, SECONDARY DETACHED: A dwelling unit for one (1) family that shares a lot or parcel with the principal dwelling. Each principal dwelling can qualify for one (1) secondary detached unit. The secondary units' living area, exclusive garage, covered porch or patio, is a minimum of 400 square feet and a maximum of 50 percent of the square footage identified as an allowed use for the accessory structure, Table 10-2B-2, or 50 percent of the accessory buildings square footage permitted through a conditional use permit., is a minimum of 400 square feet and a maximum of 960 square feet of living area, exclusive garage, covered porch, or patio. The secondary unit may have separately metered (utilities), must contain ~~a~~ kitchen and bathroom facilities. The secondary unit must meet the minimum setback from property lines as identified for a dwelling. A single family detached ADU must not have any part of the unit extend beyond the furthest rear corner of the primary residential structure. For the duration of time that either the primary residence or the detached accessory dwelling unit is being rented, the dwelling not being rented must be occupied by the owner of the property. Proof of occupancy must be provided to the city annually. The city may also require proof of occupancy at any point in time. Any exception to the owner occupancy requirement must be approved by the Planning Commission. In the event of a violation of this requirement, a fine may be issued and/or the property owner charged with a misdemeanor. All applicants applying for an ADU permit shall sign an agreement acknowledging and agreeing to this ordinance. If at some point in time the property is sold, the new owner will be required to sign an agreement with the city acknowledging and agreeing to this ordinance.

10-2B-6 Accessory Structure Requirements In A Residential Zone

- H. A structure that is used as an accessory dwelling unit for a single family ~~and~~ may or may not be attached to the principal dwelling unit property. It must meet all setbacks and side yard requirements. No part of the accessory dwelling unit may extend beyond the furthest rear corner of the primary residential structure. ~~A~~The detached accessory dwelling unit should not exceed twenty five (25) feet in height. A detached accessory units' living area, exclusive garage, covered porch or patio, must be a minimum of 400 square feet and a maximum of 50 percent of the square footage identified as an allowed use for the accessory structure, Table 10-2B-2, or 50 percent of the accessory buildings square footage permitted through a conditional use permit. and but be at least 400 square feet of living area and cannot exceed 960 square feet of living area, exclusive of garage, covered porch, or patio. The aesthetics and design of the accessory dwelling until should be consistent and complimentary to the principal dwelling unit. The property owner must occupy one of the units as their primary residence.

City Council/Staff Discussion

10-4D-6 Required Number Of Off-Street Parking Spaces

Dwelling, secondary attached or detached	1 per dwelling?
Dwelling, single family detached	1 per dwelling unit

Should there be an increase in the required number of automobile spaces for a Dwelling, secondary attached or detached if we are increasing the allowed size of the living space?

Should we allow for detached accessory dwelling units living space to be increased with the issuance of an Oversized Structure Permit?

With an increase in accessory structure size should we consider an additional impervious surface restriction specifically for rear yards?

Should we increase the allowed size in R3 for accessory structures? This could ensure that they can still obtain our current allowance for 960 square feet ADUs.

ORDINANCE NO. _____
**AN ORDINANCE UPDATING THE STORM WATER ORDINANCES OF
HOOPER CITY**

WHEREAS, Hooper City has a set of ordinances relating to storm water collection and disposal; and,

WHEREAS, Due to additional legal requirements and suggestions from the State of Utah and the city's engineers, the city desires now to update and supplement the existing ordinances to meet all necessary legal and functional requirements.

NOW, THEREFORE, the City Council, as duly constituted, makes the following changes to Title 6, Chapter 4, Part 2 of the city ordinances:

[Part 2 Storm Water Construction Activity Permit](#)

[6-4-22 Purpose And Intent](#)

[6-4-23 Storm Water Construction Activity Permit; Application](#)

[6-4-24 Storm Water Pollution Prevention Plan](#)

[6-4-25 Proper Operation And Maintenance](#)

[6-4-26 Inspection And Entry](#)

[6-4-27 Revocation Or Suspension Of Storm Water Construction Activity Permit](#)

[6-4-28 Exemptions](#)

[6-4-29 Appeal](#)

[6-4-30 Compliance With Federal And State Law](#)

[6-4-22 Purpose And Intent](#)

The purpose of this Chapter is to prevent the discharge of sediment and other construction-related pollutants from construction sites. Sediment and debris from construction sites are a major source of pollution to waterways and water systems located within the City and surrounding areas. Each year storm water runoff carries tons of sediment from construction sites into local drainage systems, irrigation systems, canals, rivers, and lakes. Sediment from storm water runoff also clogs and obstructs storm drains, culverts, and canals and causes damage to private property, wildlife habitat and water quality.

[6-4-23 Storm Water Construction Activity Permit; Application](#) Construction General Permit and Common Plan Permit

Any person or entity desiring coverage through a Construction General Permit (CGP) or Common Plan Permit (CPP) ~~a Storm Water Construction Activity Permit~~ must first file ~~an application with the Planning Commission Secretary~~ a Notice Of Intent (NOI) through the Utah Department of Environmental Quality. The ~~application~~ NOI shall be submitted with, ~~or as part of an application for a site plan or subdivision approval or building permit~~ a completed Storm Water Pollution Prevention Plan (SWPPP).

A. *Permit Required:* Any person or entity proposing to disturb one (1) 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 (1) acre of ground which is part of a larger common plan of development that disturbs one (1) acre or more of ground shall be required to obtain the applicable Storm Water Permit from the Utah Department of Environmental Quality except those otherwise exempted under HCC 6-4-28

B. *Content:* The application shall include a Storm Water Pollution Prevention Plan which meets the criteria set forth in ~~HCC 6-3-24~~ the Permit for which the applicant is eligible to receive coverage through.

C. *Timing:* The applicant shall file the application on or before the following dates:

1. *Subdivision:* The date that the applicant submits a site plan application if the applicant proposes to develop a site plan or amended site plan.
2. *Site Plan:* The date that the applicant submits a site plan application if the applicant proposes to develop a site plan or amended site plan.
3. *Building Permit:* The date that the applicant submits a building permit application if the applicant proposes to construct a building on an existing lot or parcel.
4. *Other:* At least two (2) two weeks before the developer intends to perform any type of work not listed above that would require a Storm Water Construction Activity Permit pursuant to this Chapter.

D. *Compliance:* If an applicant's development comes under more than one of the categories listed above, then the applicant shall submit the ~~Storm Water Construction Activity Permit Application~~ NOI on the earliest of the listed dates. Failure to comply with the application dates set forth above is not a criminal offense, but may delay the applicant's project. Failure to acquire ~~CGP or CPP coverage~~ a required Storm Water Construction Activity Permit is grounds for denying a related subdivision application, site plan application, conditional use permit application, or building permit application. It is unlawful to commence work (move dirt) on a development site that meets the criteria in HCC 6-4-23A before obtaining required Storm Water Construction Activity Permit coverage from a CGP or CPP.

E. *Fee:* The applicant for a Storm Water Construction Activity Permit shall pay a fee in an amount set by resolution of the City Council.

F. *Application Approval*: The City Staff “City” shall approve the application and grant the permit if the application is complete and meets the criteria set forth in HCC 6-3-24. The City shall deny the application or approve the application with conditions if the City determines that the measures proposed in the Plan fail to meet the criteria set forth in HCC 6-3-24. Conditions the City may impose in connection with the approval of a Permit include, but are not limited to, the establishment of specific measures and controls to prevent erosion and the discharge of sediment, debris and other construction-related pollutants from the site by storm water.

G. *Term*: Unless otherwise revoked or suspended, a ~~CGP or CPP Storm Water Construction Activity Permit~~ shall be in effect for one year as set forth in (Insert Utah code that lists this requirement) ~~the full period of the construction activity~~. The construction activity will not be considered complete until the following events occur:

1. Sites that require a CGP or CPP:

a. Operator has filed a Notice of Termination (NOT) with the Department of Environmental Quality with an approved NOT inspection performed by Hooper city certifying that all BMPs have been removed and final stabilization has been achieved.

2. *Subdivisions*: For Permits associated with a subdivision plat approval:

- a. The Permittee must complete all required subdivision improvements; and
b. One of the following three events must occur:

(1) The City issues a final certificate of occupancy for each lot in the subdivision, or

(2) ~~Common Plan Individual Storm Water Construction Activity~~ Permits have been issued for each lot in the subdivision not having a final occupancy permit, or

(3) The property has been re-vegetated or landscaped in a manner that eliminates erosion and sediment discharge or that brings the property back to its natural state.

3. *Site Plans*: For Permits associated with a site plan approval, the date that the Permittee has completed all required landscaping and all outside construction work associated with the site plan.

4. *Building Permits*: For Permits associated with a building permit application, the date that the City issues a final occupancy permit for the structure covered by the building permit.

5. *Other*: For Permits issued that are not tied to other approvals from the City, the date that the Permittee has completed all work associated with the Permit

and takes steps required by the Permit to prevent further erosion and runoff from the site.

H. *Amendments*: In the event that the proposed construction activity for a site to which a Permit pertains is materially altered from that described in the original Plan in a way that may have a significant impact upon the effectiveness of the measures and controls described in the original Plan, the Permittee shall file an amended Storm Water Pollution Prevention Plan which meets the criteria set forth in HCC 6-3-24.

6-4-24 Storm Water Pollution Prevention Plan

1. *Required Information*: The Storm Water Pollution Prevention Plan (the “Plan”) shall contain the following information:

1. *Site Description*: A site description (including a map with spot elevations and contour lines) which includes a description of the nature and location of the construction activity, a description of the intended sequence of major activities which will disturb soils for major portions of the site (e.g. grubbing, excavation, grading, utilities and infrastructure installation, etc.) and estimates of the total area of the site and the total area of the site that is expected to be disturbed by excavation, grading, or other activities;

2. *Control Description*: A description of the proposed measures and control that will be implemented during construction activity and/or while the site is not stable. The Plan must clearly describe the times during the construction process that the measure will be implemented for each major activity identified pursuant to paragraph A, 1. The plan shall state the name and phone number of the person or entity responsible for implementation of each control measure.

2. *Goals and Criteria*: The proposed measures and controls described in the Plan shall be designed to meet the following goals and criteria:

1. *Prevent or Minimize Discharge*: The proposed measures and controls shall be designed to prevent or minimize, to the maximum extent practicable, the discharge of sediment, debris and other construction-related pollutants from the construction site by storm water runoff into the storm drainage system.

2. *Prevent or Minimize Construction Debris*: The proposed measures and controls shall be designed to prevent or minimize, to the maximum extent practicable, the deposit, discharge, tracking by construction vehicles, or dropping of mud, sediment, debris or other potential pollutants onto public streets and right-of-way. Any such discharge shall be cleaned up and removed immediately upon notification to the Permittee or when it otherwise comes to the attention of the Permittee. At a minimum, the deposit or the deposit occurred, or at the end of the work day, whichever comes first.

~~3. *BMPs:* The proposed measures and controls shall consist of Best Management Practices (BMPs) available at the time that the Plan is submitted. BMPs may include, but shall not be limited to, temporary silt or sediment fences, sediment traps and detention ponds, gravel construction entrances and wash down pads to reduce or eliminated use of a straw mulch as a temporary ground cover, erosion control blankets, temporary interceptor dikes and swales, storm drain inlet protection, check dams, pipe slope drains, rock outlet protection, reinforced soil retaining systems, and gabions.~~

~~4. *Minimize Risk of Discharge of Other Materials:* The proposed measures and controls shall be employed to minimize the risk of discharge of construction related pollutants (such as paint, thinners, solvents and other chemicals) from the construction site. Such measures may include implementation of storage practices to minimize exposure of the material to storm water as well as spill prevention and response.~~

6-4-254 Proper Operation And Maintenance

The recipient of a Storm Water Construction Activity Permit (the Permittee) shall install the erosion and sediment control measures required by the approved Storm Water Pollution Prevention Plan before commencing any construction activity on the site to which the Plan applies or at such times indicated in the Plan. The erosion and sediment control measures shall be properly installed and maintained in accordance with the Permit, the manufacturers' specifications, and good engineering practices. The Permittee shall maintain such measures on the site until the city accepts the termination of the Permit pursuant to HCC 6-3-23.

6-4-265 Inspection And Entry

A. The Permittee shall allow any authorized employees and representatives of the City, representatives of the State of Utah Division of Water Quality, and representatives of the EPA, to enter the site to which a Permit applies at any time and to inspect the erosion and sediment control measures maintained by the Permittee. The Permittee shall also allow inspection of any records pertaining to the conditions of the Permit.

B. The City is required to inspect all phases of construction subject to this Chapter. The City shall conduct inspections through an electronic site inspection, submitted by the applicant. Unless. Field Electronic inspections shall be submitted prior to land disturbance, during active construction, and following active construction to verify BMPs are built and properly designed and to ensure BMPs are properly maintained. Electronic inspections for compliance with this Chapter and any permits issued hereunder shall be conducted by the Public Works Director, the Storm Water Utility Supervisor, the City Building Inspector, the City Ordinance Enforcement Officer, and/or other designated agent of the City. Photographs submitted for electronic inspection shall:

1. Include meta data verifying the date, time, and GPS location corresponding to the construction site

2. Be of sufficient resolution and clarity to assess compliance with general best management practices

C. On-site inspections may only be conducted if there is a documented reason justifying the need for an on-site inspection with the following exceptions:

1. Operator opts out of electronic site inspections

2. Electronic site inspection photos have been altered

3. Electronic site inspection isn't submitted within the timeframe

4. Site is within ½ mile of a river, stream, or lake

5. Site is a federal or state transportation project

D. All exceptions must be documented. On-site inspections shall be conducted by the Public Works Director, the Storm Water 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 electronic or onsite field inspections. As a condition of issuance of any Storm Water Permit, access shall be granted to qualified personnel of the City to inspect all construction and postconstruction Storm Water BMPs on private properties that discharge into the City's Storm Drain System.

E. Enforcement. The provisions of this Chapter are intended to provide the City with a variety of enforcement options to pursue as deemed necessary to ensure compliance with the requirements of this Chapter, including, but not limited to, civil and criminal remedies and penalties. All of the remedies and enforcement provisions of this Chapter and as otherwise provided by law are intended to be cumulative. Escalating Enforcement may be pursued by the City, as established by State and Federal Legislature, depending upon the severity of the violation and/or the recalcitrance of the violator.

F. Unless there is an immediate, documented threat to water quality, the following process for escalating enforcement shall be followed:

1. The City will provide written notification of violation in reply to the first violation of the provisions of this Chapter;

2. The City shall allow a minimum of one business day for the violation to be corrected.

3. The City may inspect to verify that the violation was corrected.

4. In response to the second violation of provisions of this Chapter:

G. The City will provide written warning that a fee may be imposed if the specific violation is not corrected within no less than another business day.

1. The City may inspect to verify that the violation was corrected.

2. In response to the third violation of provisions of this Chapter:

3. The City will provide written notification that the violation still was not corrected.

4. The City may issue a fee in compliance with Utah Code 19-5-108.3(7)(c)(ii-iii)

5. Fees shall be imposed in writing and clearly document specific violations

6. Fees shall be deposited into an account as provided in Utah Code 19-5-

108.3(7)(d)(ii)

H. Fines may be imposed within 30 days after the day on which the applicant corrects the violation.

I. Imposed fines will be in accordance with Utah Code 19-5-108.3(7)(c)(ii-iii).

J. Stop-Work Orders may not be issued except as provided in **HCC 9-02-190**.

6-4-276 Revocation Or Suspension Of Storm Water Construction Activity Permit

1. *Revocation or Suspension:* A Storm Water Construction Activity Permit may be revoked or suspended by the City upon the occurrence of any one of the following events:

1. Failure of a Permittee to comply with the Plan or any condition of the Permit;
or

2. Failure of a Permittee to comply with any provision of this Chapter or any other application law, ordinance, rule or regulation related to storm water; or

3. A determination of the City that the erosion and sediment control measures implemented by a Permittee pursuant to the Plan 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.

2. *Notice:* The City shall mail a Permittee written notice of noncompliance before revoking or suspending a Permit. The notice shall state the location and nature of the noncompliance and shall also specify what action is required for the Permittee to avoid revocation or suspension of the Permit. The notice shall allow the Permittee a reasonable time to take the necessary corrective action to avoid revocation or suspension of the Permit which time, in the absence of exceptional circumstances, shall not be less than ten (10) nor more than thirty (30) days. The notice shall be mailed to the address listed for the Permittee in the Application. If the Permittee fails to correct the problems identified in the notice during the time specified in the notice, the City may suspend or revoke the Permit by mailing or delivering written notice of

the suspension or revocation to the Permittee. The Permittee may appeal a suspension or revocation of the Permit pursuant to the appeal procedure set forth in HCC 6-3-30.

3. *Exceptional Circumstances*: For purposes of this Section, exceptional circumstances include, but are not limited to, situations which involve a risk of injury to persons, damage to storm drain facilities, or damage to other property or the environment. The City may take any steps the City deems necessary to alleviate any such exceptional circumstances as defined above, and may bill the owner, developer, or contractor responsible for creating the exceptional circumstances for the cost of alleviating said circumstances.

4. *Stop Work Order*: A stop work order may be issued upon the revocation or suspension of a Permit, or upon the discovery of work being conducted without a required Permit. The stop work order may be issued by inspectors in the Public Works Department or the Building Inspection Department. No construction activity may be commenced or continued on any site for which a Permit has been revoked or suspended until the Permit has been reinstated or reissued.

5. *Reinstatement*: A Storm Water Construction Activity Permit may be reinstated or reissued upon compliance with all provisions of this Chapter and all Permit conditions, or in the case of a suspension for reasons provided in HCC A,3, upon the filing of an amended Storm Water Pollution Prevention Plan which is designed to correct the deficiencies of the original Plan.

[6-4-287 Exemptions](#)

The following activities are exempt from the requirements of this Part 2:

1. Actions by a public utility, the City, or any other governmental entity to remove or alleviate an emergency condition, restore utility service, or reopen a public thoroughfare to traffic;
2. Actions by any other person when the City determines, and documents in writing, that the actions are necessary to remove or alleviate an emergency condition, restore utility service, or reopen a public thoroughfare to traffic;
3. Construction activities which disturb less than 500 square feet of land surface area, or which consist of the excavation and/or fill of less than 20 cubic yards of material;
4. Landscape maintenance activities on a fully developed properties, necessary to maintain the existing developed landscape; and
5. Bona fide agricultural and farming operations which constitute the principal use of any lot or tract of ground located within the City and which meet the requirements of the zoning code of the City.

[6-4-298 Appeal](#)

1. An Applicant for a Storm Water Construction Activity Permit, a Permittee of a Storm Water Construction Activity Permit or any entity disputing a decision made pursuant to this Chapter, may appeal any decision or directive made by the City or its representatives pursuant to this Chapter. The party desiring to appeal shall file a notice of appeal with the City Recorder's within 10 days of the decision or directive being appealed. The notice of appeal shall contain the following information:

1. The appellant's name, address and daytime telephone number;
2. A short statement describing the basis for the appeal; and
3. The relief sought by the appellant.

2. Upon receipt of the notice of appeal, the City Recorder shall schedule an appeal with the City Council for their consideration and final determination.

6-4-3029 Compliance With Federal And State Law

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

Effective Date

This ordinance shall become effective twenty (20) days after passing, publication, or posting.

PASSED this _____ day of _____, 2025.

Mayor

ATTEST:

City Recorder

Voting:

Council Member Fowers _____
Council Member Hill _____
Council Member Marigoni _____
Council Member Northrop _____
Council Member Wilcox _____