

COTTONWOOD HEIGHTS

ORDINANCE NO. 395

AN ORDINANCE AMENDING TITLE 17, COTTONWOOD HEIGHTS CODE OF ORDINANCES, CONCERNING STORM WATER MANAGEMENT

WHEREAS, effective 14 January 2005, the city council (the “*Council*”) of the city of Cottonwood Heights (the “*City*”) adopted a code of ordinances (the “*Code*”) for the City; and

WHEREAS, Code Title 17 (“*Title 17*”) details, *inter alia*, standards for storm water management in the City; and

WHEREAS, the Council met in regular session on 4 April 2023 to consider, among other things, amending Title 17 to adopt standards for long-term post-construction storm water management and to make other technical changes to Title 17; and

WHEREAS, after careful consideration, the Council has determined that it is in the best interests of the health, safety, and welfare of its residents to so amend Title 17;

NOW, THEREFORE, BE IT ORDAINED by the city council of the city of Cottonwood Heights as follows:

Section 1. **Amendment of Title 17**. The Council hereby amends Title 17 of the Code as shown on the attached exhibit, which shows deletions to current Title 17 ~~struck-through~~ or otherwise shown as deletions, and additions to current Title 17 underlined or otherwise shown as additions. Minor changes to formatting, punctuation and the like may not be marked on the attached exhibit.

Section 2. **Action of Officers**. All actions of the officers, agents and employees of the City that are in conformity with the purpose and intent of this ordinance (this “*Ordinance*”), whether taken before or after the adoption hereof, are hereby ratified, confirmed and approved.

Section 3. **Severability**. It is hereby declared that all parts of this Ordinance are severable, and if any section, paragraph, clause or provision of this Ordinance shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect the remaining sections, paragraphs, clauses or provisions of this Ordinance.

Section 4. **Repealer**. All ordinances or parts thereof in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

Section 5. **Effective Date**. This Ordinance, assigned no. 395, shall take immediate effect as soon as it shall be published or posted as required by law and deposited and recorded in the office of the City’s recorder, or such later date as may be required by Utah statute.

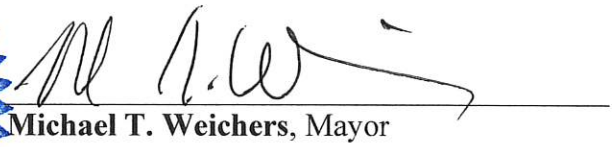
PASSED AND APPROVED this 4th day of April 2023.

ATTEST:

COTTONWOOD HEIGHTS CITY COUNCIL

By: 
Paula Melgar, Recorder



By: 
Michael T. Weichers, Mayor

VOTING:

| | | |
|---------------------|---|------------------------------|
| Michael T. Weichers | Yea <input checked="" type="checkbox"/> | Nay <input type="checkbox"/> |
| Douglas Petersen | Yea <input checked="" type="checkbox"/> | Nay <input type="checkbox"/> |
| J. Scott Bracken | Yea <input checked="" type="checkbox"/> | Nay <input type="checkbox"/> |
| Shawn E. Newell | Yea <input checked="" type="checkbox"/> | Nay <input type="checkbox"/> |
| Ellen Birrell | Yea <input type="checkbox"/> | Nay <input type="checkbox"/> |

DEPOSITED in the office of the City Recorder this 4th day of April 2023.

POSTED this ^{te}5 day of April 2023.

EXHIBIT TO ORDINANCE NO. 395

Title 17

STORM DRAINAGE AND
FLOOD CONTROL DEVELOPMENT;
GROUNDWATER SOURCE PROTECTION

Chapters:

- 17.02 Administration
- 17.04 General Provisions
- 17.08 Drainage of Subsurface Water
- 17.12 City Drainage System
- 17.16 Private Construction of Public Facilities
- 17.18 Illicit Discharge and Connection
- 17.24 Detention Plans
- 17.25 Storm Water Pollution Prevention Plans
- 17.26 Erosion Control Plans
- 17.27 Storm Drainage Systems
- 17.28 Storm Water Facilities and Impact Fees
- 17.29 Post-Construction Storm Water Management
- 17.30 Groundwater Source Protection
- 17.32 Flood Damage Prevention
- 17.34 Violations and Penalties

17.04.070 Control of development excess waters.

A. The developer shall prevent the off-site discharge of the precipitation from all rainfall events less than or equal to the 80th percentile rainfall event as per engineering standards approved by the department.

B. Subject to the city's regulatory and approval functions specified in this title, the owner or developer of land to be improved or developed shall provide, at his own expense, the unit or subdivision drainage system facilities within each development necessary for the control of excess waters within the development. The developer also shall provide at his own expense:

1A. The intermediate and/or major drainage system facilities required to convey such excess waters to a trunk line, natural tributary or final destination as may be indicated on the drainage area map for the drainage area within which the development is located.

2B. A detention facility, when determined applicable by the department, for the controlled release of excess water into unit drainage facilities, intermediate and major drainage facilities, trunk lines, natural tributaries or final destination. The maximum allowable release rate from these detention facilities shall be no greater than .2 cubic feet per second per developed acre outside of a sensitive lands overlay zone, and 0.1 cubic feet per second per developed acre within a sensitive lands overlay zone.

17.18.070 Illicit discharges.

No person shall discharge or cause to be discharged into the city storm drain system or watercourses any material other than storm water. Such prohibition includes pollutants and waters containing pollutants that cause or contribute to a violation of applicable water quality standards.

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

1. Water line flushing or other potable water sources;
2. Landscape irrigation or lawn watering;
3. Diverted stream flows;
4. Rising ground water;
5. Ground water infiltration to storm drains;
6. Uncontaminated pumped ground water;
7. Foundation or footing drains (not connected to floor drains);
8. Crawl space sump pumps;
9. Air conditioning condensation;
10. Springs;
11. Non-commercial washing of vehicles;
12. Natural riparian habitat or wetland flows;
13. Swimming pools (if de-chlorinated--typically less than one PPM chlorine);
14. Firefighting activities, and any other water source not containing pollutants; **and**
15. Discharges specified in writing by the authorized enforcement agent as being necessary to protect public health and safety;

16. Uncontaminated groundwater infiltration;

17. De-chlorinated reservoir water discharges;

18. Irrigation water; and

19. Residual street wash water.

B. Dye testing is an allowable discharge, but requires a verbal notification to the authorized enforcement agent prior to the time of the test.

C. The prohibitions in this section shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided further that written approval has been granted for any discharge to the storm drain system.

D. This prohibition includes:

1. Illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection; and
2. Connections of sanitary sewer lines to the city's storm drainage system.

17.25.010 Storm water pollution prevention plan required.

A. Anyone who constructs upon, or in any other way physically impacts, real property that is one acre or greater in size within the city shall comply with the requirements of this title prior to taking any action upon such property which may affect the detention, drainage, flow or water quality of storm waters within the city.

B. All persons disturbing parcels greater than one acre five acres-in size or part of a larger common plan of development greater than one acre in size shall file a notice of intent with the state to accompany the storm water pollution prevention plan. As set forth in this title, the storm

water pollution prevention plan may, as determined by the city, require specific actions and consist of one or more components with respect to:

1. Drainage of subsurface waters;
2. Construction of storm water facilities;
3. Connection to existing storm water facilities;
4. Maintenance of storm water facilities;
5. Grading and erosion control; and
6. Water quality.

Chapter 17.29

POST-CONSTRUCTION STORM WATER MANAGEMENT

Sections:

17.29.010 Post-construction storm water management plan.

17.29.020 Maintenance.

17.29.030 Inspection and right-of-entry.

17.29.040 Enforcement and penalties.

17.29.010 Post-construction storm water management plan.

A. Before issuance of a permit for any new development or redevelopment project, a long-term post-construction analysis and storm water management plan shall be prepared by a civil engineer licensed in the state of Utah and submitted to the department for review and approval.

B. Although the type and scope of the plan will vary with the characteristics of each site, the plan shall:

1. Be prepared in accordance with all applicable engineering standards;
2. Address the specific pollutants expected to be generated from the site; and
3. Include BMPs concerning the design, installation, operation and maintenance standards necessary to protect water quality and reduce to permissible levels the discharge of pollutants in storm water runoff from the fully-developed site.

C. Review and approval of the plan by the department is required before any permits may be issued for the proposed project.

17.29.020 Maintenance.

A. The design and planning of all long-term post-construction storm water management facilities required by an approved storm water management plan shall include detailed maintenance and repair procedures to ensure their continuous functionality. The storm water management plan shall identify the parts or components of the facilities that need to be maintained, the maintenance schedule, and the equipment and skills or training necessary.

B. The storm water management plan shall include provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures.

C. The permittee and the property owner from time to time shall be jointly and severally responsible for maintenance of all facilities included in the approved storm water management plan.

17.29.030 Inspection and right-of-entry.

A. All long-term post-construction storm water management facilities required by an approved storm water management plan shall be subject to annual inspection by the department to document maintenance and repair needs and to ensure compliance with the requirements of this title and accomplishment of its purposes. Additional inspections may be required as deemed appropriate by the department.

B. Any maintenance deficiencies in storm water management facilities shall be corrected within such reasonable time period specified by the department.

C. The inspection and maintenance requirements under an approved storm water management plan may be increased as reasonably deemed necessary by the department to ensure proper functioning of the subject facilities.

D. When any new long-term post-construction storm water management facility is installed on private property, or when any new connection is made between private property and a public drainage system facility, the property owner shall grant to the city the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. Such right-of-entry shall include the right to enter a property when the department has a reasonable basis to believe that:

1. A violation of this title is occurring or has occurred;
2. Entry is necessary for abatement of a public nuisance;
3. Entry is necessary to correct a violation of this title.

17.29.040 Enforcement and penalties.

A. It is unlawful for any person, entity or private or governmental instrumentality to violate any of the provisions of this chapter, or to aid or cause the violation of any of said provisions.

B. Any development activity that is commenced or is conducted contrary to this chapter may be restrained by injunction or otherwise abated in a manner provided by law.

C. In addition to or as an alternative to any penalty provided in this title or by law, including the enforcement procedures and penalties described in Chapter 17.34, violations of this chapter shall at the city's option be subject to the following additional procedures and penalties:

1. Notice of Violation. When the department determines that an activity is not being carried out in accordance with the requirements of this chapter it may issue a written notice of violation to the owner of the property. The notice of violation shall contain:

(a) The name and address of the owner or applicant;

(b) The address when available or a description of the building, structure or land upon which the violation is occurring;

(c) A statement specifying the nature of the violation;

(d) A description of the remedial measures necessary to bring the development activity into compliance with this chapter and a time schedule for the completion of such remedial action;

(e) A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed; and

(f) A statement that the determination of violation may be appealed to the city by filing a written notice of appeal within 15 days after service of notice of violation.

2. Stop Work Orders. Persons receiving a notice of violation under this section shall immediately halt all construction activities until the department confirms that the development activity is in compliance and the violation has been satisfactorily addressed.

3. Restoration of Lands. Any violator may be required to restore land to its undisturbed condition. If restoration is not undertaken within a reasonable time after notice, the city may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

4. Hold on Occupancy Permits. Occupancy permits will not be granted until correction of all violations of this chapter have been made and accepted by the city.

5. Civil and Criminal Penalties. In addition to or as an alternative to any penalty provided herein or by law, anyone who violates this chapter shall be subject to the civil and criminal penalties described in Chapter 17.34 of this code. Any violation of this chapter shall be a separate offense for each day during which the violation occurs or continues.