9-14-5: POST-CONSTRUCTION:

A. **Standards To Minimize Impacts On Water Quality:** New development and redevelopment projects must have requirements or standards to ensure that any storm water controls or management practices will prevent or minimize impacts to water quality.

B. **Standards To Minimize Development In Susceptible Areas:** New development and redevelopment projects include nonstructural BMPs such as requirements and standards to minimize development in areas susceptible to erosion and sediment loss; to minimize the disturbance of native soils and vegetation; to preserve areas in the municipality that provide important water quality benefits; to implement measures for flood control; and to protect the integrity of natural resources and sensitive areas.

C. **Projects Greater Than Or Equal To One (1) Acre:** Newly developed and redeveloped projects that disturb greater than or equal to one (1) acre, including projects less than one (1) acre that are of a larger common plan of development or sale, are required to submit a low impact development (LID) approach to be evaluated by the city of St. George. An LID approach promotes the implementation of BMPs that allow storm water to infiltrate, evaporate, or harvest and use storm water on site to reduce runoff from the site and protect water quality. Guidance for implementing LID can be found in state of Utah DWQ's LID controls which are appropriate for use in the state of Utah and can be found in “A Guide to Low Impact Development within Utah” (the Guide), available on DWQ's website or “Green Infrastructure and Low Impact Development Application Guidance for Washington County, Utah,” available from the city of St. George.

D. **Specific Criteria:** Newly developed and redeveloped projects must meet specific criteria which require that best management practices (BMPs) are designed to manage rainfall on site, and prevent the off-site discharge of the precipitation from all rainfall events less than or equal to the eightieth (80th) percentile rainfall event or a predevelopment hydrologic condition, whichever is less. This objective must be accomplished by the use of practices that are designed, constructed, and maintained to infiltrate, evaporate, or harvest and reuse rainwater, and must be incorporated into the permittee's development plans and long-term storm water management plan which includes the LID approach. If meeting the eightieth (80th) percentile standard is infeasible an alternative design approach may be used; provided, that the permittee documents that infiltration, evaporative transpiration, and rainwater harvesting have been used to the maximum extent feasible and that full employment of these controls is infeasible due to constraints. For guidance including alternative design approaches, see “A Guide to Low Impact Development within Utah” published by the DWQ, and “Green Infrastructure and Low Impact Development Application Guidance for Washington County, Utah.”

E. **Inspections:** Owners/operators shall perform necessary maintenance to protect water quality and reduce the discharge of pollutants to the MS4. Owners/operators of newly developed and redeveloped projects shall conduct inspections at least every other year and provide certification that adequate maintenance has been performed and the structural controls are operating as designed to protect water quality. This required inspection shall be conducted by the property owners/operators or qualified third parties. On sites where the property owners/operator is conducting maintenance, the permittee shall allow municipal inspectors to conduct inspections at least once every five (5) years, or more frequently as needed to show that adequate maintenance is being performed.
The owner shall grant access to the city of St. George to inspect storm water control measures on private properties that discharge to the MS4 to ensure that adequate maintenance is being performed.

The findings of each inspection shall be documented in an inspection report, and must contain the following:

1. Inspection date;
2. Name and signature of inspector;
3. Project location;
4. Current ownership information;
5. A description of the condition of the storm water control measures including the quality of: vegetation and soils; inlet and outlet channels and structures; catch basins; spillways; weirs, and other control structures; and sediment and debris accumulation in storage as well as in and around inlet and outlet structures; and
6. Specific maintenance issues or violations found that need to be corrected by the property owner or operator along with deadlines and re-inspection dates.

If there is an observed failure of a facility to perform as designed, the failure must be corrected and documented in the inspection report.

F. Stabilization Requirements: Any area that has been disturbed by grading activity shall be stabilized according to a schedule provided by the contractor or the owner/operator and approved by the city of St. George. A plan must be submitted with the final design describing the vegetative or other stabilization and management techniques to be used at a site. This plan will explain not only how the site will be stabilized, but who will be responsible for the maintenance of vegetation or other stabilization at the site, and what practices will be employed to ensure that adequate cover is preserved. A long-term storm water management plan and a post-construction storm water agreement are required prior to the issuance of a certificate of occupancy.

G. Inspection Of Storm Water Facilities: Periodic inspections of facilities shall be performed by the city of St. George on public property. On private property, the landowner, its successors and assigns, including any homeowners’ association, shall conduct periodic inspections and maintain the storm water facilities. This includes all inlets, pipes, channels, and detention basins built to convey storm water, as well as all other structures, improvements, and vegetation provided to control the quantity and quality of the storm water. “Adequate maintenance” is defined as good working condition so that these storm water facilities are performing their designed functions. An annual inspection report must be filled out for storm water facilities located on private property and retained for three (3) years to ensure that the facilities are in good working condition and acceptable to the city of St. George. The owner must provide the records for the city of St. George upon request.

H. Records Of Installation And Maintenance Activities: Parties responsible for the operation and maintenance of a storm water facility shall make records of all maintenance and repairs to the facility, and shall retain the records for at least three (3) years. These records shall be made available to the city of St. George upon request.

I. Failure To Meet Or Maintain Design Or Maintenance Standards: If a responsible party fails or refuses to meet the design or maintenance standards required for storm water facilities, the city of St. George, after reasonable notice,
may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition. In the event that the storm water facility becomes a danger to public safety or public health, the city of St. George shall notify in writing the party responsible for maintenance of the storm water facility. Upon receipt of that notice, the responsible person shall immediately repair the facility in an approved manner. In the event that corrective action is not undertaken within that time, the city of St. George may take necessary corrective action. The cost of any action by the city of St. George under this section shall be charged to the responsible party and a lien placed on property for payment. (Ord. 2015-11-006, 11-19-2015; amd. Ord. 2019-04-001 § 2, 4-4-2019; Ord. 2020-01-003 § 2, 1-9-2020; Ord. 2020-08-004 §§ 1, 2, 8-6-2020)

The St. George City Code is current through Ordinance 2021-01-001, passed January 7, 2021.

Disclaimer: The city recorder has the official version of the St. George City Code. Users should contact the city recorder for ordinances passed subsequent to the ordinance cited above.

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