

Planning Commission Staff Report

File # 11Z20

Recommendation to the City Council for a Zoning Text Amendment to the Taylorsville Municipal Code Title 17: *Storm Drainage and Flood Control Development*, to align with Utah State Statutes



Department of Community Development

Date:	December 3, 2020
Meeting Date:	December 8, 2020
Agenda Item:	Recommendation to the City Council for a Zoning Text Amendment to the Taylorsville Municipal Code Title 17: <i>Storm Drainage and Flood Control Development</i> , to align with Utah State Statutes
Subject Property Address:	n/a
Applicant:	City of Taylorsville
Applicant Agent:	n/a
Author:	Jim Spung, AICP, Senior Planner
Applicable Ordinances:	Title 17
Agenda item #:	4

Attachments:

Exhibit A: Proposed redlined edits Title 17

Summary

The City of Taylorsville is requesting a text amendment to the Taylorsville City Code Title 17: *Storm Drainage and Flood Control Development*. Although the proposed amendments are not contained in Title 13: *Land Development Code*, and do not require Planning Commission review, City staff thought it was appropriate to provide the Planning Commission and the public an opportunity to review and make public comment regarding these changes prior to consideration by the City Council.

Analysis

Every three to five years the City receives a new storm drain permit from the State of Utah. Changes to storm water requirements often accompany the new permit. The proposed changes to Title 17 are intended to clarify and update the City's stormwater management practices. Exhibit A contains redlined changes to Title 17 in a strikethrough and underline format.

Findings

1. This application was initiated by the City of Taylorsville.
2. The City is requesting a text amendment Title 17: *Storm Drainage and Flood Control Development*.
3. This amendment aligns City storm drain permit standards with the State of Utah provisions.
4. The City Council is the final decision-making authority for a text amendment to the Taylorsville Municipal Code.

Staff Recommendation

Staff recommends that the Planning Commission send a positive recommendation to the City Council regarding the proposed text amendment to Title 17: *Storm Drainage and Flood Control Development*.

Conditions of Approval

N/A

Recommended Motion

I move that we send a positive recommendation to the City Council for a text amendment to Title 17: *Storm Drainage and Flood Control Development*, based on the Findings as stated in this Staff Report.

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Title 17: STORM DRAINAGE AND FLOOD CONTROL DEVELOPMENT

Chapter 17.01: DRAINAGE OF SUBSURFACE WATER

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Title 17: STORM DRAINAGE AND FLOOD CONTROL DEVELOPMENT

Chapter 17.01: DRAINAGE OF SUBSURFACE WATER¹

17.01.010 WRITTEN PERMISSION REQUIRED

It is unlawful for any person to make any improvements in the city where subsurface water exists within two feet (2') of the foundation level of the improvements without obtaining the written permission ~~off from~~ the ~~director of community development~~City. This requirement shall include, but not be limited to, subdividers, persons developing ground for industrial and/or commercial purposes, and homeowners constructing improvements upon their own property. (Ord. 01-03, 1-17-2001)

17.01.020 MINIMUM STANDARDS

Before written permission is issued, the ~~director of community development shall ensure that the following requirements are following shall be~~ met:

- A. Test holes shall be dug upon the properties to a depth sufficient to determine the extent of the subsurface water table ~~in the proposed development to include the depth thereof and any other information regarding same which may be required by the director of community development.~~
- B. All applicants must supply data as to seasonal high ~~water~~ water table elevations.
- C. All footings shall be at least two feet (2') above the highest water table elevations, and the type of house construction or other development shall be governed by this standard, or by a satisfactory design approved by a licensed professional engineer which shall be submitted to the ~~director of community development~~City for approval.
- D. ~~The developer shall provide drainage~~Drainage easements ~~to in favor of~~ the eCity along all rear, side and front lot lines for drainage purposes whenever required to accommodate subsurface drainage facilities that are constructed in order to lower ground water levels. are required. The size of the easement shall be determined by the ~~director of community development~~City Engineer and shall in all events be a minimum of ten feet (10'). ~~The director of community development shall recommend whether the drainage easements shall~~If underground infrastructure is installed, an easement up to 20 feet in width may ~~be separate from other utility easements or shall be used concurrently with such easements required.~~
- E. All grading of any kind shall be done ~~so as~~ to ensure that the drainage is away from the proposed improvements and in such a manner as to prevent any conveying or trapping of water adjacent to the basement and foundation walls of the improvement. (Ord. 01-03, 1-17-2001)

¹ From current Chapter 17.04. The current numbering convention skips chapters 1-3.

Chapter 17.02: FLOOD DAMAGE PREVENTION REGULATIONS²

17.02.010 FINDINGS

- A. The flood hazard areas are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety, and general welfare.
- B. These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed, or otherwise protected from flood damage. (Ord. 09-31, 9-16-2009)

17.02.020 STATEMENT OF PURPOSE

It is the purpose of this chapter to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone, and sewer lines; streets and bridges located in floodplains;
- F. Help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize future flood blight areas; and
- G. Ensure that potential buyers are notified that property is in a flood area. (Ord. 09-31, 9-16-2009)

17.02.030 METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this chapter uses the following methods:

- A. Restrict or prohibit uses that are dangerous to health, safety, or property in times of flood, or cause excessive increases in flood heights or velocities;
- B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
- D. Control filling, grading, dredging, and other development which may increase flood damage;
- E. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters, or which may increase flood hazards to other lands. (Ord. 09-31, 9-16-2009)

17.02.040 DEFINITIONS³

Unless specifically defined below, words or phrases used in this chapter shall be interpreted to give them the meanings they have in common usage and to give this chapter its most reasonable application:

² From current Chapter 17.10. The current numbering convention skips chapters 4-9.

³ From current 17.10.035.

ALLUVIAL FAN FLOODING

Flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

APEX

A point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

AREA OF SHALLOW FLOODING

A designated AO, AH, or VO zone on a community's flood insurance rate map (FIRM) with a one percent (1%) chance or greater annual chance of flooding to an average depth of one to three feet (3') where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD

The land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated as ~~z~~Zone A on the flood hazard boundary map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, ~~z~~Zone A usually is refined into zones A, AE, AH, AO, A1-99, VO, V1-30, VE or V.

BASE FLOOD

The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

BASEMENT

Any area of the building having its floor subgrade (below ground level) on ~~all sides~~any side.

CRITICAL FEATURE

An integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

DEVELOPMENT

Any manmade change in improved and unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations or storage of equipment or materials.

ELEVATED BUILDING

A ~~nonbasement~~non-basement building: a) built, in the case of a building in zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the water, and b) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters.

In the case of zones V1-30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building", even though the lower area is enclosed by means of breakaway walls if the breakaway walls met the standards of section 60.3(e)(5) of the national flood insurance program regulations.

EXISTING CONSTRUCTION

For the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures".

EXISTING MANUFACTURED HOME PARK OR SUBDIVISION

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION

The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FLOOD INSURANCE RATE MAP (FIRM)

An official map of a community, on which the federal emergency management agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community and all subsequent amendments and revisions thereto.

FLOOD INSURANCE STUDY

The official report provided by the federal emergency management agency. The report contains flood profiles, water surface elevation of the base flood, as well as the flood boundary-floodway map.

FLOOD OR FLOODING

A general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. The overflow of inland or tidal waters.
- B. The unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD PROTECTION SYSTEM

Those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

FLOODPLAIN MANAGEMENT

The operation of an overall program of corrective and preventive measures for reducing flood damage, including, but not limited to, emergency preparedness plans, flood control works and floodplain management regulations.

FLOODPLAIN MANAGEMENT REGULATIONS

Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

FLOODPLAIN OR FLOOD PRONE AREA

Any land area susceptible to being inundated by water from any source (see definition of Flood ~~Or~~ Flooding).

FLOODPROOFING

Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY (REGULATORY FLOODWAY)

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

FUNCTIONALLY DEPENDENT USE

A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repair facilities, but does not include long term storage or related manufacturing facilities.

HIGHEST ADJACENT GRADE

The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE

Any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the department of interior) or preliminarily determined by the secretary of the interior as meeting the requirements for individual listing on the national register;
- B. Certified or preliminarily determined by the secretary of the interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the secretary of the interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 1. By an approved state program as determined by the secretary of the interior, or
 2. Directly by the secretary of the interior in states without approved programs.

LEVEE

A manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water ~~so as to~~ provide protection from temporary flooding.

LEVEE SYSTEM

A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

LOWEST FLOOR

The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable ~~nonelevation~~non-elevation design requirement of section 60.3 of the national flood insurance program regulations.

MANUFACTURED HOME

A structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

MANUFACTURED HOME PARK OR SUBDIVISION

A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

MEAN SEA LEVEL

For purposes of the national flood insurance program, the national geodetic vertical datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

NEW CONSTRUCTION

For the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

NEW MANUFACTURED HOME PARK OR SUBDIVISION

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

RECREATIONAL VEHICLE

A vehicle which is:

- A. Built on a single chassis;
- B. Four hundred (400) square feet or less when measured at the largest horizontal projections;
- C. Designed to be self-propelled or permanently towable by a light duty truck; and
- D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

START OF CONSTRUCTION

For other than new construction or substantial improvements under the coastal barrier resources act (Pub. L. 97-348), includes substantial improvement and means the date the building permit was issued, provided, the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The "actual start" means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the "actual start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, ~~whether or not that~~ regardless of whether the alteration affects the external dimensions of the building.

STRUCTURE

A walled and roofed building, including a gas or liquid storage tank, that is principally aboveground, as well as a manufactured home.

SUBSTANTIAL DAMAGE

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT

Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions, or

- B. Any alteration of a "historic structure", provided, that the alteration will not preclude the structure's continued designation as a "historic structure".

VARIANCE

A grant of relief to a person from the requirement of this chapter when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this chapter. (For full requirements see section 60.6 of the national flood insurance program regulations.)

VIOLATION

The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) of the national flood insurance program regulations is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION

The height, in relation to the national geodetic vertical datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas. (Ord. 09-31, 9-16-2009)

17.02.050 GENERAL PROVISIONS⁴

- A. This chapter shall apply to all areas of special flood hazard within the jurisdiction of the city.
- B. The areas of special flood hazard identified by the federal emergency management agency in a scientific and engineering report entitled, "The Flood Insurance Study For The City Of Taylorsville", dated September 25, 2009, and all subsequent amendments and/or revisions thereto, with accompanying flood insurance rate maps and flood boundary-floodway maps (FIRM and FBFM) and any revisions thereto are hereby adopted by reference and declared to be a part of this chapter.
- C. ~~A development~~A flood plain encroachment permit shall be required to ensure conformance with the provisions of this chapter.
- D. No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this chapter and other applicable regulations.
- E. This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- F. In the interpretation and application of this chapter, all provisions shall be:
1. Considered as minimum requirements;
 2. Liberally construed in favor of the governing body; and
 3. Deemed neither to limit nor repeal any other powers granted under state statutes.
- G. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder. (Ord. 09-31, 9-16-2009)

⁴ From current 17.10.040.

17.02.060 ADMINISTRATION⁵

- A. ~~The director of community development~~The City Engineer or designee is hereby appointed the floodplain administrator to administer and implement the provisions of this chapter and other appropriate sections of 44 CFR (national flood insurance program regulations) pertaining to floodplain management.
- B. Duties and responsibilities of the floodplain administrator shall include, but not be limited to, the following:
1. Maintain and hold open for public inspection all records pertaining to the provisions of this chapter.
 2. Review permit applications to determine whether proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
 3. Review, approve or deny all applications for ~~development~~flood plain encroachment permits required by adoption of this chapter.
 4. Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies (including section 404 of the federal water pollution control act amendments of 1972, 33 USC 1334) from which prior approval is required.
 5. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the floodplain administrator shall make the necessary interpretation.
 6. Notify, in riverine situations, adjacent communities and the state coordinating agency ~~which~~that is the NFIP coordinator, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the federal emergency management agency.
 7. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
 8. When base flood elevation data has not been provided in accordance with subsection 17.10.040B of this chapter, the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, in order to administer the provisions of this section.
 9. When a regulatory floodway has not been designated, the floodplain administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the community.
 10. Under the provisions of 44 CFR chapter 1, section 65.12, of the national flood insurance program regulations, a community may approve certain development in zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one foot (1'), provided, that the community first applies for a conditional FIRM revision through FEMA (conditional letter of map revision).
- C. Application for a ~~development~~flood plain encroachment permit shall be presented to the floodplain administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:
1. Elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures;
 2. Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
 3. A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of subsection 17.10.060B of this chapter;

⁵ From current 17.10.050.

Title 17: STORM DRAINAGE AND FLOOD CONTROL DEVELOPMENT

Chapter 17.02: FLOOD DAMAGE PREVENTION REGULATIONS

17.02.060 ADMINISTRATION

4. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;
 5. Maintain a record of all such information in accordance with subsection B of this section.
- D. ~~Approval or denial of a development~~A flood plain encroachment permit by the floodplain administrator ~~shall~~may be ~~denied~~ based on all of the provisions of this chapter and the following relevant factors:
1. The danger to life and property due to flooding or erosion damage;
 2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 3. The danger that materials may be swept onto other lands to the injury of others;
 4. The compatibility of the proposed use with existing and anticipated development;
 5. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 6. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical, and water systems;
 7. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
 8. The necessity to the facility of a waterfront location, where applicable;
 9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 10. The relationship of the proposed use to the comprehensive plan for that area.
- E.
1. The appeal authority ~~as established by the community~~ shall hear and render judgment on requests for variances from the requirements of this chapter.
 2. The appeal authority shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this chapter.
 3. Any person or persons aggrieved by the decision of the appeal authority may appeal such decision in the courts of competent jurisdiction.
 4. The floodplain administrator shall maintain a record of all actions involving an appeal and shall report variances to the federal emergency management agency upon request.
 5. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this chapter.
 6. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in this section have been fully considered. As the lot size increases beyond the one-half (1/2) acre, the technical justification required for issuing the variance increases.
 7. Upon consideration of the factors noted above and the intent of this chapter, the appeal authority may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this chapter.
 8. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
 9. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
 10. Prerequisites for granting variances:

- a. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - b. Variances shall only be issued upon:
 - (1) Showing a good and sufficient cause;
 - (2) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - c. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
11. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
- a. The criteria outlined in subsections E1 through E9 of this section are met, and
 - b. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety. (Ord. 09-31, 9-16-2009)

17.02.070 PROVISIONS FOR FLOOD HAZARD REDUCTION⁶

- A. New Construction ~~And~~ Substantial Improvements: In all areas of special flood hazard, the following provisions are required for all new construction and substantial improvements:
 1. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
 3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
 4. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located ~~so~~ ~~as~~ to prevent water from entering or accumulating within the components during conditions of flooding;
 5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
 6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the systems into floodwaters; and
 7. On site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- B. Floodproofing Requirements: In all areas of special flood hazard where base flood elevation data has been provided as set forth in: 1) subsection 17.10.040B of this chapter, 2) subsection 17.10.050B8 of this chapter, or 3) subsection C3 of this section, the following provisions are required:
 1. Residential Construction: New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the floodplain administrator that the standard of this subsection as proposed in subsection 17.10.050C of this chapter is satisfied.
 2. Nonresidential Construction: New construction and substantial improvements of any commercial, industrial, or other nonresidential structure shall either have the lowest floor (including basement) elevated to or

⁶ From current 17.10.060.

above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the floodplain administrator.

3. Enclosures: New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - a. A minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - b. The bottom of all openings shall be no higher than one foot (1') above grade.
 - c. Openings may be equipped with screens, louvers, valves, or other coverings or devices, provided, that they permit the automatic entry and exit of floodwaters.
4. Manufactured Homes:
 - a. Require that all manufactured homes to be placed within ~~z~~Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over the top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
 - b. Require that manufactured homes that are placed or substantially improved within zones A1-30, AH, and AE on the community's FIRM on sites: 1) outside of a manufactured home park or subdivision, 2) in a new manufactured home park or subdivision, 3) in an expansion to an existing manufactured home park or subdivision, or 4) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
 - c. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of this subsection B4 be elevated so that either:
 - (1) The lowest floor of the manufactured home is at or above the base flood elevation, or
 - (2) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty six inches (36") in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
5. Recreational Vehicles: Require that recreational vehicles placed on sites within zones A1-30, AH, and AE on the community's FIRM either:
 - a. Be on the site for fewer than one hundred eighty (180) consecutive days,
 - b. Be fully licensed and ready for highway use, or
 - c. Meet the permit requirements of subsection 17.10.050C of this chapter, and the elevation and anchoring requirements for "manufactured homes" in subsection B4 of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

C. Subdivisions:

Title 17: STORM DRAINAGE AND FLOOD CONTROL DEVELOPMENT

Chapter 17.02: FLOOD DAMAGE PREVENTION REGULATIONS

17.02.070 PROVISIONS FOR FLOOD HAZARD REDUCTION

1. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with subsections A and B of this section.
 2. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet ~~development~~**flood plain encroachment** permit requirements of subsections 17.10.040C and 17.10.050C of this chapter; and the provisions of this section.
 3. Base flood elevation data shall be generated for subdivision proposals and other proposed development, including the placement of manufactured home parks and subdivisions which is greater than fifty (50) lots or five (5) acres, whichever is lesser, if not otherwise provided pursuant to subsection 17.10.050B of this chapter or subsection B of this section.
 4. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
 5. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage.
- D. ~~Of~~**of** Shallow Flooding: Located within the areas of special flood hazard established in subsection 17.10.040B of this chapter are areas designated as shallow flooding. These areas have special flood hazard associated with base flood depths of one to three feet (3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:
1. All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified).
 2. All new construction and substantial improvements of nonresidential structures:
 - a. Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least 2 feet if no depth number is specified); or
 - b. Together with attendant utility and sanitary facilities be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads or effects of buoyancy.
 3. A registered professional engineer or architect shall submit a certification to the floodplain administrator that the standards of this section, as proposed in subsection 17.10.050C of this chapter, are satisfied.
 4. Require within zones AH or AO adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures.
- E. Floodways: Located within areas of special flood hazard established in subsection 17.10.040B of this chapter, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions shall apply:
1. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
 2. If subsection E1 of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this section.
 3. Under the provisions of 44 CFR chapter I, section 65.12, of the national flood insurance regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided, that the community first applies for a conditional FIRM and floodway revision through FEMA. (Ord. 09-31, 9-16-2009)

17.02.080 PENALTIES FOR NONCOMPLIANCE⁷

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violation of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than six (6) months, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation. (Ord. 09-31, 9-16-2009)

Chapter 17.03: STORM WATER FACILITIES⁸**17.03.010 PURPOSE**

The purpose of this chapter is to provide a fair and equitable means of funding the storm water facilities which will be necessary to service anticipated future growth and development in the city. The impact fees for storm water facilities implemented through this chapter will help achieve an equitable allocation of the costs of providing such facilities which are reasonably related to and necessary to service anticipated future growth. (Ord. 01-03, 1-17-2001)

17.03.020 IMPACT FEES IMPOSED

The owner or developer of property located in one of the drainage basins for which storm water facilities improvements are necessary in order to accommodate new development shall pay an impact fee to the city for that purpose. The amount of the fees shall be as set forth in chart 17.27.030 of this chapter. The city council may adjust such fees for inflation by resolution on an annual basis for each fiscal year based on a report from the department utilizing a generally recognized construction cost index. The fees shall be paid as a condition precedent to the issuance of a permit to build or construction of improvements upon the property in question. ~~Where the development is a subdivision of a conditional use, the fee shall be paid prior to the approval of the plat or plan by the development services department and such fees shall be collected by the department, or approval of a subdivision plat.~~ (Ord. 01-03, 1-17-2001)

17.03.030 SERVICE AREAS

Each drainage basin is established as a separate service area with respect to the provision of storm water facilities.

<u>Drainage Basin</u>	<u>Fee Calculation</u>
<u>Taylorville Basin</u>	<u>(Development runoff) 1534) X \$6,629,632.00 = gross fees</u>
<u>Bennion Basin</u>	<u>(Development runoff) 854) X \$5,019,696.00 = gross fees</u>

17.03.040 ACCOUNTING, EXPENDITURE AND REFUND OF IMPACT FEES

All of the impact fees collected pursuant to this chapter shall be deposited into a separate interest bearing ledger account for storm water facilities and may only be used for that purpose. The accounting, expenditure and refund of all such impact fees collected shall be handled by the city in accordance with the provisions of the Utah impact fees act. (Ord. 01-03, 1-17-2001)

⁷ From current 17.10.070.

⁸ From current Chapter 17.27, renumbered for consistency.

17.03.050 ADJUSTMENT OF IMPACT FEE

- A. The city may adjust the impact fees imposed pursuant to this chapter as necessary in order to:
 - 1. Respond to unusual circumstances in specific cases;
 - 2. Ensure that the impact fees are imposed fairly;
 - 3. Permit the adjustment of the amount of the fee based upon studies and data submitted by an applicant ~~as approved by the department~~ in order to ensure that the fee represents the proportionate share of the costs of providing such facilities which are reasonably related to and necessary in order to provide the services in question to anticipated future growth and development activities; and
 - 4. Allow credits against impact fees for dedication of land for, improvement to or new construction of, any system improvements which are identified in the capital facilities plan and required by the city as a condition of approving the development activity. No credits shall be given for project improvements as defined in the Utah impact fees act.
- B. The mayor shall have the authority to make such adjustments based upon information submitted by the applicant and the recommendations from ~~the department~~ City staff.
- C. The city may adopt policies consistent with this chapter and any resolutions passed by the city council to assist in the implementation, administration and interpretation of this chapter related to storm water facilities impact fees. (Ord. 01-03, 1-17-2001)

17.03.060 ADMINISTRATIVE CHALLENGES AND APPEALS PROCEDURE

- A. Any person or entity required to pay an impact fee who believes the fee does not meet the requirements of law may file a written request for information with the city as provided by the Utah impact fees act. Within two (2) weeks of the receipt of the request for information, the city shall provide the person or entity with the written analysis required by the Utah impact fees act and any other relevant information relating to the impact fee.
- B. Any person or entity residing in or owning property within the city who believes the fee does not meet the requirements of the law or wishes to challenge the fee shall file a written appeal within thirty (30) days after payment of any impact fee with the city setting forth in detail all factual and legal grounds in support of the appeal. ~~Upon receipt of the appeal, the director of the department shall make a recommendation to the mayor and schedule a public hearing before the mayor on the appeal for the purpose of receiving input from all interested persons. The mayor shall thereafter render his decision on the appeal no later than thirty (30) days after the date the appeal was filed. Any person or entity who has failed to comply with these administrative remedies may not file or join an action challenging the validity of any impact fee. in accordance with Municipal Code Section 13.34.010: Appeals.~~
- C. Any person or entity who was a party to an appeal under this section who is adversely affected by the decision of the ~~mayor~~ Appeal Authority may petition the district court for a review of the decision within ninety (90) days of a decision upholding an impact fee ~~by the mayor~~ or within one hundred twenty (120) days after the date the challenge to the impact fee was filed, whichever is earlier. Such a declaratory judgment action or petition for review challenging the validity of the fee shall be filed in the third judicial district court for Salt Lake County.
- D. In the event a petition is filed with the court, the city shall transmit to the reviewing court the record of its proceedings including its minutes, findings, orders, and, if available, a true and correct transcript of its proceedings.
- E. If the proceeding was tape recorded, a transcript of that tape recording is a true and correct transcript for the purposes of subsection D of this section.
- F. If there is a record:
 - 1. The district court's review is limited to the record provided by the city; and
 - 2. The court may not accept or consider any evidence outside the city's record unless that evidence was offered to the city and the court determines that it was improperly excluded by the city.
- G. If there is an inadequate record, the court may call witnesses and take evidence.
- H. The court shall affirm the decision of the city if the decision was supported by substantial evidence in the record.

- I. The judge may award reasonable attorney fees and costs to the prevailing party in any action brought under this section (Ord. 01-03, 1-17-2001)

Chapter 17.04: ADMINISTRATION⁹

17.04.010 ADMINISTRATIVE RESPONSIBILITY

~~The community development department~~The City Engineer or designee shall administer the provisions of this title and all other ordinances pertaining to drainage, flood control and water quality management planning. (Ord. 01-03, 1-17-2001)

Chapter 17.05: STORMWATER MAINTENANCE¹⁰

17.05.010 GENERAL PROVISIONS

- A. Purpose: It is the purpose of this chapter to protect, maintain, and enhance the environment of the City; establish responsibilities for controlling and managing stormwater runoff; protect the public health, safety and the general welfare of the citizens of the City by controlling discharges of pollutants to the City's stormwater system; maintain and improve the quality of the receiving waters into which the stormwater outfalls flow including, without limitation, lakes, rivers, streams, ponds, wetlands, and groundwater of the City; enable the City to comply with the National Pollution Discharge Elimination System permit (NPDES/UPDES) and applicable regulations, 40 CFR 122.26 for stormwater discharges; and exercise the powers granted by Utah law, which enables the City to regulate the planning, location, construction, and operation and maintenance of stormwater facilities in the City, whether or not owned and operated by the City; adopt any rules and regulations by resolution deemed necessary to accomplish the purposes of this chapter, including the adoption of a system of fees for services and permits; establish standards to regulate the quantity and quality of stormwater discharged and to regulate stormwater contaminants as may be necessary to protect water quality; review and approve plans and plats for stormwater management in proposed subdivisions or commercial developments; issue permits for discharge of stormwater from privately held property into the City's stormwater system, or for the construction, alteration, extension, or repair of stormwater facilities which connect to the City stormwater system; suspend or revoke permits when it is determined that the permittee has violated any applicable ordinance, resolution, or condition of the permit; regulate and prohibit discharges into City stormwater facilities which consist of sanitary, industrial, or commercial sewage or waters that have otherwise been contaminated; and expend funds to remediate or mitigate the detrimental effects of contaminated land or other sources of stormwater contamination.
- B. Administration: The City Engineer shall administer the provisions of this chapter. This chapter shall not be construed to relieve any person from responsibility for damage to other persons or property, nor impose upon the City, its officers, agents or employees, any liability for damage to other persons or property. (Ord. 19-10, 8-21-2019)

17.05.020 DEFINITIONS

For the purpose of this chapter, the following definitions shall apply. Words used in the singular shall include the plural, and the plural shall include the singular; words used in the present tense shall include the future tense. The word "shall" is mandatory and not discretionary. The word "may" is permissive. Words not defined in this section shall be construed to have the meaning given by common and ordinary use as defined in the latest edition of Webster's Dictionary:

⁹ From current Chapter 17.28, renumbered for consistency.

¹⁰ From current Chapter 17.29, renumbered for consistency.

AS-BUILT, RECORD PLANS

Drawings depicting conditions as they were actually constructed.

BEST MANAGEMENT PRACTICES or "BMPs"

Physical, structural, and/or managerial practices that, when used singly or in combination, prevent or reduce pollution of water, that have been approved by the City, and that have been incorporated by reference into this chapter as if fully set out therein. For purposes of this chapter, the relevant BMPs are more particularly defined in Salt Lake County's "Guidance Document for Stormwater Management" document.

CHANNEL

A natural or artificial watercourse with a definite bed and banks that conducts flowing water continuously or periodically.

CITY

The City of Taylorsville, a municipal corporation and political subdivision of Salt Lake County, State of Utah, and its governing body, employees, and authorized representatives.

CITY ENGINEER

The City Engineer of the City of Taylorsville, or its authorized designee.

CITY STORMWATER SYSTEM

City-owned storm systems including, without limitation, gutters, catch basins, grates, pipelines, and property encumbrances that receive runoff from public right-of-way, private property, natural waterways, and systems identified as City easements.

CITY REMEDY(IES)

For purposes of this chapter, the term "City Remedy(ies)" means any civil or administrative processes or penalties levied by the City and/or the City's Administrative Law Judge.

COMMUNITY WATER

Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wetlands, wells and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the City.

CONTAMINANT

Any physical, chemical, biological, or radiological substance or matter which is not naturally occurring and introduced into the stormwater system.

DESIGN STORM EVENT

A hypothetical storm event, of a given frequency interval and duration, used in the analysis and design of a stormwater facility.

DISCHARGE

To dispose, deposit, spill, pour, inject, seep, dump, leak or place by any means, or that which is disposed, deposited, spilled, poured, injected, seeped, dumped, leaked, or placed by any means including, but not limited to, any direct or indirect entry of any solid or liquid matter into the municipal separate storm sewer system.

EASEMENT

An acquired privilege or right of use or enjoyment that a person, party, firm, corporation, City or other legal entity has in the land of another.

EROSION

The removal of soil particles by the action of water, wind, ice or other geological agents, whether naturally occurring or acting in conjunction with or promoted by anthropogenic activities or effects.

EROSION AND SEDIMENT CONTROL PLAN

A written plan (including drawings or other graphic representations) that is designed to minimize erosion and sediment runoff at a site during construction activities.

GENERAL CONSTRUCTION STORMWATER PERMIT

A permit required by the Utah Department of Environmental Quality, Division of Water Quality.

HOT SPOT ("PRIORITY AREA")

An area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater.

ILLICIT CONNECTIONS

Illegal and/or unauthorized connections to the municipal separate stormwater system, whether or not such connections result in discharges into that system.

ILLICIT DISCHARGE

Any discharge to the municipal separate storm sewer system that is not composed entirely of stormwater and not specifically exempted under section 17.29.040.

IRRIGATION DITCHES

Gravity irrigation ditches used by irrigation shareowners having a right of water passageway by ROW, easement, or prescription.

LAND DISTURBANCE PERMIT

A City land disturbance permit as adopted by the City.

LAND DISTURBING ACTIVITY

Any activity on property that results in a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land disturbing activities include, but are not limited to, development, redevelopment, demolition, construction, reconstruction, clearing, grading, filling, and excavation.

MAINTENANCE

Any activity that is necessary to keep a stormwater facility in good working order ~~so as~~ to function as designed. Maintenance shall include, but is not limited to, complete reconstruction of a stormwater facility if reconstruction is needed in order to restore the facility to its original operational design parameters. Maintenance shall also include, but is not limited to, the correction of any problem on the site property that may directly impair the functions of the stormwater facility.

MAINTENANCE AGREEMENT

A document recorded with the Salt Lake County Recorder's Office that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.

MANAGEMENT PERMIT

The implementation and maintenance of SWPPP BMPs, in accordance with ordinance and state regulations. A Management Permit includes management to the level that will effectively minimize the potential for polluted discharges and prevent the effects of construction nuisances to the public. A Management Permit also carries the responsibility of the project site and the effects of persons and equipment that may enter the construction envelope, such as, but is not limited to, employees, contractors, suppliers, utility companies, visitors, and trespassers.

MUNICIPAL SEPARATE STORM SEWER SYSTEM ("MS4") ("MUNICIPAL SEPARATE STORMWATER SYSTEM")

The conveyances owned or operated by the City for the collection and transportation of stormwater, including, but not limited to, roads and streets and their drainage systems, catch basins, curbs, gutters, ditches, manmade channels, and storm drains.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT ("NPDES PERMIT")

A permit issued pursuant to 33 U.S.C. 1342.

N.O.I. EXEMPT PROJECT

A project that does not warrant compliance with UCGP but does justify municipal oversight per MS4 regulation under the "Construction Site Stormwater Runoff Control" section.

NOTICE OF TERMINATION ("N.O.T.")

A written document which indicates the requirements of the N.O.I. or land disturbance permit has been completed. Issuance of this document releases the permittee of further obligation for the management of the construction site. An N.O.T. shall be issued by both the City and the State of Utah.

NOTICE OF VIOLATION ("N.O.V.")

Written notice issued by the City Engineer whenever the City Engineer finds that a person or entity is not compliant with this chapter; the City Engineer shall order compliance by written notice of violation to the responsible person or registered agent or entity. Requirements in this notice are at the sole discretion of the City Engineer and may include, but are not limited to, monitoring, payment to cover costs relating to the noncompliance, and the implementation of best management practices.

OFF-SITE FACILITY

A structural BMP located outside the subject property boundary described in the permit application for land development activity.

ON-SITE FACILITY

A structural BMP located within the subject property boundary described in the permit application for land development activity.

PEAK FLOW

The maximum instantaneous rate of flow of water at a particular point resulting from a storm event.

PERSON

Any and all persons, natural or artificial, including any individual, firm or association and any municipal or private corporation organized or existing under the laws of this or any other state or country.

PREEXISTING CONDITIONS

Conditions of a property in its native state or changed under approval by the City or changed property that is grandfathered.

PRIORITY AREA

See definition for Hot Spot.

PROPERTY OWNER

The ~~land owner~~landowner of property within the boundary of the City.

RUNOFF

That portion of the precipitation on a drainage area that is discharged from the area into the municipal separate stormwater system. Runoff includes, but is not limited to, water produced by storms, surface drainage, snow and ice melt, and other water handled by the storm sewer drainage system.

SEDIMENT

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.

SEDIMENTATION

Soil particles suspended in stormwater that can settle in streambeds and disrupt the natural flow of the stream.

SOILS REPORT

A study of soils on a subject property with the primary purpose of characterizing and describing the soils to qualify as a valid soils report acceptable to the City. The report shall be prepared by a qualified soils engineer, who shall be directly involved in the soil characterization either by performing the investigation or by directly supervising employees.

STABILIZATION

Providing adequate measures, vegetative and/or structural, that will prevent erosion from occurring.

STORMWATER

Stormwater runoff, snow melt runoff, surface runoff, street waters related to street maintenance, infiltration and drainage.

STORMWATER MANAGEMENT

The programs to maintain quality and quantity of stormwater runoff to pre-development levels.

STORMWATER MANAGEMENT FACILITIES SYSTEM

The drainage structures, conduits, ditches, combined sewers, sewers, and all device appurtenances by means of which stormwater is collected, transported, pumped, treated or disposed of.

STORMWATER MANAGEMENT PLAN

The set of drawings and other documents that comprise all the information and specifications for the programs, drainage systems, structures, BMPs, concepts and techniques intended to maintain or restore quality and quantity of stormwater runoff to pre-development levels.

STORMWATER MASTER PLAN

The current City stormwater master plan as adopted by the City.

STORMWATER RUNOFF

Flow on the surface of the ground, resulting from precipitation.

STRUCTURAL BMPs

Devices that are constructed to provide control of stormwater runoff.

SURFACE WATER

Waters upon the surface of the Earth in bounds created naturally or artificially including, but not limited to, streams, other watercourses, lakes and reservoirs.

TAYLORSVILLE CITY STORMWATER DESIGN STANDARDS

Current City stormwater standards and regulations as adopted by the City.

UPDES

The Utah Pollution Discharge Elimination System, which is the state/national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under Sections 307, 318, 402, and 405 of the Clean Water Act.

WATERCOURSE

A permanent or intermittent stream or other body of water, either natural or manmade, which gathers or carries surface water.

WATERSHED

All the land area that contributes runoff to a particular point along a waterway. (Ord. 19-10, 8-21-2019)

17.05.030 UPDES STORMWATER PERMIT

Every person or entity shall be required to obtain a UPDES Stormwater Permit from the State of Utah in the following cases:

- A. For a land disturbing activity which disturbs one (1) or more acres of land; and
- B. For a land disturbing activity which disturbs less than one (1) acre of land if such activity is part of a larger common plan of development that effects one (1) or more acres of land. (Ord. 19-10, 8-21-2019)

17.05.040 LAND DISTURBANCE PERMITS

Every person or entity shall be required to obtain a land disturbance permit from the City Engineer in the following cases:

- A. For a land disturbing activity which disturbs one (1) or more acres of land;
- B. For a land disturbing activity which disturbs less than one (1) acre of land if such activity is part of a larger common plan of development that effects one (1) or more acres of land;
- C. For a land disturbing activity which disturbs less than one (1) acre of land if, in the sole discretion of the City Engineer, such activity poses a unique threat to water quality, air quality, or public health or safety;
- D. For the creation and use of borrow pits;
- E. For the development of a single-family home;
- F. For processing of earthen materials such as ~~top-soil~~topsoil and gravel screening; and
- G. For the construction of parking lots. (Ord. 19-10, 8-21-2019)

17.05.050 ~~ONLINE~~ STORMWATER MANAGEMENT OF NEW CONSTRUCTION AND POST-CONSTRUCTION

- A. General Requirements:
 - 1. Requirements of the general construction permit, the MS4 permit, and the multi-sector general permit shall be managed ~~via an Internet-based management system which meets~~consistent with the audit requirements for the State of Utah.
 - 2. The stormwater management method and system shall be reviewed and approved by the City Engineer prior to the approval of projects and the issuance of permits.
 - 3. Reports and data shall be made available upon request by the City.
- B. General Construction Permit Management: The ~~Internet-based~~City's management system referenced above in subsection A.1. shall incorporate the following operations at a minimum:
 - 1. Provide a SWPPP management system;
 - 2. Report inspections, monitoring, training, assessment, and audit activities;
 - 3. Provide City staff access rights to post-inspections, corrective actions, assessments, audits, SWPPP, and data;
 - 4. Incorporate the use of the Utah state inspection form and criteria as the basis for inspection;
 - 5. Provide public ~~read-only rights~~access to report alleged violations, informational, and educational materials; and

6. Generate reports and histories.
- C. Multi-Sector General Permit and MS4 Permit Post-Construction Requirements: The online system shall incorporate the following operations at a minimum:
 1. Provide a SWMP and permit management system;
 2. Report inspections, monitoring, training, assessments, and audit activities;
 3. Provide City staff access rights to post-inspections, corrective actions, assessments, audits, SWMP, and data; and
 4. Generate reports and histories. (Ord. 19-10, 8-21-2019)

17.05.060 DRAINAGE CHANNELS, WATERWAYS AND SENSITIVE AREAS

- A. Property owners shall not alter or restrict natural channels and waterways without proper federal, state and City permits.
- B. Modifications of sensitive areas are subject to and governed by chapter 13.15 - Sensitive Area Overlay (OV-SA) Zone. These actions will require a land disturbance permit and approval from all other governing agencies.
- C. Property owners proposing to redirect runoff, surface and/or pipe flow to properties or facilities outside City boundaries must provide written approval from the state, county or City or their agents.
- D. Property owners are responsible for the protection of canals per the relevant sections of this chapter.
- E. Discharges or modifications to the canals require written approval from the canal owners and applicable governing agencies.(Ord. 19-10, 8-21-2019)

17.05.070 BUILDING PERMIT

- A. No building permit shall be issued until the applicant has obtained ~~a land disturbance permit where~~approval for the same is required by requirements of this chapter~~title~~.
- B. Exceptions: The following activities are exempt from the permit requirement:
 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 activities that are 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; and
 5. Minor residential landscaping, as long as City right-of-way and adjacent property owners are not adversely affected. (Ord. 19-10, 8-21-2019)

17.05.080 APPLICATION FOR A LAND DISTURBANCE PERMIT

- A. Each application for a land disturbance permit shall include the following:
 1. Name of applicant;
 2. Business or residence address of applicant;
 3. Name, address and telephone number of the owner of the property of record in the Salt Lake County Assessor's Office;
 4. Address and legal description of subject property including the tax reference number and parcel number of the subject property;
 5. Name, address and telephone number of the contractor and any subcontractor(s) who shall perform the land disturbing activity and who shall implement the erosion and sediment control plan; and

6. A statement indicating the nature, extent and purpose of the land disturbing activity including the size of the area for which the permit shall be applicable and a schedule for the starting and completion dates of the land disturbing activity.
- B. The applicant shall obtain from any other state or federal agency any other appropriate environmental permits that pertain to the property. However, the inclusion of those permits in the application shall not foreclose the City Engineer from imposing additional development requirements and conditions, commensurate with this chapter, on the development of property covered by those permits.
- C. Each application shall be accompanied by:
 1. An N.O.I., for projects that warrant compliance with the Utah Construction General Permit ("UCGP") regulation, and a stormwater pollution prevention plan ("SWPPP") which meets the requirements of this chapter. After obtaining the permit(s), the permit holder must manage permits and SWPPP in accordance to UCGP and City standards during the land disturbing activity and after the activity has been completed. The SWPPP shall remain in place until the operator files a notice of termination ("N.O.T.") with the state and the City closes the land disturbance permit;
 2. For smaller N.O.I.-exempt projects, a stormwater pollution prevention plan ("SWPPP") that will effectively control pollutants associated with the construction activity in accordance with City land disturbance standards; and
 3. Payment and other stormwater management fees, as adopted by resolution and found in the City fee schedule.
- D. The City Engineer or designee will review each application for a land disturbance permit to determine its conformance with the provisions of this chapter. Within fifteen (15) business days after receiving a complete application, the City ~~Engineer~~ shall provide one of the following responses in writing:
 1. Approval of the permit application;
 2. Approval of the permit application, subject to such reasonable conditions as may be necessary to secure substantially the objectives of this chapter, and issue the permit subject to these conditions; ~~or~~
 3. Provide a list of comments and corrections; or
 - 3.4. Denial of the permit application, indicating the reason(s) for the denial.
- E. If ~~the City Engineer has granted~~ conditional approval of is granted for the permit, the applicant shall submit a revised plan that conforms to the conditions established by the City ~~Engineer~~. However, the applicant may be allowed to proceed with their land disturbing activity so long as it conforms to conditions established by the City Engineer permit.
- F. No development plans will be released until the land disturbance permit has been approved. (Ord. 19-10, 8-21-2019)

17.05.090 PERMIT DURATION

Every land disturbance permit shall expire and become null and void if substantial work authorized by such permit has not commenced within one hundred eighty (180) calendar days of issuance, or is not complete within eighteen (18) months from the date of the commencement of construction. (Ord. 19-10, 8-21-2019)

17.05.100 NOTICE OF CONSTRUCTION

The applicant must notify the City Engineer or designee in writing via either email or hardcopy letter at least ten (10) working days in advance of the commencement of construction. Regular inspections of the stormwater management system construction shall be conducted by the City ~~Engineer~~. All inspections shall be documented and written reports prepared that contain the following information:

- A. The date and location of the inspection;
- B. Whether construction is compliant with the approved stormwater prevention pollution plan;
- C. Variations from the approved construction specifications; and

D. Any violations that exist. (Ord. 19-10, 8-21-2019)

17.05.110 PERFORMANCE BONDS

The City Engineer ~~may, at his discretion~~ or designee will:

- A. Require the submittal of a performance bond prior to issuance of a permit in order to ensure that the stormwater practices are installed by the permit holder as required by the approved stormwater management plan. The amount of the installation performance bond shall be the total estimated construction cost of the structural BMPs approved under the permit plus any reasonably foreseeable additional related costs (e.g., for damages or enforcement.) The performance bond shall contain forfeiture provisions for failure to complete work specified in the stormwater management plan. The applicant shall provide an itemized construction cost estimate complete with unit prices which shall be subject to acceptance, amendment or rejection by the City Engineer. Alternatively, the City Engineer or designee shall have the right to calculate the cost of construction cost estimates.
- B. The performance bond shall be released in full only upon submission of as-built, record plans and written certification by the City Engineer that the structural BMP has been installed in accordance with the approved plan and other applicable provisions of this chapter.
- C. The City Engineer shall make a final inspection of the structural BMP to ensure that it complies with the approved plan and the provisions of this chapter. Provisions for a partial pro rata release of the performance security or performance bond based on the completion of various development stages can be made at the discretion of the City Engineer. (Ord. 19-10, 8-21-2019)

17.05.120 STORMWATER SYSTEM DESIGN AND MANAGEMENT STANDARDS

When a person is engaged in development activity which requires prior approval by the City and the issuance of a land disturbance permit, the following standards apply to the design and management of any water carrying system found on the property disturbed by that person. Prior to or during the site design process, applicants for land disturbance permits shall consult with the City Engineer to determine if they are subject to additional stormwater design requirements than described in this chapter:

- A. Irrigation Ditches: All existing irrigation ditches located on the site or straddling a site property boundary shall be piped with a sufficient size pipe and shall be coordinated with water user or ditch owner. In limited circumstances, an applicant may submit a written request to the City to leave an irrigation ditch open. At the City Engineer's sole discretion, the City Engineer shall determine whether a request for an open ditch may be granted. If the City Engineer grants a request for an open ditch, the City Engineer shall have the authority to place conditions on the construction and maintenance of the open ditch.
 1. Property owners are responsible for the protection of irrigation ditches against any impact which may occur as a result of development activity.
 2. Discharges to private ditches require written approval from the ditch owners and design shall comply with the terms of approvals and the "Taylorsville City Stormwater Design Standards" and the land disturbance permit incorporated by reference into this chapter.
 3. Piping of ditches and modification to the diversion boxes require documented coordination with ditch owners or representative but are not required to receive written approval of ditch owners if the ditch is located on private property. Design and coordination requirements shall comply with the "Taylorsville City Stormwater Design Standards" and the land disturbance permit documents.
- B. Stormwater Design and BMP Manuals:
 1. Design of storm drain systems and discharges into a City storm drain system requires direct supervision of a Utah-registered professional engineer, and shall carry the seal of the same supervising professional engineer.
 2. The City adopts as its stormwater design and best management practice ("BMP") manuals the following publications, which are incorporated by reference in this chapter as if fully set out herein:
 - a. Taylorsville City Stormwater ~~Design Standards~~ Management Program.

- b. Taylorsville City Stormwater Master Plan.
- c. Salt Lake County Public Works Department "Guidance Document for Stormwater Management."
- d. Salt Lake Valley Health Department Stormwater Regulations. These manuals include a list of acceptable BMPs and include specific design performance criteria and operation and maintenance requirements for each stormwater practice. The manuals may be updated and expanded from time to time, at the discretion of the governing body of the City, upon the recommendation of the City Engineer, based on improvements in engineering, science, monitory and local maintenance experience. Stormwater facilities that are designed, constructed and maintained in accordance with these BMP criteria will be presumed to meet the minimum water quality performance standards. (Ord. 19-10, 8-21-2019)

17.05.130 GENERAL PERFORMANCE CRITERIA FOR STORMWATER MANAGEMENT

Unless granted a waiver or judged by the City Engineer to be exempt, the following post-construction performance standards for stormwater management shall be addressed to the reasonable satisfaction of the City Engineer:

- A. All development shall conform to the latest revision of the "General Permit for Discharge from Small Municipal Separate Storm Sewer Systems" ("MS4s") regulating stormwater runoff quality, precipitation runoff rates, and volumes that can be discharged from a property. Development shall conform to the latest revision of the City Stormwater ~~Design Standards~~Management Program and stormwater master plans governing stormwater management.
- B. To protect stream channels from degradation, specific channel protection criteria shall be provided as prescribed in the BMP manual.
- C. Stormwater discharges to critical areas with sensitive resources (i.e., cold water fisheries, recreation areas, recharge areas, water supply reservoirs) may be subject to additional performance criteria, or may need to utilize or restrict certain stormwater management practices.
- D. Stormwater discharges from "hot spots" may require the application of specific structural BMPs and pollution prevention practices.
- ~~E. The calculations for determining peak flows for construction activities as found in the "Taylorsville City Stormwater Design Standards" shall be used for sizing all stormwater facilities. (Ord. 19-10, 8-21-2019)~~
- ~~E. Underground storm water conveyance systems shall be designed to convey the peak storm water runoff volume from a 10-year reoccurrence storm event provided that sufficient routing can be demonstrated to contain and convey the 100-year storm event.~~
- ~~F. Catch basins shall be installed at a maximum 800 feet spacing or until the gutter can no longer contain runoff from the 100-year storm event, whichever occurs first.~~
- ~~G. On-site storm water runoff shall be retained on-site for new development and redevelopment equal or exceeding one acre, as defined by the City's storm water permit, from the 80th percentile storm as measured at the Salt Lake International Airport or 0.45 inches.~~
- ~~H. On-site storm water runoff which exceeds the 80th percentile must be detained on-site from the 100-year 3-hour storm event with an allowable release of 0.2 cfs/acre. This design requirement is to be incorporated with the 80th percentile retention requirement.~~
- ~~I. The evaluation of Low Impact Design (LID) practices is required for each project which disturbs more than one acre of ground. A LID approach promotes the implementation of Best Management Practices (BMPs) that allow storm water to infiltrate, evapotranspire, or harvest and use storm water to reduce runoff from the site and protect water quality. If a LID approach is not used, the applicant shall submit a written explanation and the rationale for any alternative controls selected.~~

17.05.140 MINIMUM CONTROL REQUIREMENTS

- A. Stormwater discharge during all construction activities shall comply with the terms of the land disturbance permit, ~~the "this title, Taylorsville City Stormwater Design Standards,"~~ Storm Water Pollution Prevention Program, requirements set forth by the International Building Code, and the state of Utah UPDES requirements.
- ~~B. Stormwater designs shall meet the multi-stage storm frequency storage requirements as identified in the "Taylorsville City Stormwater Design Standards" unless the City Engineer has granted the applicant a full or partial waiver for a particular BMP under this section.~~
- ~~C.B.~~ Runoff rates from one lot to another may not exceed preexisting conditions or in such a manner that may unreasonably and unnecessarily cause more harm than formerly.
- ~~D.C.~~ If hydrologic or topographic conditions warrant modifications to the minimum control requirements, the City Engineer may impose any and all additional requirements deemed necessary to control the volume, timing, and rate of runoff. (Ord. 19- 10, 8-21-2019)

17.05.150 STORMWATER MANAGEMENT PLAN REQUIREMENTS

Property owners are responsible to manage stormwater runoff and sediment whether in conduit systems or on the surface that traverse or originate on their property, unless this responsibility is relinquished through the terms and conditions of an easement. The stormwater management plan shall include sufficient information to allow the City Engineer to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site, both present and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing stormwater generated at the project site. To accomplish this goal, the stormwater management plan shall include the following:

- A. Topographic base map;
- B. Existing surface water drainage including, but not limited to, streams, ponds, culverts, ditches, sink holes, wetlands, and the type, size, elevation, etc., of nearest upstream and downstream drainage structures;
- C. Current land use including, but not limited to, all existing structures, locations of utilities, roads, and easements;
- D. All other existing significant natural and artificial features;
- E. Proposed land use with tabulation of the percentage of surface area to be adapted to various uses; drainage patterns; locations of utilities, roads and easements; the limits of clearing and grading;
- F. Proposed structural BMPs;
- G. A written description of the site plan and justification of proposed changes in natural conditions shall also be required;
- H. Hydrologic and Hydraulic Design Calculations for the Pre-Development and Post-Development Conditions for the Design Storms ~~Specified in the "Taylorsville City Stormwater Design Standards."~~ These calculations must show that the proposed stormwater management measures are capable of controlling runoff from the site in compliance with this chapter ~~and the guidelines of the "Taylorsville City Stormwater Design Standards."~~ Such calculations shall include, but are not limited to:
 - 1. A description of the design storm frequency, duration, and intensity where applicable;
 - 2. Time of concentration;
 - 3. Soil curve numbers or runoff coefficients including assumed soil moisture conditions;
 - 4. Peak runoff rates and total runoff volumes for each watershed area;
 - 5. Infiltration rates, where applicable;
 - 6. Culvert, stormwater sewer, ditch and/or other stormwater conveyance capacities;
 - 7. Street and overflow conveyance capacities;
 - 7-8. Flow velocities; and
 - 8-9. Documentation of sources for all computation methods and field test results.

- I. If a stormwater management control measure depends on the hydrologic properties of soils (e.g., infiltration basins), then a soils report shall be submitted. The soils report shall be based on on-site boring logs or soil pit profiles and soil survey reports. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soil types present at the location of the control measure;
- J. The design and planning of all stormwater management facilities shall include detailed maintenance and repair procedures to ensure their continued performance. These plans shall identify the parts or components of a stormwater management facility that need to be maintained and the equipment and skills or training necessary. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan. A permanent elevation benchmark shall be identified in the plan to assist in the periodic inspection of the facility; and
- K. The applicant must present a detailed plan for management of vegetation at the site after construction is finished, including, but not limited to, who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved, where it is required by the BMP. (Ord. 19-10, 8-21-2019)

17.05.160 MAINTENANCE EASEMENTS

The applicant must ensure access to the site for the purpose of inspection and repair by securing all the maintenance easements needed. These easements must be binding on the current property owner and all subsequent owners of the property and must be properly recorded in the Salt Lake County Recorder's Office. (Ord. 19-10, 8-21-2019)

17.05.170 MAINTENANCE AGREEMENT

The owner of property to be served by an on-site stormwater management facility must execute an inspection and maintenance agreement that shall operate as a deed restriction binding on the current property owner and all subsequent property owners. The maintenance agreement shall:

- A. Assign responsibility for the maintenance and repair of the stormwater facility to the owner of the property upon which the facility is located and be recorded as such on the plat for the property by appropriate notation;
- B. Provide for periodic inspections by the property owner as outlined in the state of Utah general construction permit for the purpose of documenting maintenance and repair needs and ensure compliance with the purpose and requirements of this chapter. The property owner will arrange for this inspection to be conducted by owner or operator and provide inspection documentation for the City Engineer. It shall also grant permission to the City to enter the property at reasonable times and to inspect the stormwater facility to ensure that it is being properly maintained;
- C. Provide that the minimum maintenance and repair needs include, but are not limited to, the removal of silt, litter and other debris, the cutting of grass, grass cuttings and vegetation removal, and the replacement of landscape vegetation, in detention and retention basins, and inlets and drainage pipes and any other stormwater facilities. It shall also provide that the property owner shall be responsible for additional maintenance and repair needs consistent with the needs and standards outlined in the BMP manual;
- D. Provide that maintenance needs must be addressed in a timely manner, on a schedule to be determined by the City Engineer; and
- E. Provide that if the property is not maintained or repaired within the prescribed schedule, the City shall perform the maintenance and repair at the property owner's sole expense, and bill to the property owner the reasonable costs incurred by the City for the maintenance or repair. The maintenance agreement shall also provide that the City's cost of performing the maintenance or repair shall be a lien against the property. (Ord. 19-10, 8-21-2019)

17.05.180 DEDICATION

The City shall have the discretion to accept the dedication of any existing or future stormwater management facility, provided such facility meets the requirements of this chapter and includes adequate and perpetual access and sufficient areas, by easement or otherwise, for inspection and regular maintenance. Any stormwater facility accepted

by the City must also meet the City's construction standards and any other standards and specifications that apply to the particular stormwater facility in question. (Ord. 19-10, 8-21-2019)

17.05.190 SEDIMENT AND EROSION CONTROL PLANS

The applicant must prepare a sediment and erosion control plan which meets the requirement of the State of Utah general construction permit for all construction activities that includes the following information:

- A. The sediment and erosion control plan shall accurately describe the potential for soil erosion and sedimentation problems resulting from land disturbing activity and shall explain and illustrate the measures that are to be taken to control these problems. The length and complexity of the plan is to be commensurate with the size of the project, severity of the site condition, and potential for off-site damage. The plan shall be sealed by a registered professional engineer licensed in the State of Utah. The plan shall also conform to the requirements found in the BMP manual, and shall include at least the following:
 1. Project Description: Briefly describe the intended project and proposed land disturbing activity including number of units and structures to be constructed and infrastructure required;
 2. A topographic map with contour intervals showing present conditions and proposed contours resulting from land disturbing activity;
 3. All existing drainage ways, including intermittent and wet-weather. Include any designated floodways or floodplains;
 4. A general description of existing land cover. Individual trees and shrubs do not need to be identified;
 5. Stands of existing trees as they are to be preserved upon project completion, specifying their general location on the property. Differentiation shall be made between existing trees to be preserved, trees to be removed and proposed planted trees. Tree protection measures must be identified, and the diameter of the area involved must also be identified on the plan and shown to scale. Information shall be supplied concerning the proposed destruction of exceptional and historic trees in setbacks and buffer strips, where they exist. Complete landscape plans may be submitted separately. The plan must include the sequence of implementation for tree protection measures;
 6. Approximate limits of proposed clearing, grading and filling;
 7. Approximate flows of existing stormwater leaving any portion of the site;
 8. A general description of existing soil types and characteristics and any anticipated soil erosion and sedimentation problems resulting from existing characteristics;
 9. Location, size and layout of proposed stormwater and sedimentation control improvements;
 10. Proposed drainage network;
 11. Proposed drain or waterway sizes;
 12. Approximate flows leaving site after construction and incorporating water runoff mitigation measures. The evaluation must include projected effects on property adjoining the site and on existing drainage facilities and systems. The plan must address the adequacy of outfalls from the development: when water is concentrated, what is the capacity of waterways, if any, accepting stormwater off site; and what measures, including infiltration, sheeting into buffers, etc., are going to be used to prevent the scouring of waterways and drainage areas off site, etc.;
 13. The projected sequence of work represented by the grading, drainage and sedimentation and erosion control plans as related to other major items of construction, beginning with the initiation of excavation and including the construction of any sediment basins or retention facilities or any other structural BMPs;
 14. Specific remediation measures to prevent erosion and sedimentation runoff. Plans shall include detailed drawings of all control measures used; stabilization measures including vegetation and non-vegetation measures, both temporary and permanent, will be detailed. Detailed construction notes and a maintenance schedule shall be included for all control measures in the plan;
 15. Specific details for: the construction of rock pads, wash down pads, and settling basins for controlling erosion; road access points; eliminating or keeping soil, sediment, and debris on streets and public ways at

a level acceptable to the City Engineer. Soil, sediment, and debris brought onto streets and public ways must be removed, at minimum, by the end of the ~~work day~~workday by machine, broom or shovel. More frequent intervals may be required and directed by the City Engineer if hazards or tracking nuisances are present. Street cleaning shall be conducted in a manner as to minimize dust and airborne emissions. Failure to remove the sediment, soil or debris shall be deemed a violation of this chapter;

16. Proposed structures; location (to the extent possible) and identification of any proposed additional buildings, structures or development on the site; and
17. A description of on-site measures to be taken to recharge surface water into the groundwater system through infiltration. (Ord. 19-10, 8-21-2019)

17.05.200 POST-CONSTRUCTION

Before final approval of the development activity is granted by the City, in the form of a certificate of occupancy, release of development guarantees, or otherwise, the following standards apply:

- A. As-Built, Record Plans: All applicants are required to submit actual as-built, record plans for any structures located on site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be sealed by a registered professional engineer licensed to practice in Utah. A final inspection by the City Engineer is required before any performance security or performance bond will be released. The City Engineer shall have the discretion to adopt provisions for a partial pro rata release of the performance security or performance bond on the completion of various stages of development. In addition, occupation permits shall not be granted until corrections to all development requirements and BMPs have been made and accepted by the City Engineer;
- B. Landscaping and Stabilization Requirements: Any area of land from which the natural vegetative cover has been either partially or wholly cleared by development activities shall be revegetated according to a schedule approved by the City Engineer. The following criteria shall apply to revegetation efforts:
 1. Reseeding must be done with an annual or perennial cover crop accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until such time as the cover crop is established over ninety percent (90%) of the seeded area;
 2. Replanting with native woody and herbaceous vegetation must be accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until the plantings are established and are capable of controlling erosion;
 3. Any area of revegetation must exhibit survival of a minimum of seventy-five percent (75%) of the cover crop throughout the year immediately following revegetation. Revegetation must be repeated in successive years until the minimum seventy-five percent (75%) survival for one (1) year is achieved; and
 4. In addition to the above requirements, a stabilization or landscaping plan must be submitted with the final design describing the vegetative stabilization and management techniques to be used at a site after construction is completed. This plan will explain not only how the site will be stabilized after construction, but who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved.
- C. Inspection of Stormwater Management Facilities: Periodic inspections of facilities shall be performed as provided for in this section;
- D. Records of Installation and Maintenance Activities: Parties responsible for the operation and maintenance of a stormwater management facility shall make records of the installation of the stormwater facility, and 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 Engineer during inspection of the facility and at other reasonable times upon request; and
- E. 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 stormwater facilities under this chapter, the City Engineer, after reasonable notice, may cause to be corrected a violation of the design standards or maintenance needs by ensuring all necessary work to place the facility in proper working condition. ~~In the event that~~ If the stormwater

management facility becomes a danger to public safety or public health, the City Engineer shall notify in writing the party responsible for maintenance of the stormwater management facility. Upon receipt of that notice, the responsible person shall have seven (7) days to effect maintenance and repair of the facility in an approved manner. ~~In the event that~~If corrective action is not undertaken within that time, the City Engineer may take necessary corrective action. The cost of any action by the City under this section shall be charged to the responsible party. (Ord. 19-10, 8-21-2019)

17.05.210 WAIVERS

- A. General: Every applicant shall provide for post-construction stormwater management as required by this chapter, unless a written request is filed to waive this requirement. Requests to waive the stormwater management plan requirements shall be submitted to the City Engineer for approval.
- B. Conditions for Waiver: The minimum requirements for stormwater management may be waived in whole or in part upon written request of the applicant; provided, that at least one (1) of the following conditions applies:
 - 1. It can be demonstrated that the proposed development is not likely to impair attainment of the objectives of this chapter;
 - 2. Alternative minimum requirements for on-site management of stormwater discharges have been established in a stormwater management plan that has been approved by the City Engineer; or
 - 3. Provisions are made to manage stormwater by an off-site facility. The off-site facility must be in place and designed to provide the level of stormwater control that is equal to or greater than that which would be afforded by on-site practices. Further, the facility must be operated and maintained by an entity that is legally obligated to continue the operation and maintenance of the facility.
- C. Downstream Damage Prohibited: In order to receive a waiver, the applicant must demonstrate to the satisfaction of the City Engineer that the waiver will not lead to any of the following conditions downstream:
 - 1. Deterioration of existing culverts, bridges, dams, and other structures;
 - 2. Degradation of biological functions or habitat;
 - 3. Accelerated streambank or streambed erosion or siltation; or
 - 4. Increased threat of flood damage to public health, life or property.
- D. Land Disturbance Permit Not to Be Issued Where Waiver Has Been Requested: No land disturbance permit shall be issued where a waiver has been requested until the waiver is granted. If no waiver is granted, the plans must be resubmitted with a stormwater management plan. (Ord. 19-10, 8-21-2019)

17.05.220 EXISTING LOCATIONS AND DEVELOPMENT

- A. Requirements for All Existing Locations and Developments: The following requirements shall apply to all locations and development at which land disturbing activities have occurred previous to the enactment of this chapter:
 - 1. Denuded areas must be vegetated or covered under the standards and guidelines specified in the BMP manual and on a schedule acceptable to the City Engineer;
 - 2. Cuts and slopes must be properly covered with appropriate vegetation and/or retaining walls constructed;
 - 3. Drainage ways shall be properly covered in vegetation or secured with rip-rap, channel lining, etc., to prevent erosion;
 - 4. Trash, junk, rubbish, etc., shall be cleared from drainage ways;
 - 5. Stormwater runoff shall be controlled to the extent reasonable to prevent pollution of local waters. Such control measures may include, but are not limited to, the following:
 - a. Ponds:
 - (1) Detention pond;
 - (2) Extended detention pond;
 - (3) Wet pond;
 - (4) Alternative storage measures.

- b. Constructed wetlands.
 - c. Infiltration systems:
 - (1) Infiltration/percolation trench;
 - (2) Infiltration basin;
 - (3) Drainage (recharge) well;
 - (4) Porous pavement;
 - d. Filtering Systems:
 - (1) Catch basin inserts/media filter;
 - (2) Sand filter;
 - (3) Filter/absorption bed;
 - (4) Filter and buffer strips;
 - e. Open channel:
 - (1) Swale.
- B. Requirements for Existing Problem Locations: The City Engineer shall in writing notify the owners of existing locations and developments of specific drainage, erosion or sediment problem affecting such locations and developments, and the specific actions required to correct those problems. The notice shall also specify a reasonable time for compliance.
- C. Inspection of Existing Facilities: The City Engineer may, to the extent authorized by state and federal law, establish inspection programs to verify that all stormwater management facilities, including those built before as well as after the adoption of the ordinance codified in this chapter, are functioning within design limits. These inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of the City's UPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other BMPs. (Ord. 19-10, 8-21-2019)

17.05.230 ILLICIT DISCHARGES

- A. Scope: This section shall apply to all water generated on developed or undeveloped land and entering the City's storm sewer system.
- B. Prohibition of Illicit Discharges: No person shall introduce or cause to be introduced into the municipal separate storm sewer system any discharge that is not composed entirely of stormwater. The commencement, conduct or continuance of any non-stormwater discharge to the municipal separate storm sewer system is prohibited except as described as follows:
- 1. Uncontaminated discharges from the following sources:
 - a. Water line flushing or other potable water sources;
 - b. Uncontaminated landscape irrigation;
 - c. Diverted stream flows;
 - d. Rising groundwater;
 - e. Groundwater infiltration to storm drains;
 - f. Uncontaminated pumped groundwater;
 - g. Foundation or footing drains;
 - h. Crawl space pumps;
 - i. Uncontaminated air conditioning condensation;
 - j. Springs;
 - k. Natural riparian habitat or wetland flows;
 - l. Swimming pools (if dechlorinated - typically less than one (1) PPM chlorine); and

- m. Firefighting activities.
- 2. Discharges specified in writing by the City Engineer as being necessary to protect public health and safety;
- 3. Dye testing is an allowable discharge if the City Engineer has so specified in writing;
- 4. The prohibition shall not apply to any non-stormwater discharge permitted under an UPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the State of Utah Division of Water Quality; provided, that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations; and provided, that written approval has been granted for any discharge to the storm drain system;
- C. Prohibition of Illicit Connections:
 - 1. The construction, use, maintenance or continued existence of illicit connections to the separate municipal storm sewer system is prohibited.
 - 2. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- D. Reduction of Stormwater Pollutants by the Use of Best Management Practices: Any person responsible for a property or premises, which is, or may be, the source of an illicit discharge, may be required to implement, at the person's expense, the BMPs necessary to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid UPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.
- E. Notification of Spills: Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information of any known or suspected release of materials which are resulting in, or may result in, illicit discharges or pollutants discharging into stormwater, and the municipal separate storm sewer system, the person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, the person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of nonhazardous materials, the person shall notify the City Engineer in person or by telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the City Engineer within three (3) business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for a minimum of three (3) years. (Ord. 19-10, 8-21-2019)

17.05.240 ENFORCEMENT

The City Engineer or his designees shall have the authority to issue notices of violation, stop work orders, and citations, and to pursue the civil penalties provided in this section.

- A. With the issuance of a City land disturbance permit, building permit, conditional use permit or other permits issued by the City, the City Engineer ~~or designee~~ shall be permitted to enter and inspect facilities subject to this chapter at all reasonable times and as often as necessary to determine compliance. Failure to comply with the terms of this chapter may result in punitive actions by Taylorsville City ordinance enforcement, by the Salt Lake Valley health department (SLVHD), Utah State Division of Water Quality or by other means identified in permits or terms set forth in development applications.
- B. Notification of Violation (N.O.V.):
 - 1. Written Notice: Whenever the City ~~Engineer~~ finds that any permittee or any other person discharging stormwater has violated or is violating this chapter or a permit or order issued hereunder, the City ~~Engineer~~ may serve upon such person written notice of the violation. Within ~~seven (7) days of this notice or~~ the time frame specified in N.O.V., ~~but not to exceed seven(7) days~~, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the

- City Engineer. Submission of this plan in no way relieves the discharger of liability for any violations occurring before or after receipt of the notice of violation.
2. Consent Orders: The City Engineer is empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the noncompliance. Such orders will include specific action to be taken by the person to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as administrative orders issued pursuant to this section.
 3. Show Cause Hearing: The City Engineer may order any person who violates this chapter ~~or~~ permit, or order issued hereunder appear at a hearing before the City's Administrative Law Judge to show cause why a proposed enforcement action should not be taken. Notice shall be served on the person specifying the time and place for the hearing, the proposed enforcement action and the reasons for such action, and a request that the violator show cause why this proposed enforcement action should not be taken. The notice of the ALJ hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing.
 4. Compliance Order: When the City Engineer finds that any person has violated or continues to violate this chapter or a permit or order issued hereunder, he may issue an order to the violator directing that, following a specific time period, adequate structures or devices be installed or procedures implemented and properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the construction of appropriate structures, installation of devices, self-monitoring, and management practices.
 5. Cease and Desist Orders: When the City Engineer finds that any person has violated or continues to violate this chapter or any permit or order issued hereunder, the City Engineer may issue an order to cease and desist all such violations and direct those persons in noncompliance to:
 - a. Comply forthwith; or
 - b. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge into the City storm drain system. In the event the owner refuses to or is unable to provide measures to bring the site into compliance, the City Engineer will, at the owner's expense, take necessary remedial or preventative actions.
- C. Conflicting Standards: Whenever there is a conflict between any standard contained in this chapter and in the BMP manual adopted by the City under this chapter, the strictest standard shall prevail. (Ord. 19-10, 8-21-2019)

17.05.250 PENALTIES

- A. Consistent with the provisions of Utah Code Ann. § 19-5-115, the City declares that any person, or the officers or employees of any person, who violates stormwater ordinances or any lawful notice or order issued pursuant to the aforementioned ordinances is guilty of an infraction.
- B. Any person, or the officers or employees of any person, shall be liable for any expenses incurred by the City in abating any violation of this chapter.
- C. A penalty assessment or criminal conviction under this chapter shall not relieve the person assessed or convicted from civil liability for claims arising out of any act which was also a violation.
- D. In assessing either a civil or a criminal penalty, the Taylorsville City judge may consider:
 1. The harm done to the public health or the environment;
 2. Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;
 3. The economic benefit gained by the violator;
 4. The amount of effort put forth by the violator to remedy this violation;
 5. Any unusual or extraordinary enforcement costs incurred by the City;
 6. The amount of penalty established by ordinance or resolution for specific categories of violations; and
 7. Any equities of the situation which outweigh the benefit of imposing any penalty or damage assessment.

- E. In addition to the civil penalty in subsection D. of this section, the City may recover: all damages proximately caused by the violator to the City, which may include any reasonable expenses incurred in investigating violations of, and enforcing compliance with, this chapter, or any other actual damages caused by the violation including, but not limited to, the costs of the City's maintenance of stormwater facilities when the user of such facilities fails to maintain them as required by this chapter.
- F. The City may bring legal action to enjoin the continuing violation of this chapter, and the existence of any other remedy, at law or equity, shall be no defense to any such actions.
- G. The remedies set forth in this section shall be cumulative, not exclusive, and it shall not be a defense to any action, civil or criminal, that one or more of the remedies set forth herein has been sought or granted. (Ord. 19-10, 8-21-2019)

Chapter 17.06: STORM SEWER UTILITY¹¹

17.06.010 PURPOSE

The purpose of this chapter is to protect the health, safety, and welfare of the city and its inhabitants by efficiently operating the storm sewer system, managing and controlling storm water runoff, protecting property, preventing polluted waters from entering the water supply and other receiving waters, and establishing a viable and equitable method of financing the storm water system long term improvement, operation, and maintenance. (Ord. 07-19, 5-16-2007, eff. 7-1-2007)

17.06.020 DEFINITIONS¹²

For purposes of this chapter, the following terms and phrases and words shall mean:

DEVELOPED PARCEL

Any parcel that has been altered from its natural conditions by grading, filling, or the construction of improvements or other impervious surfaces.

EQUIVALENT RESIDENTIAL UNIT (ERU)

The average amount of impervious surfaces, expressed in square feet, on developed single-family residential parcels in the city. One ERU equals three thousand eight hundred (3,800) square feet of impervious surface.

IMPERVIOUS SURFACES

Any hard surface, other than the natural surface, that prevents or retards the absorption of water into the soil, or that causes reduced quality of runoff water or causes water to run off in greater quantities or at greater rates of flow than the natural surface.

MITIGATION

On site facilities or practices which reduce storm water quantity or improve storm water quality.

PARCEL

The smallest, separately segregated unit of land having an owner. A parcel has boundaries and surface area and is documented with a property identification number by Salt Lake County.

SINGLE-FAMILY RESIDENTIAL PARCEL OR SINGLE-FAMILY RESIDENTIAL CUSTOMERS

Any parcel of land or the owner of land containing a detached single-family home or a duplex.

¹¹ From current Chapter 17.30, renumbered for consistency.

¹² From current Section 17.30.030, renumbered for consistency.

STORM DRAIN FACILITY

Any facility, improvement, development, or property made for controlling storm water quantity and quality. Storm drain facilities do not include government-owned streets or those storm sewer facilities operated by or for the utility, Salt Lake County, or the state of Utah.

STORM SEWER SYSTEM

All manmade storm sewer facilities and conveyances and natural storm sewer systems, including, but not limited to, designated open spaces owned and maintained by the city that stores, controls, treats, and/or conveys storm water.

STORM SEWER UTILITY

The utility created by this chapter which operates, maintains, regulates, and improves storm drain facilities and programs within the city.

STORM WATER

Water produced by storm, surface drainage, snow and ice melt, and other water handled by the storm drain system.

UNDEVELOPED PARCEL

Any parcel that has not been altered, graded, filled, or constructed. (Ord. 07-19, 5-16-2007, eff. 7-1-2007)

17.06.030 STORM SEWER UTILITY ESTABLISHED¹³

- A. Creation: There is hereby created and established a storm sewer utility operated by the city that includes a service charge rate structure.
- B. Enterprise Fund: There is hereby established a storm sewer utility enterprise fund to handle all income, expenses, and other financial transactions related to the storm sewer utility. All charges collected with respect to the storm sewer utility shall be deposited in the storm sewer utility enterprise fund. Money in the storm sewer utility enterprise fund shall not be commingled with other city funds and may be transferred to other city funds as allowed by the uniform fiscal procedures act for Utah cities.
- C. Facilities ~~A~~ and Assets: The city shall determine which storm drain facility assets will be transferred to the storm drain utility. Until such transfer, the utility shall operate, maintain, and improve all existing storm drain facilities.
- D. Administration: The storm sewer utility shall be administered by the city administrator or designee. (Ord. 07-19, 5-16-2007, eff. 7-1-2007)

17.06.040 STORM SEWER UTILITY CHARGE¹⁴

- A. Imposed: All owners of impervious surfaces within the city which contribute runoff water to the storm sewer system or who otherwise use or benefit from the storm sewer system or the storm water utility will be responsible for paying the storm water utility charge as set forth in this chapter.
- B. Amount ~~Of~~ Charge: The charge shall be based on the number of equivalent residential units (ERUs) contained in the parcel. An "ERU" is the average amount of impervious surfaces in a single-family residential parcel and is based on a statistical analysis of homes within the city. One ERU equals three thousand eight hundred (3,800) square feet of impervious surface area.
- C. Calculation: Each single-family residential parcel contributes approximately the same amount of storm water runoff; therefore, each single-family residential parcel shall pay a base rate equal to one ERU. All other parcels (except undeveloped parcels) shall pay a multiple of this base rate, expressed in ERUs, according to the measured impervious area on the parcel. Total ERUs are calculated by dividing the total square feet of impervious surface by three thousand eight hundred (3,800).
- D. Charge Per ERU: The service charge imposed hereby for each ERU shall be four dollars (\$4.00) per month.
- E. Credits: A service charge credit shall be available for ~~non~~~~single~~~~non-single~~ family residential customers that: 1) exceed the city's standards for reducing the amount of storm water discharged from their parcel, 2) improve the

¹³ From current Section 17.30.050, renumbered for consistency.

¹⁴ From current Section 17.30.070, renumbered for consistency.

quality of storm water runoff based on implementing source or treatment controls which reduce or eliminate pollutants from the parcel's storm water runoff, and/or 3) implement on site activities that can be shown to reduce the city's costs to provide the storm sewer utility services. Provided, however, if this chapter is amended or the city standards are changed, then only those parcels that then satisfy the standards will be eligible for the service charge credit. "Reducing the amount of storm water discharge" generally means holding runoff for a period of time and then releasing it at a controlled rate to the storm water sewer system ("detention") or holding water until it evaporates or infiltrates into the ground water ("retention"). "Improving quality" generally means improving the quality of storm water runoff based on implementation of source or treatment controls (best management practices) which reduce or eliminate pollutants from the storm water runoff.

- F. Policies: The city may adopt rules and policies to assist in applying, administering, and interpreting the service charge credit and other provisions related to the storm sewer utility.
- G. Appeals: Any person or entity 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 administrator. The appeal shall be in writing, shall state all facts supporting the appeal, and shall be made within thirty (30) days of the receipt of the bill or event giving rise to the appeal. The city administrator shall issue a written decision within thirty (30) days of receipt of the complete appeal. Appeals of the city administrator's decision may be made to the mayor, within thirty (30) days of the city administrator's decision. The mayor may elect to hold a hearing on the appeal. The mayor's decision shall be final and conclusive.
- H. Billing ~~And~~ Collection: The city shall bill, or cause to be billed, property owners of impervious surfaces for the storm sewer utility service charge. Charges and fees shall be considered delinquent if not paid as determined by rules and procedures established by the city and will be ~~considered to be~~ a debt of the city, which shall be subject to recovery by civil action or otherwise. (Ord. 07-19, 5-16-2007, eff. 7-1-2007)

17.06.050 AREA ABATEMENT¹⁵

- A. The mayor is hereby authorized to adopt rules to abate the storm sewer utility charge for an area that includes multiple residents such as mobile home parks, based on the following criteria:
 - 1. The rule requires that abatement be an area within a census tract that qualifies for community development block grants or is a low-income census tract.
 - 2. The rule requires that a significant portion of the inhabitants of the area include inhabitants who live on limited fixed incomes and/or low incomes.
 - 3. The rule requires that a significant portion of the inhabitants of the area qualify for the municipal energy sales and use tax and municipal telecommunications license tax abatement.
 - 4. The rule requires a finding that the abatement will promote affordable housing.
 - 5. The rule requires implementation on a uniform and consistent basis. (Ord. 07-35, 11-7-2007)

17.06.060 INDIVIDUAL ABATEMENT¹⁶

- A. The mayor is hereby authorized to adopt rules to abate the storm sewer utility charge for individual residents, based on the following criteria:
 - 1. The rule requires that the applicant be elderly and/or living on limited fixed income and/or low income.
 - 2. The rule requires that the applicant qualify for the municipal energy sales and use tax and municipal telecommunications tax abatement.
 - 3. The rule requires a finding that the abatement will promote affordable housing.
 - 4. The rule requires implementation on a uniform and consistent basis. (Ord. 07-35, 11-7-2007)

¹⁵ From current Section 17.30.075, renumbered for consistency.

¹⁶ From current Section 17.30.076, renumbered for consistency.

17.06.070 ANNUAL TRANSFER¹⁷

There shall be, each fiscal year, an in lieu of tax transfer from the city's storm sewer utility fund to the city's general fund of 7.5 percent of total actual revenues as determined according to applicable standards. The in lieu of tax transfers do not prohibit the storm sewer utility from providing funds or services to other city departments, or receiving funds or services from other city departments. (Ord. 07-19, 5-16-2007, eff. 7-1-2007)

17.06.080 SEVERABILITY¹⁸

If any portion of this chapter is determined to be, or is rendered, illegal, invalid, or superseded by other lawful authority, including any state or federal, legislative, regulatory, or administrative authority having jurisdiction thereof, or determined to be unconstitutional, illegal, or invalid by any court of competent jurisdiction, such section shall be deemed a separate, distinct, and independent provision, and such determination shall have no effect on the validity of any other section. (Ord. 07-19, 5-16-2007, eff. 7-1-2007)

Chapter 17.07: VIOLATIONS AND PENALTIES¹⁹**17.07.010 VIOLATION DEEMED MISDEMEANOR**

It is unlawful for any person, corporation, association, partnership or governmental instrumentality to violate any of the provisions of this title, or to aid or cause the violation of any of said provisions. (Ord. 01-03, 1-17-2001)

17.07.020 PENALTY

Any person who is convicted of violating any of the provisions of this title shall be guilty of a misdemeanor and shall be punishable as set out in chapter 1.08 of this code. (Ord. 01-03, 1-17-2001)

17.07.030 ADDITIONAL SANCTIONS AGAINST CORPORATION OR ASSOCIATION

- A. When a corporation or association is convicted of violating any of the provisions of this title, the court may, in addition to or in lieu of imposing other authorized penalties, require the corporation or association to give appropriate publicity of the conviction by notice to the class or classes or persons or sections of the public interested in or affected by the conviction, by advertising in designated areas, or by designated media or otherwise.
- B. When an executive or high managerial office of a corporation or association is convicted of a violation of any of the provisions of this title, committed in furtherance of the affairs of the corporation or association, the court may include in the sentence an order disqualifying him from exercising similar functions in the same or other corporations or associations for a period not exceeding five (5) years if it finds the scope or willfulness of his illegal actions make it dangerous or inadvisable for such functions to be entrusted to him. (Ord. 01-03, 1-17-2001)

17.07.040 REMOVAL OF OBSTRUCTION

In addition to any penalties which may be imposed pursuant to this chapter, the community development department may do the following:

- A. Remove any obstructions, pipelines or other devices installed in violation thereof; and/or
- B. Give written notice to persons in violation of the provisions of this chapter requiring the removal of offending installations from natural channels or other storm drainage facilities. Notices may be personally served or may be mailed to violators by registered mail provided that a copy is also posted on offending installations for a period

¹⁷ From current Section 17.30.090, renumbered for consistency.

¹⁸ From current Section 17.30.110, renumbered for consistency.

¹⁹ From current Chapter 17.32, renumbered for consistency.

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17.07.040 REMOVAL OF OBSTRUCTION

of ten (10) days. If such installations are not removed within ten (10) days after notice is given, the community development department may ~~ea~~ffect removal at the expense of the person in violation and may recover its costs and expenses therefor; and/or

- C. Bring an action for the abatement of the nuisance caused by the offending installation, or for the recovery of the city's costs and expenses incurred in removing the offending installation pursuant to subsection A or B of this section. (Ord. 01-03, 1-17-2001)