



**Regular City Council Meeting**  
**Tuesday, February 18, 2020**  
**City Hall Council Chambers**  
**5249 South 400 East, Washington Terrace City**  
**801-393-8681**  
[www.washingtonterracecity.com](http://www.washingtonterracecity.com)

**1. WORK SESSION **5:00 P.M.****

**Topics to include, but are not limited to:**

**Compensation Review**

Staff will present the Total Compensation Value for Departments for budget considerations.

**Truth in Taxation**

Staff will update Council on Truth and Taxation issues concerning OTIS II and other concerns.

**2. ROLL CALL **6:00 P.M.****

**3. PLEDGE OF ALLEGIANCE**

**4. WELCOME**

**5. CONSENT ITEMS**

**5.1 APPROVAL OF AGENDA**

Any point of order or issue regarding items on the Agenda or the order of the agenda need to be addressed here prior to the approval of the agenda.

**5.2 APPROVAL OF FEBRUARY 4, 2020 MEETING MINUTES**

**6. CITIZEN COMMENTS**

This is an opportunity to address the Council regarding your concerns or ideas that are not on the agenda as part of a public hearing. Please limit your comments to no more than 3 minutes.

**7. COUNCIL/STAFF RESPONSE AND CONSIDERATION TO CITIZEN COMMENTS**

Council and staff will consider and address concerns and take appropriate measures to follow up on any comments made in the citizen comments item on the agenda.

**8. NEW BUSINESS**

**For more information on these agenda items, please visit our website at [www.washingtonterracecity.com](http://www.washingtonterracecity.com)**

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In compliance with the Americans with Disabilities Act, persons who have need of special accommodation should contact the City Recorder at 801-395-8283.

**CERTIFICATE OF POSTING**

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted in three public places within the City of Washington Terrace City limits and sent to the *Standard Examiner* at least 24 hours prior to the meeting. Amy Rodriguez, City Recorder.

**8.1 MOTION/ORDINANCE 20-03: AMENDING CHAPTERS 19.22, 19.23, AND 19.24  
“STORM WATER RE-ENACTED”**

An ordinance amending the Storm Water Ordinance to include Low Impact Development practices  
As required by state law.

**8.2 MOTION/ORDINANCE 20-01: AMENDING CHAPTER 17.10 REGARDING  
IN-FILL DEVELOPMENT REGULATIONS**

An ordinance amending the In-fill Development standards.

**8.3 MOTION/ORDINANCE 20-02: LAND USE ADMINISTRATION AND SIGN  
AMENDED.**

An ordinance regulating Real Estate Signs and Vehicular Advertising.

**9. COUNCIL COMMUNICATION WITH STAFF**

This is a discussion item only. No final action will be taken.

**10. ADMINISTRATION REPORTS**

This is an opportunity for staff to address the Council pertaining to administrative items.

**11. UPCOMING EVENTS**

February 17<sup>th</sup>: City Offices closed for President’s day

February 18<sup>th</sup>: Council Work Session 5:00 p.m. (TENTATIVE)

February 18<sup>th</sup>: Council Meeting 6:00 p.m.

February 28<sup>th</sup>: Planning Commission (TENTATIVE)

**12. ADJOURN THE MEETING: MAYOR ALLEN**

**13. WALKING TOUR: COUNCIL WILL TAKE A WALK-THROUGH TOUR  
OF THE PUBLIC WORKS FACILITY AND HEAVY EQUIPMENT FLEET  
LOCATED AT 575 EAST 5600 SOUTH**

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1 **City of Washington Terrace**

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3 Minutes of a Regular City Council meeting  
4 Held on February 4, 2020  
5 City Hall, 5249 South 400 East, Washington Terrace City,  
6 County of Weber, State of Utah  
7

8 **MAYOR, COUNCIL, AND STAFF MEMBERS PRESENT AT WORK SESSION**

- 9 Mayor Mark C. Allen
- 10 Council Member F. Carey Seal
- 11 Council Member Blair Brown
- 12 Council Member Larry Weir
- 13 Council Member Scott Barker - Excused
- 14 Council Member Jeff West
- 15 Public Works Director Jake Meibos
- 16 Public Works Supervisor Denzil Remington
- 17 Finance Director Shari' Garrett
- 18 City Treasurer Heidi Gerritsen
- 19 City Recorder Amy Rodriguez
- 20 City Manager Tom Hanson
- 21 Lt. Butler, Weber County Sheriff

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23 **Others Present**

24  
25 None

26  
27 **1. WORK SESSION 5:00 P.M.**

28 **Topics to include, but are not limited to:**  
29 **Electronic Payment Services**

30 Garrett explained some of the challenges that the Utility Billing Department is having with the online bill  
31 pay provider. She stated that one major problem with our current provider is that they do not speak the  
32 same language as our current software provider. Our current provider is not updating or improving as  
33 quickly as our software provider. She stated that our current merchant provider is not developing or  
34 enhancing their product, which is causing failures in the system. Some of the failures for taking payments  
35 have lasted hours, and some have taken weeks. She stated that the gaps are becoming more profound over  
36 time. Garrett stated that the trend is to do business online and the current provider is not keeping up with  
37 the changes. She stated that we are experiencing more frequent failures.

38 Garrett stated that staff has done research on Express Billpay, who is the preferred provider with our  
39 software provider. She stated that they have a relationship with Caselle in which their software interfaces  
40 with each other.

41 She stated that their gateway fee is higher and per transaction fee is higher than intellipay. She stated that  
42 the more we process electronically, the higher the fee will be. Garrett stated that the fees are offset by the  
43 merchant fee. Garrett stated that Express Billpay can guarantee a much lower merchant fee rate than we  
44 can get on our own, and that is where the savings will happen.

45 Gerritsen stated that internet payments have increased by 220 regular electronic payments a month since  
46 the transaction fee has been dropped. She stated that we had over 1,000 electronic transactions in  
47 December for utilities.

48 Garrett stated that she expects that once we have a reliable product, these numbers will grow.

49 Garrett stated that the failures are so significant now, that if something isn't changed soon, we may not be  
50 able to offer electronic services much longer.  
51 Garrett stated that savings will be dependent on volume. Garrett stated that she is expecting that fees will  
52 not increase to pay for this, as she believes that it can be built into the current rate structure and offset  
53 with the savings because we will have more efficiency and reliability. She stated that the merchant fee  
54 will make up "the wash". The customer will not have to pay for this service.  
55 Hanson stated that we will have to make customers aware of the switch because they will need to re-input  
56 their information for automatic payments. Garrett stated that she and her team are strategizing on how to  
57 make the switch, but is confident that the transition will go well.  
58 Council Member West stated that this is a good opportunity to take advantage of this transition and the  
59 sooner we have it, the quicker we will see a good return on investment.  
60 Council would like to know the commitment of the contract, but feels it is a direction that we need to go  
61 to. Council Member Brown stated that he is concerned that this is separate, reviewable, and accountable  
62 so that we do not need to raise fees to cover this change. He does not want it blended into the utility rates.  
63 He wants to review it again next year to see what it is actually costing us.  
64

### 65 **Staffing Update**

66 Rodriguez updated Council on the current state of the job opening, stating that the announcement has  
67 been re-worked and will be re-posted in the morning. It was suggested that the wage range be changed to  
68 next year's proposed budget change, in the hopes that this may drum up more interest in the position.  
69 One of the job duties has been given to the Recreation Director.  
70 Hanson explained how we are bridging the gap until we hire an inspector. Meibos will be filling in as  
71 building inspector and take care of basic permits. The position requires license and certifications to  
72 complete four way and final inspections. Hanson explained several options for completing this, including  
73 contracting that task out to a licensed inspector. Hanson stated that he will be handling code  
74 enforcement in the interim.  
75 Hanson stated to Council that we are thinking of hiring a part time building maintenance and custodian to  
76 help with building maintenance and park restrooms. He stated that the new position would be under the  
77 direction of Public Works. This position is budgeted under the current custodial contract, which would  
78 need to be terminated.  
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**MAYOR, COUNCIL, AND STAFF MEMBERS PRESENT**

100 Mayor Mark C. Allen  
101 Council Member F. Carey Seal  
102 Council Member Blair Brown  
103 Council Member Larry Weir  
104 Council Member Scott Barker - absent  
105 Council Member Jeff West  
106 Public Works Director Jake Meibos  
107 Finance Director Shari' Garrett  
108 Chief Clay Peterson  
109 Deputy Chief Dallas Davies  
110 City Recorder Amy Rodriguez  
111 City Manager Tom Hanson  
112 Lt. Butler, Weber County Sheriff

113  
114 **Others Present**

115 Ulis Gardiner, Jeff Montague, Sam LeCain

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117 **2. ROLL CALL**

**6:00 P.M.**

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119 **3. PLEDGE OF ALLEGIANCE**

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121 **4. WELCOME**

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123 **5. CONSENT ITEMS**

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125 **5.1 APPROVAL OF AGENDA**

126 **5.2 APPROVAL OF JANUARY 21, 2020 MEETING MINUTES**

127 Items 5.1 and 5.2 were approved by general consent.

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129 **6. CITIZEN COMMENTS**

130 Resident Jeffrey Montague- 249 W 5000 S- stated that he addressed the Council in November concerning  
131 HB 411 concerning a renewable energy Resolution and was told by Council that they were interested  
132 and would look into the issue. Montague explained that that he has studied geography and has learned  
133 about harmful weather conditions that are effecting our state, stating decreasing snow packs effecting  
134 water supply and how 40 percent of particles contributing to air pollution is contributed to buildings. He  
135 stated that he supported our city making renewable energy available to all our residents. He stated that he  
136 organized a petition that was signed by 109 people asking to hold a special City Council meeting to  
137 discuss the issue before the December 31<sup>st</sup> deadline. He stated that he was very disappointed that the  
138 Council did not hold a special meeting. He stated that he was upset that we missed an opportunity to  
139 discuss the issue as a community. He noted that he should have began work on the issue 8 months ago  
140 when the bill was passed.

141 He asked three questions that he would like answers to: 1. How is the City Council going to develop a  
142 greater awareness of new state laws and programs that affect our City going forward? 2. How is the  
143 Council going to respond more effectively to citizen comments and petitions in the future? 3. What is the  
144 City government doing to mitigate the harmful impacts of Utah's warming climate and poor air quality  
145 that our residents face moving forward with more people and more development?

148 7. **COUNCIL/STAFF RESPONSE AND CONSIDERATION TO CITIZEN**  
149 **COMMENTS**

150 Hanson stated that he feels that it would be a disservice to Mr. Montague to respond without researching  
151 the topics brought forward. He will reach out to Mr. Montague for a discussion before the next Council  
152 meeting. He stated that the City works with Utah Leagues of Cities and Towns on legislation. Hanson  
153 stated that when the item was brought forward after last session, it was described as a “boutique” tax  
154 instead of something that would make a difference. He stated that staff will work more closely with the  
155 League during legislation sessions.

156 Mayor Allen stated that Council attends a large conference after the session closes where they discuss  
157 bills that impact cities. He stated that he had not heard of the House Bill until Mr. Montague approached  
158 Council.

159 Council Member West stated that the impending deadline was one of the issues. Mayor Allen stated that  
160 Council did reach out to the Bill Sponsors concerning the drop deadline and there was no response.  
161 Council Member Seal asked Hanson for a date on answers to the questions. Hanson stated that he will  
162 have an answer prepared by the next Council meeting. Council Member Brown stated that the  
163 government works slowly and things need to be put on the agenda. He stated that Council is interested in  
164 looking into the idea, however, it takes time and research and many people need to be invested in the  
165 topic before Council will take a large action.

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167 8. **NEW BUSINESS**  
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169 **8.1 PRESENTATION- FINANCE DEPARTMENT QUARTERLY REPORT**

170 Garrett presented the highlights to Council on the quarterly report. She stated that there is a two month  
171 distribution lag in sales tax.

172 Tax Revenues: Garrett stated that tax revenues look strong and we are starting to see the tax from the  
173 property tax increase.

174 Garrett stated that sales tax is coming in strong with a six percent increase. Garrett stated that there are  
175 remote sales (online sales), Physical locations, Utility Telecom and Cable sales tax. She stated that  
176 remote sales have really grown in the last 10 years. She stated that 32 percent of our sales tax are from  
177 remote sales. Garrett stated that half of the physical location point of sale tax stays in the City. The other  
178 half is redistributed based on population.

179 Licenses and Permits: Garrett stated that we are expecting the permit numbers to pick up momentum  
180 once spring and summer arrives and projections should be met.

181 Court Fines: Garrett stated that court fines ebb and flow, however, fines are showing a significant  
182 decrease of 40 percent.

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184 Utility Funds: Garrett stated that refuse services are meeting projections.

185 Garrett stated that the water fund is hitting projections, noting that we have made a lot of capital  
186 investments in water in 2018, mainly for the Public Works facility and it is leveraging off now.

187 Garrett stated that we will have a few capital projects coming up.  
188

189 **8.2 PRESENTATION- FIRE DEPARTMENT QUARTERLY REPORT**

190 Deputy Chief Davies presented the report to Council, reporting the fire related calls and the medical  
191 related call volume. He stated that there were 22 fire related calls last quarter, with two of them being  
192 structure related. He presented a heat map showing where the density of calls are coming from. Davies  
193 noted that we are up to 25 firefighters.

194 Davies stated that there will be a joint demonstration on April 23<sup>rd</sup> to simulate pulling children out of cars  
195 to promote “don’t drink and Drive”. The demonstration will be held at the High School. Notice will be

196 given to residents.  
197 Mayor Allen stated that we are getting great response for the firefighter positons. Davies noted that there  
198 has been a complete change in culture and the firefighters are excited to work here and get out and train.  
199 Mayor Allen thanked Chief Peterson and Deputy Chief Davies for their leadership.  
200  
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### 202 **8.3 PRESENTATION- SHERIFF'S OFFICE QUARTERLY REPORT**

203 Lt. Butler stated that 1042 incidents were handled during the quarter. He highlighted multiple vehicle  
204 burglaries in December. He stated that most of them were unlocked vehicles and not "smash and grabs".  
205 Lt. Butler stated that there were 20 cases of sex offenses at Bonneville High School in December. He  
206 stated that over 100 hours were spent dealing with the cases, with 6 charges filed against one juvenile.  
207 Lt. Butler stated that while the deputies were out giving tickets for parking violations at one end of the  
208 city, there were juveniles spray painting cars and driving a stolen car on the other end of the city.  
209 Lt. Butler stated that the deputies are aware of several homes that are in violation of code, however, there  
210 are other things going on in the homes (drug violations, gang activity) that take precedence over the code  
211 violations. He stated that the homes are being watched.  
212 Mayor Allen proposed raising the parking tickets from \$10.00 to make it worth the officer's time for  
213 writing the tickets. Lt. Butler stated that he will ask around and see what other cities are charging,  
214 cautioning that we wouldn't want to increase it by too much.  
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### 216 **8.4 PRESENTATION- ANIMAL CONTROL QUARTERLY REPORT**

217 South Ogden Animal Control Officer Karen Disney reported to Council, stating that there is nothing  
218 surprising stands out on the report. She stated that they have extra patrol and have made more of an effort  
219 to be in the parks. She stated that citations are down since 2018, however, she noted that they are trying  
220 to talk to residents first rather than issue citations. Disney stated that if an officer does not see a  
221 violation in person, the complainant must come forward and sign the citation. The officers cannot write a  
222 citation based on an anonymous complaint.  
223

### 224 **8.5 MOTION/RESOLUTION 20-02: AMENDMENT TO THE CITY 225 POLICY AND PROCEDURES MANUAL**

226 Hanson stated that the City provides phones to employees who use regular communication. He stated that  
227 some of our employees are carrying two or more devices around. Hanson would like to present an  
228 opportunity to employees who wish to use their personal phone with a modest stipend. He stated that they  
229 would have to sign a liability waiver noting that their phone would be subject to GRAMA records.  
230 Hanson stated that there would be a modest savings to the City. Staff sees a benefit to the employee as  
231 well as the City in allowing personal cell phones to be used. Hanson is asking for a policy change to  
232 allow for employees to use their personal cell phone. Hanson noted that it would be strictly voluntary.  
233 Council Member West stated that he feels we are covered because we have an alternative for employees  
234 who do not want to use their personal phone. Hanson stated that the duty phone will still be used for  
235 those employees on weekend duty.  
236

237 **Motion by Council Member West**  
238 **Seconded by Council Member Weir**  
239 **To approve Resolution 20-02 to**  
240 **Amend the Policy and Procedures Manual**  
241 **In regards to the cell phone policy**  
242 **Approved unanimously (4-0)**  
243 **Roll Call Vote**

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**9. COUNCIL COMMUNICATION WITH STAFF**

Council Member Seal inquired about the clock tower. Hanson stated that staff was in the tower, but could not change the clock. Staff will reach out to Steve Harris to learn the procedure.

Mayor Allen stated that the speed limit signs have been put up and thanked Meibos and his staff.

**10. ADMINISTRATION REPORTS**

Hanson stated that the next work session will focus on law enforcement if the sheriff is able to attend.

Hanson stated that he would like to have a field trip to the Public Works facility after the next Council meeting to look at fleet issues.

Hanson asked Council to reach out to him concerning email set ups.

**11. UPCOMING EVENTS**

February 17<sup>th</sup>: City Offices closed for President’s day

February 18<sup>th</sup>: Council Work Session 5:00 p.m. (TENTATIVE)

February 18<sup>th</sup>: Council Meeting 6:00 p.m.

February 28<sup>th</sup>: Planning Commission (TENTATIVE)

**12. ADJOURN THE MEETING: MAYOR ALLEN**

**Mayor Allen adjourned the meeting at 7:19 p.m.**

**13. ADJOURN INTO RDA MEETING ( RDA meeting to immediately follow regular meeting)**

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Date Approved

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City Recorder

## City Council Staff Report

**Author:** Jake Meibos  
**Subject:** Low Impact Development Ordinance  
**Date:** 2/18/2020  
**Type of Item:** Discussion/Approval



### **Summary: Approve New Low Impact Development requirements**

#### **Description:**

##### **A. Topic: Low Impact Development**

**Background:** The State of Utah Department of Environmental Quality - Division of Water Quality has required each municipality to implement Low Impact Development (LID) practices as part of a modified General Permit for Discharges from Small Municipal Separate Storm Sewer Systems (MS4s) that becomes effective on March 1<sup>st</sup> 2020. LID requirements will effect new development sites that disturb greater than or equal to one acre, including projects less than one acre that are part of larger common plan of development or sale, and redevelopment sites that increase impervious surfaces by 10%. The practices that will be adopted in the ordinance include: Rain Gardens, Bioretention Cells, Bioswales, Vegetated Strips, Box Filters, Pervious Surfaces, Infiltration Basins, Infiltration Trenches, and Harvest Systems. Other standards may be reviewed and approved by the City Engineer as technology further develops for low impact devices, except those that provide underground storage.

- A. **Analysis:** The City Staff has researched the information and technology required by Low Impact Development Best Management Practices and are confident that these practices are adequate for this application.

#### **Department Review:** Public Works Department, Storm Water/GIS

- A. **Approve the Request:** Each municipality must implement and approve an ordinance enforcing the “LID” requirements. Once the ordinance is adopted, Public Works, City Engineer, and Storm Water Specialist will develop the standard detail drawings for the approved practices.
- B. **Deny the Request:** By denying or delaying the request, the city will be in noncompliance with the current Phase II General Permit for Discharges from Small Municipal Separate Storm Sewer Systems (MS4s).

**CITY OF WASHINGTON TERRACE  
ORDINANCE 20-03**

**STORM WATER REGULATIONS RE-ENACTED**

**AN ORDINANCE OF THE CITY OF WASHINGTON TERRACE, UTAH, REPEALING, RENUMBERING, AND RE-ENACTING CHAPTER 19.22 STORM WATER REGULATIONS; 19.23 STORM WATER UTILITY; CHAPTER 19.24. STORM WATER CONSTRUCTION ACTIVITY PERMIT; CHAPTER 19.25 STORM WATER DESIGN AND CONSTRUCTION; UPDATING REGULATIONS TO COMPLY WITH STATE MANDATES FOR LOW IMPACT DEVELOPMENT STANDARDS; IMPLEMENT A STORM WATER PROGRAM TO COMPLY PHASE II OF THE FEDERAL CLEAN WATER ACT; REGULATE STORM WATER AND DRAINAGE; RENUMBERING CHAPTER 19.30 FLOOD DAMAGE PREVENTION; SEVERABILITY; AND EFFECTIVE DATE.**

**WHEREAS**, the City of Washington Terrace (hereafter “City”) is a municipal corporation, duly organized and existing under the laws of the state of Utah; and

**WHEREAS**, *Utah Code Annotated* §10-8-84 and §10-8-60 authorizes the City to exercise police powers and nuisance abatement powers, including but not limited to providing for safety and preservation of health, promotion of prosperity, improve community well-being, peace and good order for the inhabitants of the City;

**WHEREAS**, *Utah Code Annotated* §10-8-13 allows municipalities to regulate conduits, drains, and the like; and

**WHEREAS**, *Utah Code Annotated* §10-8-38 empowers municipalities to construct, reconstruct, maintain, operate, control, and charge for the use of culverts, drains, catch basins, and all systems and facilities necessary for proper drainage; and

**WHEREAS**, the City desires to comply with state mandates from low impact development standards by the Utah Department of Environmental Quality;

**WHEREAS**, the City desires to comply with Phase II of the Federal Clean Water Act;

**NOW, THEREFORE**, be it ordained by the City Council as follows:

**Section 1:**     **Repealer.** Chapter 19.22, 19.23, 19.24, and 19.25 of the *Washington Terrace Municipal Code* is hereby repealed. Any ordinance or portion of the municipal code inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.

**Section 2: Re-enactment and Re-numbered.** Chapter 19.01, 19.03, 19.05, and 19.07 of the *Washington Terrace Municipal Code* is re-enacted and re-numbered to read as provided below. Chapter 19.30 is renamed and renumbered to Chapter 19.09 without any additional textual change.

## **Chapter 19.01 Storm Water Regulations**

**Sections:**

- 19.01.010 Purpose and Findings.**
- 19.01.020 Applicability.**
- 19.01.030 Definitions.**
- 19.01.040 Prohibited Obstructions.**
- 19.01.050 Prohibited Discharges.**
- 19.01.060 Prohibited Storage And Debris.**
- 19.01.070 Best Management Practices.**
- 19.01.080 Authority to Enter or Inspect.**
- 19.01.090 Requirement to Monitor and Analyze.**
- 19.01.100 Damage System.**
- 19.01.110 Authorized Access.**
- 19.01.120 Wetlands and Permits.**
- 19.01.130 Federal and State Compliance.**
- 19.01.140 Violations and Enforcement.**

**19.01.010 Purpose and Findings.**

1. Purpose. The purpose of the storm water regulations set forth in the municipal code is to comply with Phase II of the Clean Water Act (Act) and the applicable regulations of the Environmental Protection Agency (EPA) and the Utah Department of Environmental Quality (DEQ).
2. Findings. The City Council makes the following findings regarding storm water:
  - a. Facilities. The City operates a storm water system consisting of a network of man-made and natural facilities, structures and conduits, that collect and route storm water runoff.
  - b. Endangerment. Uncontrolled or inadequately controlled storm water runoff endangers public health and safety by causing, among other things: flooding, pollution, property damage, erosion, traffic and emergency response interruption, and impacts the ground water supply.
  - c. Pollution. Storm water runoff carries concentrations of oil, grease, nutrients, chemicals, heavy metals, toxic materials and other undesirable materials that can damage the integrity of ground waters and receiving waters, including the culinary water supply.
  - d. Impervious surfaces. Developed properties in the City contribute to the storm water system by converting natural ground cover into impervious surfaces.

- e. Maintenance. Developed properties in the City make use of and benefit from the City’s operation and maintenance of the storm water system.
- f. Regulations. The Act, EPA, DEQ, and applicable rules mandate storm water regulations that apply to the City and otherwise.
- g. Operation. Effective maintenance, operation, regulation, and control of the storm water system is necessary for the health, safety, and general welfare of the City, its residents, and its businesses.

**19.01.020 Applicability.**

The storm water regulations in the municipal code apply to all development one (1) or more acres of land, or any part of a common development plan regardless of the size of any of the individually owned or developed sites.

**19.01.030 Definitions.**

The following words and phrases shall be defined in the municipal code relating to storm water as follows:

1. “Best Management Practices or BMPs” means a range of management procedures, schedules of activities, prohibitions of practices, maintenance procedures, and other management practices which have been demonstrated to effectively control the quality and/or quantity of storm water runoff and which are compatible with the planned land use. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw material storage. A list of sample BMP’s and their effectiveness ratings can be found in the most current version of the Storm Water Management Plan adopted by the City or as otherwise provided.
2. “Catch Basin” means a drain inlet designed to keep out large or obstructive matter.
3. “City” means the geographical boundaries of Washington Terrace, City, Utah, and also refers to the classification of the jurisdictional area within a municipal separate storm sewer system (MS4).
4. “Common Development Plan” means development that is contiguous to an area where multiple separate distinct construction activities may be taking place at different times or different schedules under an overall plan. For example, if a developer buys a large parcel and subdivides lots, builds roads, installs pipes, and runs electricity with the intention of constructing homes or other structures, this would be considered a common development plan. If the land is parceled off or sold, and construction occurs on plots that are less than one (1) acre by separate, independent builders, this activity still would be subject to storm water permitting requirements. The common development plan also applies to other types of land development such as industrial or business parks.
5. “Debris” means any dirt, rock, sand, vegetation, trash, junk, or litter.
6. “Detention Basin” means an area designed to detain peak flows from storm water runoff and to regulate release rates of that water into the storm drainage system, also allowing debris to settle out. Detention basin outlets may also be connected to downstream storm drains. Flows entering detention basins are released via outlet piping.

- a. Regional Detention Basins mean large detention basins owned and maintained by the City.
  - b. Local Detention Basins mean smaller basins typically in a development or subdivision that is constructed by the development or subdivision which, following construction and acceptance, the ownership, operation, and maintenance may either be conveyed and maintained by the City, association, or private owner(s) as determined by the City.
7. “Development” means any man made change to improved or unimproved real estate of any parcel to alter it from its natural condition by site preparation, grading, filling, and/or the construction of improvements or other impervious surfaces. It also includes a site plan, building permit, subdivision, or construction of facilities, buildings, or other structures.
  8. “Director” means the person designated by the City to enforce storm water regulations.
  9. “Disturb” means to alter the physical condition, natural terrain or vegetation of land by clearing, grubbing, grading, excavating, filling, building, or other construction activity.
  10. “Drain Inlet” means a point of entry into a sump, detention basin, or storm drain system.
  11. “Source Protection Zone” means an area that is protected as a source of culinary or drinking water determined by geo-hydrology and designed to protect groundwater aquifers and well from development or pollution.
  12. “Equivalent Residential Unit or ERU” means the average amount of impervious surface, expressed in square feet, on developed single family residential parcels in the City. One ERU equals 2,800 square feet of impervious surface area.
  13. “Hazardous Material” means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial presence or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed. Hazardous material includes, but is not limited to, any hazardous substance designated under 40 CFR Part 116 pursuant to Section 311 of the Clean Water Act.
  14. “Illicit Connection” means an unlawful connection of:
    - a. Any drain or conveyance, whether on the surface or subsurface, which may allow an illicit discharge to enter the storm drain system. Examples include, but are not limited to:
      - i. Any conveyance which allows non-storm water discharge such as sewage, processed wastewater, or any other waste water (black or grey) to enter the storm drain system.
      - ii. Any connections to the storm drain system from indoor drains or sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by a government agency.
    - b. Any drain or conveyance connected to or discharging to the storm drain system, which has not been:
      - i. Documented in approved plans, maps, or equivalent records of the City.
      - ii. Otherwise approved in writing by the City.

15. “Illicit Discharge” means any non-storm water discharge to the storm water system. Illicit discharges include both:
  - a. Direct connections, including but not limited to: wastewater piping either mistakenly or deliberately connected to the storm water system.
  - b. Indirect connections, including but not limited to: infiltration into the storm water system or spills collected by drain inlets.
16. “Impervious Surface” means any hard surface, other than the natural surface, that prevents or retards the absorption of water into the soil, or that causes water to run off the surface in greater quantities or at a greater rates of flow than the natural surface. Such impervious surfaces include, but are not limited to: roofs, concrete, asphalt, and similar improvements that prevent or impede the natural absorption of water into the soil.
17. “Municipal Separate Storm Sewer System or MS4” means a conveyance or system of conveyances including: road drainage systems, catch basins, curbs, gutters, ditches, man-made channels, or storm drains.
18. “Percolation” means the ability of a soil to absorb water. Typically measured by a Standard Percolation Test in units of minute per inch.
19. “Person” means any individual, corporation, partnership, association, company, or political body, including any agency of the State of Utah and the United States government.
20. “Pollutant” means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal and agricultural waste, paints, varnishes, solvents; oil and other automotive fluids, non-hazardous liquid and solid wastes and yard wastes, refuse, rubbish, trash, garbage, litter, or other discarded or abandoned objects, articles; and accumulations, that may cause or contribute to pollution such as floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure (including but not limited to sediments, slurries, and concrete resins); and noxious or offensive matter of any kind.
21. “Redevelopment” means alterations of a property that change the impervious surface on the site more than ten (10) percent.
22. “Retention Basin” means a ground depression area designed to retain flows from storm water runoff, to encourage infiltration into surrounding sub-surface soils, and may include overflow piping. A retention basin allows debris to settle from the storm water discharge and must be periodically cleaned and dredged.
23. “Sanitary Sewer Overflow or SSOs” means a discharge of untreated sanitary wastewater or SSOs.
24. “Storm Drain” means a closed conduit for conducting collected storm water.
25. “Storm Water” means any flow that occurs during or following any form of natural precipitation. Storm water includes only the portion of such flow that is composed of precipitation.

26. “Storm Water Construction Activity Permit” means a permit issued by the City before any person may excavate, grub and clear, grade, or perform any type of construction activity that will disrupt or cause a change in the natural landscape in the City of one (1) acre or more, or any part of a common development plan. This permit is required in conjunction with a SWPPP.
27. “Storm Water Program” means the overall approach by the City in administering, funding, creating and implementing policies that support the objectives of the Act, EPA, and DEQ relating to storm water management in conjunction with the ongoing maintenance and operation of the storm water system.
28. “Storm Water Pollution Prevention Plan or SWPPP” means the required plan as approved by DEQ and the City before any construction activity occurs as part of a development.
29. “Storm Water System” means the system of conveyances including, but not limited to: sidewalks, road drainage systems, catch basins, detention basins, curbs, gutters, ditches, man-made channels, sumps, and storm drains generally owned and operated by the City or its designee, designed and used for collecting or conveying storm water. The storm water system is also referred to as MS4.
30. “Storm Water Run-off” means water generated by storm water flows over land.
31. “Sump” means a City approved formalized underground structure, surrounded by drain rock, that is used in rare special conditions to collect storm water, which allows the slow release of water into the surrounding sub soil.

**19.01.040 Prohibited Obstructions.**

1. Unlawful Obstructions. It is unlawful for any person to:
  - a. Obstruct the flow of water in the storm water system.
  - a. Contribute to the obstruction of the flow of water in the storm water system.
  - b. Cover or obstruct any drain inlet.
2. Exemptions. The following obstructions are exempt:
  - a. Street and/or storm water improvement projects authorized by the City.
  - b. Flood control and prevention activities performed by the City.
  - c. Obstructions approved by the City and/or state as part of a SWPPP.
  - d. Obstructions occurring during clean-up periods established by the City.

**19.01.050 Prohibited Discharges.**

1. Unlawful Discharges. It is unlawful for any person to discharge non-storm water discharges to the MS4 including spills, illicit connections, illegal dumping, and SSOs into the storm sewer system. All SSOs must be reported to the Division of Water Quality and to the MS4s local wastewater treatment facility.
2. Exemption. The following discharges are exempt:
  - a. Water line flushing.
  - b. Landscape irrigation runoff.
  - c. Diverted stream flows.
  - d. Rising ground waters.
  - e. Uncontaminated ground water infiltration.

- f. Uncontaminated pumped ground water.
- g. Discharges from potable water sources.
- h. Foundation drains.
- i. Air conditioning condensation.
- j. Springs.
- k. Water from crawl space pumps.
- l. Footing drains.
- m. Private individual residential car washing.
- n. Flows from riparian habitats and wetlands.
- o. Dechlorinated swimming pool or asthetic pool/pond/fountain discharge.
- p. Residual wash water.
- q. Dechlorinated water reservoir discharge.
- r. Discharges or flows from fire fighting activity.

**19.01.060 Prohibited Storage and Debris.**

It is unlawful for any person to maintain, store, keep, deposit, or leave any pollutant or hazardous material, or any item containing a pollutant or hazardous material, in a manner that may result in the discharge of the pollutant or hazardous material to the storm water system.

**19.01.070 Best Management Practices.**

Any person connecting to the storm water system, developing a parcel of one (1) acre or more, or developing a common development plan shall employ the appropriate BMPs as adopted by the City. The BMPs may be structural and/or non-structural, depending on the needs of the site. The BMPs employed shall be designed to ensure that the quality and quantity of storm water released to the storm water system meets the requirements of applicable law and the City's NPDES permit. Design shall ensure that the development shall not exceed the designed capacity of the storm water system or jeopardize the integrity of the storm water system.

**19.01.080 Authority to Enter or Inspect.**

1. Access. The director may enter all private properties for the purposes of inspecting, observing, measuring, sampling, repairing, or maintaining any portion of the storm water facilities lying within an actual or prescriptive easement. The director shall perform other duties necessary for the proper operation of the storm water system. All entry and maintenance shall be completed according to any special terms of any easement.
2. Inspections. Whenever necessary to make an inspection to enforce any provision of the municipal code, or whenever the City has cause to believe that there exists, or potentially exists, a condition which constitutes a violation of the municipal code, the City may direct its qualified personnel to enter the premises at all reasonable times to inspect, detect, investigate, eliminate, and enforce any suspected non-storm water discharges, including illicit discharges, illegal dumping, or other violation. During the same time the City may inspect and collect records related to storm water compliance.

3. Refusal. In the event an owner or occupant refuses entry after a request to enter and inspect has been made, the City is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.
4. Access. The access for the City to inspect storm water control measures on private property that is vested under this section and includes both construction-phase and post-construction access. Upon approval of the director, the City may allow the owner/operators or a qualified third party to conduct maintenance so long as:
  - a. That at least annual certification, in the form of inspection documentation which has been performed, is provided to the City.
  - b. The structural controls are adequately operating and maintained as such were designed to protect water quality as provided in the original maintenance agreement and plans submitted upon vesting and approval of the site.
  - c. A maintenance agreement is required on private property that is vested subsequent to the effective date of this Chapter, and includes both construction-phase and post-construction access and where owner/operators or a qualified third party to conduct maintenance as provided herein. Said maintenance agreement shall be promulgated in the form and manner as determined by the director so long as the agreement includes at a minimum:
    - i. Allows the City oversight authority of the storm water measures.
    - ii. A provision that the agreement acts as a covenant that runs with the land.
    - iii. Allows the City to inspect and perform necessary maintenance or corrective actions neglected by the owner/operators or the qualified third party.
    - iv. Allows the City to recoup the costs from the owner/operator as necessary to cover the expenses for necessary actions conducted by the City.
5. Interpretation. The City interprets this regulation as secondary and subservient to the United States Constitution and the Utah State Constitution as applied to property rights, land use, development, and similar rights. Specifically, the intent of this regulation is not to be applied to violate vested property rights nor to be a physical invasion of property rights as determined by the *United States Supreme Court in Loretto v. Teleprompter Manhattan CATV Corp.*, 458 U.S. 419 (1982). The City recognizes that the United States Supreme Court interprets property right in conjunction with the laws and constitutions of each state. Therefore, Utah law also plays an important role in defining property rights. For the purpose of determining when a property right is vested the City shall continue to apply the Utah Supreme Court ruling in *Western Land Equities, Inc. v. City of Logan*, 617 P.2d 388 (1980), that states a property owner is vested to follow the City regulations in effect at the time a land use application is filed. Furthermore, where there is vagueness in any land use regulation, including the storm water regulations, it shall be interpreted in favor of the property owner.

**19.01.090 Requirement to Monitor and Analyze.**

If a test or inspection by the City, its designee, or other authorized agency indicates that a site is causing or contributing to storm water pollution, illegal discharges, and/or non-storm water

discharges to the storm water system or waters of the United States, and if the violation continues after notice of the same, the City or other authorized agency may require any person engaged in the illicit activity and/or the owner of operator of the site to provide, at their own expense, monitoring and analyses as required by the City or other applicable agency to ensure compliance with the municipal code.

**19.01.100 Damage System.**

Any person who damages any portion of the storm water system or any irrigation system shall be responsible for repairing the damages. The damages shall be repaired by a licensed contractor and, where applicable, be repaired in accordance with the Public Works Standards and Technical Specifications adopted by the City. It is unlawful to remove or alter any portion of the storm water system or irrigation system without permission from the director or owner of the irrigation system.

**19.01.110 Authorized Access.**

It is unlawful for any person to open any storm water access hole, grate, lid, cover, inlet, head gate, valve, pipe or other otherwise access any storm water facility without express permission from the director.

**19.01.120 Wetlands and Permits.**

Any development that may affect any wetland or potential wetland, regardless of whether such wetlands are identified or unidentified, shall provide to the City an accurate wetland delineation that has been completed within the past eighteen (18) months prior to City approval of the development. Any delineated wetland shall be accurately shown on all construction plans and any plat map relating to the development. Prior to issuance of any building permit, the developer shall accurately stake and install appropriate BMPs all on-site delineated wetlands and shall maintain such until the notice of termination has been completed. The developer shall also provide to the City a copy of the EPA wetlands 404 permit, stream alteration permit, regulator letters, and other related permit or regulator documents required by any regulatory agency relating to the development.

**19.01.130 Federal and State Compliance.**

Nothing in the storm water regulations shall be interpreted to relieve any person from an obligation to comply with an applicable federal, state, or local law.

**19.01.140 Violation and Enforcement.**

Where a person has violated the municipal code storm water regulations the following procedure applies:

1. Warning. A verbal warning shall be issued and documented in the City records by the City Official who issued the warning. The City may skip this procedural step and immediately proceed with other more severe actions against the violator if:
  - a. The violator has committed the same violation in the past.

- b. The violation, in the opinion of the City, creates a risk to persons, the environment or property.
    - c. The City deems the violation to constitute an risk.
  2. Written Violation. Issue a written notice of violation to the person in violation and document the written violation in the City records by the City Official who issued the written notice of violation. Such notice may require without limitation one or more of the following as may be applicable:
    - a. The performance of monitoring, analyses, and reporting.
    - b. The elimination of illicit connections or discharges.
    - c. That violating discharges, practices, or operations shall cease and desist.
    - d. The abatement and/or remedy of storm water pollution or contamination hazards and the restoration of any affected property.
    - e. Payment to cover administrative, mitigation, monitoring, analyses, and reporting costs.
    - f. The implementation of source control or treatment BMPs.
  3. Prosecution. The City may skip the written notice of violation procedure set forth in this section and immediately proceed with criminal and/or civil action against the violator if any of the following may have occurred:
    - a. The violator has committed the same violation in the past.
    - b. The violation, in the opinion of the City, creates a serious risk to persons, the environment or property.
    - c. The City deems the violation to constitute an emergency.
  4. Penalty. The follows penalties apply for each violation:
    - a. Criminal. The violation by any person of any provision of a governing storm water regulation in the municipal code is a class B misdemeanor. Each day that a violation continues shall constitute a separate offense.
    - b. Civil. In addition to other penalties and remedies, any person violating or permitting the violation of any governing storm water regulation is subject to a civil fine not to exceed a \$1,000.00, per violation, per day, in addition to reasonable attorney's fees and costs incurred by the City for enforcement of storm water regulations.
    - c. Recovery. The City is entitled to be seek and receive recovery of damages equal to the cost to make all repairs and/or replace any materials in addition to any criminal or civil fines and/or penalties imposed.
    - d. State Penalties. A violation of storm water regulations may also be subject to any penalties that may be imposed by the State of Utah, under the authority of the Utah Water Quality Act, Title 19, Chapter 5 of the *Utah Code Annotated*.
    - e. Federal Penalties. A violation of storm water regulations may also be subject to prosecution, fines, and penalties imposed by the United States of America.
    - f. Permit. The Small MS4 General UPDES Permit, Permit No. UTR090000 defines the maximum penalties for violations of Permit conditions as follows:
      - i. The General UPDES Permit provides that any person who violates a Permit condition implementing provisions of the Act is subject to a civil

- penalty not to exceed \$10,000 per day of such violation. Any person who willfully or negligently violates Permit conditions or the Act is subject to a fine not exceeding \$25,000 per day of violation. Any person convicted under *Utah Code Annotated* §19-5-115(2) a second time shall be punished by a fine not exceeding \$50,000 per day.
- ii. The General UPDES Permit provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under the Permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction be punished by a fine of not more than \$10,000, per violation, or by imprisonment for not more than six (6) months per violation, or by both in accordance with *Utah Code Annotated* §19-5-115(4).
  - iii. The General UPDES Permit provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this Permit shall, upon conviction, be punished by a fine of not more than \$10,000, per violation, or by imprisonment for not more than six (6) months per violation, or by both.
5. Stop work order. In addition to other fines and penalties, a stop work order may be issued by the director or designee upon the discovery of work being conducted without a required permit. No construction activity may be commenced or continued on any site for which a permit has been revoked or suspended until the permit has been reinstated or reissued.
  6. Injunctive Action. The City may seek injunctive relief or take other lawful corrective action to install and/or maintain appropriate storm water control measures on any site required to have such measures in place and seek reimbursement for the same, including penalties, administrative costs, attorney's fees, and court costs.

### **Chapter 19.03 Storm Water Utility**

**Sections:**

- 19.03.010 Purpose.**  
**19.03.020 Storm Water Utility.**  
**19.03.030 Storm Water Utility Fee.**  
**19.03.040 Billing.**

**19.03.010 Purpose.**

The purpose of this Chapter is to comply with Act, EPA, and DEQ mandates that the City fund its storm water program in order to protect public health, safety, and welfare. The purpose of the funds collected under this Chapter shall be used at the sole discretion of the City for: implementing the objectives of the storm water program, establishing and implementing BMPs, improving the storm water system, employing staff and equipment, managing storm water runoff,

protecting property and infrastructure, pollution prevention, protecting the water supply, protecting receiving waters, protecting the irrigation system, preserving wetlands and wildlife habitat, protecting flood plain and open space, and establishing a viable method of financing the construction, operation, and maintenance of the storm water system.

**19.03.020 Storm Water Utility.**

1. Policy. A storm water utility is the most equitable and efficient method of funding the storm water program in the City and ensuring that each property pays its share of the amount that the property contributes to, benefits from, and otherwise uses the storm water system.
2. Creation. The City Council hereby creates and establishes a storm water utility as part of the overall storm water program.
3. Funding. The funds collected from the storm water utility shall be deposited in a enterprise fund and held in reserve to manage income, expenses, and other financial transactions related to the storm water program.
4. Facilities. The storm water enterprise fund operates independently of the general fund. The storm water enterprise fund shall have the same relationship to the City as other utilities or enterprise funds. The City storm water system is hereby transferred to the storm water enterprise fund in consideration for the storm water enterprise fund taking primary responsibility for planning, designing, constructing, maintaining, administering and operating the storm water system.
5. Administration. The storm water enterprise fund shall be administered by the City department designated by the City Manager. The department may use another City fund in conjunction with the storm water enterprise fund to accomplish the objectives of the storm water program.

**19.03.030 Storm Water Utility Fee.**

1. Imposed. Each developed parcel of real property in the City shall be charged a monthly storm water utility fee.
2. ERU. The fee shall be based on the number of equivalent service units (ERUs) contained in the parcel. The City Council finds that the ERU is the most accurate measurement for determining the amount that each parcel contributes to, benefits from, and otherwise uses the storm water utility. Based on the recommendation of the City Engineer, the City Council determines that one ERU equals 2,800 square feet of impervious surface area.
3. Calculation. Each single family residential parcel contributes approximately the same amount of storm water runoff. Therefore, each developed single family residential parcel shall pay a base rate of one (1) ERU. All non-single family residential parcels shall pay a multiple of this base rate, expressed in ERUs, according to the total measured impervious area on the parcel being imposed a fee.
4. Fee. The monthly storm water utility fee is \$8.40, per ERU, unless another fee per ERU or fee schedule is established by ordinance or resolution.
5. Reduction. A person may request a reduction in the amount of the storm water utility fee not to exceed fifty (50) percent of the storm water utility fee collected for a parcel based

upon the location's implementation of permanent BMPs that accomplished the objectives of the storm water program as follows:

- a. Operation and maintenance of a private detention basin with a detention capacity at least 5% greater than the storm water capacity for the parcel as calculated by the City Engineer in accordance with the storm water regulations in the municipal code = 30% reduction.
  - b. Landscaping over 20% of the parcel = 5% reduction for every additional 5% of additional landscape up to a maximum of 15%.
  - c. Install, operate, and maintain oil separator(s) or equivalent = 10% reduction.
  - d. Spring and fall parking lot sweeping = 10% reduction based upon proof.
  - e. Basin cleaning = 10% reduction based upon proof.
6. Policies. The director may adopt policies and procedures consistent with the municipal code to assist in the application, administration, and interpretation of storm water regulations.
  7. Appeals. A person may appeal to the City appeal authority any storm water utility fee imposed upon the same based upon error in the method the rate was calculated, interpreted, or applied. The appeal shall be in writing, shall state any facts supporting the appeal, and shall be made within ten (10) days of the decision, action, or bill being appealed. All appeals shall be handled in accordance with the procedure in the municipal code for the appeal authority. The decision of the appeal authority shall be final.
  8. Enforcement. Violations, enforcement, and penalties of this Chapter are set forth in Section 19.01.140.

#### **19.03.040 Billing.**

1. Policy. The storm water utility is consistent with other interrelated services of the City that provide for the public health, safety, and general welfare in an environmentally responsible and financially sound manner.
2. Billing. Billing of the storm water utility fee shall be completed in conjunction with the regular monthly utility billing statement of the City.
3. General Provisions. The following general provisions apply:
  - a. For parcels where there is no utility bill for the property, there is no storm water utility fee imposed.
  - b. A utility fee is a civil debt owed to the City by the person paying for the City utility services provided to the property.
  - c. All properties receiving water service shall be charged the applicable utilities incurred under the municipal code regardless of whether or not the owner or occupant of the property requests the storm water utility.
  - d. Failure to pay any portion of the utility bill may result in termination of water service.
4. Administration. The City Manager or their designee may modify, reduce, impose, or rebate erroneous billing charges not to exceed a three (3) month consecutive time period. The City Manager or their designee may make special exceptions on billing charges based upon special circumstances on a case-by-case basis.

## **Chapter 19.05**

### **Storm Water Construction Activity Permit**

**Sections:**

- 19.05.010 Purpose and Intent.**
- 19.05.020 Activity Permit Required.**
- 19.05.030 Activity Permit Procedure.**
- 19.05.040 Storm Water Pollution Prevention Plan.**
- 19.05.050 Erosion and Sediment Control.**
- 19.05.060 Inspection and Entry.**
- 19.05.070 Revocation or Suspension of a Permit.**
- 19.05.080 Connection Permit.**
- 19.05.090 Exceptions.**
- 19.05.100 Enforcement and Appeals.**

**19.05.010 Purpose and Intent.**

The purpose of this Chapter is to prevent the discharge of sediment and other construction related pollutants from construction sites. Sediment and debris from construction sites are a major source of pollution to waterways and water systems located within the City and surrounding areas. Each year storm water runoff carries tons of sediment from construction sites into local drainage systems, irrigation systems, canals, rivers, and lakes. Sediment from storm water runoff clogs and obstructs storm drains, culverts, and canals. Storm water sediment also damages private property, wetlands, wildlife habitat, and water quality.

**19.05.020 Activity Permit Required.**

A Storm Water Construction Activity Permit is required in conjunction with the SWPPP before any person may excavate, grub and clear, grade, or perform any type of construction activity that will disrupt or cause a change in the natural landscape within the City that is one (1) acre or more, or any part of a common development plan. Development of a subdivision greater than or equal to one acre in size qualifies under this Section even if each of the individual lots in the subdivision are smaller than one (1) acre.

**19.05.030 Activity Permit Issuance.**

1. Process. Any person or entity desiring a storm water construction activity permit must first submit a “Notice of Intent” (NOI) with DEQ. Upon DEQ approval of the NOI, any person desiring a storm water construction activity permit must file the SWPPP with the City along with any documentation necessary for the City to calculate the number of ERUs for each parcel upon completion of development. The storm water construction activity permit is approved and issued in conjunction with a building permit.
2. Compliance. Failure to submit a SWPPP required for the required storm water construction activity permit is grounds for denying a development application.

3. Fee. The storm water construction activity permit fee in the amount of \$650 shall be added to each building permit, unless another fee or fee schedule is established by ordinance or resolution.
4. Approval. Approval of the building permit includes issuance of the storm water construction permit. The City may impose conditions in connection with the approval of a building permit to enforce the SWPPP and include specific measures to prevent erosion, unlawful discharge, sediment accumulation, debris removal, and other storm water measures for the construction site.
5. Effect. Unless otherwise revoked or suspended for a violation, a storm water construction activity permit is effective for the full period of the construction activity. The construction activity will not be considered to be completed until the following events occur:
6. Termination. The storm water construction activity permit shall be considered terminated after the permittee notifies the City of completion of the project and a final inspection is performed to verify site stabilization. Permittee shall also verify the site is stabilized and give “Notice of Termination” to DEQ. The permittee shall keep and maintain all permit-required improvements on the site until termination.
7. Amendments. In the event that the proposed construction activity for a site to which a permit pertains is materially altered from the SWPPP, an amended SWPPP shall be submitted for approval by permittee.

**19.05.040 Storm Water Pollution Prevention Plan.**

A SWPPP is required for all sites disturbing one (1) acre or more or any part of a common development plan. The SWPPP shall contain the information required in the general permit and by DEQ. The City may require additions, changes, modification, and amendments to the SWPPP in order to conform to the Storm Water Management Plan adopted by the City or to remedy deficiencies occurring at the construction site during construction.

**19.05.050 Erosion and Sediment Control.**

The permittee of a SWPPP shall install the erosion and sediment control measures required by the approved SWPPP prior to commencing other construction activity on the site where the SWPPP. The erosion and sediment control measures shall be properly installed and maintained in accordance with the SWPPP, specifications of a manufacturer, and best practices. The Permittee shall maintain such measures on the site until the City accepts termination.

**19.05.060 Inspection and Entry.**

Issuance of a storm water activity permit authorizes the EPA, DEQ, City, or other applicable agency to enter the site and inspect compliance with the SWPPP. The permittee shall also make available upon request inspection of storm water records for the construction site.

**19.05.070 Revocation or Suspension of a Permit.**

1. Action. A storm water construction permit issued under this Chapter may be revoked or suspended by the City upon the occurrence of any one of the following:
  - a. Failure of permittee to comply with the SWPPP or any related condition.

- b. Failure of permittee to comply with the storm water regulations in the municipal code.
    - c. A determination by the City that the erosion and sediment control measures implemented by a permittee pursuant to the SWPPP are inadequate to prevent or minimize, to the greatest extent practicable, the discharge of sediment, debris or other pollutants from the construction site by storm water.
  2. Notice. The City shall provide permittee written notice of noncompliance before revoking or suspending a permit. The notice shall:
    - a. State the location and nature of the noncompliance and shall also specify what action is required for the permittee to avoid revocation or suspension of the permit.
    - b. Allow the permittee a reasonable time to take the necessary corrective action to avoid revocation or suspension of the permit which time, in the absence of exceptional circumstances, shall not be less than ten (10) nor more than thirty (30) days.
    - c. Be delivered or mailed to the address listed for the permittee in the building permit application or the site of the construction activity, or both.
    - d. If the permittee fails to correct the problems identified in the notice during the time specified in the notice, the City may suspend or revoke the permit by recording a certificate of non-compliance on the property where the violation occurred.
    - e. The permittee may appeal a suspension or revocation determination of any permit as provided in this Chapter.
  3. Circumstances. The City may take any steps necessary to mitigate, remedy, or alleviate exceptional circumstances and recover the costs from the same from the permittee and person responsible for creating an exceptional circumstance. For purposes of this Chapter, exceptional circumstances include, but are not limited to:
    - a. Situations which involve a risk of injury to persons.
    - b. Damage to storm drain facilities.
    - c. Damage to other property or the environment.
    - d. Discharge of a pollutant into the environment.
  4. Order. The City may issue a stop work order upon a violation of the storm water regulations, SWPPP, the revocation or suspension of a permit, or upon the discovery of work being conducted without a required permit. No construction activity may be commenced or continued on any site where a stop work order has been issued, or where a permit has been revoked or suspended until the permit has been reinstated or corrected.
  5. Reinstatement. A permit may be reinstated upon:
    - a. Correction and compliance with all storm water regulations.
    - b. Correction of substandard performance.
    - c. Correction of non-compliance issues.
    - d. Upon the filing of an amended SWPPP which corrects the deficiencies of the original SWPPP.

**19.05.080 Connection Permit.**

1. Permit. A permit is require to make any connection, directly or indirectly, to the storm water system.
2. Application. In order for a person to connect to the storm water system the person must:
  - a. Submit a completed application form as provided by the City.
  - b. Incorporate BMPs that meet the requirements of the storm water regulations
  - c. Provide a maintenance plan, including any maintenance agreement outlining how the applicant will maintain the storm water improvements listed in the application.
  - d. The application may be submitted to the City in conjunction with building permit or subdivision approval, whichever is applicable.
3. Approval. The storm water connection permit application shall be reviewed by the City and may be issued, modified, or denied in conjunction with the building permit.
4. Consideration. In considering whether to issue a connection permit, the City shall determine:
  - a. Whether the application is complete.
  - b. Whether all development fees have been paid.
  - c. Whether the application complies with all storm water regulations and policies.
  - d. Whether the application conforms to City storm water system plans.
  - e. Whether the application incorporates effective BMPs.
  - f. The potential for the connection to introduce pollutants into the storm drain system.
  - g. Whether the proposed connection creates a safety hazard.
  - h. Whether the proposed connection affects the integrity of the storm sewer system infrastructure.
  - i. Whether the proposed connection endangers any ground water or drinking water supply.
  - j. Whether the applicant has submitted a maintenance plan and any maintenance agreement ensuring the proper maintenance and upkeep of the applicant’s connection and on-site storm water improvements.
5. Failure. Failure to construct or maintain storm water improvements in accordance with an approved storm water connection permit shall be a violation of this Chapter.
6. Drawings. Any person connecting to the storm water system shall provide the “as-built” drawings showing the details and the location of the connection along with any location device. The plans shall be provided in a format acceptable to the City.

**19.05.090 Exemptions.**

The following activities are exempt from the requirements of this Chapter:

1. Public. Activities of a public utility or government entity. Activities to remove or alleviate an emergency condition, restore utility service, restore transportation, or otherwise protect public health, safety, and welfare.
2. Agriculture. Bona fide agricultural and farming operations.

**19.05.100 Enforcement And Appeals.**

Violations, enforcement, and penalties of this Chapter are set forth in Section 19.01.140. An aggrieved person may appeal to the City appeal authority by filing an appeal in writing, stating the facts supporting the appeal, within ten (10) days of the decision being appealed. All appeals shall be handled in accordance with the procedure in the municipal code for the appeal authority. The decision of the appeal authority shall be final.

## **Chapter 19.07** **Storm Drain Design and Construction**

### **Sections:**

- 19.07.010      General Provisions.**
- 19.07.020      Rainfall Hydrology.**
- 19.07.030      Storm Drain System.**
- 19.07.040      Storm Water Basins.**
- 19.07.050      Discharge.**
- 19.07.060      Low Impact Development Standards.**
- 19.07.070      Permits and Practices**
- 19.07.080      Violations and Penalties.**

### **19.07.010      General Provisions.**

1. Findings. The City Council make the following findings:
  - a. The City has unique topographical challenges resulting from sensitive lands, geological limitations, hillsides and conditions that present slope failure or landslide risks.
  - b. Storm water and saturation can exacerbate slope failure and landslide risk along with causing hillside erosion.
  - c. The City is near build-out and potential pollution sources pose a danger to the health, safety, and welfare of the public in the City.
  - d. There exists high ground water in the City and precludes certain storm water control measures, limits ground storage, necessitates extensive storm water facility design, requires landscape and open space preservation, requires additional construction standards, and implementation of specific policies set forth in this Chapter.
2. Purpose. This Chapter establishes construction standards for development within the City relating to storm water to conform with the Act and applicable storm water mandate from the EPA and DEQ.
3. Intent. This Chapter is intended to follow the natural flow of storm water from initial rainfall hydrology, to conveying the rain water to the storm water system, to a basin, then discharging to a natural or other outlet location, along with best practices and penalties for violations.

### **19.07.020      Rainfall Hydrology.**

1. IDF Rational Method. The equations for the “Rational Method” of rainfall hydrology is based upon the “Intensity-Duration- Frequency” (IDF) curve. The City Engineer may develop a table and data for the Rational Method.
2. Calculation. For all development and subdivisions the equation for the Rational Method and IDF curve may be used, unless a hydrology computer model is required by the City Engineer.
3. Rainfall Pattern. For computer modeling the rainfall pattern used is based upon the “Farmer-Flecher Distribution.” This pattern is for a one (1) inch unit storm and must be multiplied by rainfall depth for storms of other magnitudes.
4. Rainfall Totals. Rainfall calculations shall use the rainfall pattern total obtained from the “NOAA Atlas” based upon a one (1) hour storm event.

**19.07.030 Storm Water System.**

1. Irrigation Policy. Storm waters shall not be conveyed, used, or discharged in to any irrigation canals, ditches, or facilities that are not abandoned for irrigation use. Irrigation water may generally not be conveyed, used, or discharged in the storm water system except where allowed by the City. Nothing in this part shall be construed to limit the ability of the City to convert any part of an irrigation system to storm water use or vice versa or share tailwater.
2. System Specifications. All storm water systems and storm water basins either local, regional or otherwise, including detention and retention shall be designed and installed to accommodate a minimum one-hundred (100) year storm event, unless a higher minimum is required by the City Engineer. The storm water system shall be designed and constructed to withstand the eighty (80) percentile of a storm event before any discharge into any outlet. The storm duration used for the sizing of the storm water system shall be based upon the worst case scenario and not the time of concentration.
3. Piping Specifications. Storm water system piping shall be designed and installed to accommodate a minimum ten (10) year storm event, if the above ground conveyance, detention, or retention will support the difference to the one-hundred (100) year storm event, unless a higher minimum is required by the City Engineer. The storm duration used for the sizing of piping shall be based upon the worst case scenario and not the time of concentration.
  - a. Piping shall be Re-enforced Concrete Pipe (RCP), of appropriate class.
  - b. Minimum size for piping main lines shall be fifteen (15) inch diameter.
  - c. For specific piping specifications refer to the Public Works Standards and Technical Specifications.
  - d. Where determined by the City Engineer, larger system piping shall be installed to accommodate future development.
4. System Costs. The cost to provide an adequate storm water system to a development shall be born by the developer.
5. Installation. The storm water system shall be installed in accordance to the Public Works Standards and Technical Specifications.

6. Access. The storm water system shall have clean-out boxes, inlets, manholes, and other facilities installed as appropriate and in conjunction with changes in grade or alignment, at maximum distance of typically four hundred (400) feet between accesses, unless the Public Works Standards and Technical Specifications specify otherwise.
7. LID. The system shall be designed to include the LID specifications required by law.

**19.07.040 Storm Water Basins.**

1. Policy. It is the policy of the City:
  - a. To require the proper design, construction, and maintenance of adequate storm drainage basins for all development.
  - b. All development and redevelopment sites are required to have a storm water basin and system as provided in this Chapter.
  - c. An on-site basin(s) is/are required on each parcel sought for development in the City.
2. Water Source. It is critical that any development in close proximity to a river, stream, well, aquifer, or source protection zone as defined by the state be set back as determined by the state, City Engineer, or other affected entity. All basin designs and calculations shall be reviewed by the City Engineer for approval.
3. Basin Types. The ownership of storm water basins is specified as follows:
  - a. Private Basin. A private basin is allowed where the development provides for a owner association responsible for the ownership, operation, maintenance, repair, and replacement of the private basin(s) subject to a written agreement with the City.
  - b. Local Basins. In subdivisions, a local detention basin shall be constructed by the developer as part of the development. Following acceptance of the construction, the ownership, operation, maintenance, repair, and replacement shall be the City or owner association subject to a written agreement with the City.
  - c. Regional Basins. Regional basins shall be owned, operated, maintained, repaired, and replaced by the City as constructed in accordance with the criteria provided by the City Engineer.
  - d. Access. Basin access shall be as follows:
    - i. Private basin. The owner association of a private basin shall provide to the City a construction and service access easement from a public road around the basin in sufficient size to make all necessary repairs by standard equipment used for such purpose.
    - ii. Other Basins. As part of site approval of any development the City shall be granted a construction and service access easement from a public road around the basin in sufficient size to make all necessary repairs by standard equipment used for such purpose.
4. Basin Design and Construction. Basins shall be constructed to enhance safety, health, and aesthetics of the area as follows:
  - a. LID. Each basin shall be designed to include the LID specifications required by law.

- b. **Setback.** Each basin shall be constructed where possible with a flat rim circling the basin which shall be setback from a property line, adjoining property, and from any structure an appropriate distance determined by the City Engineer to prevent erosion and to allow a backhoe and dump truck to circle the rim for maintenance and repair.
- c. **Percolation.** No reduction is allowed for percolation in a basin based upon volume due to the nature of basins silting in over time and also possible frost conditions in conjunction with a storm event.
- d. **Engineering.** Basins, whether detention or retention, must be designed and approved by a licensed civil engineer.
- e. **Location.** Detention basins shall be located with convenient access for maintenance and repair by maintenance personnel. This generally means that the basin property has frontage along a public roadway.
- f. **Volume.** Basin shall be designed and constructed to withhold the eighty (80) percentile of a storm event as interpreted by the City Engineer, generally determined to be 0.43 inches of storm water. Volume in pipes, drains, or swells is not be considered in the volume calculation for a basin.
- g. **Fencing.** A six (6) foot chain link fencing is required where standing water of more than three (3) feet may exist after a storm event. Fencing shall be installed in accordance with the Public Works Standards and Technical Specifications.
- h. **Slopes.** Side slopes of a basin shall be approximately 3:1 (horizontal to vertical) for proper landscaping, mowing, and access.
- i. **Bottom Slope.** The basin floor shall be designed so as to prevent the permanent ponding of water. The slope of the floor of the basin shall not be less than one (1) percent to provide drainage of water to the outlet grate and prevent prolonged wet, soggy or unstable soil conditions. The preferred minimum slope is two (2) percent.
- j. **Freeboard.** There should be at least one (1) foot of freeboard (berm above the high water mark).
- k. **Spillways.** Spillways shall:
  - i. Include a path with a maintained swell and drainage easement to a safe location.
  - ii. Be designed to avoid erosion.
  - iii. Overflow spillways are intended to introduce flows back into the main pipe and are typically downstream of the outlet control.
  - iv. Emergency spillways are intended to carry flows beyond the capacity of the overflow spillway to a safe downstream location.
  - v. All spillways shall be designed to protect adjacent embankments, nearby structures, and surrounding properties.
- l. **Outlet Control.** Basins shall include a calculated fixed orifice plate(s) mounted on the outlet of the basin as specified by the City Engineer. Where required by the City Engineer. Each basin shall have a locking screw-type head gate(s) (such as a

- Waterman C-10 O.A.E.) set at a calculated opening height for the discharge and with a chain to fix the position.
- m. Grates. All grates on inlets and outlets must be unpainted, hot dipped galvanized metal with bars generally spaced at three (3) inches.
  - n. Low Flow Piping. The inlet and outlet structures may be located in different areas of the basin, requiring a buried pipe to convey any base flows that enter and exit the basin, rather than a cross gutter or surface flow. The minimum pipe size and material for the low flow shall be twelve (12) inch diameter or as approved by the City Engineer.
  - o. Surface. The ground cover surface area of a basin may either be seeded, sodded, or covered with fabric and cobble, as specified by the City. Where seeded, measures shall be taken to eliminate erosion until grasses are established. A minimum of four (4) inches of top soil must be installed prior to sod or seed placement. Cobble sizes shall be four (4) inches or greater in size overlying an weed barrier approved by the City Engineer. Grass or hydro-seeding on all basins shall be installed on accordance with the Public Works Standards and Technical Specifications. The basin shall be constructed with an automated sprinkler system previously approved by the City Engineer. Landscape shall be in accordance with the municipal code.
  - p. Embankment. If a raised embankment is constructed for a basin, including construction of granular materials, it shall be provided with a minimum of six (6) inches of clay cover on the inside of the berm to prevent water passage through the soil.
  - q. Excavation. If the basin is constructed primarily by excavation, then it may be necessary to provide an impermeable liner and land drain system when constructed in the proximity of basements or other below grade structures as determined by a geotechnical study.
  - r. Open. All storm water basins shall be open at the surface for visible inspection, to ensure adequate size, functionality, and proper maintenance.
5. Multi-use Basins. Basins shall be designed as multi-use recreation facilities to include amenities such as pavilions, picnic tables, playground equipment, ball courts, or other amenities where deemed appropriate. Structures shall be designed for saturated soil conditions and bearing capacities are to be reduced accordingly. Restrooms shall not be located in areas of inundation. Inlet and outlet structures should be located as far as possible from all facilities. No wood chips or floatable objects shall be used in any basin design for the area is intended to be inundated.
  6. Preferred Basin. Detention Basins are preferred over retention basins. Above-grade basins are preferred over below-grade basins.
  7. Prohibited. The following are prohibited:
    - a. Underground storm water storage facilities or tanks.
    - b. Groundwater injection well.
    - c. Basins with standing groundwater.
    - d. Non-landscaped basins.

8. Retention Basins. Retention basins are basins which hold and store water until it is evaporated or percolated, and may be used when the following conditions are met:
  - a. A retention basin must be specifically approved by the City Engineer after all other alternatives are exhausted.
  - b. Retention basins shall not be permitted within Zones 1, 2, or 3 of any source protection zone. Due to the silting in potential, no percolation rate may be used in the calculation of volume unless an approved oil separator and sand separator is installed upstream. The volume must be based upon the one hundred (100) year storm event with a three (3) hour duration based upon the IDF. The curve for such shall be approved by the City Engineer.
  - c. The basin is greater than five hundred (500) feet or fifty (50) feet times the number of lots in the entire development (whichever is greater) from the storm drain system, and otherwise is topographically incapable of draining to the storm water system.
  - d. The basin is not located within a hazardous area such as a steep slope, flood plain, high ground water area, or other hazard area.
  - e. The percolation rate of the ambient soils must be considered using recommendation set forth in a site specific geo-technical study and account drain time and address future silting-in of the basin.
9. Standing Water. Permanent standing water shall be eliminated in basin design in an effort to minimize mosquitos and associated viruses, except this does not apply to wetlands.
10. Drainage. Basins should completely drain within forth eight (48) hours of the primary storm event. Low flow bypass pipes may be required.
11. Landscape. Each basin shall be landscaped, designed to eliminate erosion, minimize drowning risk, and enhance aesthetics of the area. Landscape shall be with approved trees, plants, and landscape material as provided in the municipal code.

**19.07.050 Discharge.**

1. Policy. It is the policy of the City to control storm water at the source and minimize the potential for flooding downstream.
2. Run-off. Run-off leaving a development shall not exceed, as much as practicable, the pre-developed quantities and qualities, and prevent the off-site discharge of the total precipitation from a storm event less than eight (80) percent of the entire storm event.
3. Allowable discharge. The allowable discharge rate from any non-regional basin shall:
  - a. Not exceed the pre-hard surfacing discharge for the entire site for the 100-year storm event.
  - b. Not exceed the maximum discharge rate set by the City Engineer depending on the proposal, the facts and circumstances of the basin and historical flow, and the drainage within the surrounding area. If no maximum discharge rate is established then a standard discharge rate of 0.1 cubic feet per second per total acre within the development draining to the basin is applied.
  - c. Controlled discharge is allowed via an established orifice or adjustable head-gate as approved by the City Engineer and in accordance with this Chapter.

4. Flow Concentration. By nature of development, flows are concentrated to one or more locations where historically, sheet flow in lower concentrations may have left the site. Attempts shall be made to minimize the runoff concentrated quantity to the flows stated above by use of detention basins, down stream piping to safe areas or other methods as deemed necessary by the City Engineer.
5. BMPs. Best Management Practices (BMPs) shall be used to the maximum practicable to ensure healthy water quality based upon national standards for the same. BMPs are included in the Storm Water Management Plan adopted by the City as implemented by the City Engineer relating to each development.
6. Overflows. Attention shall be given to overflow locations and pathways to safe locations downstream for discharges. Drain easement shall be obtained as may be needed. Pipes and/or swales shall be sized to accommodate a one hundred (100) year flow.
7. Irrigation. No storm water discharge is permitted into any irrigation facility, except where existing historical drainage occurs and such shall be eliminated upon development. Nothing in this part prevents an abandoned irrigation facility from being converted to the storm water system. In order to comply with *Utah Code Annotated* §73-1-14 and §73-1-15, written permission should be obtained from the owner or operator of an irrigation facility before development occurs.
8. Prohibited. Due to high water in the City sump drains, injection facilities, and underground storm water facilities or tanks of any kind are prohibited. No parking lot, including sidewalks and all other impervious surfaces, shall be used for storm water storage of any kind above or below surface.

**19.07.060 Low Impact Development Standards.**

1. Guide Adopted. The DEQ published “A Guide to Low Impact Development within Utah” (Guide) dated December 2018, prepared by Michael Baker International, to implement Low Impact Development (LID) standards is hereby adopted by the City and incorporated herein by this reference.
2. Report. A storm water quality report following the template provided in the Guide, as may be further defined by the City Engineer, shall be submitted to the City Engineer for each development or subdivision.
3. Standards. The following standards may be further defined in the Public Works Standards and Technical Specifications. The following low impact development standards shall be implement into each development to the greatest extent practicable as approved by the City Engineer:
  - a. Rain Gardens. Rain gardens are shallow bioretention areas with engineered or native soils.
  - b. Bioretention Cells. These are shallow bioretention areas with engineered soil. They typically differ from rain gardens by having a delineation such as a curb, wall, or other distinct boundary.
  - c. Bioswales. A bioswales are vegetated open channels designed to convey and treat storm water runoff.

- d. Vegetated Strips. These landscaped strips are designed to receive and treat sheet flow from adjacent surfaces.
  - e. Box Filters. Box filters are typically used around trees as a bioretention systems appropriate in urban drainage areas where space is limited.
  - f. Green Roof. A green roof is a vegetated system that is designed to retain and treat rooftop runoff.
  - g. Pervious Surfaces. Pervious surfaces such as permeable pavement, concrete pavers, pervious concrete, modular open pavers, and other types of pervious surfaces provide structural support for light vehicle or pedestrian traffic while also providing open space for storm water infiltration.
  - h. Infiltration Basin. Infiltration basins are shallow depressions that use existing soils to retain and provide treatment for storm water runoff by capturing and infiltrating runoff over a specified draw-down time.
  - i. Infiltration Trench. An infiltration trench is a linear excavation backfilled with a combination of gravel, open graded stone, and sand layers that provides storage within the pore space of the specified layers.
  - j. Harvest System. A harvest and reuse system refers to any type of runoff collection system that captures rainfall, stores it temporarily, and reuses it for irrigation, landscaping, or other non-potable uses.
  - k. Other. Other standards may be reviewed and approved by the City Engineer as technology further develops for low impact devices, except those that provide underground storage.
4. Feasibility. Compliance with this Section shall be made to the greatest extent feasible under the circumstances and conditions of the site and subject to:
- a. Issues related to ground water based upon geotechnical engineering.
  - b. Issues related to soil conditions based upon geotechnical engineering.
  - c. Issues related to sensitive lands as determined by the City Engineer.

#### **19.07.070 Permits and Practices.**

In addition to the permits required by the municipal code, additional permits required for each development include:

1. UPDES. Utah Pollution Discharge Elimination System Permit is a general storm water permit for construction activities required for all development of one (1) acre or more and includes: area used for staging, stockpiling, or any other temporary construction activity. This permit is obtained from DEQ on-line and requires a SWPPP.
2. Stream Alteration. A stream alteration permit is required for any development affecting certain watercourses and is obtained from the Utah Department of Natural Resources, Division of Water Rights. This permit overlaps the 404 wetlands permit, discussed below, because it is applicable to the area equal to the stream plus two times the bank full width (up to 30 feet). Any modifications to the stream or banks within this area must comply with the stream alteration permit.
3. EPA 404 Permit. This permit is filed with the US Army Corp of Engineers where wetlands or jurisdictional waters may be located. It is applicable for all wetlands within a

development. This will apply to all wetlands depending upon the presence of water, soils type, low land classification, and vegetation. As part of this permit a wetlands delineation report must be completed. The scope of this permit applies to all jurisdictional waters of the United States up to and including the normal high water mark. Any mitigation that may be required, must be done prior to recording a final plat. Any wetlands identified must be indicated on the final plat.

4. BMPs. The Storm Water Management Plan contains a listing of BMPs that can be used on a site.
  - a. BMPs typically fall into the following categories:
    - i. Perimeter control.
    - ii. Erosion controls.
    - iii. Sediment control.
    - iv. Materials handling and spill prevention.
    - v. Waste management.
    - vi. Good housekeeping.
  - b. The application of some BMPs include, but are not limited to:
    - i. Oil Separators (OWS). Oil Separators shall be required on all sites with parking facilities that exceed two (2) acres, automobile salvage or wrecking areas, or smaller sites anticipating oily discharges such as mechanic shops or similar facilities. Oil separators must be capable of removing particulate down to 150 microns. Possible products include, but are not limited to: BaySaver, Storm Cerptor, Vortechnic. Where oil separators are required, sizing and design of OWS must be reviewed by the City Engineer prior to installation. Consideration must be given to frequency and ease of maintenance of the structure. Basins shall have agreements in place with the City to periodically clean the separator in accordance with the manufacturer's specifications. Manufacturers recommendations for sizing shall be followed with calculations submitted to the City. The separator may either be installed upstream or downstream of the basin keeping in mind that flows on the outlet of the basin would be smaller.
    - ii. Inlet Protection (IP). The Storm Water Management Plan may allow straw bails, silt fences, or curb snakes (after asphalt is placed). Filter fabric under the grate shall not be permitted since drainage is greatly inhibited.
    - iii. Tracking Pads (CR). Sites must have a tracking pad to eliminate mud from being tracked onto the adjacent street. If mud is tracked, the contractor shall be responsible to sweep the streets as necessary.
    - iv. Surface Sweeping (SC). If mud or dirt is tracked onto a travel surface such as a road or parking area, the developer or owner shall be responsible for sweeping the surface to remove the mud and dirt.
    - v. Concrete Washout (CWM). A place must be located within the subdivision or on the site for concrete washout. No washout will be permitted on the street which would then continue to the storm drain. The

washout area may need to be maintained and temporarily excavated until the building foundations and driveways are constructed, or some other arrangement made.

- vi. Silt Fences (SF). Silt fences must be installed to prohibit the flow of sediments off of the site in accordance with manufacturers recommendations and the Storm Water Management Plan.
- vii. Notice Sign. All development and subdivisions are required to at least one (1) notice sign that is clearly visible at each entryway to the subdivision indicating that the SWPPP must be obtained and followed. Said notice sign shall be maintained by the original development or subdivision applicant until termination. The specific wording on the sign relating to storm water, and other related requirements, may be prescribed and modified by the City as needed to meet challenges created by development and to give notice to requirements of law.

**19.07.080 Violations And Penalties.**

Violations, enforcement, and penalties of this Chapter are set forth in Section 19.01.140.

**Chapter ~~19.30~~ 19.09**

**Flood Damage and Prevention Ordinance**

**(Renamed and renumbered as Chapter 19.09 without any additional changes)**

**Section 3: Severability.** If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific application of this Ordinance, shall be severed from the remainder, which shall continue in full force and effect.

**Section 4: Effective date.** This Ordinance takes effect immediately upon mayoral approval and posting.

PASSED AND ADOPTED by the City Council on this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Recorder

RECORDED this \_\_\_\_ day of \_\_\_\_\_, 2020.

PUBLISHED OR POSTED this \_\_\_\_ day of \_\_\_\_\_, 2020.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

In accordance with Utah Code Annotated §10-3-713, 1953 as amended, I, the City Recorder of the City of Washington Terrace, Utah , hereby certify that the foregoing Ordinance was duly passed and published or posted at: 1) City Hall, 2) \_\_\_\_\_, and 3) \_\_\_\_\_ on the above referenced dates.

\_\_\_\_\_  
City Recorder

DATE: \_\_\_\_\_



**City Council  
Staff Report**

**Author:** Planning Dept.  
**Subject:** Amend & Update In-fill Ordinance 17.10  
**Date:** February 18, 2020  
**Type of Item:** Action

**Summary:** The Planning Commission gave a recommendation to pass the amended In-fill ordinance.

1. **Description:** Section 17.10. The amended sections consist of clarifying the application process, application contents, and the Development Agreement. The amendments highlight the required elements of the agreement and what they should entail, eligibility and guidelines, and administration. The agreement will clarify in-fill property responsibilities, which includes maintenance, covenants and escrow and any other Admin functions.
2. The In-Fill ordinance seems to be working and is providing a positive economic boost and conditions for the improvement of In-Fill properties.

**Discussion:**

**Infill Ordinance;**

Was establish to provide adequate policies and procedures to guide In-fill development within the city, moreover to allow communities with vacant properties which are eyesores and/or a safety hazard to develop.

In-fill housing is the process of allowing buildable new dwellings within an existing suburb of older houses. It is an important way of providing for future growth with minimum increase to public services. Urban in-fill can be addressed successfully by a municipality at a relatively low cost through targeted code changes that address issues like building setbacks, and lot size, appearance, amenities and access and/or egress.

Providing In-fill development to property owners we should consider the rights of the property owners and also the impact to the city and to existing neighborhoods and there is also a potential for the increase of property values with newer homes being build in these area.

**Department Review:** The In-Fill ordinance has been in place now for a couple of years and as with any document, staff has found it necessary to make some modifications to the ordinance. Staff recommends that the City Council approve the ordinance.

**WASHINGTON TERRACE CITY**

**ORDINANCE 20-01**

**IN-FILL RESIDENTIAL DEVELOPMENT**

**AN ORDINANCE OF THE CITY OF WASHINGTON TERRACE, UTAH, AMENDING CHAPTER 17.10 RELATING TO IN-FILL RESIDENTIAL DEVELOPMENT REGULATIONS; SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Washington Terrace City (hereafter referred to as “City”) is a municipal corporation, duly organized and existing under the laws of the State of Utah;

**WHEREAS**, *Utah Code Annotated* §§ 10-8-84 and 10-8-60 authorizes the City to exercise certain police powers and nuisance abatement powers, including but not limited to providing for safety and preservation of health, promotion of prosperity, improve community well-being, peace and good order for the inhabitants of the City;

**WHEREAS**, the City desires to update its land use regulations relating to in-fill development;

**WHEREAS**, Title 10, Chapter 9a, of the *Utah Code Annotated*, 1953, as amended, enables the City to regulate land use and development;

**WHEREAS**, after publication of the required notice, the Planning Commission held its public hearing on \_\_\_\_\_, 2020, to take public comment on this Ordinance, and subsequently gave its recommendation to \_\_\_\_\_;

**WHEREAS**, the City Council received the recommendation from the Planning Commission and held its public meeting on \_\_\_\_\_, 2020, and desires to act on this Ordinance;

**NOW, THEREFORE**, be it ordained by the City Council of Washington Terrace City as follows:

**Section 1: Repealer.** Any word other, sentence, paragraph, or phrase inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.

**Section 2: Adoption.** Chapter 17.10 of the *Washington Terrace Municipal Code* is hereby amended to read as follows:

**Chapter 17.10**

**IN-FILL RESIDENTIAL DEVELOPMENT STANDARDS**

**Sections:**

**17.10.010 Purpose And Intent.**

**17.10.020 Application Process.**

**17.10.030 Application Contents.**

- 17.10.040 Development Agreement.**
- 17.10.050 Eligibility and Guidelines.**
- 17.10.060 Administration.**

**17.10.010 Purpose and Intent.**

The City Council finds that standard zoning practices are inadequate to address the development of residential in-fill parcels identified by the City to ensure that these developments are well-planned, sensitive to adjoining properties, and accommodate the needs of the City. This Chapter is intended to address challenges presented by infill, configuration, phasing projects, and other challenges presented by in-fill development. The City recognizes that for certain projects it is appropriate to create zoning and other land use requirements on a property-by-property basis with the development of the property carefully agreed to by the City and the property owner. It is also acknowledged that regulations be enforced and assured in accordance with a development agreement. This Chapter is to create enabling provisions for adopting a specialized zone for in-fill development and applying them to particular properties.

**17.10.020 Application Process.**

The owner, or the owner’s authorized agent, of an eligible property identified on the In-fill Development Map may petition the City to create an individual “In-fill Development Zone” (IDZ) which is a sub-zone and applies to a particular property. The application shall include the elements listed in this Chapter. The Planning Commission shall consider the application and make a recommendation to the City Council in the same manner as the City considers any other zoning text and mapping petitions at the time of the application. The City Council, acting in its legislative capacity, shall determine whether to create the sub-zone, map it to the property and approve the Master Development Agreement required in this Chapter. The application for a sub-zone creates no rights in the property owner until any such sub-zone and the Master Development are approved by the City Council and recorded against the property.

**17.10.030 Application Contents.**

1. Compliance. Compliance with the eligibility requirements and guidelines.
2. Application. Any application under this Chapter for a sub-zone shall include the following:
  - a. A fee equal to the anticipated costs incurred by the City.
  - b. A map of the property proposed for the sub-zone including topographical information at 2’ contours or more detailed.
  - c. The proposed sub-zone text specifying the permitted, conditional, and accessory uses to be more fully detailed in the Development Agreement.
  - d. A proposed Development Agreement.

**17.10.040 Development Agreement.**

1. The City Council, in its legislative discretion, shall exercise its general policy determination functions in considering or may make any modification to a Development Agreement that the City Council deems appropriate and in applying the Development Agreement to the property as a part of the creation and mapping of the sub-zone.

2. Required elements in Development Agreement include but are not limited to:
  - a. Plan of the entire project showing residential layout.
  - b. The approximate location of major infrastructure such as main public roads, water tanks, utility lines.
  - c. Proposed development standards for residential including lot areas, dimensions, and setbacks.
  - d. Proposed design standards addressing building height, massing and orientation, common and private open space, natural resource protection, architectural design and materials, landscaping and buffering standards, parking, and signage.
  - e. Proposed process for implementing, administering, enforcing, and making modifications to the proposed project.
  - f. A provision ensuring that the City cannot be held liable for any damages arising out of the project and the Development Agreement.
  - g. Construction and escrow.
  - h. Any other items that the City Attorney deems appropriate.

**17.10.50 Eligibility and Guidelines.**

- 1) Eligible Parcels. The In-fill Development Map set forth in Exhibit “A” adopted and incorporated herein by this reference specifies the eligible parcels that may be used for in-fill development subject to the requirements of this title. Parcels not identified on the In-fill Development Map are not eligible. The Owner of any parcel not identified on the In-fill Development Map may request to be added to said Map by Ordinance if the size and configuration meet the purpose and intent of this Chapter.
- 2) Requirements. The existing zoning and General Plan shall be residential.
- 3) Guidelines. The following guideline apply:
  - a) Size and Access. Meet the size and access criteria as follows:
    - i) Being accessed from a public street.
    - ii) Be of sufficient size for egress without interfering with adjoining properties and be of sufficient size for a residential use without reduction of residential setbacks for the zone by more than twenty-five (25%).
    - iii) Be of sufficient size for fire access in accordance with the specifications of the Fire Marshall and the applicable code.
    - iv) Be capable of being serviced by utilities and infrastructure.
    - v) Be no more than two (2) stories, including any basement.
  - b) Architecture and Design. Meet the architecture and design criteria as follows:
    - i) Each unit shall have a minimum two (2) car attached garage, private driveway parking in the front set-back area equivalent to one (1) vehicle, and off-street guest parking located in the overall development site plan equal to one (1) additional vehicle for each unit.
    - ii) Provide for the following architectural features:
      - (1) Minimum sixty (60) percent of the front exterior of the residential structure shall be brick, stone, or cultured stone material. Remainder of the exterior structure shall consist of: cement board, architectural shingles, heavy timber, or stucco. No vinyl or metal siding is permitted.

- (2) Color schemes, such as earth-tones, that promote curb appeal.
- (3) Varied rooflines that include: decorative dormers, gabled or hipped pitched roofs, and parapets or cornices.
- (4) Front porches shall include decorative exterior lighting.
- c) Density. The density of lots in any in-fill development shall be calculated based upon the average density of the surrounding residential uses on a per acre basis as calculated by the Building Official.

**17.10.060 Administration.**

- 1) Administrative Function. It is policy that after the legislative adoption of the sub-zone and Development Agreement, that implementation shall be an administrative function and not legislative.
- 2) Maintenance. Unless otherwise provided in the Development Agreement, all infrastructure in the sub-zone shall be maintained and operated by an owner association established for that purpose.
- 3) Covenants. Any covenants, conditions, and restriction shall be approved by the City as part of the Development Agreement.
- 4) Escrow. As part of the Development Agreement, the applicant shall enter into an Escrow Agreement. The escrow funds shall be deposit in escrow account with a federally insured financial institution approved by the City and be in the amount equal to the cost of the improvements not yet installed and as estimated or approved by the City Engineer. The City shall be authorized to draw upon the funds to complete any improvement, and the escrow amount shall additionally include costs incurred by the City for approval of the development, and ten percent of the total costs of improvements as determined by the City Engineer as a contingency warrant amount.

PASSED AND ADOPTED by the City Council on this \_\_\_\_ day of \_\_\_\_\_, 2020

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Recorder

RECORDED this \_\_\_\_ day of \_\_\_\_\_, 2019.

PUBLISHED OR POSTED this \_\_\_\_ day of \_\_\_\_\_, 2019.

**CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING**

In accordance with *Utah Code Annotated* §10-3-713, as amended, I, the City Recorder of the City of Washington Terrace, Utah, hereby certify that foregoing Ordinance was duly passed and published or posted at: 1) City Hall, 2) \_\_\_\_\_, and 3) \_\_\_\_\_ on the above referenced dates.



Building & Planning

## City Council Staff Report

**Author:** Planning Dept.  
**Subject:** AMENDING WASHINGTON TERRACE CITY MUNICIPAL CODE SECTION 17.56. TITLED "SIGNS" TO REGULATE RESIDENTIAL REAL ESTATE SIGNS AND VEHICULAR ADVERTISING.  
**Date:** February 18, 2020  
**Type of Item:** ACTION: Ordinance

**Summary Recommendations:** The Planning Commission held a public hearing on January 30, 2020. The Planning Commission reviewed the Ordinance Amendment and gave a **negative** recommendation to Council.

### Description:

#### A. Background:

Amending Section 17.56, "Signs", adding regulations that outline the standards for number of signs and type of signs for advertising for the sale, lease and rental of a real estate advertised property.

The amendment establishes the size of the sign, as well as what can be advertised on a property or lot. The amendment stipulates that it should not create a nuisance due to lighting or illumination.

The ordinance shall define the placement of signs for advertising on fences, walls or roofs or public property which may become a nuisance.

This amendment shall also regulate open house signage requirements.

Additionally, a second added amendment is related to "**Vehicular Advertising**", which does not allow a vehicle, equipment or trailer to be parked on a property for advertising on the property or lot of someone else.

This hopefully does not limit a person from parking a work truck or trailer that belongs to the individual from parking on his own property which is their primary residents.

**B. Planning Commission Recommendation.** The Planning Commission reviewed and discussed the proposed amendment and has given a negative recommendation to Council. The Planning Commission did not want to single out an individual industry by ordinance. They would like the regular sign ordinance to be amended to include the new regulations proposed. They suggest that it apply to all industries and not just real estate. They would like the ordinance to be re-worked and brought back to Planning Commission before they can recommend approval.

### Alternatives:

**A. Approve the Request:** The Council may not take the Planning Commission recommendation and approve the ordinance as is.

**B. Deny the Request:** The Council may approve the recommendation and deny the ordinance..

**CITY OF WASHINGTON TERRACE  
ORDINANCE 20-02**

**LAND USE ADMINISTRATION AND SIGN AMENDED**

**AN ORDINANCE OF THE CITY OF WASHINGTON TERRACE, UTAH,  
ADOPTING 17.56. ENTITLED “SIGNS” TO REGULATE RESIDENTIAL REAL  
ESTATE SIGNS; REGULATE VEHICULAR ADVERTISING; SEVERABILITY;  
AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Washington Terrace City (hereafter referred to as “City”) is a municipal corporation, duly organized and existing under the laws of the State of Utah;

**WHEREAS**, *Utah Code Annotated* §10-8-84, 1953 as amended, grants municipalities broad authority to provide for safety and preserve health, and promote prosperity, improve morals, peace and good order, comfort, convenience, and for the protection of property;

**WHEREAS**, *Utah Code Annotated* §10-8-60, 1953 as amended, grants municipalities broad authority to declare what shall be a nuisance, abate the same, and to impose fines for the such nuisances;

**WHEREAS**, Title 10, Chapter 9a, of the *Utah Code Annotated*, as amended, enables municipalities to regulate land use and development;

**WHEREAS**, the City finds it necessary to update its land use ordinances in order to meet the challenges presented by development and to protect public health, safety, and welfare;

**WHEREAS**, after publication of the required notice, the Planning Commission held its public hearing on \_\_\_\_\_, 2020, to take public comment on this Ordinance, and subsequently gave its recommendation to \_\_\_\_\_;

**WHEREAS**, the City Council received the recommendation from the Planning Commission and held its public meeting on \_\_\_\_\_, 2020, and desires to act on this Ordinance;

**NOW, THEREFORE**, be it ordained by the City Council of the City of Washington Terrace as follows:

**Section 1: Repealer.**

Any ordinance or portion of the municipal code inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.

**Section 2: Amendment.**

Section 17.56.256, Section 17.56.270, and Section 17.80.080 of the *Washington Terrace Municipal Code* is hereby adopted to read as follows:

**17.56.265 Residential Real Estate Signage.**

In all residential zones, the following is permitted:

1. Number and Type. One (1) freestanding sign in the front yard of each lot to advertise the sale, lease, or rental of real estate.
2. Size. No sign shall exceed eight (8) square feet in aggregate total display.
3. Purpose. Sign must be exclusively for the sale, lease, or rental of the property on which the sign is located.
4. Removal. Any sign under this section shall be removed five (5) days after completion of the sale, lease, or rental of the real estate where posted.
5. Limitations. No signage shall be placed on fence, wall, roof, or structure. No signage shall be placed on or overhang any street, sidewalk, or public property. No sign shall be placed that constitutes a nuisance or creates a hazard condition.
6. Illumination. No sign shall be illuminated.
7. Open House. Special regulations for open house sign as permitted as follows:
  - a. A maximum of four (4) off-premise open house signs not to exceed four (4) square feet are allowed for each open house, and shall be directional.
  - b. Signs shall only be posted when the selling agent is present at the property where the open house is being held.
  - c. One (1) sign is allowed on the property where the open house event is being held not to exceed eight (8), in addition to any real estate sign under this chapter, and the open house sign shall be removed at the end of the open house event.
  - d. All signs must be appropriate for a neighborhood environment, must harmonize with their surroundings in design, and be continually maintained to ensure an attractive appearance.
  - e. Signs are permitted only between the hours of 8:00 a.m. and 8:00 p.m. on the day of the open house.
  - f. Signs must be placed a minimum eighteen (18) inches from the curb or edge of street, not block or overhang the sidewalk, and not obstruct traffic or traffic control device.

**17.56.270 Advertising Vehicles.**

Definition: Equipment. A tangible property that could be used to advertise. Examples of equipment include devices, machines, tools or PODs (portable storage containers).

No vehicles, equipment, or trailers may be parked on the property of another for the primary purpose of signage, marketing, or advertising. A person's primary residence shall be exempt.

**17.80.080 Penalties.**

In accordance with *Utah Code Annotated* §10-9a-803 and §10-3-703, the following penalties apply:

1. Criminal. Any person who violates the Title is guilty of a class C misdemeanor and a fine not to exceed \$750.
2. Civil. Any person who violates this Title is subject to a civil fine not to exceed \$1,000, per violation, per day that the violation continues after the City gives notice in accordance with *Utah Code Annotated* §10-9a-803.

**Section 3: Severability.**

If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific application of this Ordinance, shall be severed from the remainder, which shall continue in full force and effect.

**Section 4: Effective date.**

This Ordinance takes effect immediately upon approval and posting.

PASSED AND ADOPTED by the City Council on this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Recorder

RECORDED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

PUBLISHED OR POSTED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

**CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING**

In accordance with *Utah Code Annotated* §10-3-713, as amended, I, the City Recorder of the City of Washington Terrace, Utah, hereby certify that foregoing Ordinance was duly passed and published or posted at: 1) City Hall, 2) \_\_\_\_\_, and 3) \_\_\_\_\_ on the above referenced dates.

\_\_\_\_\_  
City Recorder