

ORDINANCE NO. 1240

AN ORDINANCE OF DRAPER CITY AMENDING THE TEXT OF  
THE CITY UTILITIES CODE OF THE DRAPER CITY MUNICIPAL  
CODE RELATING TO SYSTEM OF RATES AND CHARGES FOR  
STORMWATER FEES

**WHEREAS**, it is necessary from time to time to revise certain terms of the Draper City Municipal Code to address provisions that become diminished in appropriateness, applicability, or clarity; and

**WHEREAS**, the Stormwater Utility Code of the Draper City Municipal Code has been established to provide regulations concerning Definitions; Ownership of City Storm Drain Facilities; Prohibited Activities; Illicit Discharges; Stormwater Pollution Prevention Plans, Permits, and Enforcement on Construction Sites; Enforcement; Stormwater System Design and Management Standards; Post Construction; Existing Locations and Developments; and Appeals; and

**WHEREAS**, the City Council of Draper City adopted Stormwater Utility Code to protect the health, safety, and welfare of Draper City, its residents and downstream entities through the improvement of the city's storm drain system by managing and controlling stormwater runoff, protecting property, preventing polluted water from entering the city's storm drain system and other receiving waters to the maximum extent practicable as required by federal and state law.

**WHEREAS**, the City Council of Draper City finds good cause to revise the terms and provisions of City Utilities Code regarding Definitions; Ownership of City Storm Drain Facilities; Prohibited Activities; Illicit Discharges; Stormwater Pollution Prevention Plans, Permits, and Enforcement on Construction Sites; Enforcement; Storm System Design and Management Standards; Post Construction; Existing Locations and Developments; and Appeals; and

**NOW, THEREFORE**, BE IT ORDAINED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, AS FOLLOWS:

**Section 1. Findings.** The City Council of Draper City has made the following findings that the proposed text amendment regarding the Stormwater Utility Code as shown in Exhibit A

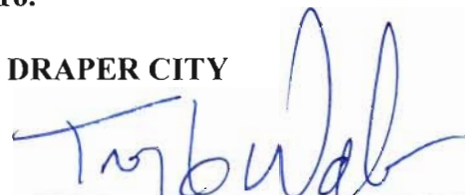
**Section 2. Revision.** Stormwater Utility Code of the Draper City Municipal Code are hereby revised to read as set forth in Exhibit A.

**Section 3. Severability.** If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

**Section 4. Effective Date.** This Ordinance shall become effective immediately upon publication or posting, or 30 days after final passage, whichever is closer to the date of final passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF DRAPER CITY, STATE OF UTAH, ON THE 20<sup>th</sup> DAY OF DECEMBER, 2016.

DRAPER CITY

  
\_\_\_\_\_  
Mayor Troy K. Walker

ATTEST:

  
\_\_\_\_\_  
Rachelle Conner, City Recorder

VOTE TAKEN:

YES

NO

Councilmember Rappleye

\_\_\_\_\_

Councilmember Stenquist

\_\_\_\_\_

Councilmember Summerhays

\_\_\_\_\_

Councilmember Vawdrey

\_\_\_\_\_

Councilmember Weeks

\_\_\_\_\_

Mayor Walker

\_\_\_\_\_

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## EXHIBIT A

### 16-2-020: DEFINITIONS:

STORMWATER POLLUTION PREVENTION PLAN OR SWPPP: The document which describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, storm drain facilities, or receiving waters, and which plan must be prepared prior to obtaining a state storm water permit for construction activities.

### 16-2-150: STORM WATER POLLUTION PREVENTION PLANS, PERMITS, AND ENFORCEMENT ON CONSTRUCTION SITES:

A. Stormwater Pollution Prevention Plan (SWPPP) Requirements: A SWPPP is required prior to the issuance of the permits described in subsection A1, A2, and A3 of this section. A SWPPP shall describe how the applicant will prevent erosion, sediment, chemicals, trash, construction debris, and other pollutants that originate on a project site from leaving the site and/or entering any waters of the state through the implementation of housekeeping and other BMPs. A SWPPP shall provide sufficient information, including but not limited to, maps, BMPs installation and maintenance specifications, hydrologic calculations to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site, both present and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing stormwater generated at the project site. A SWPPP may change as a project progresses and as unforeseen conditions arise. The intent of this planning process is to determine the type of stormwater management measures necessary for the proposed project and ensure adequate planning for management of stormwater runoff from future development.

1. A SWPPP is required on all projects prior to obtaining any state UPDES permits. The SWPPP shall conform to the requirements set forth by the Utah Department of Environmental Quality.

D. Required Permits: The following permits shall be required, where applicable:

1. State Stormwater Permit for Construction Activities: Any person or business responsible for disturbing one acre or more of ground, or who will disturb less than one acre but whose project is part of a larger common plan of development, shall obtain a state stormwater permit for construction activities from the Utah division of water quality. The appropriate fee must be paid to the state. A SWPPP must be prepared and kept on the construction site for this application. The SWPPP shall include all maintenance easements required to access and inspect the stormwater treatment practices and to perform routine maintenance as necessary. The SWPPP shall also include provisions allowing city personnel for access and inspections on a reasonable basis.

2. Conditions When UPDES Permit Is Not Required: A state stormwater permit for construction activities is not required for:

F. Stormwater Enforcement of Construction Activity: All stormwater treatment practices, BMPs, and owner/operator inspections shall comply with the approved SWPPP to ensure the system functions as designed. If a responsible party fails or refuses to meet the requirements of the SWPPP, the City Engineer or Building Official shall notify the party responsible for maintenance of the stormwater management facility in writing. Upon receipt of notice, the responsible person shall have up to thirty (30) days to effect maintenance and repair of the facility. If no action has been taken by the responsible party within the thirty (30) days, the City Engineer or Building Official may cause the work to be done to correct the violation of the SWPPP by performing all necessary work to place the facility in proper working condition; and the cost of the work shall be a lien on the property, or prorated against the beneficial users of the property, and may be placed on the tax bill and collected as ordinary taxes by the county assessor.

## **16-2-170 STORM WATER SYSTEM DESIGN AND MANAGEMENT STANDARDS**

C. MAINTENANCE AGREEMENT: New development and redevelopment construction sites completed after January 1, 2003, disturbing greater than or equal to one acre including projects less than one acre that are part of a larger common plan of development or sale, and to be served by a private on-site stormwater management facility shall execute a maintenance agreement. The maintenance agreement shall operate as a deed restriction binding on the current property owner and all subsequent property owners. The maintenance agreement shall:

- e. Provide that if the property is not maintained or repaired within the prescribed schedule, the City Engineer shall perform the maintenance and repair at the City's expense, and bill the same to the property owner.

## **16-2-190 EXISTING LOCATIONS AND DEVELOPMENTS.**

C. Inspection of existing facilities. The City Engineer may, to the extent authorized by state and federal law, establish inspection programs to verify that all stormwater management facilities, including those built before as well as after the adoption of this ordinance, are functioning within design limits. These inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of the municipality's UPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other BMPs.

## **16-2-200: ENFORCEMENT:**

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B. Stop Work Order; Revocation Of Permit: In the event any person or any holder of a state stormwater permit for construction activities, Draper City Land Disturbance Permit, Draper City Building Permit, or other City-issued Permit violates the terms of the permit, any provision of this chapter, or implements site development in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood or development site or injurious to property or improvements in the neighborhood, the Public Works Director may issue a stop work order such that no further work on the development shall be performed or approved, until otherwise authorized by the Public Works Director.

C. Violation And Penalties: In addition to subsections A and B of this section, the city may avail itself of any of the following nonexclusive remedies to enforce the provisions of this chapter:

6. Failure to enter into or execute maintenance agreement

b. Permit denial for new development: Owners of a proposed development that are to be served by a private storm drain system are required to enter into a maintenance agreement with the city. Property owners may not obtain a City Land Disturbance Permit or Building Permit until agreement is executed.

**Affidavit of Posting**

**SALT LAKE/UTAH COUNTY, STATE OF UTAH**

I, the City Recorder of Draper City, by my signature below, certify that copies of **Ordinance No. 1240** for the **City of Draper**, which **Passed and Adopted by the City Council of Draper City, State of Utah on the 20<sup>th</sup> day of December, 2016**, was posted at the following places: Draper City Bulletin Board, Salt Lake County Library, Draper Crescent Senior Citizens Center, within the municipality.

**Posted:** January 9, 2017, through January 30, 2017

City Seal



Rachelle Conner, MMC  
City Recorder  
Draper City, State of Utah

