

CITY OF HOLLADAY

ORDINANCE NO. 2022-10

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HOLLADAY AMENDING
CHAPTER 17 OF THE CITY CODE RELATING TO STORMWATER MANAGEMENT**

WHEREAS, the City Council of the City of Holladay desires to amend certain provisions of the Municipal Code of the City of Holladay relating to stormwater management; and

WHEREAS, the City Council has determined that the proposed amendments will promote the public health, safety and welfare;

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Holladay, Utah as follows:

Section 1. Amendment. Section 17.08.035 of the City Code of the City of Holladay is hereby amended to read in its entirety as set forth in Exhibit A, attached hereto and incorporated herein by reference.

Section 2. Amendment. Section 17.08.100 of the City Code of the City of Holladay is hereby amended to read in its entirety as set forth in Exhibit B, attached hereto and incorporated herein by reference.

Section 3. Amendment. Section 17.20.010 of the City Code of the City of Holladay is hereby amended to read in its entirety as set forth in Exhibit C, attached hereto and incorporated herein by reference.

Section 4. Amendment. Section 17.20.030 of the City Code of the City of Holladay is hereby amended to read in its entirety as set forth in Exhibit D, attached hereto and incorporated herein by reference.

Section 5. Amendment. Section 17.29.020 of the City Code of the City of Holladay is hereby amended to read in its entirety as set forth in Exhibit E, attached hereto and incorporated herein by reference.

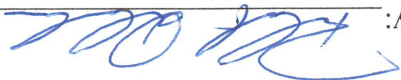
Section 6. Amendment. Section 17.29.030 of the City Code of the City of Holladay is hereby amended to read in its entirety as set forth in Exhibit F, attached hereto and incorporated herein by reference.

Section 7. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

Section 8. Effective Date. This Ordinance shall take effect upon publication or posting or thirty (30) days after passage, whichever occurs first.

PASSED AND APPROVED this 2nd day of June, 2022.

By:



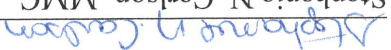
Robert Dahle, Mayor

VOTING:

Matt Durham
Ty Brewer
Drew Quinn
Paul Fotheringham
Dan Gibbons
Robert Dahle

Yea	<u> </u>	Nay	<u> </u>	excused
Yea	<u> </u>	Nay	<u> </u>	excused
Yea	<u> </u>	Nay	<u> </u>	excused
Yea	<u> </u>	Nay	<u> </u>	excused
Yea	<u> </u>	Nay	<u> </u>	excused
Yea	<u> </u>	Nay	<u> </u>	excused

ATTEST:


Stephanie N. Carlson, MMC
City Recorder

DEPOSITED in the office of the City Recorder this 2nd day of June, 2022.

RECORDED this 2nd day of June, 2022.

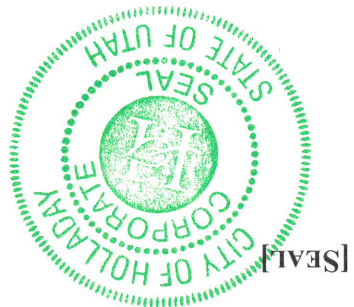


Exhibit A

17.08.035: PROHIBITED DISCHARGES:

- A. Non-stormwater discharges into the city's drainage system, creeks, canals and waterways is prohibited, including spills, illicit connections, illegal dumping, landscape waste, pet or human waste, hazardous waste, construction waste, unauthorized drains, sediment, and sanitary sewer overflows. The responsible party is required to remediate such discharges in accordance with Standard Operating Procedures adopted in the city's Stormwater Management Program on file at the city.
- B. The following non-stormwater discharges are an exception to subsection A unless city or state identifies these discharges as significant sources or pollutants to Waters of the State or as causing or contributing to a violation of water quality standards:
1. Discharges from the following:
 - a) Water line flushing
 - b) Landscape irrigation
 - c) Diverted stream flows
 - d) Rising ground waters
 - e) Springs
 - f) Flows from riparian habitats and wetlands
 - g) Residual street wash water
 - h) Uncontaminated ground water infiltration;
 - i) Uncontaminated pumped groundwater;
 - j) Discharges from potable water sources;
 - k) Uncontaminated footing/foundation drains and crawl space pumps;
 - l) Air conditioning condensate;
 - m) Irrigation water;
 - n) Individual residential car washing;
 - o) Dechlorinated swimming pool and water reservoir discharges;
 - p) Discharges or flows from emergency firefighting activity.

Exhibit B

17.08.100: PERMITS:

Construction activity and improvements requiring permits from Salt Lake County Flood Control, U.S. Army Corp of Engineers (for sections 404 and 10), Utah State Engineer's Office (for natural stream channels), and required permits from any other jurisdiction having authority shall be submitted to the city for verification prior to issuance of a building permit or grading permit.

The City Floodplain Administrator shall issue a Floodplain Development Permit for any habitable structure located in floodplain.

The *Utah State Administration Code*, R317-8-3 prohibits point source discharges of stormwater from construction activities to a water body(ies) of the State without a Utah Pollutant Discharge Elimination System (UPDES) permit. The owner and the general contractor of a construction activity that result in land disturbance of equal to or greater than one acre, including projects that are part of a larger common plan of development or sale which collectively disturbs land greater than or equal to one acre must submit a Notice of Intent (NOI) to obtain coverage under the UPDES Storm Water General Permit. All permit coverages must remain active until terminated in accordance with the permit's conditions and instructions. The NOI is required to be submitted to the city for verification prior to the issuance of a building or grading permit.

Exhibit C

17.20.010: GENERALLY:

The provisions of this chapter apply where the owner or developer is required to control excess waters within a development site. A Stormwater Management Plan is required for all developments or redevelopment equal to or greater than 1.0 acres.

Developments or redevelopments less than 1.0 acres are required to submit the simplified impervious calculations as required in the building permit application and are required to retain excess water on-site when the impervious surface is increased equal to or greater than 10%. All developments and redevelopments subject to review under Title 13.08 (as they apply to multi-family, commercial, retail, and mixed-use) are subject to meeting the onsite stormwater management requirements for the 100-yr storm event. Design criteria within this chapter shall apply to all on-site retention systems regardless of the acreage of the development or redevelopments.

Exhibit D

17.20.030: DESIGN STANDARDS:

G. Low Impact Development BMPs:

- a. Onsite retention is to be accomplished by the use of Low Impact Development (LID) BMP that are designed, constructed, and maintained to infiltrate, evapotranspire and/or harvest and reuse rainwater. Allowable LID BMPs are:
 - i. Rain Garden
 - ii. Bioretention Cell
 - iii. Bio Swale
 - iv. Vegetative Strip
 - v. Pervious Surfaces
 - vi. Infiltration Basin
 - vii. Infiltration Trench
 - viii. Dry Well
 - ix. Infiltration Galleries
 - x. Harvest and Reuse

- b. Design and sizing of the LID BMPs are as per the document "A Guide to Low Impact Development within Utah" prepared for the Utah Department of Environmental Quality, dated December 2018. Darcy's Law may be used as an alternate design method for dry wells.
- c. Infiltration structures are to be located a minimum of 20-ft from a building foundation or as otherwise recommended by a geotechnical engineer.
- d. Surface ponding retention/infiltration systems are not permitted on lots or parcels less than 0.5 acres in size unless the lot or parcel is part of a collection of lots or parcels equal to or greater than 0.5 acres and is limited to one residential dwelling structure. Measurements for parcel or lot size calculations excludes any hard surface area used for a roadway or lane.
- e. The bottom of an infiltration structure is to be greater than 2.0 feet above the seasonal high groundwater table.
- f. Void space ratio in drain rock used for storage calculations is not to exceed 0.35.

Exhibit E

17.29.020: MAINTENANCE EASEMENTS:

- A. Easement: The owner/developer must ensure permanent or perpetual access to the site for the purpose of inspection, maintenance and repair of new and existing drainage systems 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 land record.
- B. Minimum Width: Minimum easement widths for a public drainage system will be determined by the city engineer and shall be based on common maintenance practices. In no case shall the width of an easement for the purpose of maintaining subsurface drainage systems be less than 15 feet.
- C. Restrictions: Easements are to restrict the placement of structures and features that restrict access to the easement, including walls, poles with foundations, pools, hot tubs, decks, and trees in the easement.

Exhibit F

17.29.030: MAINTENANCE AND PROTECTION:

A. As applicable, the following agreements and protections are required prior to issuance of a Building Permit or Grading Permit:

a. Construction activity on property that has on it or is adjacent to an existing drainage or irrigation system must execute a Certification of Protection of Existing Irrigation, Canal and Storm Drain Facility prepared by the city.

b. Onsite drainage systems constructed on private property are to be owned and maintained by the association or equivalent entity responsible for maintenance of the common grounds (i.e. HOA). Maintenance responsibilities are to be written into the Covenants, Conditions & Restrictions (CC&Rs) or equivalent document. Where an association or equivalent entity does not exist, the property owner must execute a Site Grading Management Agreement prepared by the city that shall operate as a recorded deed restriction binding on the current property owner and all subsequent property owners.

c. The owner of property to be served by a private on-site stormwater quality facility must execute a Long-Term Stormwater Management Agreement prepared by the city that shall operate as a deed restriction binding on the current and subsequent property owners.

B. Canal Bank Protection: Property owners of private property that encompass the bank of a canal structure are required to protect the stability of that bank. Bank improvements that have been constructed for the benefit of the private property owner or historical property owners are the responsibility of the property owner to maintain in good shape in such a manner that it does not pose a risk to the functional operation of the canal. This includes, but not limited to, protection and maintenance of:

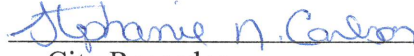
- a. All types of retaining walls;
- b. Erosion prevention from drain pipe outfalls;
- c. Earthen fill on top of a canal bank placed for the purpose of raising the grade elevation of the property;
- d. Stone slopes;
- e. Over steepened slopes;
- f. Fencing;
- g. Decking;
- h. Removal of fallen trees and stumps; and
- i. Erosion prevention from loss of stabilizing ground cover vegetation.

C. Canal Retaining Wall Protection: To prevent retaining wall failure caused by trees, no tree shall be planted within 10-ft from the face of a retaining wall supporting a canal bank.

- D. Property owners of private property where a public storm drain manhole has been buried, shall not be responsible to uncover the manhole and raise the grade of the manhole unless:
- a. the manhole is located within an easement of record; or
 - b. It can be demonstrated that the property owner was responsible for burying the manhole.
- E. It shall be unlawful and a violation of this Chapter to bury any manhole within the City without the permission of the City's Public Work's Director.

CERTIFICATE OF PUBLICATION

I hereby certify that Ordinance 2022-10 was passed on the 2nd day of June, 2022 and this Ordinance, or a summary hereof, was published in the Salt Lake Tribune according to law on the 3rd day of June, 2022.



City Recorder

CITY OF HOLLADAY PUBLIC NOTICE OF ORDINANCE ADOPTION

Notice is hereby given that on the 2nd day of June, 2022 the Holladay City Council adopted Ordinance 2022-10.

Ordinance 2022-10 amends Chapter 17 of the City Code relating to Stormwater Management Regulations.

The complete ordinance is available for public inspection during normal working hours from 8:00 a.m. to 5:00 p.m. Monday through Friday in the office of the City Recorder located at 4580 S 2300 E, Holladay, UT.

Dated this 3rd day of June, 2022.

BY ORDER OF THE HOLLADAY CITY COUNCIL

Stephanie N. Carlson, MMC
Holladay City Recorder

