



#### CITY COUNCIL

##### MEMBERS:

LEANNE HUFF  
COREY THOMAS  
SHARLA BYNUM  
NICK MITCHELL  
PAUL SANCHEZ  
RAY DEWOLFE  
CLARISSA WILLIAMS

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## South Salt Lake City Council REGULAR MEETING AGENDA

Public notice is hereby given that the South Salt Lake City Council will hold a Regular Meeting on **Wednesday, September 10, 2025**, in the City Council Chambers, 220 East Morris Avenue, Suite 200, commencing at **7:00 p.m.**, or as soon thereafter as possible.

To watch the meeting live click the link below to join:

<https://zoom.us/j/93438486912>

Watch recorded City Council meetings at: [youtube.com/@SouthSaltLakeCity](https://www.youtube.com/@SouthSaltLakeCity)

Conducting  
Council Chair  
Sergeant at Arms

Sharla Bynum, District 3  
Sharla Bynum  
South Salt Lake PD

### Opening Ceremonies

1. Welcome/Introductions
2. Pledge of Allegiance

Sharla Bynum  
Corey Thomas

### Approval of Minutes

- July 23<sup>rd</sup>, Work Meeting
- July 23<sup>rd</sup>, Regular Meeting

### No Action Comments

1. Scheduling
2. Public Comments/Questions
  - a. Response to Comments/Questions  
(at the discretion of the conducting Council Member)
3. Mayor Comments
4. City Attorney Comments
5. City Council Comments

City Recorder

### Action Items

#### Unfinished Business

1. An Ordinance of the South Salt Lake City Council Amending Chapters 13.25, 13.76, 13.78, 13.79 and 13.80 to Reflect Legislative Developments and Ensure Compliance with the City's Municipal Separate Storm Sewer System Permit

Corby Talbot

### Motion for Closed Meeting

### Adjourn

Posted September 5, 2025

See page two for continuation of Agenda

Those needing auxiliary communicative aids or other services for this meeting should contact Ariel Andrus at 801-483-6019, giving at least 24 hours' notice. In accordance with State Statute and Council Policy, one or more Council Members may be connected electronically.

**Public Comments/Question Policy**

Time is made available for anyone in the audience to address the Council and/or Mayor concerning matters pertaining to City business. When a member of the audience addresses the Council and/or Mayor, they will come to the podium and state their name and City they reside in. The Public will be asked to limit their remarks/questions to three (3) minutes each. The conducting Council Member shall have discretion as to who will respond to a comment/question. In all cases the criteria for response will be that comments/questions must be pertinent to City business, that there are no argumentative questions and no personal attacks. Some comments/questions may have to wait for a response until the next regular council meeting. The conducting Council Member will inform a citizen when they have used the allotted time. Grievances by City employees must be processed in accordance with adopted personnel rules.

Have a question or concern? Call the connect line 801-464-6757 or email [connect@sslc.gov](mailto:connect@sslc.gov)

ORDINANCE NO. 2025-XX

**AN ORDINANCE OF THE SOUTH SALT LAKE CITY COUNCIL  
AMENDING CHAPTERS 13.25, 13.76, 13.78, 13.79 AND 13.80 TO REFLECT  
LEGISLATIVE DEVELOPMENTS AND ENSURE COMPLIANCE WITH THE  
CITY'S MUNICIPAL SEPARATE STORM SEWER SYSTEM PERMIT**

**WHEREAS**, the South Salt Lake City Council (the "Council") met in a regular session on [MONTH, DATE] 2025 to consider, among other things, amending Chapters 13.25, 13.76, 13.78, 13.79 and 13.80 in an effort to ensure compliance with state storm water permit requirements and new state laws;

**WHEREAS**, the City of South Salt Lake (the "City") owns and operates a storm water collection system which has been developed over many years and consists of a network of natural conveyances and humanmade structures and conduits that collect, control, and route stormwater runoff;

**WHEREAS**, the City has authority under the Utah Municipal Code, Utah Code Annotated Section 10-8-38(1)-(2), to "construct, reconstruct, maintain, and operate ... culverts, drains, sewers, catch basins, manholes, cesspools, and all systems, equipment and facilities necessary to the proper drainage ... of the city" and make a "reasonable charge" for such services;

**WHEREAS**, the City has authority under the Utah Municipal Code, Utah Code Annotated Section 10-8-38(2)(b) to "adopt an ordinance" governing the administration and enforcement of the City's stormwater management program;

**WHEREAS**, the State of Utah has determined that the City is subject to Utah Pollutant Discharge Elimination System (UPDES) permit No. UTR090000 for Discharges from Small Municipal Separate Storm Sewer Systems (MS4s), as modified by the State of Utah on March 11, 2025;

**WHEREAS**, the State of Utah recently passed into law the 2024 Construction Amendments Bill (H.B. 507), the 2025 Construction Modifications Bill (S.B. 220), and the 2025 Local Land Use Amendments Bill (H.B. 368), each of which necessitate revisions to the City's ordinances concerning conditions for approval of building applications, penalties for stormwater violations, assurances for land improvements, and methods for conducting site inspections;

**WHEREAS**, the City considers it prudent and necessary to amend its local Stormwater Ordinance to reflect its obligations under the new UPDES permit and its compliance with Utah state statutes;

**WHEREAS**, the City has also determined to make further minor changes to the Stormwater Ordinance to provide detail on design requirements and for organization and internal consistency;

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of South Salt Lake as follows:

**SECTION 1. Amendment.** Chapters 25, 76, 78, 79 and 80 of Title 13 of the South Salt Lake Municipal Code is hereby amended as set forth in the redline attached hereto and incorporated by reference in Exhibit **A**.

**SECTION 3. Severability.** If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion of this ordinance.

**SECTION 4. Conflict with Existing Ordinances, Resolutions, or Policies.** To the extent that any ordinances, resolutions, or policies of the City of South Salt Lake conflict with the provisions of this ordinance, this ordinance shall prevail.

**SECTION 5. Effective Date.** This ordinance shall become effective upon Mayor's signature and publication, or after fifteen days of transmission to the office of the Mayor if neither approved nor disapproved by the Mayor, and thereafter, publication.

DATED this \_\_\_\_ day of \_\_\_\_\_, 2025.

BY THE CITY COUNCIL

\_\_\_\_\_  
[NAME], Council Chair

ATTEST:

\_\_\_\_\_  
Ariel Andrus, City Recorder

City Council Vote as Recorded:

Name \_\_\_\_\_  
Name \_\_\_\_\_  
Name \_\_\_\_\_  
Name \_\_\_\_\_  
Name \_\_\_\_\_  
Name \_\_\_\_\_  
Name \_\_\_\_\_

Transmitted to the Mayor's office on this \_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Ariel Andrus, City Recorder

MAYOR'S ACTION: \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 202\_.

\_\_\_\_\_  
Cherie Wood, Mayor

ATTEST:

\_\_\_\_\_  
Ariel Andrus, City Recorder

**EXHIBIT A**  
Amendments to Chapter 13.25, 13.76, 13.78, 13.79, 13.80  
South Salt Lake Municipal Code

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*The following Chapter (13.25) to be recodified as Chapter 13.75, and to include the substantive changes made herein:*

## **Chapter 13.25 – STORMWATER UTILITY**

### 13.25.010 – Policy and Purpose.

The city has determined and hereby declares that the city's storm water system benefits and services all property within incorporated city limits and protects the health, safety, and welfare of the city and its residents, businesses, and visitors by managing and controlling storm water runoff, reducing hazards to life and property from storm water runoff, reducing undesirable storm water conditions, and preventing polluted waters from entering receiving waters.

(Ord. No. 2021-17, § 1(Exh. A), 10-27-2021)

### 13.25.020 – Definitions.

"Base rate" means the standard storm water user's fee set forth in the consolidated fee schedule for the City of South Salt Lake.

"BMP" means best management practices to improve storm water quality and prevent or detain storm water runoff.

"City" means the City of South Salt Lake.

"Council" means City of South Salt Lake Council.

"County" means Salt Lake County.

"Customer" or "person" means any individual; public or private corporation and its officers; partnership; association; firm; trustee; executor of an estate; the state or its departments, institutions, bureaus, agencies; county; city; political subdivision; or any other governmental or legal entity recognized by law.

"Developed property" means any parcel that has been altered from its natural conditions by grading, filling, overlaying, or the constructions of improvements or other impervious surfaces.

"Equivalent residential unit" or "ERU" means a unit equal to 23,700 square feet of impervious surface area. This is based on an average single-family residential parcel, which has an impervious surface area of 23,700 square feet. Total ERU's are calculated by dividing total square feet of impervious surface by 23,700 (one ERU), rounded to the nearest whole number.

"Impervious surfaces" means any hard surface that prevents or hinders the absorption of

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water into the soil, or that causes reduced quality of runoff water, or causes water to runoff in greater quantities or at greater flow rates than the natural surface.

"Mitigation" means onsite facilities, BMPs or infrastructure which retain storm water onsite, manage water runoff, reduce storm water flow, and/or improve storm water quality.

"Other developed property" means all property that is not single-family residential property including, but not limited to, commercial, industrial, institutional, and multi-family residential property.

"Parcel" means a separately, segregated unit of land having an identified owner(s). A parcel has boundaries and a surface area which is identified and documented with an identification number by Salt Lake County.

"Phase II Permit" means the UPDES Permit issued to the Jordan Valley municipalities, including the city. Permit No. UTS000001, as amended.

"Reduced rate" means the reduced storm water user's fee rate set forth in the consolidated fee schedule for the City of South Salt Lake for property owners that meet the requirements of Section 13.25.04(D).

"Single-family residential" means any one parcel of land containing no more than one single-family dwelling unit.

"Storm water" means water produced by storms, surface drainage, snow and ice melt, and any other water produced by natural means.

"Storm water fund" means the fund created by this ordinance to receive storm water user fees and operate, maintain, and improve the city's storm water system.

"Storm water maintenance agreement" means the permit required in Title 13.78.090 of the Storm Water Management Ordinance.

"Storm water system" means all human-made storm sewer facilities and conveyances, and natural storm water systems owned or maintained by the city that store, control, treat, and/or convey storm water.

"Storm water program" means the city's program developed to implement the requirements of the phase II permit.

"Storm water utility" means the utility created by this chapter which operates, maintains, regulates, and improves storm water facilities and programs within the city.

"Storm water user fee" means the fee(s) calculated pursuant to Section 13.25.04 of this chapter by multiplying the number of ERUs for the parcel (or one ERU for single-family residential parcels) by the base rate or reduced rate if applicable.



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"Storm water system" means all man-made storm water facilities, man-made or naturally occurring storm water conveyances including, but not limited to, designated open space and areas owned by and maintained by the city that retains, controls, or conveys storm water.

"Undeveloped parcel" means any parcel that has not been altered, graded, filled, overlaid, or constructed and has less than five percent impervious surface.

"UPDES permit" means the state/national program for issuing, modifying, revoking and reissuing, termination, monitoring, and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 318, 402, and 405 of the Clean Water Act.

(Ord. No. 2021-17, § 1(Exh. A), 10-27-2021)

#### 13.25.030 – Storm Water Utility.

- A. Creation. There is hereby created and established a storm water utility operated by the city and funded by a service fee rate structure. The storm water utility, under the supervision and control of the mayor and council, shall:
  - 1. Administer and enforce this ordinance and all regulations and procedures adopted relating to the design, construction, maintenance, operation, and alteration of the storm water system and the storm water program; and
  - 2. Implement the requirements of the phase II permit and the storm water program.
- B. Enterprise Fund. There is hereby established a storm water utility enterprise fund ("storm water fund") to record all revenue, expenses, asset, and liability information as well as other financial transactions related to the storm water utility. All fees and other revenue collected in accordance with this ordinance shall be recorded into the storm water fund accounts and shall be used exclusively for the storm water utility. All revenue and expenses and other financial information shall be reported as prescribed by the State of Utah's Uniform Fiscal Procedures Act for Utah Cities.
- C. Administration. The storm water utility shall be administered by the city engineer, unless otherwise designated by the mayor.

(Ord. No. 2021-17, § 1(Exh. A), 10-27-2021)

#### 13.25.040 – Storm Water User Fee.

- A. Fee Imposed. Beginning October 1, 2018, all owners of properties within the city that have impervious surfaces that contribute runoff water to the storm water system or otherwise benefit from the storm water system are responsible for paying the storm water user fee as set forth in this chapter.

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- B. **Base Rate.** The council, by ordinance or resolution, shall establish, and periodically adjust, the base rate for the storm water utility to ensure adequate revenues to fund the costs of storm water management. The base rate shall be set forth in the City of South Salt Lake Consolidated Fee Schedule, available at [Title 3](#), Chapter 11.
- C. **Amount of Charge.** For purposes of calculating the storm water user fee, there is hereby established an equivalent residential unit ("ERU") of 23,700 square feet to be used to calculate respective fees using the base rate set forth in the City of South Salt Lake Consolidated Fee Schedule, [Title 3](#), Chapter 11. The ERU is derived from the average impervious surface of single-family residential parcels within the city limits. For the purposes of determining the storm water user fee, all properties are classified into one of the following classes:
1. **Single-Family Residential.** The council finds that the intensity of development of most parcels classified as single-family residential is similar and that it would be inefficient to determine the precise impervious surface on each parcel. Therefore, all single-family residential properties in the city shall be charged the equivalent of one ERU multiplied by the base rate.
  2. **Other Developed Property.** The storm water user fee for all other non-single-family residential property shall be the base rate multiplied by the numerical factor obtained from dividing the total impervious surface area (in square feet) of other developed property by one ERU and rounded to the nearest whole number.

(Impervious-Surface square footage ÷ One ERU) x Base Rate = Storm Water User Fee

3. **Undeveloped Property.** Any parcel that has not been altered by grading, filling or construction and which has less than five percent impervious surface shall have no storm water user fee assessed.
- D. **Reduced Rate for Implementing BMPs.** An owner of other developed property may apply to the city to calculate a storm water user fee using the reduced rate set forth in the City of South Salt Lake Consolidated Fee Schedule, [Title 3](#) Chapter 11, where the owner has implemented mitigation to reduce storm water runoff from the property. The reduced rate is available for commercial, industrial, institutional, and multi-family developments that implement long-term best management practices ("BMPs") to reduce or remove pollutants from storm runoff before the runoff leaves the development site. To qualify for this rate, the owner or representative of a parcel must:
1. Obtain BMP approval and secure a storm water maintenance agreement through the city's engineering department; and
  2. Agree to allow inspections of the property to ensure the approved BMP is still in place and properly maintained. If BMPs are not properly maintained, the site will no longer qualify for a reduced rate.

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- E. Property Owners Responsible for Charges. The property owner of record is responsible for the storm water user fee. An alternative billing arrangement may be requested as set forth in Section 13.25.05; however, the property owner retains all obligations for payment of storm water user fees.
  - F. Policies. The city may adopt policies and rules to assist in applying, administering, and interpreting the service fee credit and other provisions related to the storm water utility.
  - G. Appeals. Any person or property owner who is aggrieved by the provisions of this chapter, or the application and calculation of the service charge to their property may appeal to the city pursuant to Section 13.74.090 and Title 2.22 of the South Salt Lake City Code.

(Ord. No. 2021-17, § 1(Exh. A), 10-27-2021)

#### 12.25.050 – Billing and Collection.

The city shall bill property owners of impervious surfaces for the storm water user fee via a separate line item on existing utility bills or a separate invoice, consistent with the procedures set forth in Section 13.74.04 of the South Salt Lake City Code. Charges and fees shall be considered delinquent if not paid as determined by rules, policies, and procedures established by the city. Such delinquent fees shall be subject to recovery, with any assessed delinquent charges and fees, by civil action or otherwise pursuant to Section 13.74.040(H).

- A. Alternative Billing Arrangement. Owners may assign the payment of the storm water user fee to non-owners by signing an "alternate billing agreement" with the city. Multi-family properties may also choose to have individual property owners billed separately pursuant to an alternate billing agreement.

(Ord. No. 2021-17, § 1(Exh. A), 10-27-2021)

#### 12.25.060 – Annual Report.

The city's storm water division shall develop an annual report on the storm water utility, to be made available to the council and storm water utility customers each year by the first council meeting in October. This report shall summarize the financial activities of the utility and the major areas of expenditure, activities, accomplishments, and the upcoming year's priorities.

(Ord. No. 2021-17, § 1(Exh. A), 10-27-2021)

#### 12.25.070 – Severability.

If any section of this chapter is determined to be illegal, invalid, or superseded by other lawful authority, including any federal or state legislative, regulatory, or administrative action, such section shall be deemed a separate, distinct, and independent provision, and such

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determination shall have no effect on the validity of any other section.

(Ord. No. 2021-17, § 1(Exh. A), 10-27-2021)

## **Chapter 13.76- STORM WATER MANAGEMENT PROGRAM**

### **13.76.010 - Intent.**

By implementing this ordinance as part of its Storm Water Management Program, the City intends to reduce the amount of Pollutants entering streams, lakes and rivers as a result of Runoff from residential, commercial, public and industrial areas, and to enable the City to comply with Utah Pollutant Discharge Elimination System permit (NPDES/UPDES) No. UTS000001 for Jordan Valley Municipalities "State MS4 Permit") and applicable regulations, 40 CFR § 122.26 et. seq., for Storm Water discharges. The provisions of Division IV, Storm Sewer System, are required under the Federal Clean Water Act, the Utah Water Quality Act and regulations promulgated by the U.S. Environmental Protection Agency and Utah Department of Environmental Quality.

### **13.76.020 - Definitions.**

As used in Division IV of this code:

"80th percentile rainfall event" means an event in which precipitation total is greater than or equal to 80 percent of all storm events averaged over a given period of record.

"Analytical Monitoring" refers to Monitoring of waterbodies (streams, ponds, lakes, etc.) or of Storm Water, according to state and federal regulations or to protocols established by state or federal agencies for biomonitoring or stream bioassessments.

"Authorized Enforcement Agent" means the City Engineer and/or any individual that the City Engineer, the provisions of this ordinance, or the underlying legal authorities designate as authorized to implement and enforce this ordinance, which individuals include, but are not limited to, City employees, employees of the Utah Division of Water Quality, and EPA personnel.

"Best Management Practices" or "BMPs" means schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, Maintenance procedures, and other management practices to prevent or reduce the discharge of Pollutants directly or indirectly to Storm Water, receiving waters, or Storm Water conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control Site Runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage. The City maintains a list of its preferred BMPs on its website: <https://sslc.gov/477/Stormwater>.

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"Channel" means a natural or artificial Watercourse with a definite bed and banks that conducts flowing water continuously or periodically.

"City" means the City of South Salt Lake, Utah, including the mayor and all other employees of the administrative branch of the City.

"City Engineer" means the professional engineer for the City or a designee of the professional engineer.

"City Permit" means a project approval from the City including, but is not limited to, a building permit, street cut permit, or excavation permit.

"Clean Water Act" means the federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

"Clearing" means any activity that removes the vegetative surface cover.

"Construction Activity" means activities subject an NPDES Construction Permit. NPDES Storm Water Phase II Permits are required for construction projects resulting in land disturbance of one acre or more. Such activities include but are not limited to Clearing and Grubbing, grading, excavating, and demolition.

"Contaminant" means any physical, chemical, biological, or radiological substance or matter in water. "Control Measure" refers to any BMP or other method used to prevent or reduce the discharge of Pollutants to the Storm Water system or waters protected by the state of Utah or the federal government. "DEQ" refers to the Utah Department of Environmental Quality.

"Discharge" means to dispose, deposit, spill, pour, inject, seep, dump, leak or place by any other means including direct or indirect entry of a solid or liquid matter into the MS4.

"Division" means the Utah Division of Water Quality.

"Drainage Way" means any Channel that conveys surface Runoff throughout a construction Site. "Erosion Control" means a measure that prevents erosion.

"Grading" means excavation or fill of material, including the resulting conditions thereof. "Grubbing" means to clear roots and stumps.

"Ground Water" means water in a saturated zone or stratum beneath the surface of land or below a surface water body.

"Hazardous Materials" means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed. *See* 40 C.F.R. part 262.

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"Illegal Discharge" means any direct or indirect Non-Storm Water Discharge to the storm drain system, except as exempted in Section 13.80.070.

"Illicit Connections" means either of the following:

1. Any drain or conveyance, whether on the surface or subsurface, which allows an illegal Discharge to enter the storm drain system including but not limited to any conveyances which allow any non-Storm Water Discharge including sewage, process Wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or
2. Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

"Industrial Activity" means activities subject to NPDES industrial Permits as defined in 40 CFR. Section 122.26 (b)(14).

"Intentionally" has the same meaning as in Section 76-2-103(1) of the Utah Criminal Code, as amended.

"Knowingly" has the same meaning as in Section 76-2-103(2) of the Utah Criminal Code, as amended.

"Maintenance" means any activity that is necessary to keep a Storm Water facility in good working order so as to function as designed. Maintenance shall include complete reconstruction of a Storm Water facility if reconstruction is needed in order to restore the facility to its original operational design parameters. Maintenance shall also include the correction of any problem on the Site property that may directly impair the functions of the Storm Water facility.

"Maintenance Agreement" means a duly executed and legally recorded document that provides for long-term maintenance of Post-Construction Stormwater Management Measures.

"Manual" refers to the SWMP guidance document published by Salt Lake County Engineering and Flood Control.

"MS4" is an acronym referring to the City Municipal Separate Storm Sewer System.

"MS4 Permit" refers to the current General Permit for Discharges from Small Municipal Separate Storm Sewer Systems, as amended.

"Maximum Extent Practicable" or "MEP" is the technology-based Discharge standard for MS4s established by the Clean Water Act.

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"Monitoring" means tracking or measuring activities, progress, results, etc.

"Municipal Separate Storm Sewer System" means the conveyance system employed by the City to collect and convey Storm Water into Waters of the State, including the roads and streets and their drainage systems, catch basins, curbs, gutters, ditches, man-made Channels, and storm drains.

"National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit" means a permit issued by EPA (or by the state of Utah under authority delegated pursuant to 33 USC § 1342) that authorizes the Discharge of Pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

"Negligence" means simple negligence, the failure to exercise that degree of care that an ordinary reasonable and prudent person exercises under like or similar circumstances.

"Non-storm Water Discharge" means any discharge to the storm drain system that is not composed entirely of Storm Water.

"Perimeter Control" means a barrier that prevents Sediment from leaving a Site by filtering Sediment- laden Runoff or diverting it to a Sediment trap or basin.

"Permit" refers to authorization to Discharge municipal Storm Water under the UPDES, including but not limited to coverage under UPDES Construction General Permit No. UTRC000000 ("Construction General Permit") and UPDES General Multi-Sector Industrial Storm Water Permit Industrial Storm Water No. UTR000000 ("Industrial General Permit").

"Person" means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

"Phasing" means clearing a parcel of land in distinct phases. with the Stabilization of each phase completed before the Clearing of the next.

"Pollutant" means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

"Post Construction Stormwater Management Measures" means the use of structural or non-structural measures at developed sites after construction that are designed to reduce storm water runoff and pollutant loading to the MS4, as directed by the City's SWMP and approved by the

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City Engineer.

"Premises" means any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

"Private landscaping plan" has the same meaning as in Utah Code Ann. § 10-9a-604.5(1)(a), as amended: a proposal to install landscaping on a lot owned by a private individual or entity, submitted to the city by a private individual or entity, or on behalf of a private individual or entity, that owns the lot.

"Qualified Person" has the same meaning as in Section 4.2.4.4.1 of the Small MS4 General Permit, UPDES Permit No. UTR090000. means a person knowledgeable in the principles and practice of erosion control, sediment control, and pollution prevention who possesses the skills to assess conditions at effectiveness of any stormwater controls selected and installed to meet Permit requirements, such as but not limited to, the following: Utah Registered Stormwater Inspector (RSI); Certified Professional in Erosion and Sediment Control (CPESC); Certified Professional in Stormwater Quality (CPSWQ); Certified Erosion, Sediment, and Storm water Inspector (CESSWI); Certified Inspector of Sediment and Erosion Control (CISEC); National Institute for Certification in Engineering Technologies, Erosion, and Sediment Control, Level 3 (NICET); and Utah Department of Transportation Erosion Control Supervisor (ECS).

"Recklessly" has the same meaning as in Section 76-2-103(3) of the Utah Criminal Code, as amended.

"Responsible Person" means the Person(s) determined by the City who is responsible for causing or maintaining a violation of this ordinance. The term shall include, but is not limited to, a property owner, agent, tenant, lessee, occupant, architect, builder, contractor, or other Person who individually or together with another Person is responsible for the violation of any provision of this chapter.

"Runoff" is water that travels across the land surface, or laterally through the ground near the land surface, and Discharges to water bodies either directly or through a collection and conveyance system. Runoff includes Storm Water and water from other sources that travels across the land surface.

"Sediment" means solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface either above or below sea level, and which can settle in stream beds and disrupt the natural flow of the stream.

"Sediment control" means measures that prevent Sediment from leaving the Site.

"Site" means a parcel of land or a contiguous combination thereof, where Grading work is performed as a single unified operation.

"Stabilization" means providing adequate measures, vegetative and/or structural, that will



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prevent erosion from occurring.

"Standard Operating Procedure" or "SOP" means a set of written instructions that document a routine or repetitive activity. For purposes of this ordinance, SOPs refer to pollution Control Measures to protect water quality.

"Start of Construction" means the first land-disturbing activity associated with a development, including land preparation such as Clearing, Grading, and filling; installation of streets and walkways; excavation for basements, footings, piers, or foundations; erection of temporary forms; and installation of accessory buildings such as garages.

"Storm Drainage System" means publicly-owned facilities by which Storm Water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage Channels, reservoirs, and other drainage structures.

"Storm Water" means Storm Water Runoff, snowmelt Runoff, and surface Runoff and drainage. "Storm Water Management Plan" or "SWMP" means a written plan that outlines various control measures required under the Ms4 Permit, including specifications to accomplish measurable goals, actions, and activities which are designed to reduce the Discharge of Pollutants from the MS4 to the quality and quantity of Storm Water Runoff to pre-development levels, and to protect water quality.

"Storm Water Pollution Prevention Plan" or "SWPPP" means a document which describes the BMPs and activities to be implemented by a Person or business to identify sources of pollution or contamination at a Site and the actions to eliminate or reduce Pollutant Discharges to Storm Water, Storm Water conveyance systems, and/or receiving waters to the MEP.

"Storm Water Runoff" means flow on the surface of the ground, resulting from precipitation. "Uncontaminated" means water which is free from all physical, chemical, biological, or radiological substances or matter.

"Utah Pollutant Discharge Elimination System" or "UPDES" has the same meaning as the current version of Utah Administrative Rule R317-8-1.5 { 63), and which is currently defined as the state-wide program for issuing, modifying, revoking and reissuing, terminating, Monitoring and enforcing permits, and imposing and enforcing pretreatment requirements under the Utah Water Quality Act.

"UPDES Permit" means a permit issued by the Utah Water Quality Board pursuant to Utah laws and regulations.

"Wastewater" means any water or other liquid, other than Uncontaminated Storm Water, Discharged from a facility.

"Watercourse" means a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water within the City, regardless of its

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source.

'Waterway' means a Channel that directs surface Runoff to a watercourse or to the MS4. 'Waters of the State' means all streams, lakes, ponds, water-courses, Waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private which are contained within, flow through, or border upon the state of Utah. 'Waters of the State' does not include bodies of water confined to and retained within the limits of private property which do not develop into or constitute a nuisance, a public health hazard, or a menace to fish or wildlife.

#### 13.76.030 - Creation and Maintenance of SWMP-Policies and Procedures.

- A. The City Engineer is responsible for the creation and Maintenance of a Storm Water Management Program for all Discharges into the Storm Water system of the City.
- B. The City Engineer shall have authority to implement policies and procedures consistent with the provisions of this chapter.
- C. The City Engineer, in consultation with the City Attorney, shall have the authority to bring administrative or civil actions to enforce the provisions of this chapter, or the policies and procedures duly created and published by the City Engineer. The City Attorney shall have the authority to bring criminal actions to enforce the provisions of this chapter, or the policies and procedures duly created and published by the City Engineer.

#### 13.76.040- Non-storm Water Discharges Exempt from SWMP.

The following Discharges are not prohibited, unless the City Engineer determines that these Discharges are a significant source of Pollutants to the MS4 or the Waters of the State:

- A. Water line flushing;
- B. Landscape irrigation;
- C. Diverted stream flows;
- D. Rising Ground Waters;
- E. Uncontaminated Ground Water infiltration;
- F. Uncontaminated pumped Ground Water;
- G. Discharges from potable water sources;
- H. Foundation or footing drains;
- I. Air conditioning condensate;
- J. Irrigation water;
- K. Springs;
- L. Water from crawl space pumps;

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- M. Individual residential car washing;
  - N. Flows from riparian habitats and wetlands;
  - O. De-chlorinated swimming pool (if dechlorinated typically less than one PPM chlorine) or water reservoir discharges;
  - P. Residual street wash water;
  - Q. Discharges or flows from emergency firefighting activity;
  - R. Lawn watering runoff;
  - S. Any other Discharge specifically exempted by a UPDES Permit.

#### 13.76.050 - Altering Drainage Channels.

- A. Property owners shall not alter or restrict natural Channels and Waterways without proper federal, state, and City permits.
- 8. Modification of sensitive areas may require approval from other governing agencies.
- C. Property owners proposing to redirect Runoff, surface, and/or pipe flow to properties or facilities outside of City boundaries shall provide written approval from the state, county, or municipality onto which the water will be directed.
- D. Discharges or modifications to the canal require written approval from the canal owners and applicable government agencies.

### **Chapter 13.78- POLLUTANT DISCHARGES FROM CONSTRUCTION SITES**

#### **13.78.010 Introduction/purpose.**

During the construction process, soil is highly vulnerable to erosion by wind and water. Watercourses are also vulnerable to debris, chemicals and other potentially harmful construction materials if those materials are permitted to enter the city's MS4. Eroded soil is a major cause of stream degradation and necessitates repair of sewers and ditches and the dredging of rivers. As a result, the purpose of this local regulation is to safeguard persons, protect property, and prevent damage to the environment within and around the city. This chapter will also promote the public welfare by guiding, regulating, and controlling the design, construction, use, and maintenance of any development or other activity that disturbs or breaks the topsoil or results in the movement of earth on land in the city.

(Ord. No. 2019-05, § I, 4-3-2019)

#### **13.78.020 Definitions.**

Definitions for this chapter are included in Section 13.76.020.

(Ord. No. 2019-05, § I, 4-3-2019)

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### **13.78.030 City permits.**

- A. No person shall be granted a building permit or other city permit for land-disturbing activity that would uncover one acre or more without obtaining coverage under the general construction storm water permit from the Utah State Division of Water Quality. If a site less than one acre in size is part of a common plan of development or sale which collectively disturbs one or more acres, the requirements of this section will still apply.
- B. Permittees for sites greater than one acre in size, or sites that are less than one acre in size but are part of a common plan of development or sale, which collectively disturbs one or more acres, shall employ post construction stormwater management measures.
- C. No person shall be granted a building permit for land disturbing activity of less than one acre of land if such activity poses a significant or unique threat to water or public health or safety without obtaining coverage under the construction general permit.
- D. Prior to issuing a city permit, a SWPPP complying with the requirements of the general construction storm water permit and this chapter shall be submitted for review and approval by the city engineer, addressing sediment and erosion control and other applicable requirements of the SWMP. The city will conduct a pre-construction meeting to review the site design, planned operations, planned BMPs during construction and after development, and the city's enforcement policy.
- E. No SWPPP is required for the following activities, unless otherwise provided:
  - 1. Any emergency activity that is immediately necessary for the protection of life, property, or natural resources;
  - 2. Existing nursery and agricultural operations conducted as a permitted main or accessory use;
  - 3. Agricultural activity that is consistent with an approved farm conservation plan or a management plan prepared or approved by the appropriate city, federal, or state agency;
  - 4. Additions or modifications to existing single-family structures; or
  - 5. Residential gardening.
- F. Each SWPPP shall include the following:
  - 1. Name(s) and address(es) of the owner or developer of the Site, and of any consulting firm retained by the applicant together with the name and telephone number of the applicant's contact at such firm that will be responsible for the implementation of the SWPPP;
  - 2. Address and legal description of the subject property including the tax reference number and parcel number of the subject property;
  - 3. A statement indicating the nature, extent and purpose of the land disturbing activity, and a certification that any land Clearing, construction, or development involving the movement of earth shall be in accordance with the SWPPP; and

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4. Measures addressing the requirements of Section 13.78.050.

~~G. The applicant may be required to file with the city building official a faithful performance bond, letter of credit, or other improvement security in an amount deemed sufficient by the city to cover all costs of improvements, landscaping, maintenance of improvements for such period as specified by the city, and engineering and inspection costs to cover the cost of failure or repair of improvements installed on the site.~~

G. Notwithstanding the provisions of this section, all land disturbance activity must be carried out in accordance with the control measures addressed in a SWPPP.

(Ord. No. 2019-05, § I, 4-3-2019; Ord. No. 2021-17, § 1(Exh. B), 10-27-2021)

#### **13.78.040 Review and approval.**

A. For every Construction Activity that meets or exceeds the scope designated in Section 13.78.030 of this chapter, the city building official will review each application for a city permit to determine its conformance with the provisions of this regulation. Within thirty (30) days after receiving an application, the city Engineer shall, in writing:

1. Approve the city Permit application;
2. Approve the city Permit application subject to such reasonable conditions as may be necessary to secure substantially the objectives of this regulation, and issue the permit subject to these conditions; or
3. Disapprove the city Permit application, indicating the reason(s) and procedure for submitting a revised application and/or submission.

B. Failure of the city Engineer to act on an original or revised application within thirty (30) days of receipt shall authorize the applicant to proceed in accordance with the plans as filed unless such time is extended by agreement between the applicant and the city. Pending preparation and approval of a revised plan, development activities shall be allowed to proceed in accordance with conditions established by the city.

(Ord. No. 2019-05, § I, 4-3-2019)

#### **13.78.050 Stormwater Pollution Prevention Plan.**

A. The SWPPP shall include the following information:

1. A general location map and a Site map (including spot elevations and contour lines before and after construction) indicating:
  - a. Drainage patterns before and after minor Grading activities;
  - b. Construction boundaries and a description of existing vegetation prior to Grading activities;
  - c. Estimates of the total area of the Site and the total area that will be disturbed by construction activities;

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- d. The location of major structural and nonstructural controls identified in the plans;
  - e. The location of areas where Stabilization practices are expected to occur;
  - f. All surface waters including wetlands;
  - g. Locations where stormwater is discharged to surface water;
  - h. Locations of material and equipment storage;
2. A description of the nature and location of construction activities;
  3. A description of the intended sequence and schedule of major construction activities for development of the site, including clearing and grubbing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation pursuant to an approved landscaping plan;
  4. An estimate of the runoff coefficient for the site before and after construction activities are completed;
  5. The name of waters receiving runoff from the site;
  6. A copy of the construction general permit requirements;
  7. A description of all control measures that will be implemented to meet the objectives of the construction general permit throughout all phases of construction and after completion of development of the site. Depending upon the complexity of the project, the drafting of intermediate plans may be required at the close of each season;
  8. The name, address and phone number of the person or entity responsible for implementation of each control measure;
  9. Provisions for maintenance of control facilities, including easements and estimates of the cost of maintenance;
  10. Statement of recognition and permission for an authorized enforcement agent to inspect the site for compliance with the SWPPP.
  11. All parties responsible for execution of the SWPPP must certify and sign the SWPPP.
- B. The city may require the submission of a private landscaping plan before landscaping is installed, but will not withhold an applicant's building permit or certificate of occupancy because the applicant has not submitted a private landscaping plan.
- C. Within 14 days of receiving a complete SWPPP, the city engineer will review the SWPPP for compliance with local, state, and federal law. Upon review, the city engineer will either approve the SWPPP by written authorization to the permittee, request more information, or request a modification of the SWPPP. If the city engineer requests more information or modification of the SWPPP, then the city engineer will complete review of the new information or modified SWPPP within 5 days of receipt.

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D. ~~Requests by the permittee to modify the SWPPP~~ ~~Modifications to the SWPPP shall be processed and approved or disapproved~~ reviewed in the same manner as Section 13.78.040050(B) of this chapter, ~~may be authorized by the city engineer by written authorization to the permittee,~~ and shall include:

1. Major amendments of the SWPPP submitted to the city engineer;
2. Field modifications of a minor nature.

(Ord. No. 2019-05, § I, 4-3-2019)

### **13.78.060 Design requirements.**

A. Control measures shall be designed to meet the following criteria:

1. Prevent or Minimize Discharges. The proposed control measures shall be designed to prevent or minimize the discharge of sediment, chemicals, debris, and other construction-related pollutants from the construction site by stormwater runoff into the storm drainage system.
2. Prevent or Minimize Construction Debris. The proposed control measures shall be designed to prevent or minimize, to the MEP, the deposit, discharge, tracking by construction vehicles, or dropping of mud, sediment, debris, or other potential pollutants onto the public streets and rights-of-way.
3. The proposed control measures shall include BMPs available at the time that the SWPPP is submitted.
4. The proposed control measures shall be designed to preserve existing vegetation, where possible. Disturbed portions of the Site shall be stabilized.
5. The proposed control measures 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.

B. Clearing and grading of sensitive areas such as forests and wetlands, is not permitted, except when in compliance with all other chapters of this ordinance. Clearing techniques that retain natural vegetation and drainage patterns shall be used to the satisfaction of the city engineer.

C. Clearing, except that necessary to establish sediment control devices, shall not begin until all sediment control devices have been installed and have been stabilized.

D. Phasing shall be required on all sites disturbing greater than thirty (30) acres, with the size of each phase to be established at plan review and as approved by the city engineer.

E. Erosion control requirements shall include the following:

1. Soil stabilization shall be completed as soon as practicable, but in no case more than fourteen (14) days after clearing or inactivity in construction except under the following circumstances:

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- a. If the initiation of stabilization measures by the fourteenth day after construction activity temporarily or permanently ceases is precluded by snow cover or frozen ground conditions, stabilization measures shall be initiated as soon as practicable; or
    - b. If construction activity on a portion of the site is temporarily ceased, and earth disturbing will resume within fourteen (14) days, temporary stabilization measures need not be initiated on that portion of the site.
  2. If seeding or another vegetative erosion control method is used, it shall become established within two weeks or the city engineer may require the site to be reseeded or a nonvegetative option employed.
  3. Special techniques that meet the design criteria outlined in the manual on steep slopes or in drainage ways shall be used to ensure stabilization.
  4. Soil stockpiles must be stabilized or covered at the end of each workday.
  5. If the city engineer deems it necessary, the entire site must be stabilized, using a heavy mulch layer or another method that does not require germination to control erosion, at the close of the construction season.
  6. Techniques shall be employed to prevent the blowing of dust or sediment from the site.
  7. Techniques that divert upland runoff past disturbed slopes shall be employed.
  8. Sediment control requirements shall include:
    - a. Settling basins, sediment traps, or tanks and perimeter controls. sediment must be removed from sediment traps or settling basins when design capacity has been reduced by fifty (50) percent;
    - b. Settling basins that are designed in a manner that allows adaptation to provide long-term stormwater management, if required by the city Engineer;
    - c. Protection for adjacent properties and waterways by the use of a vegetated buffer strip in combination with perimeter controls.
  9. Waterway and watercourse protection requirements shall include:
    - a. A temporary stream crossing installed and approved by Salt Lake County if a wet watercourse will be crossed regularly during construction;
    - b. Stabilization of the watercourse channel before, during, and after any in-channel work;
    - c. All on-site stormwater conveyance channels designed according to the criteria outlined in the manual;
    - d. Stabilization adequate to prevent erosion located at the outlets of all pipes and paved channels.
  10. The use of impervious surfaces for stabilization should be minimally used.

(Ord. No. 2019-05, § I, 4-3-2019)



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### **13.78.070 Low impact development.**

As required by the MS4 Permit, the city encourages a low impact development (LID) approach, which includes the implementation of structural BMPs, where practicable, that infiltrate, evapotranspire, or harvest and use the storm water for the site to protect water quality. All development requiring a city permit and compliance with the construction general permit must include an LID analysis and achieve the retention requirements set forth in the storm water management plan and in Section 13.78.060, if applicable.

(Ord. No. 2019-05, § I, 4-3-2019; Ord. No. 2021-17, § 1(Exh. B), 10-27-2021)

### **13.78.080 Inspection.**

- A. Except as provided in Subsection (B) of this part, the city will conduct all oversight inspections through an electronic site inspection, for which the permittee shall submit photo documentation.~~The construction permittee shall allow an authorized enforcement agent to enter the premises to make inspections as hereinafter required or authorized.~~ Upon inspection, the authorized enforcement agent shall approve the portion of the work completed or shall notify the permittee wherein the completed work fails to comply with the SWPPP, as approved. The permittee shall maintain a copy of the SWPPP at the Site during the progress of the work. ~~The permittee shall notify the city building official at least two working days before the following~~ 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 best management practices.
- B. The construction permittee shall allow an authorized enforcement agent to enter the premises to make on-site inspections as hereinafter required or authorized. An authorized enforcement agent is hereby authorized to enter the property of the permittee for an on-site inspection of a construction site if:
1. The applicant opts in to on-site inspections;
  2. The city has a documented reason for justifying an on-site oversight inspection, which may include:
    - a. Alterations of electronic photographs;
    - b. Failure to submit an electronic site inspection at the appropriate time; or
    - c. The construction site is within one-half mile of a river, a stream, or a lake; or
  3. The city is inspecting a state transportation project or a military project.
- ~~The permittee shall notify the city building official at least two working days before the following:~~

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- ~~1. — Start of construction;~~
  - ~~2. — Installation of sediment and erosion measures;~~
  - ~~3. — Completion of site clearing;~~
  - ~~4. — Completion of rough grading;~~
  - ~~5. — Completion of final grading;~~
  - ~~6. — Close of the construction season;~~
  - ~~7. — Completion of final landscaping.~~

BC. The permittee or his/her agent shall make regular inspections of all control measures at least once every fourteen (14) calendar days and within twenty-four (24) hours of the end of a storm that produced twenty-five one-hundredths (0.25) of an inch of rainfall or greater. The purpose of such inspections will be to determine the overall effectiveness of the control plan and the need for additional control measures. All inspections shall be documented in written form, maintained on-site, and made available to the city building official or authorized enforcement agent upon request.

~~C. An authorized enforcement agent is hereby authorized to enter the property of the applicant as deemed necessary to make regular inspections to ensure the validity of the reports filed pursuant to subsection (B) of this section.~~

(Ord. No. 2019-05, § I, 4-3-2019)

#### **13.78.090 Post-construction inspections—Maintenance agreements.**

- A. Consistent with the requirements of the MS4 permit, the city is required to inspect stormwater control measures on private property to ensure that adequate maintenance is being performed.
- B. Property owners must, for the purposes of maintenance of post-construction stormwater management measures:
  1. Provide permission for inspections of post-construction stormwater management measures on private property annually by a qualified person pursuant to a maintenance agreement and every five years by an authorized enforcement agent, or more frequently at the discretion of the city engineer, when that property discharges into the MS4, as necessary;
  2. Prior to issuance of a city permit, enter into a maintenance Agreement which requires the property owner to reimburse the city for inspection costs and that requires annual certification of maintenance by the property owner, tenant or a qualified third party. Such certification must state that all maintenance has been performed and that the structural controls are operating as designed to protect water quality. The maintenance agreement shall run with the land and must be transferred to subsequent purchasers.

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~~B~~ C. The city may conduct oversight inspections every five years, or when there is an apparent system failure. If a property owner objects to the inspection, an authorized enforcement agent may apply for an administrative warrant to inspect the property.

~~C~~ D. If a property owner does not appropriately maintain the stormwater control measures, then the city may seek all remedies identified in this chapter, including abatement and assessment of costs, civil or criminal actions, and declaratory or injunctive relief.

(Ord. No. 2019-05, § I, 4-3-2019)

### **13.78.100 Construction site access and traffic.**

This section shall apply to all construction activities regardless of the size of the construction site.

- A. Construction site access requirements shall include a temporary access road provided at all sites as well as the following measures to assure that sediment is not carried onto public streets by construction vehicles or washed into storm drains.
- B. Each permittee shall be responsible to see that vehicles used in the process of carrying out the work authorized by the building permit shall not track any mud, dirt, or debris of any kind upon any city street and, if necessary, shall install a suitable process to clean vehicles prior to leaving the job site and entering city streets. The suitable process shall consist of:
  - 1. A cleaning area and crew to clean mud and dirt off the wheels and exterior body surface of the equipment;
  - 2. The cleaning area shall be arranged to provide adequate drainage to prevent puddling, and the cleaning area shall be kept mud-free and may be on a macadam or concrete slab;
  - 3. The cleaning area shall be located on private property and arranged in such a way that there is no blocking of traffic on city streets;
  - 4. The cleaning water or solution used for cleaning shall not be allowed to enter the city street, gutter or storm drain system.
- C. All trucks and equipment leaving the site with earthen materials or loose debris shall be loaded and/or covered in such a manner as to prevent dropping of materials on city streets and/or sidewalks.
- D. Ramps constructed over curbs and gutters shall not interfere with or block the passage of water along the gutter and shall be constructed of material that will not erode or deteriorate under adverse weather conditions.

(Ord. No. 2019-05, § I, 4-3-2019)

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### **13.78.110 Required Measures and Enforcement.**

- A. The permittee shall install erosion and water runoff controls sufficient to ensure that no stormwater, surface water, or debris from the construction site shall erode, drain, wash, or be tracked into any public right-of-way, including curb and gutter, into any part of the city's storm sewer system or into any ditch, canal, stream, or river. These controls shall be sufficient to cover any contingency, including, but not limited to, seasonal storms, unseasonable storms, and methods of construction.
- B. The sidewalk, street, and/or curb and gutter shall not be used for storage of debris, dirt, or excavated materials. The sidewalks shall not be removed, blocked, or otherwise rendered unusable by either the storage of construction equipment or material or the construction procedures unless a safe, usable alternate walkway along the same side of the street is provided by the contractor. All alternate walkways shall be ramped and so constructed as to provide a walking surface four feet wide and as sound and smooth as the normal concrete sidewalk.
- C. The permittee shall be responsible for the immediate removal of mud, dirt, or debris deposited on city streets, sidewalks, and/or curb and gutters by equipment leaving the site or by his construction procedures.
- D. If it becomes necessary for the city to remove any mud, dirt, or debris which has been deposited upon a street, gutter, or sidewalk, or in any storm sewer, the total cost to the city for such removal will be charged to the property owner, including legal fees, if any. Payment of such charges will be made to the city prior to final inspections, utility clearances, and issuance of a certificate of occupancy. pursuant to South Salt Lake City Ordinance, 2.22, the property owner may appeal the costs of such abatement.
- E. If any person holding a city permit pursuant to this chapter violates the terms of the permit or implements Site development in such a manner as to materially and adversely affect the health, welfare, or safety of persons residing or working in the neighborhood or development site so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the city building official may stop the work and suspend or revoke the city permit, unless:
  - 1. The violation is a result from a deficiency in a best management practice;
  - 2. The person selected the city's preferred best management practice for the site conditions; and
  - 3. The person implemented and properly maintained the preferred best management practice.
- F. The permittee shall develop and implement post construction stormwater management measures to reduce runoff and the discharge of pollutants after construction is completed, as directed and approved by the city engineer. These post construction measures shall be sufficient to cover any contingency, including, but not limited to, seasonal and unseasonable storms.

**13.78.120 Violation and penalties.**

- A. Any person who violates a provision of this chapter, or who fails to comply with an affirmative obligation established by this chapter, shall be deemed guilty of a class B misdemeanor or a separate offense for each day during which any violation of a provision of this chapter is committed, continued, or permitted.
- B. Upon discovery of a violation of this chapter, the city:
1. Will first notify the applicant, in writing, of a specific violation;
  2. Will provide the applicant a reasonable time of at least one business day to correct the specific violation; and
  3. May perform an onsite inspection to verify the applicant corrects the specific violation.
- C. If an applicant does not correct the specific violation described in Subsection (B) within the timeline provided, the city:
1. Will issue a written warning that the applicant has not corrected the specific violation;
  2. Impose a fine if the applicant does not correct the specific violation within one additional business day; and
  3. May perform an onsite inspection to verify that the applicant corrected the specific violation.
- D. If an applicant does not correct the specific violation for which the applicant received notice in accordance with Subsection (B), within the timeline set under subsection (C), the city:
1. Will notify the applicant, in writing, that the applicant has not corrected the specific violation; and
  2. Impose an administrative fine for each occurrence, which shall be set forth in the Consolidated Fee Schedule, available at Title 3, Chapter 11 of the South Salt Lake Municipal Code; and
  3. May impose the administrative fine:
    - a. for each business day the specific violation continues beginning on the day after the day on which the city issues the administrative fine; and
    - b. within 30 days after the day on which the applicant corrects the violation.
- ~~B.~~ E. In its sole discretion, the city may choose to enforce this chapter against any person violating any of its provisions by criminal citation, civil citation, notice of violation, and summons as provided in Chapter 8.14 of this ordinance, or other judicial remedies, including injunctive relief.

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~~E.~~ F. Any person adversely affected by a decision of an enforcement official made pursuant to this title, shall have the right to request an administrative hearing as provided under Chapter 2.22 of this Code.

~~D.~~ G. Any person found responsible in a civil proceeding of violating any provision of this chapter shall be deemed responsible for a separate violation of this ordinance for each day during which any violation of any of the ordinance is committed, continued, or permitted. Upon civil citation for any such violation, such Person, partnership, or corporation shall be punished by a civil fine of not more than one thousand dollars (\$1,000.00) for each offense.

~~E.~~ H. In addition to any other penalty authorized by this section, any Person, partnership, or corporation convicted of violating any of the provisions of this chapter shall be required to bear the expense of any work or restoration performed by the city pursuant to an order from an administrative proceeding. Properties which require correction by the city are subject to liens for the work completed by the city.

(Ord. No. 2019-05, § I, 4-3-2019; Ord. No. 2021-17, § 1(Exh. B), 10-27-2021)

### **13.78.130 Separability.**

The provisions and sections of this chapter shall be deemed to be separable, and the invalidity of any portion of this chapter shall not affect the validity of the remainder.

(Ord. No. 2019-05, § I, 4-3-2019)

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### **13.79.050 – Standards for nonstructural stormwater management measures.**

- A. To the maximum extent practicable, property owners shall use nonstructural stormwater management measures to reduce the discharge of stormwater to the MS4 and to achieve flood control, groundwater recharge, and pollutant reduction.
- B. Nonstructural stormwater management measures shall:
  - 1. Protect areas that provide water-quality benefits and areas that are particularly susceptible to erosion or sediment loss;
  - 2. Minimize impervious surfaces and break up or disconnect the flow of runoff from impervious surfaces;
  - 3. Maximize the protection of natural drainage features and vegetation;
  - 4. Provide low-maintenance landscaping that encourages retention and the planting of native vegetation and minimizes the use of fertilizers and pesticides;
  - 5. Provide vegetated open-channel conveyance systems discharging into and through stable vegetated areas; and
  - 6. Provide other source controls to prevent or minimize the use or exposure of pollutants at the site to prevent the release of pollutants to the MS4 including, but not limited to:

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- a. Site design features that prevent accumulation of trash and debris in drainage systems;
  - b. Site design features that prevent the discharge of trash and debris from drainage systems; and
  - c. Site design features that prevent or contain spills or other harmful accumulations of pollutants at industrial or commercial development sites.
  - d. Site design features that prevent disposal of pet waste in management features.

(Ord. No. 2019-05, § II, 4-3-2019)

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### **13.80.070 – Discharge Prohibitions**

A. Prohibition of Illegal Discharges. All persons are prohibited from discharging or causing to be discharged into the MS4 or watercourses any materials, including but not limited to pollutants or waters containing any pollutants, other than stormwater, ~~has violated this chapter.~~

B. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited, except as described as follows:

1. ~~Uncontaminated~~ w Water line flushing or other potable water sources;
2. ~~Uncontaminated~~ l Landscape irrigation or lawn watering;
3. Diverted stream flows;
4. Rising groundwater;
5. Groundwater infiltration to storm drains;
6. Uncontaminated springs or pumped groundwater;
7. ~~Uncontaminated~~ f Foundation or footing drains;
8. ~~Uncontaminated~~ e Crawl space pumps or air conditioning condensation;
9. Lawn watering runoff;
- ~~9.~~ 10. Individual residential car washing;
- ~~10.~~ 11. Swimming pools (if dechlorinated typically less than one PPM chlorine);
12. Residential street wash water;
13. Dechlorinated water reservoir discharges;
- ~~12.~~ 14. Dye-testing, if verbal notification is provided to the authorized enforcement agent prior to the time of testing; and

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~~13.~~ 15. Emergency fire fighting activities or discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety.



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# South Salt Lake City Public Works Dept.

Stormwater Div.  
Corby Talbot

# Back Ground

1. State of Utah has determined that the City is subject to Utah Pollutant Discharge Elimination System (UPDES) permit No. UTR090000 for Discharges from Small Municipal Separate Storm Sewer Systems (MS4s), as modified by the State of Utah on March 11, 2025
2. State of Utah recently passed into law;
  - a. 2024 Construction Amendments Bill (H.B. 507), the
  - b. 2025 Construction Modifications Bill (S.B. 220), and the
  - c. 2025 Local Land Use Amendments Bill (H.B. 368),

Each of which necessitate revisions to the City's ordinances concerning conditions for approval of building applications, penalties for stormwater violations, assurances for land improvements, and methods for conducting site inspections;

# What was changed

1. 13.25.020 Equivalent Residential Unit (ERU) to equal 3700 [sq.ft](#).
2. 13.76
  - a. Updated 13.76.020 Definitions to meet permit
3. 13.78
  - a. 13.78.050 Private landscaping requirement cannot hold up C of O(HB 368)
  - b. SWPPP review requirements # of days to complete (HB 507, SB 220)
  - c. 13.78.080 Included the requirement of allowing electronic oversight inspection and the rules pertaining to that process, also the process for physical oversight inspections.(SB 220)
  - d. 13.78.110 Stop work order exceptions (SB 220)
  - e. 13.78.120 Included the new violation and penalties issuance process (SB 220)
4. 13.79.050 Permanent BMP design included a line to prevent from disposing pet waste.(new permit)
5. 13.80.070 Updated the list of allowable discharges to read like permit (new permit)

# Questions

Remember

“Get your mind in the GUTTER, let’s keep it CLEAN”