

## **ORDINANCE NO. 2023-28**

### **AN ORDINANCE PROVIDING FOR THE PROTECTION OF WATERWAY SWALES INCLUDING MAINTENANCE & ALTERATION AND SPECIFIC REQUIREMENTS FOR SWALES CONSTRUCTED IN NEW OR EXISTING PLATS**

WHEREAS Lake Point is authorized pursuant to Utah Code §§ 10-8-2 10-8-11, 10-8-14, and 72-7-102, to protect and regulate the use of Lake Point property, including city streets, highways, sidewalks, and other public ways and rights of way, such as but not limited to regulating the use of public swale rights of ways by residents, utility, telecommunications, and other service providers;

WHEREAS Lake Point has been notified of deficiencies in swales, swale crossings and alterations to waterway designs and confirmed through site visits with city engineers that deficiencies exist regarding swale crossings being improperly piped, swale culverts being filled in blocking flow of the waterway and elimination of swales in areas designed and designated for stormwaters, runoff and the prevention of flooding.

WHEREAS Lake Point does hereby desire to protect the health, safety, and welfare of the community by regulating the design of swale crossings to establish a citywide standard to prevent issues with public swale rights of ways while still allowing additions of driveway swale crossing under specific conditions of approval.

WHEREAS Lake Point on February 8th 2023 passed ordinance 2023-05 Use of Public Ways and Franchises which established the terms and conditions by which non-city persons and entities may excavate, engage in construction on, in, or under improve, occupy, and otherwise use public property and rights of way owned or controlled by Lake Point in such a manner as to protect the public and the city.

WHEREAS the Lake Point City Council desires to regulate and provide standards for the protection and proper use of all waterways, storm drainage and swale rights of ways.

WHEREAS Ordinance 2023-05 Use of Public Ways and Franchises section 5(b) established a restriction that no person shall fill in, pipe and culvert, install a hard or impermeable surface upon, or perform other work that alters the drainage, design, elevation, or slope of a right of way without a permit. Lake Point Desires to require supplemental conditions & regulations by which a resident or service provider may, pursuant to permit and inspections be approved to alter a swale with piping for a driveway crossing in accordance with the standards outlined in this ordinance and found in Attachment A.

WHEREAS the Lake Point City Council unless otherwise altered in this ordinance hereby incorporates ordinance 2023-05 Use of Public Ways and Franchises with all definitions, regulations and restrictions as part of this ordinance and further hereby establishes, supplements and sets forth conditions, regulations and procedures by which a resident or service provider may, pursuant to permit and inspections alter a swale with piping for a driveway crossing in accordance with the standards outlined in this ordinance and found in Attachment A;

NOW, THEREFORE, BE IT ORDAINED by the Lake Point City Council as follows:

**Section 1.     Purpose.**

- a. The purpose of this Ordinance is to establish additional supplemental terms and conditions to ordinance 2023-05 Use of Public Ways and Franchises to by which non-city persons, entities and residents may excavate, engage in construction on, in, or under, improve, occupy, and otherwise alter existing public swale and waterway rights of way owned or controlled by Lake Point in a specific manner with specific conditions and materials as to protect the public and the city while facilitating requests of driveway crossings for Lake Point residents, in a fair and equitable manner.
- b. This ordinance also applies to requirements for swales crossing standards and designs of any future swales required to be built on a parcel, lot, or subdivision.
- c. The city finds that the swale rights of way within the city are critical to the water resources, lot runoff, storm management, flood prevention and water systems health of the city and the community wells and aquifer. Swales are intended for public uses and must be managed, controlled, and protected consistent with that intent.
- d. The city finds that the city should require a permit for any such work to excavate, engage in construction on, in, or under, improve, occupy, and otherwise alter existing public swale and waterway rights of way owned or controlled by Lake Point in the swale right of way and sets for these specific requirements for piping of swales crossing to prevent damage and improper use or water restrictions of the swale rights of way.

**Section 2.     Definitions.** The following terms shall have the meanings set forth below for purposes of this Ordinance only, all other definitions in ordinance 2023-05 Use of Public Ways and Franchises are hereby incorporated when necessary.

- a. "City": the municipality of Lake Point.
- b. "Permit": A permit, license, or other grant of authority issued in writing by the city that authorizes a particular scope of work within the swale rights of way, which scope may be defined and limited in the permit by location, duration, work site restoration requirements, and other conditions necessary to protect public or private property and rights of way.
- c. "Person": Any individual, business, company, corporation, firm, partnership, venture, or other entity of any kind, including state, federal, local, school, interlocal, and other governmental or public entities.
- d. "Public Property": Any real property, any interest in real property, and all appurtenances and improvements thereto, owned or controlled by the city, other than rights of way.

- e. "Rights of Way": The surface of and the space above and below any public street, sidewalk, park strip, swale, alley or other public way of any type whatsoever, including an unimproved right of way or easement dedicated for use as a public right of way, now or hereafter existing as such within the city, but not including any easement dedicated to or owned by the City that is granted or reserved for the City's exclusive use and not for use by third parties or the public (such as easements for water, or drainage facilities).

**Section 3.     Permit Required.**

- a. It is unlawful for the residential owner of a lot to fill-in, block, regrade or in any way decrease the capacity of the drainage swales that are constructed with the PUDE's as shown on plat maps, storm water plans and in other areas. All drainage swales that are crossed by the driveways or other hard surfaces must be permitted and will be piped at the Owner's expense.
- b. Culvert driveway crossings must be done with an (18") culvert pipe and the materials authorized for use and standards of build are found in Attachment A. A Swale driveway crossing will be installed in accordance with the standards as outlined in attachment A Swale Alterations and Driveway Crossing Culvert Design Standards
- c. All new subdivisions will be required to use the (18") reinforced concrete pipe (RCP), with a concrete flared end section or HDPE with a flared end section on the inlet end of the pipe for any swale crossing built that goes under a concrete/cement driveway.
- d. It is unlawful for any person to commence work to excavate, engage in construction on, in, or under, improve, occupy, and otherwise alter existing public swale and waterway rights of way owned or controlled by Lake Point until the city has approved and issued a permit for such work, except as specifically approved to the contrary in this Ordinance. Such prohibition includes maintenance, construction, excavation, and improvement work performed by a city other than Lake Point, a county, state, federal, or other government entity.

**Section 4.     Conflicting Terms:**

In the event of a conflict between a permit, franchise agreement, applicable design, engineering, and construction standards, and the ordinance, the following shall govern, in order of highest to lowest priority. To the extent that a stricter standard applies, the stricter standard regarding swale culvert additions or designs will be the prevailing requirement that governs.

- a.     This ordinance and Attachment A Standards.
- b.     Plat Map conditions and standards regarding swale requirements
- c.     City, state, and federal design, engineering, and construction standards.
- d.     The permit and plans approved therewith.

**Section 5.**     Ordinance 2023-05 Use of Public Ways and Franchises

All other requirements and restrictions from Ordinance 2023-05 Use of Public Ways and Franchises are hereby incorporated herein.

**Section 6.**     Effective Date -

This Ordinance shall be immediately effective upon its adoption and publication in accordance with law.

**PASSED, APPROVED, AND ADOPTED** on the 25 day of October, 2023.

Lake Point

By  
Chair

ATTEST:

City Recorder



SEAL

**Voting:**

Daniel Crawford  
Doyle Garrard  
Jonathan Garrard  
Kathleen VonHatten  
Ryan Zumwalt

Yea ☒ Nay ☐ Absent ☐  
Yea ☒ Nay ☐ Absent ☐  
Yea ☐ Nay ☒ Absent ☐  
Yea ☒ Nay ☐ Absent ☐  
Yea ☐ Nay ☐ Absent ☒

**ATTACHMENT: A**

**SWALE ALTERATIONS & DRIVEWAY CROSSING**

**CULVERT DESIGN STANDARDS**

PURSUANT to the Lake Point Municipal Code 2023-05 Use of Public Ways and Franchises Ordinance and this ordinance above PROVIDING FOR THE PROTECTION OF WATERWAY SWALES INCLUDING MAINTENANCE & ALTERATION AND SPECIFIC REQUIREMENTS FOR SWALES CONSTRUCTED IN NEW OR EXISTING IN PLATS.

Each resident cannot fill-in or block any drainage swales that are constructed within a parcel as shown on any original Subdivision Plat or in the public easement or right away unless otherwise approved by the City Engineers in writing.

All drainage Swales which are crossed by driveways or other hard surfaces or filled in must be bridged or piped at the Owner's expense with at least an 18" diameter culvert pipe in accordance with the city standards for piping so as to not impede the flow of water within such drainage swales.

The size, material, plans and placement of all such pipes and/or conduit must be in accordance with city ordinance and the appropriate swale cross section found in Attachment A.

All work must be pre-approved by city officials in writing prior to installation. Except for periodic "check" dams or structures in the drainage swales to be installed by the original plat developer or builder as part of the initial Improvements, nothing shall be done or allowed which would impede drainage in the drainage swales or drainage ways adjacent to the street surface or which would impede or interfere with drainage facilities.

The city may regularly inspect drainage swales and in accordance with city ordinances after proper notice provided to the property owner to voluntarily self-correct concerns, the city shall remove therefrom or otherwise correct any obstruction or other situation which may exist with potential to impede drainage within any drainage swale.

The cost if any of such removal or correction shall be assessed to the Owner of the Lot, parcel, or residential unit from which such obstruction or situation has been removed.

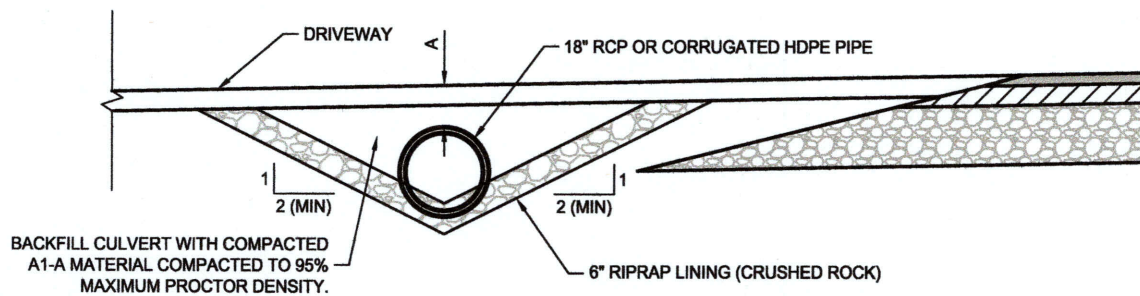
The design of swales promotes the conveyance of storm water at a controlled rate during times of above average rainfall and/or snowmelt and alteration of the swales, such as filling in, leveling, placing of culverts, or improper landscaping can affect the functionality of the Swale and result in property damage in the surrounding area.

Approval must be obtained from the City Engineers prior to installing additional or expanding existing swale crossings.

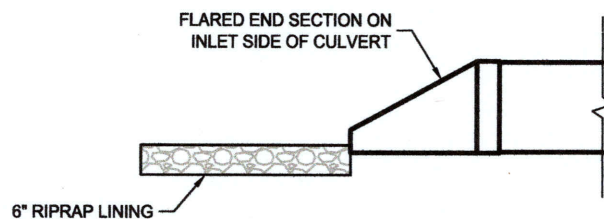
Approval is not guaranteed but will be granted based on the analysis of risk vs. benefit, taking into consideration the reason for the request, the percentage of swale which would remain unobstructed for a given lot or for a given segment of adjacent lots, the location of the swale in the subdivision, etc.

No approval will be provided for piping and closure of the entire swale unless reviewed by the engineers and the city council and authorized in accordance with the city ordinances and the intent of protection of the swale's use for stormwater, flooding prevention, runoff, and other waterway needs.

Options for approved driveway swale crossings include only those found below in the swale cross section. Each option has different requirements. and a permittee must follow the correct requirements for the type of culvert used.



## DRIVEWAY CROSS SECTION



## CULVERT CROSS SECTION

### TABLE

| PIPE | PAVEMENT                      | A                                     |
|------|-------------------------------|---------------------------------------|
| HDPE | CONCRETE<br>ASPHALT<br>GRAVEL | 12"<br>12" + ASPHALT THICKNESS<br>15" |
| RCP  | CONCRETE<br>ASPHALT<br>GRAVEL | 12"<br>12"<br>12"                     |

#### NOTES:

1. HDPE PIPE SHALL BE CORRUGATED DUAL WALL PIPE.
2. RCP SHALL BE CLASS III. COVER SHALL BE MEASURED FROM THE OUTSIDE OF THE MAIN BARREL, NOT THE BELL END.

DRAWING NOT TO SCALE

PREPARED BY: JONES AND DEMILLE ENGINEERING, INC.

LAKE POINT STANDARD DRAWING



**LAKE POINT**  
1528 SUNSET RD.,  
LAKE POINT UTAH 84074  
801-725-5096  
lakepoint.gov

## DRIVEWAY CULVERT CROSSING

UPDATED: 11/8/2023

STANDARD DRAWING No.

**SD-01**

APPROVED:

DATE: 10/25/23 BY: M.L.