

## Title 17 - FLOOD CONTROL AND WATER QUALITY

### Chapters:

Chapter 17.04 - ADMINISTRATION

### Sections:

17.04.010 - Flood control and water quality division—Created.

There is created within the department of public works of the county a flood control and water quality division, referred to in this title as the "division." The division shall, through the director of public works, assist the county in the discharge of its responsibilities to gather, control and dispose of storm drainage and floodwater and to conserve such water for beneficial and useful purposes, and maintain a water quality management program. The division shall administer all county ordinances pertaining to drainage, flood control and water quality management planning.

(Ord. 1473 (part), 2001: Ord. 817 § 2 (part), 1982: prior code § 7-1-1)

17.04.020 - Flood control and water quality division—Director—Duties.

There is created the office of the director of the division of flood control and water quality. The director shall supervise and control, and be responsible for the satisfactory completion of all duties of the division and of the director, as set forth in this chapter. The engineering division director may be the flood control division director. The division shall:

- A. Maintain a twenty-year master plan outlining, in general, long-range requirements for planning, designing, constructing, managing, operating and maintaining facilities in the county for the carrying away and safe disposal of stormwaters and floodwaters and for the preservation and enhancement of water quality;
- B. Maintain a six-year capital improvements plan outlining financial needs, scheduling of construction and management programs which will implement the twenty-year master plan. The plan and the twenty-year master plan shall be submitted by the director of public works through the mayor on or before August 15th of each year for review, correction and adoption by the county council for funding;
- C. Prepare and submit to the director of public works and the mayor on or before September 15th of each year an annual element of the capital improvement plan outlining, by proposed budget line items, work activities and expenditure of funds required to complete the current annual element of the approved capital improvement plan;
- D. On or before January 1st of each year prepare a management plan, outlining by project and program, management agency responsibilities, schedules and proposed interlocal agreements and contracts necessary to carry out the budget for the current year and administer all county ordinances pertaining to flood control and water quality;
- E. Provide to all municipal governments an annually updated map and list of flood control facilities maintained in each city and that portion of the annual management plan which relates to the activities of the division to be carried out in the respective city;
- F. Provide for ongoing maintenance program and direct the cleaning and maintenance of natural channels, ditches, open drains and stormdrains which are included in the storm drainage and flood control system. Work in open channels and creeks where fisheries exist shall be limited to that necessary to remove immediate threats of flooding and existing rights shall be protected as specified in Section 17.08.050 in this title;

- G. Pursue action before the Utah Legislature, in cooperation with other affected agencies, required to achieve effective water quality management or for effective flood control management as directed by the mayor;
- H. Attend, at the request of the mayor, meetings or conferences dealing with water quality management or with the gathering, control and disposal of stormwater and floodwater within the county;
- I. Determine the type and amount of storm drainage and flood control works which are needed within the county, and establish comprehensive sets of plans and specifications for the works and have such plans and specifications readily available for public inspection;
- J. Arrange for public hearings regarding the installation of pipelines or other storm drainage facilities and such hearings as are required for administration of the Water Quality Management Plan;
- K. Coordinate policies and water quality management plan implementation with other area-wide water quality programs, air quality programs, solid waste disposal planning, etc., which are the responsibility of the Salt Lake Valley health department;
- L. Seek and obtain loans and grants for comprehensive water quality management planning by designated agencies and administer the same on behalf of the county in conjunction with designated management agencies;
- M. Upon request, assist the mayor and all local agencies concerned with flood control, storm drainage, and water quality in communicating with state and federal government agencies;
- N. Upon request, provide assistance to local entities in preparing and processing grant applications for flood control, storm drainage and water quality improvement projects;
- O. Sponsor research and/or supervise contract research and development, in cooperation with appropriate management agencies, to develop best management practices (BMPs) in nonpoint source pollution control;
- P. Assist management agencies in evaluating and improving water quality monitoring, testing and permit compliance activities;
- Q. Continually review new research in water quality which may be conducted by universities, industries or government/nonprofit agencies, and assure the availability of new information or developments to local agencies and organizations;
- R. Conduct other activities and perform such other duties as directed by the mayor;
- S. Establish criteria, engineering and otherwise, whereby applicants for building permits may be aware of, and plan for, the drainage requirements which must be met as a condition to receiving the division's approval for such permit.

(Ord. 1473 (part), 2001: Ord. 817 § 2 (part), 1982: prior code § 7-1-2)

#### 17.04.030 - Flood control and water quality division—Staff.

The director of the division shall recommend the employees and staff necessary to discharge the duties of the division. The number of employees and their respective salaries and qualifications shall be established each year as part of the budget process in conformance with the merit system and personnel policies of the county.

(Ord. 817 § 2 (part), 1982: prior code § 7-1-3)

#### 17.04.040 - Planning and development services division—Responsibilities.

The planning and development services division shall be responsible for the administration of drainage requirements for new development in the unincorporated territory of the county, including the collection and disposition of drainage fees and bonding. This section shall supersede any provisions in Sections 17.04.010 through 17.04.030 and Chapters 17.08 through 17.32 of this title placing such responsibilities with the flood control division.

(Ord. 1473 (part), 2001: Ord. 878 § 1, 1983: prior code § 7-9-1)

#### Chapter 17.06 - JORDAN RIVER SUB-BASIN WATERSHED MANAGEMENT COUNCIL

##### **Sections:**

##### 17.06.010 - Findings.

- A. Pursuant to the provisions of the Clean Water Act and the Utah Water Quality Act, the county has been designated and approved as the area wide water quality planning agency for Salt Lake County by the governor of the state and by the United States Environmental Protection Agency. Pursuant to state statutes, the county also has countywide responsibility for flood control on all natural channels and flood plains, including the Jordan River and its tributaries.
- B. The county recognizes that numerous federal, state and local government agencies have jurisdiction over and share responsibility for the management and regulation of the Jordan River and its tributaries which flow through Salt Lake Valley and which provide multiple uses, including flood control, wildlife and fishery habitat, recreation, and water supply for irrigation and other purposes.
- C. A need exists for increased communication and cooperation among these government agencies in order to promote efficient planning, implementation and coordination of management and regulatory activities pertaining to the Jordan River watershed, and also to prevent or minimize the occurrence of conflicting or duplicative efforts. Increased communication and cooperation among these government agencies can be effectively assisted through the creation of an interjurisdictional advisory council specifically designed to promote such communication and cooperation and which will assist the county in fulfilling its responsibilities for area-wide water quality planning and flood control activities.

(Ord. 1473 (part), 2001: Ord. 1231 § 1 (part), 1993)

##### 17.06.020 - Purpose of provisions.

The purpose and intent of this chapter is to (1) facilitate the performance of the responsibilities of the county with regard to its role as the area wide water quality planning agency for Salt Lake County and with regard to its countywide flood control authority, and (2) facilitate more effective communication and cooperation among the various government agencies which have jurisdiction over and share responsibility for the management and regulation of the Jordan River and its tributaries which flow through Salt Lake Valley.

(Ord. 1473 (part), 2001: Ord. 1231 § 1 (part), 1993)

##### 17.06.030 - Definitions.

For the purpose of this chapter, the following words shall have the following meanings:

"Jordan River sub-basin" means that portion of the Jordan River hydrologic unit extending from the Salt Lake County boundary with Utah County northward to the Davis County boundary, eastward including all Wasatch Canyon environs to the Wasatch and Summit County boundaries, and westward including all Oquirrh Canyon environs to the Tooele County boundary.

"Watershed" means all of the combined natural sub-basin drainage units within the Jordan River sub-basin, listed and on file with Salt Lake County. It includes designations for canyon and urban watersheds as single management units which contribute flow to the Jordan River and water storage to the Great Salt Lake.

(Ord. 1473 (part), 2001: Ord. 1231 § 1 (part), 1993)

#### 17.06.040 - Creation of management council.

There is established as an advisory council to Salt Lake County, named the "Jordan River sub-basin watershed management council," hereafter referred to in this chapter as the "management council."

(Ord. 1473 (part), 2001: Ord. 1231 § 1 (part), 1993)

#### 17.06.050 - Duties of management council.

The management council may meet as often as deemed necessary, according to current planning and management needs, and shall:

- A. Prepare an annual report, in coordination with all government agencies represented on the council, which addresses activities along the Jordan River and contributory watersheds relating to: Water quality and pollution control, flood control, parkway and other development, wildlife habitat and wetland conservation, and proposed plans to effectively manage and regulate these activities;
- B. Review and evaluate development proposals within the flood channel, flood plain, meander corridor, wetlands, and other areas of important riparian resource value along the Jordan River, and evaluate potential impacts of such proposals;
- C. Recommend and prioritize planning activities to address or mitigate impacts of development proposals, and coordinate among the parties to effectively review, monitor and evaluate the progress of plan implementation;
- D. Coordinate and integrate the interests of parties which may be impacted by proposals for development or mitigation, and assist local, state and federal management agencies in the prioritization of proposals for potential funding and cost sharing;
- E. Recommend priorities for acquisition of critical water-related resources, including wetlands, riparian corridors, meander corridors, wildlife reserves and park lands;
- F. Provide legislative and public education support for present and future stream and river corridor projects and programs, and encourage continuing review of new developments and considerations of innovative practices in technological, legal and administrative aspects of watershed management.

(Ord. 1473 (part), 2001: Ord. 1231 § 1 (part), 1993)

#### 17.06.060 - Composition and selection of management council members.

- A. The management council established in Section 17.06.040 above shall be comprised of one representative from each of the following government agencies:
  - A. Federal Agencies. U.S. Army Corps of Engineers Regulatory Section, Bountiful, Utah; and U.S. Fish and Wildlife Service, Salt Lake City, Utah;

- B. Utah State Agencies. Division of Water Quality, Division of State Lands, Division of Water Resources, State Engineer (Stream Alteration Permit Program), Division of Wildlife Resources, Division of Parks and Recreation, and Department of Agriculture;
- C. Local Agencies.
  - 1. Salt Lake County: Mayor's staff office, planning and development services division, engineering division, public works operations division, parks and recreation division, environmental health division, extension office, soil conservation district, and attorney's office;
  - 2. Municipalities, incorporated cities and towns.

Appointment to the management council shall be by the mayor with the advise and consent of the county council after receiving nominations from each specific agency or municipality. Upon appointment, each representative shall serve as a member of the council but may designate a substitute representative for any particular meeting or other purpose. The management council shall elect a chairperson and a vice-chairperson from among the members of the council. The representative from the Salt Lake County engineering division shall serve as executive secretary.

(Ord. 1473 (part), 2001: Ord. 1264 § 2, 1994: Ord. 1231 § 1 (part), 1993)

## Chapter 17.08 - FLOOD CONTROL FACILITIES

### Sections:

#### 17.08.010 - Definitions.

As used in this chapter:

"County facility" means any flood control, storm drainage, water quality control, or water conservation structure, facility, appurtenance, as well as any other property owned, constructed, maintained or controlled by or on behalf of the county, including such flood control facilities as are identified in Section 17.08.040 of this chapter.

"Governmental entity" means the state and its political subdivisions.

"Master plan design flow" means the flow amount set by a regional or local storm drainage master plan study conducted by a registered profession engineer.

"One percent annual chance flood" means the flood event having a one percent chance of being equaled or exceeded in any given year. The one percent chance flood is also referred to as the "base flood" or "one hundred-year flood."

"Political subdivisions" means any county, city, town, metro township, school district, public transit district, redevelopment agency, special improvement or taxing district, or any other political subdivision or public corporation.

"Responsible person" means a person including the property owner and any person or entity, including but not limited to firms, corporations, and government entities, whether as owner, agent, or occupant, who commits, aids in committing, contributes to, causes, supports, retains, or permits a violation of this title. Every successive owner or tenant of a property or premises who fails to correct the violation upon or in the use of property or premises caused by a former owner or tenant is also a responsible person. In cases where there is more than one responsible person, the county may proceed against one, some, or all of them.

"Structure" means that which is built or constructed, an edifice, building, or wall of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

"State of Utah" means the state of Utah or any office, department, agency, authority, commission, board, institution, hospital, college, university or other instrumentality thereof.

(Ord. No. 1800 § II, 9-13-2016; Ord. 827 § 2, 1982; Ord. 817 § 2 (part), 1982; prior code § 7-2-1 (part))

17.08.020 - Permit—Required.

- A. Required Permits. A permit from the division is required for:
1. Any structure, encroachment, facility, or appurtenance that interferes with, causes damage to, destroys, or uses for any purpose any county facility.
    - i. The county considers the following to interfere with, cause damage to, destroy, or use any county facility pursuant to Subsection 17.08.020(A)(1):
      - a. A structure, encroachment, facility, or appurtenance that compromises the structural integrity or lateral support of a county facility.
      - b. A structure, encroachment, facility, or appurtenance that impedes the ability of a county facility to withstand a one percent annual chance flood.
      - c. Adding, moving, or removing fill within or along any flood control facility or channel identified in Section 17.08.040.
      - d. Any structure or other encroachment that prevents access to or along a flood control facility, as identified in Section 17.08.040, upon property which the county has a property interest in or that is controlled in behalf of the county.
    - ii. The above does not constitute an all-inclusive list and the county is in nowise limited by this list when determining what interferes with, causes damage to, destroys, or uses a county facility.
  2. Any obstruction, material, or matter of any kind in a channel or drain or within or upon any flood control channel, reservoir, detention basin, debris basin, spreading ground or other property over which the county has an interest, that may operate to impede, retard or change the normal direction of the flow of floodwaters, stormwaters, or other waters, or that may catch or collect debris carried by such waters, or that may be carried downstream by such waters to the damage and detriment of adjacent private or public property, or that may degrade the quality of the water.
- B. Property Owner Responsibility. This provision is applicable to all responsible persons. The property owner is responsible for ensuring that all structures, encroachments, facilities, appurtenances, obstructions, etc., on his or her property are properly permitted by the division, and for ensuring his or her property's compliance with this title. To ensure compliance with this chapter, a property owner will contact the county's flood control division for all construction or landscaping activities within forty feet from the top of the county facility's bank to determine if permitting is necessary.
- C. Unpermitted Encroachments Prohibited. It is unlawful for any responsible person to construct any structure, encroachment, facility, appurtenance, or obstruction covered by Section 17.08.020 without first receiving a permit in accordance with Section 17.08.020 of this title, or to fail to remove any structure, encroachment, facility, appurtenance, obstruction, etc. that is not in compliance with this title when requested to do so by the county.
- D. Permit Applications. Application for permits shall be made to the director of the division and shall set forth the particular use desired and the purpose and duration of use. The division may impose such terms and conditions as may be necessary to provide for the carrying away and the safe disposal of natural stormwaters and floodwaters, and to prevent the destruction or obstruction of any such structure, facility, appurtenance, etc., and to ensure the proper maintenance and restoration of any such structure, facility, appurtenance or property. Permits shall be revocable when, in the discretion of the director of the division, the public interest and welfare so requires.

(Ord. No. 1800 § II, 9-13-2016; Ord. 817 § 2 (part), 1982; prior code § 7-2-1 (part))

17.08.030 - Exemptions.

The provisions of the above section shall not apply to any entry or use in the course of duty by any peace or police officer or by a duly authorized employee of the county.

(Ord. 817 § 2 (part), 1982: prior code § 7-2-2)

17.08.040 - Specific facilities.

A. The following facilities, wherever located in the county, including open channel sections and sections in conduit, are declared to be part of the storm drainage and flood control system and are subject to the provisions of this chapter relating to such facilities:

1. The Jordan River;
2. City Creek;
3. Red Butte Creek;
4. Emigration Creek;
5. Parley's Canyon Creek;
6. Mountain Dell Canyon Creek;
7. Lamb's Canyon Creek;
8. Mill Creek;
9. Neff's Creek;
10. Big Cottonwood Creek;
11. Little Cottonwood Creek;
12. Dry Creek from Bell's Canyon Reservoir to Jordan River;
13. Big Willow Creek;
14. Little Willow Creek;
15. Corner Creek;
16. Beef Hollow Creek Downstream from Camp Williams Boundary;
17. Wood Hollow Creek Downstream from Camp Williams Boundary;
18. Rose Creek;
19. Butterfield Creek;
20. Copper Creek;
21. Midas Creek;
22. Bingham Creek;
23. Barney's Creek;
24. Harker's Canyon Creek;
25. Coon Canyon Creek;
26. Utah Lake Distributing Company Canal;
27. Utah and Salt Lake Canal;
28. South Jordan Canal;

29. North Jordan Canal;
  30. Kennecott Canal;
  31. Riter Canal;
  32. Kersey Creek;
  33. C-7 Ditch;
  34. Lee Creek;
  35. 8000 West Drain—Utah and Salt Lake Canal to C-7 Ditch;
  36. Kearns-Chesterfield Drain—Utah and Salt Lake Canal to Jordan River including Decker Lake;
  37. Lee Drain—Lee Drain Pump Station to Lee Creek;
  38. Goggin Drain Surplus Canal to Great Salt Lake;
  39. Surplus Canal;
  40. 2700 West Drain—North Jordan Canal to I-215 Drain;
  41. I-215 Drain—4700 South to 4100 South and 2700 West Drain to Decker Lake;
  42. 4100 South Drain—3200 West to Jordan River;
  43. 4700 South Drains—South Jordan Canal to I-215 Drain and North Jordan Canal to Jordan River;
  44. 3200 West Drain—4700 South to 4100 South;
  45. 5400 South Drain—Utah and Salt Lake Canal to Jordan River;
  46. City Drain, West Branch from CWA 2 Drain to Sewage Canal;
  47. Sewage Canal from City Drain to Great Salt Lake;
  48. CWA 2 Drain from CWA 1 Drain to West Branch City Drain;
  49. CWA 3 Drain from Brighton Canal Extension to CWA 2 Drain;
  50. CWA 1 Drain from Roper Yard to CWA 2 Drain;
  51. 4th Avenue Drain—Virginia Street to City Creek;
  52. 8th South Drain—East High School Detention Basin to Jordan River;
  53. 7200 South Drain—East Jordan Canal to Jordan River;
  54. 9000 South Drain—Sandy Irrigation Canal to Jordan River;
  55. Salt Lake City Canal to Red Butte Creek;
  56. East Jordan Canal;
  57. East Jordan Canal Extension;
  58. 2700 South Storm Drain—Nibley Park Outfall to Mill Creek.
- B. If not owned by the county, the rights of the county in and to canals and storm drains specified above are limited to those included in specific agreements for their use with the owners of such facilities.
- C. The provisions of this chapter shall also apply to the following classes of facilities:
1. All collection storm drains and subsurface collection systems installed in dedicated easements and other easements in which the county has a legal interest, and located in the unincorporated county area;

2. All collection storm drains and subsurface collection systems installed in dedicated easements and located in the incorporated areas of the county through contracts and agreements specifically outlining duties and responsibilities of the city and county on each facility.

(Ord. No. 1784, § II, 4-14-2015; Ord. 1478, § 2, 2001; Ord. 1433, § 2, 1998; Ord. 918, § 1, 1985; Ord. 817, § 2 (part), 1982; prior code, § 7-2-5)

17.08.050 - Existing use—Permit not required.

No permit shall be required for any existing use of natural channels within the county for such beneficial purposes as are approved by the Office of the State Engineer for the state; nor shall it affect any water rights established by the State Engineer or by any court of competent jurisdiction. No provision contained in this title shall be construed to interfere with or permit the regulation, allocation or reallocation of water rights or water right use or of any culinary water collection or distribution system or waters and facilities used in connection therewith.

(Ord. 817 § 2 (part), 1982: prior code § 7-2-6)

17.08.060 - Performance bond required.

The division may require a performance bond to assure proper and timely completion of work authorized under a permit issued pursuant to Section 17.08.020, or to assure timely completion of improvements required under Section 17.08.080.

(Ord. 817 § 2 (part), 1982: prior code § 7-2-7)

17.08.070 - Control by the county.

Any and all projects which involve the drainage of stormwaters and floodwaters or which affect the quality of water which flows through all natural channels to be performed on any such projects, either existing or to be completed subsequent to the effective date of the ordinance codified in this title, shall be under the control and discretion of the mayor, and shall be subject to approval by the county council during its annual review of the budget of the flood control and water quality management program as prepared by the division.

(Ord. 1473 (part), 2001: Ord. 817 § 2 (part), 1982: prior code § 7-2-8)

17.08.080 - Review of development plans.

All plans for public and private development that will alter the natural flow of surfacewater upon the lands involved in the development shall be submitted to the division for review and approval prior to the commencement of work thereon. Plans for a development which will drain into a flood control or storm drainage facility maintained by a city shall be the responsibility of that city and submission of the plans to the division shall not be required. The city shall review such plans to assure compliance with those provisions of Section 17.08.020 applicable to city facilities which connect to those facilities identified in Section 17.08.040 of this chapter. The division may require the design of erosion and sediment control or other measures to protect the capacity of any flood control or storm drainage facilities or the quality of the water flowing through any part of the flood control and storm drainage system as defined in Section 17.08.040. "Water quality" or "quality of water," whenever used in this section, refers to and incorporates those definitions and standards which are set forth in the county's then-current water quality management plan, as established by the division.

(Ord. 817 § 2 (part), 1982; prior code § 7-2-3)

17.08.090 - Replacement and new bridges and culverts—Design criteria.

- A. Replacement and new bridges or culverts on the natural tributaries and open man-made channels, except irrigation canals, listed in Section 17.08.040, shall be sized for a frequency based on consideration of the benefits and costs derived from the improvements. As a minimum all such bridges and culverts shall be designed to pass the greater of the one percent annual chance flood discharge or the stormwater master plan design flow, where a master plan for the flood control facility has been adopted by the director of the division of flood control and engineering, unless the division director shall deem such level of protection unwarranted. In addition to the design flow, consideration shall be given to the freeboard necessary to pass debris and accommodate bed load and bulking.

(Ord. No. 1800 § II, 9-13-2016; Ord. No. 1702, § II, 5-3-2011; Ord. 921, § 1, 1985; prior code § 7-2-9)

17.08.100 - Enforcement and penalties.

All enforcement of these provisions shall be conducted in accordance with Chapter 17.32 of this title.

(Ord. No. 1800 § II, 9-13-2016)

**Editor's note**— Ord. No. 1800 § II, adopted August 13, 2016, repealed § 17.08.100, and enacted a new § 17.08.100 as set out herein. Former § 17.08.100 pertained to obstruction of or damage to facilities prohibited and derived from prior code § 7-2-4; Ord. 817, adopted in 1982; and Ord. 827 adopted in 1982.

Chapter 17.10 - JORDAN RIVER FLOOD CHANNEL MANAGEMENT

**Sections:**

17.10.010 - Findings.

- A. The Jordan River in Salt Lake County is a dynamic landform continually undergoing the processes of bank erosion, long-term channel bed degradation, bridge scour, sediment deposition and meander migration. Potential flooding hazards along the river corridor are directly related to natural erosion and sedimentation processes that are part of the river's natural dynamics and also to human activities that include channel straightening, urbanization of the watershed, and changing land use within the river corridor.
- B. The Jordan River has experienced both episodic and gradual channel movement throughout the past one hundred thirty-six years. The most recent episode of severe bank erosion and channel movement occurred during the 1983—1987 floods. Recent studies indicate that channel instability hazards along the river will continue to occur and may increase in severity with changing flow regimes and hydrologic cycles, such that a completely stable slope and channel pattern will never occur.
- C. In order to better provide for the protection and use of the Jordan River channel for storm drainage and flood control, it is necessary and desirable to adopt a county-wide management plan designed to promote greater channel stability within the flood channel corridor.

(Ord. 1271 § 1 (part), 1994)

17.10.020 - Purpose of provisions.

The purpose of this chapter is to protect the public health, safety and general welfare of the citizens of the county by adopting regulations designed to:

- A. Establish the boundaries of the Jordan River flood channel under the statutory jurisdiction of the county for purposes of county-wide flood control;
- B. Provide for the protection and use of the Jordan River flood channel located within both the unincorporated county and the incorporated municipalities within the county;
- C. Provide for the most effective expenditures of public funds for flood control projects on the Jordan River;
- D. Minimize damages due to flooding and the resulting need for expenditures of public funds for relief and rescue efforts which must be undertaken as a result of the encroachment of incompatible development and land uses within areas subject to erosion and flooding by the Jordan River;
- E. Ensure that those who occupy the areas within the Jordan River flood channel assume responsibility for their actions which may increase flood or erosion hazards to their own property or to the property of others.

(Ord. 1271 § 1 (part), 1994)

17.10.030 - Definitions.

As used in this chapter:

"Channel instability hazard(s)" means any or all of a variety of problems affecting river channel stability including, but not limited to, bank erosion, long-term channel bed degradation, bridge scour, sediment deposition and meander migration.

"Channel meander" means lateral movement of the river by various fluvial processes including erosion and deposition at bends, the shift of a channel to form chutes and islands, and the cutoff of a bend to form oxbow lakes.

"Construction" or "development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating or bank stabilization activities.

"Long-term channel bed degradation" means a significant erosion problem affecting river channel stability, characterized by progressive channel scour which lowers the channel bottom, causing a variety of channel stability problems such as undercutting of channel banks, destabilizing of bank vegetation, and undermining bridge piers and utility crossings.

(Ord. 1271 § 1 (part), 1994)

17.10.040 - Applicability.

- A. The regulations in this chapter are applicable to all lands within the Jordan River flood channel located within the unincorporated county and the incorporated municipalities in the county.
- B. The boundaries of the Jordan River flood channel are established and designated to be those coinciding with the "meander corridor" as shown on the channel meander/bend migration corridor maps on file with the county engineering division. The location and dimensions of these boundaries are identified in a scientific and engineering report entitled "Jordan River Stability Study," December 18, 1992, submitted to Salt Lake County by CH2M Hill, with accompanying maps and appendix, and

any revisions thereto. The "Jordan River Stability Study" is adopted by reference and declared to be part of this chapter as if fully described and set forth herein.

(Ord. 1271 § 1 (part), 1994)

17.10.050 - Disputes over boundaries or mapped hazards.

The boundary lines of the Jordan River flood channel as shown on the channel meander/bend migration corridor maps shall be determined by use of the scale appearing on the maps and through photo identification. Where there is a conflict between the boundary lines illustrated on the maps and actual field conditions, or where detailed investigations show that channel instability hazards are not present within a particular area, the dispute shall be settled as follows:

- A. The person or entity disputing the boundary or the hazard(s) present within a particular area shall submit technical and geologic evidence to support such claim to the county engineering division in the form of a site-specific channel stability report (see Section 17.10.080).
- B. The engineering division may request various experts from federal, state or local agencies to review the evidence and make recommendations prior to making a decision concerning the dispute.
- C. The engineering division may allow deviations from the mapped boundary line only if the evidence clearly and conclusively establishes that the channel meander/bend migration corridor map boundary location is incorrect, or that channel instability hazards are not present within a particular area.
- D. Any decision of the engineering division relating to either the location of the channel meander/bend migration corridor boundary line or the hazard(s) present within a particular area may be appealed to the mayor pursuant to the procedures set forth in Section 17.10.140.

(Ord. 1473 (part), 2001: Ord. 1271 § 1 (part), 1994)

17.10.060 - Scope and conflict of laws.

The regulations in this chapter shall be supplemental to, and not in lieu of, all other applicable federal, state and local laws and regulations. Property located within the Jordan River flood channel shall be developed and used only in conformance with the provisions set forth in this chapter. In case of conflict between the provisions of this chapter and any other law or regulation, the most restrictive provisions shall apply.

(Ord. 1271 § 1 (part), 1994)

17.10.070 - Construction or development—Special approval and permit required.

- A. Before construction or development begins within any area of the Jordan River flood channel established in Section 17.10.030, approval must be obtained from, and a special permit issued by, the county engineering division. Application for such approval and permit shall be made on forms furnished by the engineering division and shall include, but not be limited to:
  1. Plans drawn to scale (six copies) showing the nature, location, dimensions and elevations of the area in question, including existing and proposed structures, fill, storage of materials, and drainage facilities; and
  2. A description of the extent, if any, to which the river, including its bed, banks and flood channel, are proposed to be altered or relocated as a result of the proposed construction or development.

- B. It is unlawful, and punishable as a misdemeanor, for any person or entity to begin construction or development within any area in the Jordan River flood channel without first obtaining the approvals and permit required by this chapter.

(Ord. 1271 § 1 (part), 1994)

17.10.080 - Studies and reports required.

Any applicant requesting approval for construction or development within any area of the Jordan River flood channel shall submit to the county engineering division six copies of the following studies and reports:

- A. A site-specific channel stability report prepared by a registered professional engineer experienced in open-channel flow, fluvial geomorphology, and river mechanics identifying all known or potential channel instability hazards, originating on-site or off-site, which may affect the particular property and any upstream or downstream properties. This report shall include:
1. A detailed site map (scale: One inch equals one hundred feet or larger), showing the location of the present river bed within the channel meander/ bend migration corridor, the location of all known or potential channel instability hazard areas, and the proposed location and setback distances for all proposed structures;
  2. An analysis of the potential effects of any channel instability hazards on the proposed development and occupants thereof in terms of risk and potential damage;
  3. Recommendations for avoidance or mitigation of the effects of any channel instability hazards, consistent with the purposes set forth in Section 17.10.020;
  4. An analysis of the potential effects of the proposed development, including recommended avoidance or mitigation activities, on upstream or downstream properties, developments, and occupants thereof in terms of risk and potential damage; and
  5. A clear statement of the evidence and studies on which the recommendations and conclusions in the report are based, including supporting information such as aerial photographs, references with citations, and other documentation.
- B. Other studies, reports and plans shall be prepared and submitted by the applicant, at applicant's expense, as deemed necessary by the director of the engineering division where particular circumstances may require an analysis of more specific site-related problems involving such topics as geology, hydrology, soils, vegetation, drainage and grading.

(Ord. 1271 § 1 (part), 1994)

17.10.090 - Duties of director of engineering division—Review of permit application.

- A. The director of the county engineering division shall be responsible to review all applications, including studies, reports and plans, and shall determine:
1. Whether the proposed construction or development is located within the Jordan River flood channel;
  2. Whether the application, studies, reports and plans satisfy the requirements set forth in Sections 17.10.070 and 17.10.080 of this chapter;
  3. Whether the proposed construction or development is compatible with the county's protection and use of the Jordan River flood channel for purposes of storm drainage and flood control. In making this determination, the director shall specifically consider the following factors:

- a. The potential effects of any channel instability hazards on the proposed development and occupants thereof in terms of risk and potential damage,
  - b. The potential effects of the proposed development, including recommended avoidance or mitigation activities, on upstream or downstream properties, developments and occupants thereof in terms of risk and potential damage,
  - c. The feasibility and effectiveness of proposed measures for avoidance or mitigation of the effects of any channel instability hazards, consistent with the purposes set forth in Section 17.10.020,
  - d. The public importance, benefit or necessity of the facilities and services provided by the proposed development,
  - e. The compatibility and relationship of the proposed development with the comprehensive flood channel management program for the Jordan River and for that particular area,
  - f. The safe and effective accessibility to the property and the flood channel by governmental employees and equipment for the construction, operation, and maintenance of erosion and flood control facilities and also for emergency operations,
  - g. The costs of providing governmental services during and after erosion or flood events, including costs for construction, operation, maintenance, and repair of erosion and flood control facilities, and
  - h. The compatibility of the proposed development with other applicable county ordinances relating to the Jordan River, including but not limited to the Jordan River Parkway Ordinance.
- B. The director may, when deemed necessary or desirable, request and give consideration to recommendations from other federal, state, or local government agencies.

(Ord. 1271 § 1 (part), 1994)

17.10.100 - Duties of director of engineering division—Approval procedure.

- A. Upon completion of the review process, the director of the engineering division shall either approve or deny the permit application. Approval of an application shall only be given upon a determination that, based on the required studies, reports, plans and other available data, the proposed construction or development plan is compatible with, and does not adversely affect, the county's right to protect, operate, maintain and use the Jordan River flood channel for flood control and storm drainage purposes. Whenever the director determines that an area is subject to flood or erosion hazards which present an unreasonable risk to the safety of persons or property, including public property, such area shall not be approved for construction or development unless the applicant can demonstrate that such risk can be reduced to a reasonable and acceptable level.
- B. If the application is approved, the director shall issue a special permit, incorporating the application together with any additional requirements determined to be necessary to ensure that the purposes of this chapter are met. Such requirements may include, but are not limited to: Construction of specific erosion and flood control improvements, location of structures, phasing of development, time schedule for completion, and revegetation program.
- C. If the application is denied, the decision of the director of the engineering division may be appealed to the mayor pursuant to the procedures set forth in Section 17.10.140.
- D. The director of the engineering division shall maintain for public inspection all records pertaining to the provisions of this chapter.

(Ord. 1473 (part), 2001: Ord. 1271 § 1 (part), 1994)

17.10.110 - Subdivisions in the Jordan River flood channel—County approval required prior to recording.

- A. All proposed subdivision plats in the unincorporated county and in the incorporated municipalities in the county which are located wholly or partly within the Jordan River flood channel, as shown on the Jordan River channel meander/bend migration corridor maps on file with the county engineering division, shall be reviewed and approved by the county engineering division prior to their presentation to the office of the county recorder for recording.
- B. In reviewing a proposed subdivision plat, the director of the engineering division shall follow the review and approval procedures set forth in Section 17.10.080.
- C. It is unlawful, and punishable as a misdemeanor, for any person or entity to record a subdivision plat in the office of the county recorder without first obtaining the approvals required by this chapter.
- D. Any plat of a subdivision filed or recorded without the approvals required by this chapter is void.

(Ord. 1271 § 1 (part), 1994)

17.10.120 - Disclosure required.

Whenever a channel stability report required under this chapter concludes that channel instability hazards are present, the owner of such parcel shall record a restrictive covenant running with the land in a form satisfactory to the county prior to the approval of any construction, development, or subdivision of such parcel, which includes the following:

- A. Notice that the parcel is located within the Jordan River flood channel and that channel instability hazards are present;
- B. Notice of the existence and availability of the channel stability report for public inspection in the county engineering division;
- C. An agreement by the owner of the parcel and any successor in interest to comply with any conditions set by the director of the engineering division to minimize potential adverse effects of the channel instability hazards.

(Ord. 1271 § 1 (part), 1994)

17.10.130 - Warning and disclaimer.

- A. Historically, large floods periodically occur in the Jordan River flood channel, resulting in bank erosion, long-term channel bed degradation, bridge scour, sediment deposition and meander migration. The provisions of this chapter relating to erosion and flood protection are considered reasonable for regulatory purposes and are based on scientific and engineering considerations. It is anticipated that land within the Jordan River flood channel will continue to be subjected periodically to hazards and damages caused by erosion and flooding.
- B. This chapter shall not create any liability on the part of the county, or any officer or employee thereof, for any erosion or flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

(Ord. 1271 § 1 (part), 1994)

17.10.140 - Appeal procedure.

- A. Any applicant may appeal an adverse decision by the engineering division or its director by filing a notice of appeal with the mayor. The mayor shall hold a public hearing on the record and take such

evidence as necessary to determine whether the decision by the engineering division was proper under the facts and the law.

- B. The mayor may designate a hearing officer to conduct the hearing and prepare recommended findings of fact, conclusions of law, and decision. Either party may object to the recommendations of the hearing officer by filing the party's objections and reasons, in writing, with the mayor within ten days following receipt of the recommendations. If no objections are received within the ten days, the mayor may immediately adopt the recommendations of the hearing officer and issue its decision. If objections are received, the mayor may hear additional evidence or require written memoranda on issues of fact or law prior to issuing the final decision.

(Ord. 1473 (part), 2001: Ord. 1271 § 1 (part), 1994)

#### Chapter 17.12 - DRAINAGE OF SUBSURFACE WATER

##### **Sections:**

##### 17.12.010 - Written permission required.

It is unlawful for any person to make any improvements in the unincorporated area of the county where subsurface water exists within two feet of the foundation level of the improvements without obtaining the written permission of the director of planning and development services division. This requirement shall include, but not be limited to, subdividers; persons developing ground for industrial and/or commercial purposes; and homeowners constructing improvements upon their own property.

(Ord. 1473 (part), 2001: Ord. 817 § 2 (part), 1982: prior code § 7-3-1)

##### 17.12.020 - Minimum standards.

Before written permission is issued, the director shall insure that the following requirements are met:

- A. Test holes shall be dug upon the properties to a depth sufficient to determine the extent of the subsurface water table in the proposed development to include the depth thereof and any other information regarding same which may be required by the division;
- B. All applicants must supply data as to seasonal high water table elevations;
- C. All footings shall be at least two feet above the highest water table elevations; and the type of house construction or other development shall be governed by this standard, or by a satisfactory design approved by a licensed professional engineer which shall be submitted to the director for approval;
- D. In areas where soil conservation maps indicate high water tables, as defined in Section 17.12.010, and in all other questionable areas that might be designated as high water tables by the director of the division, no building permits will be issued without water table inspection during high water table season by a representative of the division or a review of similar inspections of other properties in the same designated area;
- E. The developer shall provide drainage easements to the county along all rear, side and front lot lines for drainage purposes whenever required to accommodate subsurface drainage facilities that are constructed in order to lower groundwater levels. The size of the easement shall be determined by the planning and development services division and shall in all events be a minimum of ten feet. The director shall recommend whether the drainage easements shall be separate from other utility easements or shall be used concurrently with the easements;

- F. All grading of any kind shall be done so as to insure that the drainage is away from the proposed improvements and in such a manner as to prevent any conveying or trapping of water adjacent to the basement and foundation walls of the improvement.

(Ord. 1473 (part), 2001: Ord. 817 § 2 (part), 1982: prior code § 7-3-2)

## Chapter 17.20 - STORM DRAINAGE AND FLOOD CONTROL DEVELOPMENT

### Sections:

#### Article I. - General Provisions

##### 17.20.010 - Purpose.

The purpose of this chapter is to establish and provide means, rules and regulations for the control and discharge of floodwaters or excess waters caused by the construction of improvements upon real property located in the county.

(Ord. 817 § 2 (part), 1982: prior code § 7-5-1)

##### 17.20.020 - Definitions.

For the purposes of this chapter, the definitions of the following terms shall apply:

"Building permit" means all permits except those issued solely for grading or for the purpose of remodeling or repairing any preexisting building or structure, provided that no increase in impervious surface on the property results from such permit.

"Design capacity" or "capacity of drainage systems" means the maximum volume of water per unit of time which can be carried or accommodated by each component of a drainage system, based upon size of the line, slope, and any other factors which affect the carrying capacity of a line.

"Development site," "development" or "subdivision" means the total area of a subdivision or the total area of the parcel of land on which a building permit is to be issued or the total area of property being improved, including yard space in the case of development of a part of a land parcel.

"Director" means the planning and development services director or designee.

"Division" or "planning and development services division" means the director and other authorized agents and employees of the planning and development services division of the department of public works of the county.

"Drainage area" means that portion of a drainage basin whose drainage or storm waters drain or gravitate toward a natural or artificial channel, conduit, retention or detention area; upon designation of a drainage area upon a map referred to in Section 17.20.050, "drainage area" means each area so designated.

"Drainage basin" means that portion of the unincorporated county whose drainage or stormwaters of the contributing area is made up of individual drainage areas; upon designation of a drainage basin upon a map referred to in Section 17.20.050, "drainage basin" means each area so designated.

"Drainage system" means all facilities used for conducting excess waters to, through and from a drainage area to the point of final retention or destination, including, but not limited to, any or all of the following: pipes, conduits, culverts, curbs, gutters, waterways, inlets, swales, ditches, gulches, channels, retention and detention areas, and appurtenant features, as well as easements and rights-of-way necessary to accommodate the same. In ascending order of size and capacity, components of the drainage system include the following: unit drainage system, intermediate drainage system, major

drainage system, trunk line, natural tributary, final destination. A drainage system may, but need not, contain all of the foregoing components.

"Excess waters" mean those waters flowing upon or across a lot, subdivision, development or other area of real property which are created because of alteration of or building upon the natural terrain or other increase in the impervious surface of the property, which waters are additional to the waters which would flow upon or across the unaltered natural terrain.

"Final destination" means a natural or artificial retention area which serves one or more drainage basins into which excess waters are discharged, without subsequent discharge into any other drainage system, facility or retention or detention area or facility.

"Intermediate drainage system facility" means that part of the drainage system which serves one or more single units, subdivision or development drainage system facilities, which conveys excess waters from a unit or subdivision, and which is tributary to a major drainage system facility, a trunk line, natural tributary or final destination. Facilities within this system will be designed to fully accommodate a ten-year frequency flood.

"Major drainage system facility" means that part of the drainage system within a drainage area which is contributed to by one or more unit and intermediate drainage systems. A major drainage system facility is tributary to a trunk line, natural tributary or final destination.

"Mayor" means the Salt Lake County mayor or designee.

"Natural tributary" means that part of the drainage system contributed to by one or more trunk lines, major, intermediate and unit drainage systems; is a natural channel, ditch or river, and which is tributary solely to a final destination.

"One-hundred-year frequency flood" means a flood flow of the magnitude which is expected to occur on the average of a one-hundred-year frequency or has a one-percent chance of being equaled or exceeded during any one year. Similarly, two, five, ten and other year frequency floods bear like definition.

"Retention" means temporary or permanent accumulation of excess waters and/or other stormwaters, and shall include the total or partial accumulation of such waters. In the case of partial retention, the retention facilities shall include carriage of the portion not retained to an intermediate or major drainage system facility, trunk line, natural tributary or final destination.

"Stormwaters" means a storm or flood flow of the magnitude which is expected to occur on the average of a ten-year frequency or has a ten-percent chance of being equaled or exceeded during any one year.

"Trunk line" means that part of the drainage system contributed to by one or more drainage areas and unit, intermediate and major drainage system facilities within such drainage areas. A trunk line transports excess waters to a natural tributary or final destination.

"Unit or subdivision drainage facility" means that drainage system which drains a subdivision or other development area and which is tributary to an intermediate or major drainage system facility, trunk line, natural tributary or final destination.

(Ord. 1473 (part), 2001; Ord. 1442 § 3 (part), 1999; Ord. 1055 § 2, 1988; Ord. 990 § 1, 1986; Ord. 817 § 2 (part), 1982; prior code § 7-5-2)

#### 17.20.030 - Applicability.

This chapter shall apply to all development in the unincorporated area of the county and within the incorporated area of any city or metro township that shall by agreement request the county to administer this program within its boundaries. This chapter shall apply to all portions of the county or metro township drainage system constructed or completed from and after the effective date of the ordinance codified in this chapter. The county, with the approval of the developer, where applicable, may include the

application of this chapter to facilities, and benefited areas served thereby, which were under construction after January 1, 1979.

(Ord. No. 1817, § II, 8-8-2017; Ord. 817 § 2 (part), 1982: prior code § 7-5-3)

17.20.040 - Owner and county responsibility.

- A. It is the responsibility and obligation of the owner of real property to control and contain or to discharge into a drainage system facility excess waters from storm or flood caused by the construction of improvements upon real property in the county. Consistent with the terms and provisions of this chapter, an owner's responsibility includes construction, at such owner's expense, or in cooperation with other owners, or by payment to the county of stormwater facilities impact fees as provided in Sections 17.20.710 through 17.20.760 of (1) unit drainage system facilities; (2) intermediate drainage system facilities; and (3) major drainage system facilities, required to convey excess waters originating in the unit or subdivision to a trunk line, natural tributary or final destination.
- B. The county's responsibility is to provide, at county expense, for trunk lines required to serve unit, intermediate and major drainage system facilities in the county, and to maintain unit, intermediate and major drainage system facilities dedicated to the county, trunk lines, natural tributaries and final destinations adequate to serve the various facilities and trunk lines which are tributary to them. Additionally, the county may, but is not obligated to, construct intermediate and/or major drainage system facilities pursuant to Section 17.20.160. The county council, through its budget process, including review of amounts received under Sections 17.20.170 through 17.20.220, shall establish priority and determine each year which facilities will be constructed that year at county expense.

(Ord. 1473 (part), 2001: Ord. 1442 § 3 (part), 1999; Ord. 817 § 2 (part), 1982: prior code § 7-5-4)

17.20.050 - Delineation of drainage basins and areas.

As soon as practicable after the adoption of the ordinance codified in this chapter, the boundaries of the drainage basins and drainage areas of the county will be delineated upon a map or maps. The work shall be done by the planning and development services division or by qualified consultants under its direction.

(Ord. 1473 (part), 2001: Ord. 1055 § 3, 1988: Ord. 817 § 2 (part), 1982: prior code § 7-5-5)

17.20.060 - Engineering studies—Maximum volumes of excess stormwater.

- A. The division shall cause engineering studies to be made of all drainage areas within the county. These studies shall be made to determine the amount or volume, frequency, and course of excess and stormwaters, and any drainage system now provided or to be provided for the drainage and control of excess or storm waters within said areas, including location of outfall or disposal points. Previous studies made by the county or others shall be considered in whole or in part if applicable.
- B. These studies shall from time to time be updated or amended as necessary to reflect changed conditions. Studies in individual drainage areas, developments, proposed subdivisions, existing subdivisions or other property may be completed by professional engineers for private developers under the direction of the county if the county cannot complete the studies as soon as required for development due to staff or budget constraints.
- C. In conducting the studies referred to in this section, the analysis of storm drainage flows and facilities shall be performed by professional engineers competent in hydrology and hydraulics and

shall be in accordance with sound engineering practices. Location of existing storm drainage facilities will be coordinated with the division.

- D. In all cases flows shall be based upon present conditions and potential for future development of the county, taking into consideration the current elements of the land use master plan of the county, current as of the date of the study, relating to the drainage basin and other relevant factors, including changes in zoning or development which are not reflected on the master plan.
- E. The maximum stormwater release rate exiting the developed property into an approved system shall be based upon the results of the above studies. If unavailable, it shall be the lesser of the predevelopment release rate or 0.2 cfs/acre, unless otherwise approved by the division for good cause.

(Ord. No. 1817, § III, 8-8-2017; Ord. 1055 § 4, 1988; Ord. 990 § 2, 1986; Ord. 817 § 2 (part), 1982: prior code § 7-5-6)

#### 17.20.070 - Control of development excess waters.

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. He shall also provide:

1. The intermediate drainage system facilities required to convey such stormwaters:
  - a. To a major drainage system facility in existence on the effective date of the ordinance codified in this chapter, or
  - b. To a major drainage system constructed after the date of the ordinance codified in this chapter, or
  - c. To a trunk line, natural tributary or final destination; or
2. The intermediate and 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; or
3. The facilities to retain excess waters on designated portions of the land to be improved or developed or facilities upon other lands to which the stormwaters may be conveyed and upon which the owner or developer has legal right to retain such excess waters in accordance with Sections 17.20.530 through 17.20.590 of this chapter; or
4. A temporary area, not part of the proposed development, to allow runoff waters to absorb naturally until the intermediate or major drainage system is completed, in which case the provisions of Section 17.20.580 shall apply. Said temporary area shall in no case be less than one-half of all the developed drainage area tributary to it; or
5. Shall meet all provisions set forth in Sections 17.20.150 and 17.20.220. The owner or developer shall also be responsible for safely routing the one hundred-year frequency flood through the development as provided for in the county flood hazard regulations. The county retains the regulatory and approval function specified in this chapter in connection with unit, intermediate and major facilities constructed by an owner or developer.

(Ord. No. 1817, § IV, 8-8-2017; Ord. 817 § 2 (part), 1982: prior code § 7-5-7)

#### Article II. - County Drainage System

##### 17.20.080 - Generally.

The provisions of this article apply where the county installs, at its expense, intermediate or major drainage system facilities to which intermediate or unit drainage system facilities of a subdivision or development are connected. The provisions of this article also apply to any developer or private person desiring to connect the intermediate or unit drainage facilities of a subdivision or development to the county or metro township drainage system.

(Ord. No. 1817, § V, 8-8-2017; Ord. 817 § 2 (part), 1982: prior code § 7-5-8)

17.20.090 - Studies of needed drainage facilities.

- A. In connection with the studies contemplated under Section 17.20.060, the division may designate areas where the studies shall determine the intermediate and major drainage system facilities to be provided for the drainage and control of excess waters within the areas and to convey such waters to acceptable trunk lines, natural tributaries or final destinations. Previous studies made by the county or others shall be considered in whole or in part if applicable.
- B. These studies shall include a current estimate of the cost of providing the intermediate and major drainage system facilities, and the computation of such costs shall include the expense of the studies as well as anticipated engineering design services, construction engineering and inspection services, land acquisition and incidental costs required to install such facilities.

(Ord. 1055 § 5, 1988; Ord. 817 § 2 (part), 1982: prior code § 7-5-8.1)

17.20.100 - Design criteria.

- A. In conducting the studies referred to in Section 17.20.090, the analysis and design of storm drainage flows and facilities shall be performed by professional engineers competent in hydrology and hydraulics and shall be in accordance with sound engineering practices.
- B. In developing the studies every effort shall be made to promote economy in the proposed drainage design by selection of facilities for accommodating drainage flow and the use of materials and methods of construction that provide the most advantageous balance between the cost of the facilities and the benefits received therefrom. Innovative approaches that reduce the overall requirement or cost of capital construction shall be encouraged.
- C. In all cases flows shall be based upon conditions of future development of the county, taking into consideration the current elements of the land use master plan of the county relating to the drainage area and other relevant factors, including changes in zoning or development which are not reflected on the master plan.

(Ord. 990 § 3, 1986; Ord. 817 § 2 (part), 1982: prior code § 7-5-8.2)

17.20.110 - Map requirements.

As studies and maps for individual drainage areas are completed in accordance with Sections 17.20.050 and 17.20.060 in areas where the county may construct intermediate or major drainage system facilities, the necessary major drainage system facilities and intermediate drainage system facilities, together with the design capacities thereof, shall be shown on the map or maps. The map or maps shall be approved by the division and shall serve as designations of the respective drainage area boundaries and the drainage system requirements within the area. The map or maps will be subject to revision from time to time to conform with existing conditions, the results of additional studies, and such other information as may be obtained from time to time.

(Ord. 817 § 2 (part), 1982: prior code § 7-5-8.3)

17.20.120 - Designation of benefited area.

The division shall designate the area to be served by the intermediate or major drainage system facilities to be constructed by the county. The drainage area shall be designated in a manner consistent with the provisions of Section 17.20.050. The drainage basin or area so designated shall be referred to as the CDS (county drainage system) benefited area.

(Ord. 990 § 4, 1986: Ord. 817 § 2 (part), 1982: prior code § 7-5-8.4)

17.20.130 - Removal of property from benefited area.

Upon written request from the owner of any property in the CDS benefited area to have his land excluded from the CDS benefited area; and (A) evidence that such land can be developed in a manner consistent with the retention plan designated in Section 17.20.530; and (B) written election in recordable form that the owner shall not make alterations or improvements that will result in excess waters from storm or flood draining into the county drainage system, and that such election is binding on successors and assigns, the owner's property shall be excluded from the CDS benefited area. Requests for exclusion from the CDS benefited area shall be considered until final plans and specifications are approved prior to letting of bids for the construction of the intermediate and/or major drainage system facilities to be constructed by the county. Unless so excluded, all land within the CDS benefited area will be subject to payment of the stormwater facilities impact fee designated in Sections 17.20.710 through 17.20.760 as a condition precedent to issuance of a building permit or construction of improvements upon the land.

(Ord. 1442 § 3 (part), 1999: Ord. 817 § 2 (part), 1982: prior code § 7-5-8.5)

17.20.140 - Responsibility of owner or developer.

- A. The owner or developer of land to be improved or developed shall provide, at his expense, the unit or subdivision drainage system facilities within each development necessary for the drainage and control of excess waters within the development.
- B. The county may undertake the construction of the intermediate or major drainage system facilities required to convey drainage waters to an acceptable trunk line, natural tributary, or final destination within or at the boundary of the drainage area, as may be indicated on the drainage area or map for the drainage area within which the development is located.
- C. The developer or owner shall be responsible for the payment of a unit area drainage fee, which fee shall be applied toward the payment of all or part of the cost of the intermediate or major drainage system facilities constructed or to be constructed by the county in the area in which the development is located.

(Ord. 1442 § 3 (part), 1999: Ord. 990 § 5, 1986: Ord. 817 § 2 (part), 1982: prior code § 7-5-8.6)

17.20.150 - Stormwater drainage facility plans, specifications, and geographic information system ("GIS") data required.

- A. Prior to the final approval of a subdivision or development plan or building permit associated with a subdivision or development plan, or in the case of a single lot development, a single building permit, the owner or developer shall:
  - 1. At developer or owner's expense, have prepared by a professional engineer licensed to practice in the state of Utah, as required by the division, detailed plans and specifications for the construction and installation of all unit or subdivision drainage facilities for the control and drainage of excess water within the development, or the part thereof for which a building permit

has been requested, and the carriage of such water to an acceptable intermediate or major drainage system facility or to a trunk line, natural tributary, a final destination as agreed to by the division, all in conformance with the master plan of the drainage area or drainage basin as approved by the county, together with the estimated total costs of these facilities.

2. In addition to the above required plans and specifications, before final approval and the issuance of a building permit, the developer or owner shall provide to county GIS data corresponding to the approved plans. Any changes during construction will require additional GIS data to be submitted with the final approved as-built drawings. All GIS data shall be submitted in the following format:
  - i. All GIS data shall be submitted in conformance with County Policy 1013, "Standards for Geographic Information System" and the "Salt Lake County Public Works Engineering GIS Standards," as approved by the Salt Lake County GIS Steering Committee and on file with Salt Lake County Engineering. The County reserves the right to reject any GIS data that is provided and is not in compliance with the above standards.
  - ii. This shall be done at the developer or owner's expense. If a developer or owner does not provide the required GIS data, the county may complete the work in the developer or owner's behalf and the developer or owner shall pay to the county the cost of completing the work at the hourly rate approved by the county council for such work. If the developer or owner fails to pay for such work, the county may pursue legal action to recover these costs.
  - iii. Developers with a cost as estimated by the public works department of ten thousand dollars or less may, prior to construction, petition the Division for an exemption from the GIS requirements of this chapter. The decision of the public works director shall be final.
- B. In lieu of completion of the drainage system prior to final approval of the subdivision or development plan by the county, the developer or owner shall provide a performance bond guaranteeing actual construction and installation of the facilities pursuant to a schedule approved by the division director, and must do so before recording the plat. A developer or owner opting to complete drainage system before recording the plat shall be required by division to post an improvement warranty period assurance of ten percent, or of the maximum allowed by state law. The division shall not accept said facilities nor recommend the release of the final ten percent of the bond or the improvement warranty period assurance until updated as-built drawing GIS data is received by county and all other requirements are met.
- C. Upon completion of review and approval by the division director, the subdivision or development plan or building permit may be given final approval.
- D. Final approval and building permits for individual homes, buildings or similar improvements (other than the subdivision and intermediate drainage system facilities) may be given final approval only if the owner or developer gives acceptable assurance to the county that the drainage facilities will be constructed and installed as indicated and approved. Acceptable assurance shall consist of any one of the types of performance guarantees defined in Section 17.28.010.

(Ord. No. 1817, § VI, 8-8-2017; Ord. 817 § 2 (part), 1982: prior code § 7-5-8.7)

#### 17.20.220 - Temporary facilities permitted when.

- A. The division shall approve temporary drainage solutions providing for on-site detention or retention that will allow development to continue pending completion of the intermediate or major drainage system. The temporary solutions shall provide the same level of flood protection at all times that will be provided by the completed systems. All extraordinary costs of temporary solutions shall be paid by the developer in addition to the other costs and fees provided for in this chapter.

- B. The division shall make the determination of the required scope of temporary facilities or improvements prior to the issuance of a building permit or approval of a final plat or development plan, whichever first occurs.

(Ord. 990 § 8, 1986: Ord. 817 § 2 (part), 1982: prior code § 7-5-8.9(e))

17.20.240 - Connection to county facility required.

Neither the county nor any other owner or developer of land in the CDS benefited area shall subsequently construct an intermediate or major drainage system facility to serve land intended to be served by an intermediate and/or major drainage system facility designed to serve such land and constructed by the county pursuant to the provisions of this Article II. Any unit or intermediate drainage system facility constructed by an owner or developer shall be connected to the intermediate or major drainage system facility constructed by the county pursuant to this Article II, and the owner or developer shall be responsible for payment of the fees required by Section 17.20.280.

(Ord. 817 § 2 (part), 1982: prior code § 7-5-8.11)

17.20.270 - Facilities to become property of county.

All unit or subdivision, intermediate and major drainage system facilities and appurtenances constructed or provided under this Article II shall, upon written acceptance by the county, become the property of the county and the county shall thereafter operate and maintain same. Written acceptance shall be given if the unit or subdivision, intermediate and major drainage system facilities are constructed within the provisions of this chapter; provided, however, that temporary or permanent retention or detention areas may be retained by the owner or developer thereof, and such retention or detention areas may, but need not, be conveyed or dedicated to the county.

(Ord. 817 § 2 (part), 1982: prior code § 7-5-8.14)

Article III. - Private Construction

17.20.280 - Generally.

The county acknowledges that a private owner or developer of property may construct intermediate or major drainage system facilities that may be used by owners or developers of other property. The provisions of this article detail the manner in which such facilities may be constructed by a private owner or developer and the manner and cost of connection to such system by another owner or developer.

(Ord. 817 § 2 (part), 1982: prior code § 7-5-9)

17.20.290 - Designation of benefited area.

The owner or developer shall request the designation of a drainage area by the division. The drainage area so designated shall be that area to be served by the intermediate or major drainage system facilities to be constructed, may include areas in addition to those requested, and the division shall consider whether additional areas should reasonably be included, especially if it determines that an area is unlikely to be served or will be less efficiently or effectively served by another intermediate or major drainage system facility and can reasonably be served by the facility proposed. The drainage area shall be designated in a manner consistent with the provisions of Section 17.20.050. The drainage area so designated shall be referred to as the DS (drainage system) benefited area.

(Ord. 990 § 10, 1986; Ord. 817 § 2 (part), 1982: prior code § 7-5-9.1)

17.20.300 - Removal of property from benefited area.

Upon written request from the owner of any property in the benefited area of the owner's desire to have his land excluded from the DS benefited area and (1) evidence that such land can be developed in a manner consistent with the retention plan designated in Sections 17.20.530 through 17.20.590, and (2) written election in recordable form that the owner shall not make alterations or improvements that will result in excess waters from storm or flood draining into the drainage system, and that such election is binding on successors and assigns, the owner's property shall be excluded by the county from the DS benefited area. Requests for exclusion from the DS benefited area shall be considered until final plans and specifications are approved by the division pursuant to Section 17.20.340 or sixty days prior to the letting of bids for the construction of the intermediate and/or major drainage system facilities to be constructed by an owner or developer, whichever is later. Unless so excluded, all land within the DS benefited area will be subject to payment of the fee designated in Section 17.20.380 as a condition precedent to issuance of a building permit or construction of improvements upon the land.

(Ord. 817 § 2 (part), 1982: prior code § 7-5-9.2)

17.20.310 - Studies of needed facilities.

- A. In connection with the studies contemplated under Section 17.20.060, the division may designate areas where the studies shall determine the intermediate and major drainage system facilities to be provided for the drainage and control of excess waters within the areas and to convey such waters to acceptable trunk lines, natural tributaries or final destinations. Previous studies made by the county or others shall be considered in whole or in part if applicable.
- B. These studies shall include a current estimate of the cost of providing intermediate and major drainage system facilities, and the computation of costs shall include the expense of the studies as well as anticipated engineering design services, construction engineering and inspection services, land acquisition, and incidental costs required to install the facilities. These studies shall from time to time be updated or amended as necessary to reflect changed conditions. Studies in individual drainage areas, developments, proposed subdivisions, existing subdivisions or other property may be completed by professional engineers for private developers under the direction of the county if the county cannot complete the studies as soon as required for development due to staff or budget constraints.

(Ord. 1055 § 11, 1988; Ord. 817 § 2 (part), 1982: prior code § 7-5-9.3)

17.20.320 - Design criteria.

- A. In conducting the studies referred to in Section 17.20.310, the analysis and design of storm drainage flows and facilities shall be performed by professional engineers competent in hydrology and hydraulics and shall be in accordance with sound engineering practices.
- B. In developing the studies every effort shall be made to promote economy in the proposed drainage design by selection of facilities for accommodating drainage flow and the use of materials and methods of construction which provide the most advantageous balance between the cost of the facilities and the benefits received therefrom. Innovative approaches that reduce the overall requirement or cost of capital construction shall be encouraged. In all cases flows shall be based upon conditions of future development of the county, taking into consideration the current elements of the land use master plan of the county relating to the drainage area and other relevant factors, including changes in zoning or development that are not reflected on the master plan.

(Ord. 990 § 11, 1986: Ord. 817 § 2 (part), 1982: prior code § 7-5-9.4)

17.20.330 - Map requirements.

As studies and maps for individual drainage areas are completed in accordance with Sections 17.20.050 and 17.20.060 in areas where a private developer may construct intermediate or major drainage system facilities to be used by others, the necessary major drainage system facilities and intermediate drainage system facilities, together with the design capacity thereof, shall be shown on the map or maps. The map or maps shall be approved by the division and shall serve as designations of the respective drainage area boundaries and the drainage system requirements within the area. The map or maps will be subject to revision from time to time to conform with existing conditions, the results of additional studies, and such other information as may be obtained from time to time.

(Ord. 817 § 2 (part), 1982: prior code § 7-5-9.5)

17.20.340 - Design of facilities.

The owner or developer shall have the intermediate or major drainage system facilities designed by professional engineers to accommodate the excess waters within the DS benefited area. The plans, specifications, and GIS data shall be submitted to the division for review and, if acceptable, approval. The GIS data shall meet the same requirements as set forth in Subsection 17.20.150(A)(2).

(Ord. No. 1817, § VII, 8-8-2017; Ord. 817 § 2 (part), 1982: prior code § 7-5-9.6)

17.20.350 - Acquisition of easements and rights-of-way.

- A. Easements or rights-of-way or property that must be acquired for the installation of the intermediate or major drainage system facility shall be acquired by the owner or developer, at the expense of the owner or developer. In the event the owner or developer is unable to acquire any necessary easement, right-of-way or property, and upon owner's or developer's written request, the county may negotiate to acquire the necessary easement, right-of-way or property, failing which, the county may (1) submit to owner or developer a map showing an alternative route (in which event the owner or developer will endeavor to acquire the necessary easements, rights-of-way or property for such route), or (2) commence a condemnation action to acquire the easement or right-of-way for the drainage system facilities.
- B. Owner's or developer's written request for county condemnation shall (1) describe efforts to acquire the easement, right-of-way or property, and (2) state the amount offered the owner of the property. Owner or developer shall pay the county all amounts to be paid to an owner of property for the acquisition of any easements, right-of-way or property. The county shall be responsible for its own legal fees and costs of the condemnation action.

(Ord. No. 1817, § VIII, 8-8-2017; Ord. 817 § 2 (part), 1982: prior code § 7-5-9.7)

17.20.360 - Construction of facilities.

Upon completion of the plans and specifications by the engineer, and acquisition of the necessary easements, rights-of-way or property, the owner or developer shall then proceed to cause that portion of the intermediate or major drainage system facilities to be installed, at the owner's or developer's sole expense, strictly in accordance with the plans and specifications thus prepared and approved. No facilities will be covered or backfilled until the same have been fully inspected and cover or backfill is authorized by the division. If any facility or portion thereof is covered without authorization, the division may require the facility to be reopened for inspection. The actual interconnection of the intermediate or

major drainage system facility with any other county line shall be done by the county, or by the contractor for the owner or developer under the supervision of the county at the expense of the owner or developer. No unit or subdivision or intermediate drainage system facility shall be connected to a major drainage system facility until the division has fully approved the facilities as constructed, and until satisfactory evidence has been presented to the division showing that all bills for labor and material and all other costs of constructing the line have been paid.

(Ord. 817 § 2 (part), 1982: prior code § 7-5-9.8)

17.20.370 - Inspection by division.

The division or its retained engineers shall inspect the installation and, if the facilities meet the requirements of the plans and specifications, shall give the owner or developer notice of acceptance. Upon completion of the facilities, the owner or developer shall assign and convey to the county all of the owner's or developer's right, title, estate and interest in the facilities. The county shall thereafter be the owner thereof, and shall operate and maintain the same, subject to the provisions of Section 17.20.380.

(Ord. 817 § 2 (part), 1982: prior code § 7-5-9.9)

17.20.390 - Temporary facilities permitted when.

The division shall approve temporary drainage solutions providing for on-site detention and retention which will allow development to continue pending completion of an intermediate or major drainage system facility. The temporary solutions shall provide the same level of flood protection at all times that will be provided by the completed systems. All extraordinary costs of temporary solutions shall be paid by the developer in addition to the other costs and fees provided for in this chapter.

(Ord. 817 § 2 (part), 1982: prior code § 7-5-9.11)

17.20.400 - Connection to facility required.

Except for the owner or developer constructing a drainage system facility pursuant to this Article III, neither the county nor any other owner or developer of land in the DS benefited area shall subsequently construct an intermediate or major drainage system facility to serve land intended to be served by an intermediate and/or major drainage system facility designed to serve such land and constructed pursuant to the provisions of this Article III. Any unit or intermediate drainage system facility shall be connected to the intermediate or major drainage system facility constructed pursuant to this Article III, and all owners or developers except for the owner or developer constructing a drainage system facility pursuant to this Article III, shall be responsible for payment of the fees required by Section 17.20.380.

(Ord. 817 § 2 (part), 1982: prior code § 7-5-9.12)

Article V. - Retention Plans

17.20.530 - Generally.

The provisions of this article apply where the owner or developer elects to control all or a portion of excess waters within a development site, development or subdivision by a permanent or temporary retention system.

(Ord. 817 § 2 (part), 1982: prior code § 7-5-11)

17.20.540 - Plans and specifications.

- A. Prior to the issuance of any building permit associated with a subdivision or development plan, or in the case of a single lot development, a single building permit, the owner or developer shall:
1. At owner or developer's expense, have prepared by a professional engineer licensed in the state of Utah, detailed plans and specifications for the construction and installation of all unit or subdivision system drainage facilities and retention system for the control of drainage of excess water within the development, or the part thereof for which a building permit has been requested, and the carriage of such water to a retention area. The plans and specifications shall include provisions for overflow of stormwaters in excess of a ten-year frequency flood.
  2. In addition to the above required plans and specifications, before final approval and the issuance of a building permit, the developer or owner shall provide to county GIS data corresponding to the approved plans. Any changes during construction will require additional GIS data to be submitted with the final approved as-built drawings. All GIS data shall be submitted in the following format:
    - i. All GIS data shall be submitted in conformance with County Policy 1013, "Standards for Geographic Information System" and the "Salt Lake County Public Works Engineering GIS Standards," as approved by the Salt Lake County GIS Steering Committee and on file with Salt Lake County Engineering. The county reserves the right to reject any GIS data that is provided and is not in compliance with the above standards.
    - ii. This shall be done at the developer or owner's expense. If a developer or owner does not provide the required GIS data, the county may complete the work in the developer or owner's behalf and the developer or owner shall pay to the county the cost of completing the work at the hourly rate approved by the county council for such work. If developer or owner fails to pay for such work, the county may pursue legal action to recover these costs.
    - iii. Developers with a cost as estimated by the public works department of ten thousand dollars or less may, prior to construction, petition the Division for an exemption from the GIS requirements of this chapter. The decision of the public works director shall be final.
- B. In lieu of completion of the drainage system prior to final approval of the subdivision or development plan by the county, the developer or owner shall provide a performance bond guaranteeing actual construction and installation of the facilities pursuant to a schedule approved by the division director, and must do so before recording the plat. A developer or owner opting to complete drainage system before recording the plat shall be required by division to post an improvement warranty period assurance of ten percent, or of the maximum allowed by state law. The division shall not accept said facilities nor recommend the release of the final ten percent of the bond or the improvement warranty period assurance until updated as-built drawing GIS data is received by county and all other requirements are met.

(Ord. No. 1817, § IX, 8-8-2017; Ord. 817 § 2 (part), 1982: prior code § 7-5-11.1)

17.20.550 - Rules and regulations adopted.

The division may adopt reasonable rules and regulations for design requirements, review and approval of retention plans for developments or subdivisions consisting of more than a single lot. Such rules and regulations may address consolidation of, location of, access to, and maintenance of retention facilities.

(Ord. 817 § 2 (part), 1982: prior code § 7-5-11.2)

17.20.560 - County review.

The plans and specifications shall be reviewed by the division to determine that the retention system as designed will control the excess waters determined under the engineering studies conducted pursuant to Section 17.20.060 and that provision is made for overflow in excess of a ten-year frequency flood. If the retention system as designed will control the excess waters within the subdivision or development, the division shall approve the system. If the system will not control the excess waters, the division will specify in writing the deficiencies of the system as designed.

(Ord. 817 § 2 (part), 1982: prior code § 7-5-11.3)

17.20.570 - Building permit approval.

Upon completion of such review and approval by the division, the subdivision or development plan or building permit for construction of the unit or subdivision drainage system facilities shall be given final approval.

(Ord. 817 § 2 (part), 1982: prior code § 7-5-11.4)

17.20.580 - Temporary retention system.

In the event the retention system is intended to be temporary, the property that is drained by the drainage facilities to be connected shall be subject to the fees charged in accordance with the provisions of Sections 17.20.260 or 17.20.380 of this chapter.

(Ord. 1055 § 14, 1988: Ord. 817 § 2 (part), 1982: prior code § 7-5-11.5)

17.20.590 - Responsibility for property and facilities.

The county shall not own or have any responsibility or maintenance obligation for drainage facilities or retention systems constructed pursuant to this Article V, unless such facilities or systems are conveyed or dedicated to the county and the county accepts such conveyance or dedication and unless the county agrees, in writing or by ordinance, to undertake such responsibility or maintenance obligation. Upon completion of construction of a retention system constructed in accordance with this chapter, and conveyance or dedication thereof to the county, the county shall accept such conveyance or dedication.

(Ord. 817 § 2 (part), 1982: prior code § 7-5-11.6)

Article VI. - Administration

17.20.610 - Administrative responsibility.

The planning and development services division shall be responsible for the administration and regulations provided for in this chapter.

(Ord. 1473 (part), 2001: Ord. 1442 § 3 (part), 1999: Ord. 1055 § 26, 1988: Ord. 817 § 2 (part), 1982: prior code § 7-5-12)

Article VII. - Stormwater Facilities Impact Fees

17.20.710 - Purpose.

The purpose of this chapter is to provide a fair and equitable means of funding the stormwater facilities which will be necessary to service anticipated future growth and development in Salt Lake County. The impact fees for stormwater facilities implemented through this chapter will help achieve an equitable allocation of the costs of providing such facilities which are reasonably related to and necessary to service anticipated future growth.

(Ord. 1442 § 3 (part), 1999)

17.20.720 - Impact fees imposed.

The owner or developer of property located in one of the drainage basins for which stormwater facilities improvements are necessary in order to accommodate new development shall pay an impact fee to the county for that purpose. The amount of the fee shall be as set forth in Exhibit A which is attached to the ordinance codified in this article and incorporated herein by this reference. The fee shall be paid as a condition precedent to the issuance of a building permit or construction of improvements upon the property in question. Where the development is a subdivision of a conditional use, the fee shall be paid prior to the approval of the plat or plan by the planning and development services division and such fees shall be collected by the division.

(Ord. 1473 (part), 2001: Ord. 1442 § 3 (part), 1999)

(Ord. No. 1655, § II, 9-29-2009)

17.20.730 - Service areas.

Each drainage basin, as designated in Exhibit A, is established as a separate service area with respect to the provision of stormwater facilities.

(Ord. 1442 § 3 (part), 1999)

17.20.740 - Accounting, expenditure and refund of impact fees.

All of the impact fees collected pursuant to this chapter shall be deposited into a separate interest-bearing ledger account for stormwater facilities and may only be used for that purpose. The accounting, expenditure and refund of all such impact fees collected shall be handled by the planning and development services division in accordance with the provisions of the Utah Impact Fees Act.

(Ord. 1473 (part), 2001: Ord. 1442 § 3 (part), 1999)

17.20.750 - Adjustment of impact fee.

- A. The county may adjust the impact fees imposed pursuant to this chapter as necessary in order to:
1. Respond to unusual circumstances in specific cases;
  2. Ensure that the impact fees are imposed fairly;
  3. Permit the adjustment of the amount of the fee based upon studies and data submitted by an applicant as approved by the county in order to ensure that the fee represents the proportionate share of the costs of providing such facilities which are reasonably related to and necessary in order to provide the services in question to anticipated future growth and development activities. The county may also adjust impact fees to respond to a request for a prompt and individualized

impact fee review for the development activity of an agency of the state of Utah, a school district, or charter school; and

4. Allow credits against impact fees or proportionate reimbursement of an impact fee if the developer dedicates land for a system improvement, builds or dedicates some or all of a system improvement, or dedicates a public facility that the county and the developer agree will reduce the need for a system improvement. No credits shall be given for project improvements as defined by the Utah Impact Fees Act.
- B. The director of public works shall have the authority to make such adjustments based upon information submitted by the applicant and the recommendations from the planning and development services division. The county shall allow a credit against impact fees for any dedication of land for, improvement to, or new construction of, any system improvements provided by the developer if the facilities are system improvements or are dedicated to the public and offset the need for an identified system improvement.
  - C. The department may adopt policies consistent with this ordinance and any resolutions passed by the county council to assist in the implementation, administration and interpretation of this ordinance related to stormwater facilities impact fees.
  - D. If the applicant, person or entity is not satisfied with the director of public works' decision, a further appeal may be made to the mayor under the procedures set forth below.

(Ord. 1473 (part), 2001: Ord. 1442 § 3 (part), 1999)

(Ord. No. 1655, § II, 9-29-2009)

17.20.760 - Administrative challenges and appeals procedure.

- A. Any person or entity required to pay an impact fee who believes the fee does not meet the requirements of law may file a written request for information with the county as provided by the Utah Impact Fees Act. Within two weeks of the receipt of the request for information, the county shall provide the person or entity with the written analysis required by the Utah Impact Fees Act and any other relevant information relating to the impact fee.
- B. Any person or entity residing in or owning property within the county who believes the fee does not meet the requirements of the law or wishes to challenge the fee shall file a written appeal within thirty days after payment of any impact fee with the director of public works setting forth in detail all factual and legal grounds in support of the appeal. Upon receipt of the appeal, the director of public works shall make a recommendation to the mayor and schedule a hearing before the mayor on the appeal for the purpose of receiving input from all interested persons. The mayor shall thereafter render a decision on the appeal no later than thirty days after the date the appeal was filed. Any person or entity who has failed to comply with these administrative remedies may not file or join an action challenging the validity of any impact fee.
- C. Any person or entity who was a party to an appeal under this section who is adversely affected by the decision of the mayor may petition the district court for a review of the decision as provided by law.

(Ord. 1473 (part), 2001: Ord. 1442 § 3 (part), 1999)

Chapter 17.22 - STORMWATER QUALITY

**Sections:**

PART I. - General Provisions

17.22.010 - Purpose.

The purpose of this title is to:

- A. Protect, maintain, and enhance the environment of the county;
- B. Establish responsibilities for controlling and managing stormwater runoff; and
- C. Protect the public health, safety and the general welfare of the citizens of the county, by controlling the discharge of pollutants into the county's stormwater system and to maintain and improve the quality of the receiving waters into which the stormwater outfalls flow, including, without limitation, lakes, rivers, streams, ponds, wetlands, and groundwater of the county;
- D. Facilitate the county's compliance with the Utah Pollution Discharge Elimination System permit (UPDES) and applicable regulation, R317.8 for stormwater discharges, issued by the State of Utah, Division of Water Quality; and
- E. Allow the county to exercise the powers granted by the Utah Code, which provides that, among other powers counties have with respect to stormwater facilities, counties may by ordinance or resolution:
  1. Exercise general regulation over the planning, location, construction, and operation and maintenance of stormwater facilities in the county, whether or not owned and operated by the county;
  2. Adopt any rules and regulations deemed necessary to accomplish the purposes of this title, including the adoption of fees for services and permits;
  3. Establish standards to regulate the quantity of stormwater discharged and to also regulate stormwater contaminants as may be necessary to protect water quality;
  4. Review and approve plans and plats in proposed subdivisions or commercial developments for stormwater management;
  5. Issue permits for stormwater discharges or for the construction, alteration, extension, or repair of stormwater facilities;
  6. Suspend or revoke permits when it is determined that the permittee has violated any applicable law, ordinance, regulation, or condition of the permit;
  7. Take enforcement actions for violations of this ordinance or of the conditions of the permit, including but not limited to notice of violations, consent orders, compliance orders, or cease and desist orders. Enforcement actions may also include the assessment of penalties;
  8. Regulate and prohibit discharges into stormwater facilities of sanitary, industrial, or commercial sewage; waters that have otherwise been contaminated; or non-stormwater, except as allowed under the UPDES stormwater discharge permit; and
  9. Expend funds to remediate or mitigate the detrimental effects of contaminated land or other sources of stormwater contamination, whether publicly or privately owned.

(Ord. No. 1686, § I, 11-2-2010)

17.22.020 - Administering entity.

The county engineer shall administer the provisions of this ordinance. Nothing in this ordinance shall relieve any person from responsibility for damages or injury to other persons or property, nor impose upon the county, its officers, agents or employees, any liability for damages or injury to other persons or property.

(Ord. No. 1686, § I, 11-2-2010)

## 17.22.030 - Definitions.

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

"As-built plans" means drawings depicting conditions as they were actually constructed.

"Best management practices" (BMPs) means the physical, structural, and managerial practices, when used singly or in combination, prevent or reduce pollution of water, approved by the county and incorporated by reference into this ordinance as if fully set out therein. For purposes of this title, the relevant BMPs are more particularly defined in the Salt Lake County Guidance Document for Stormwater Management.

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

"County engineer" is the Salt Lake County Engineer, or authorized designee.

"Contaminant" means any physical, chemical, biological, or radiological substance or matter in water.

"Discharge" means dispose, deposit, spill, pour, inject, seep, dump, leak or place by any means any solid or liquid matter, or solid or liquid matter which is disposed, deposited, spilled, poured, injected, seeped, dumped, leaked, or placed by any means including any direct or indirect entry into the county separate storm sewer system.

"Easement" means an acquired legal privilege or right of use or enjoyment that a person, party, firm, corporation, municipality or other legal entity has in the land of another.

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

"Erosion and sediment control plan" means a written plan, including drawings or other graphic representations, designed to minimize the accelerated erosion and sediment runoff at a site during construction activities.

"Illicit connections" means illegal or unauthorized connections to the municipal separate stormwater system whether such connections result in discharges into that system.

"Illicit discharge" means any discharge to the municipal separate storm sewer system that is not composed entirely of uncontaminated stormwater and not specifically exempted under Part I.B.2 of the UPDES permit.

"Land disturbance permit" means the land disturbance permit as adopted or issued by the county.

"Land disturbing activity" means any activity on property that results in a change in the existing vegetative or non-vegetative soil cover or in the existing soil topography, including but are not limited to, development, redevelopment, demolition, construction, reconstruction, clearing, grading, filling, or excavation.

"Maintenance" means any activity that is necessary to keep a stormwater facility in good working condition so as to function as designed. "Maintenance" may include complete reconstruction of a stormwater facility if reconstruction is needed in order to restore the facility to its original operational design parameters, and the correction of any problem on the site property which may directly impair the functions of the stormwater system or facility.

"Maintenance agreement" means a document recorded in the land records which acts as a property deed restriction and which provides for long-term maintenance of stormwater management practices.

"Municipal separate storm sewer system (MS4)" means the conveyances owned or operated by the county for the collection and transportation of stormwater, including roads and streets and their drainage systems, catch basins, curbs, gutters, ditches, man-made channels, stormwater ponds, basins, wetlands and storm drains.

"Notice of Violation (NOV)" means a notice issued to a person or entity whenever the county engineer finds the person or entity is not complying with this ordinance. The county will order compliance by written notice of violation to the responsible person. Requirements in this notice are at the discretion of the county engineer, and may include monitoring, payment to cover costs relating to the noncompliance, and the implementation of best management practices.

"Off-site facility" means a structural BMP located outside the subject property boundary described in the permit application for land development activity.

"Peak flow" means the maximum instantaneous rate of flow of water at a particular point resulting from a storm event.

"Person" means any and all persons, natural or artificial, including any individual, firm, business entity or association and any municipal or private corporation organized or existing under the laws of Utah or any other state or country.

"Pre-existing conditions" means the conditions of property in its native state or changed under approval by the county.

"Property owner" means the land owner of property within the unincorporated area of Salt Lake County.

"Runoff" means that part of precipitation, snowmelt, or irrigation water that runs off the land into streams or other surface water.

"Sediment" means solid material, both mineral and organic, which is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity or ice and has come to rest on the earth's surface.

"Sedimentation" means the process of subsidence and decomposition by gravity of suspended matter carried by water, wastewater, or other liquids.

"Soils report" means a study of soils on a subject property with the primary purpose of characterizing and describing the soils. The soils report shall be prepared by qualified personnel, who shall be directly involved in the soil characterization either by performing the investigation or by directly supervising employees.

"Stabilization" means providing adequate vegetative or structural means to prevent erosion.

"Stormwater" means stormwater runoff, snow melt runoff, surface runoff, street wash waters related to street cleaning or maintenance, infiltration, and drainage.

"Storm Water Design Standards and Regulations" means any current stormwater standards and regulations adopted by the county.

"Stormwater management" means the programs to maintain quality and quantity of stormwater runoff to pre-development levels.

"Stormwater management facilities system" means the drainage structures, conduits, ditches, combined sewers, sewers, and all device appurtenances by which stormwater is collected, transported, pumped, treated or disposed.

"Stormwater pollution prevention plan (SWPPP)" means the set of drawings and other documents that comprise all the information and specifications for the programs, drainage systems, structures, BMPs, concepts and techniques intended to maintain or restore quality and quantity of stormwater runoff to pre-development levels.

"Stormwater runoff" means flow on the surface of the ground, resulting from precipitation.

"Structural BMPs" means practices which refer to devices constructed to control stormwater runoff.

"Surface water" means waters upon the surface of the earth in bounds created naturally or artificially, including but not limited to, streams, other water courses, lakes and reservoirs.

"TMDL" means total maximum daily load, in accordance with a program implemented by the Utah Division of Water Quality.

"UPDES" means the Utah Pollutant Discharge Elimination System administered by the State of Utah, Division of Water Quality in regulation R317.8.

"Watershed" means all the land area that contributes runoff to a particular point along a waterway.

(Ord. No. 1686, § I, 11-2-2010)

## PART II. - Construction Sites

### 17.22.040 - Land disturbance permits.

- A. Every person will be required to obtain a land disturbance permit from the county engineer in the following cases:
1. Land disturbing activity generally affecting one or more acres of land;
  2. Land disturbing activity affecting less than one acre of land if the activity is part of a larger common plan of development affecting one or more acre of land;
  3. Land disturbing activity affecting less than one acre of land, if in the discretion of the county engineer such activity poses a unique threat to water or public health or safety;
  4. The creation and use of borrow pits; or
  5. Processing earthen materials such as top soil and gravel screening.
- B.
1. Property owners shall not alter or restrict natural channels and waterways without proper federal, state and county permits.
  2. Modifications of sensitive areas are subject to and governed by the Foothills and Canyons Overlay Zone (Title 19.72). These modifications require a land disturbance permit and approval from all appropriate governing agencies.
  3. Property owners proposing to redirect runoff, surface or pipe flow to properties or facilities outside county boundaries must provide written approval from the state, county, neighboring county affected, or municipality affected.
  4. Property owners are responsible for the protection of irrigation canals as provided by the relevant sections of this ordinance.
  5. Discharges into or modifications of canals require written approval from the canal owners and applicable governing agencies.
- C. Building permit. No building permit shall be issued until the applicant has obtained a land disturbance permit where one is required by this ordinance.
- D. Exemptions. The following activities are exempt from the permit requirement:
1. Any emergency activity that is immediately necessary for the protection of life, property, or natural resources;
  2. Existing nursery and agricultural operations conducted as a permitted main or accessory use;
  3. Any agricultural activity that is consistent with an approved farm conservation plan or a management plan prepared or approved by the appropriate county, federal, or state agency; and

4. Additions or modifications to existing single family structures.
- E. Application for a land disturbance permit.
1. Each application shall include the following:
    - a. Name of applicant;
    - b. Business or residence address of applicant;
    - c. Name, address and telephone number of the owner of the property of record in the office of the recorder;
    - d. Address and legal description of subject property including the tax reference number and parcel number of the subject property;
    - e. Name, address and telephone number of the contractor and any subcontractor(s) who shall perform the land disturbing activity and who shall implement the erosion and sediment control plan; and
    - f. A statement indicating the nature, extent and purpose of the land disturbing activity including the size of the area for which the permit shall be applicable and a schedule for the starting and completion dates of the land disturbing activity.
  2. Each application shall be accompanied by:
    - a. A stormwater pollution prevention plan (SWPPP) providing for stormwater management during the land disturbing activity and after the activity has been completed;
    - b. A sediment and erosion control plan as part of the SWPPP; and
    - c. Evidence of a state UPDES general permit for construction activities issued by the division of water quality.
  3. The applicant shall obtain from all applicable state or federal agencies all required environmental permits or approvals that pertain to the property, including the following:
    - a. Compliance with water quality standards and TMDL requirements;
    - b. Compliance with federal or state laws pertaining to threatened or endangered species or historic properties; and
    - c. Any additional development requirements or conditions required by the county engineer in accordance with this ordinance or other applicable law on the development of property.
  4. Each application for a land disturbance permit shall be accompanied by payment of land disturbance permit and other stormwater management fees, as established by the county council.
- F. Review and approval of application.
1. The county engineer will review each application for a land disturbance permit to determine whether it conforms with the provisions of this ordinance. Within 15 days after receiving an application, the county engineer shall provide one of the following responses in writing:
    - a. Approval of the permit application;
    - b. Approval of the permit application, subject to such reasonable conditions as may be necessary to comply with the objectives of this ordinance; or
    - c. Denial of the permit application, stating the reason(s) for the denial.
  2. If the county engineer has granted conditional approval of the permit, the applicant shall submit a revised plan that conforms to the conditions established by the county engineer. The applicant shall be allowed to proceed with his land disturbing activity if the activity meets the conditions established by the county engineer. No development plans will be approved until the land disturbance permit has been approved.

- G. Permit duration. Every land disturbance permit shall expire and become null and void if substantial work authorized by such permit has not commenced within one hundred eighty (180) calendar days of issuance, or if work is not complete within eighteen (18) months from the date construction begins.
- H. Notice of construction. The applicant must notify the county engineer ten (10) working days before beginning construction. Regular inspections of the construction site shall be conducted by the county engineer. All inspections shall be documented and written reports prepared containing the following information:
  - 1. The date and location of the inspection;
  - 2. Whether construction complies with the approved SWPPP;
  - 3. Variations from the approved construction specifications; and
  - 4. Any violations.
- I. Performance bonds.
  - 1. The county engineer may, at his discretion, require the applicant post a performance security or performance bond before a permit is issued in order to ensure stormwater practices are met as required by the approved SWPPP.
    - a. The amount of the installation performance security or performance bond shall be the total estimated construction cost of the structural BMPs approved under the permit plus any reasonably foreseeable additional related costs, such as for damages or enforcement activities.
    - b. The performance security shall contain forfeiture provisions for failure to complete the work specified in the stormwater management plan.
    - c. The applicant shall provide an itemized construction cost estimate complete with unit prices, subject to acceptance, amendment or rejection by the county engineer.
    - d. The county engineer shall have the discretion to calculate or amend the applicant's estimated cost of construction cost.
  - 2. The performance security or performance bond shall be released in full only upon submission of as-built plans and written certification by a registered professional engineer licensed in the Utah that the structural BMP has been installed in accordance with the approved plan and other applicable provisions of this ordinance.
  - 3. The county engineer shall make a final inspection of the structural BMP to ensure it complies with the approved plan and this ordinance. A partial pro-rata release of the performance security or performance bond based on the completion of various development stages may be made at the discretion of the county engineer.

(Ord. No. 1686, § I, 11-2-2010)

#### 17.22.050 - Stormwater system design and management standards.

- A. Stormwater design and BMP manuals.
  - 1. The county adopts the following publications as its stormwater design and BMP manuals, which are incorporated by reference in this ordinance:
    - a. Salt Lake County Standard Drawings for Drainage Systems.
    - b. Guidance Document for Stormwater Management of the Public Works department.
    - c. Portions of Basin Plans that apply to unincorporated county.
    - d. Additional stormwater manuals as adopted by the county.

2. These manuals include a list of acceptable BMPs. The manuals may be updated and expanded from time to time, at the discretion of the council, upon the recommendation of the county engineer, based on improvements in engineering, science, monitoring and local maintenance experience. Stormwater facilities designed, constructed and maintained in accordance with these BMP criteria and manufacturer's recommendations will be presumed to meet the minimum water quality performance standards.
- B. General performance criteria for stormwater management. Unless a site is granted a waiver or determined by the county engineer to be exempt, the following post-construction performance criteria shall be addressed for stormwater management at all sites:
1. The design of storm drain systems within the boundaries of or discharging into a county storm drain system shall be supervised by a Utah registered professional engineer, and shall carry the seal of the supervising professional engineer.
  2. All systems shall be designed to permit control of the peak flow rates of stormwater discharge associated with storm levels specified in this ordinance or in the BMP manual and to reduce the generation of post-construction stormwater runoff back to preconstruction levels. These designs shall to utilize pervious areas for stormwater treatment to the extent possible and infiltrate stormwater runoff from driveways, sidewalks, rooftops, parking lots, and landscaped areas to the maximum extent practical to provide treatment for both water quality and quantity.
  3. To protect stream channels from degradation, specific channel protection criteria shall be provided as prescribed in the BMP manual.
  4. Stormwater discharges to critical areas with sensitive resources, such as, cold water fisheries, swimming beaches, recharge areas, or water supply reservoirs, may be subject to additional performance criteria, or may need to utilize or restrict certain stormwater management practices.
  5. Stormwater discharges from priority sites may require the application of specific structural BMPs and pollution prevention practices.
  6. Prior to or during the site design process, applicants for land disturbance permits shall consult with the county engineer to determine if additional stormwater design requirements are needed.
  7. The calculations for determining peak flows as found in the BMP manual shall be used for determining the size of all stormwater facilities.
- C. Minimum control requirements.
1. Stormwater discharge during all construction activities shall comply with the terms of the land disturbance permit, the Storm Water Design Standards and Regulations, and requirements established by the county building code, and the state UPDES.
  2. Stormwater designs shall meet the multi-stage storm frequency storage requirements required by the county unless the county engineer has granted the applicant a full or partial waiver for a particular BMP under this ordinance.
  3. Runoff rates from one lot to another may not exceed pre-existing conditions or unreasonably and unnecessarily cause more harm than pre-existing conditions.
  4. If hydrologic or topographic conditions warrant greater control than provided by the minimum control requirements, the county engineer may impose any and all additional requirements determined necessary to control the volume, timing, and rate of runoff.
  5. In accordance with the UPDES General Permit No. UTR3000000 for common drainage locations that serve areas with ten or more acres disturbed at one time, a sediment basin shall be constructed which provides storage for a ten-year, twenty-four-hour storm event or for a calculated volume of runoff for disturbed acres drained or equivalent control measures shall be prepared until final stabilization of the site. Where calculations are not performed, a sediment basin providing three thousand six hundred cubic feet of storage per acres drained, or equivalent control measures, must be provided where possible until final stabilization of the site.

- D. Property owners are responsible to manage stormwater runoff and sediment which traverse or originate on their property, whether in conduit systems or on the surface, unless this responsibility is relinquished through the terms and conditions of an easement. The SWPPP must be retained on-site and shall include sufficient information to allow the county engineer to evaluate the environmental characteristics of the project site, the potential water resource impacts of all proposed present and future development of the site, and the effectiveness and acceptability of the measures proposed for managing stormwater generated at the project site. The SWPPP shall include the following:
1. A description of the construction activity including:
    - a. The intended sequence of major activities which disturb soils for major portions of the site;
    - b. An estimate of the total area of the site and the area expected to be disturbed by excavation, grading, or other activities; and
    - c. Written procedures for trash control including building materials, concrete truck washout, chemicals, litter and sanitary waste.
  2. A 1" = 500" topographic base map of the site which extends a minimum of one thousand feet beyond the limits of the proposed development and indicates:
    - a. Existing surface water drainage including streams, ponds, culverts, ditches, sink holes and wetlands and showing the type, size, elevation, of nearest upstream and downstream drainage structures;
    - b. Construction boundaries and a description of existing vegetation prior to grading activities;
    - c. Areas of soil disturbance and areas of no disturbance;
    - d. Current land use including all existing structures, locations of utilities, roads, and easements;
    - e. The location of areas used for construction support;
    - f. The location of areas where stabilization practices are expected to occur;
    - g. The location of areas where stormwater is discharged or will discharge to a surface water;
    - h. All other existing significant natural and artificial features;
    - i. Proposed land use with tabulation of the percentage of surface area to be adapted to various uses, drainage patterns, locations of utilities, roads and easements, and the limits of clearing and grading; and
    - j. Proposed structural and non-structural BMPs.
    - k. The map shall include a written description of the site plan and a justification of proposed changes in natural conditions, if required.
  3. Hydrologic and hydraulic design calculations for the predevelopment and post-development conditions for the design storms specified in the BMP manual. These calculations must show the proposed stormwater management measures are capable of controlling runoff from the site in compliance with this ordinance and the guidelines of the BMP manual. Such calculations shall include:
    - a. A description of the design storm frequency, duration, and intensity where applicable;
    - b. Time of concentration;
    - c. Soil curve numbers or runoff coefficients including assumed soil moisture conditions;
    - d. Peak runoff rates and total runoff volumes for each watershed area;
    - e. Infiltration rates, where applicable;
    - f. Culvert, stormwater sewer, ditch and other stormwater conveyance capacities;

- g. Flow velocities;
  - h. Data on the increase in rate and volume of runoff for the design storms referenced in the BMP manual; and
  - i. Documentation of sources for all computation methods and field test results.
4. If SWPPP control measures depend on the hydrologic properties of soils, such as infiltration basins, a soils report shall be included. The soils report shall be based on on-site boring logs or soil pit profiles and soil survey reports. The number and location of required soil borings or soil pits shall be determined based on what is reasonably needed to determine the suitability and distribution of soil types present at the location of the control measure.
  5. Location of stormwater velocity dissipation devices placed at discharge locations and along the length of any outfall channel to provide a non-erosive flow velocity from the structure to a waterway.
  6. Plans and methods for minimizing off-site tracking and the generation of dust.
  7. Detailed maintenance and repair procedures to ensure continued performance. These procedures will identify the parts or components of a SWPPP facility to be maintained and the equipment and skills or training necessary. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan. A permanent elevation benchmark shall be identified in the procedures to assist in the periodic inspection of the facility.
  8. A detailed plan for management of vegetation at the site after construction is finished, including the persons or entities responsible for the maintenance of vegetation at the site and the practices employed to ensure that adequate vegetative cover is preserved. Where required by the BMP, this plan must be prepared by qualified personnel.
  9. The applicant shall keep the SWPPP current. If there is a change in design, construction, operation, or maintenance of BMPs, the applicant must amend the SWPPP accordingly. If the county engineer determines the SWPPP to be ineffective in controlling stormwater pollutants, the county may require the applicant to modify the SWPPP. The SWPPP must be modified by the applicant whenever a new owner or operator becomes responsible for implementing the SWPPP. If a SWPPP has been completed for a proposed development, subsequent builders may utilize portions of the original SWPPP with appropriate site specific modifications.
- E. The applicant must ensure access to the site for the purpose of inspection and repair by securing all the maintenance easements needed and transferring those easements by deed to the county. Easements shall be binding on the current property owner and all subsequent owners, agents and assigns and shall be properly recorded.
- F. The owner of property to be served by an on-site stormwater management facility shall execute an inspection and maintenance agreement that shall operate as a deed restriction binding on the current property owner and all subsequent property owners, agents and assigns. The maintenance agreement shall:
1. Assign responsibility for the maintenance and repair of the stormwater facility to the owner of the property upon which the facility is located and be recorded as such on the plat for the property by appropriate notation.
  2. Provide for a periodic inspection by the property owner for the purpose of documenting maintenance and repair needs and ensuring compliance with the purpose and requirements of this ordinance. The property owner shall cause this inspection to be conducted a registered professional engineer licensed to practice in Utah who will submit a report, with his seal, of the inspection to the county engineer. The maintenance agreement shall grant permission to the county to enter the property at reasonable times and inspect the stormwater facility to ensure it is being properly maintained.

3. Provide minimum maintenance and repair needs including, but are not limited to, the removal of silt, litter and other debris, the cutting of grass; grass cuttings, waste and vegetation removal; leave in replacement of landscape vegetation in detention and retention basins and inlets and drainage pipes and other stormwater facilities. The agreement shall also provide the property owner shall be responsible for additional maintenance and repair needs consistent with the needs and standards outlined in the BMP manual.
  4. Provide that maintenance needs must be addressed in a timely manner, on a schedule to be determined by the county engineer.
  5. Provide if the property is not maintained or repaired within the prescribed schedule, the county engineer shall perform the maintenance and repair at its expense, and bill the cost thereof to the property owner. The maintenance agreement shall also provide the county engineer's cost of performing the maintenance shall be a lien against the property.
- G. The county shall have the discretion to accept the dedication of any existing or future stormwater management facility, provided such facility meets the requirements of this ordinance and includes adequate and perpetual access and sufficient areas, by easement or otherwise, for inspection and regular maintenance. Any stormwater facility accepted by the county must also meet the county's construction standards and any other standards and specifications which apply to the particular stormwater facility in question.
- H. The applicant must prepare a sediment and erosion control plan for all construction activities that complies which shall accurately describe the potential for soil erosion and sedimentation problems resulting from land disturbing activity and shall explain and illustrate the measures to be taken to control these problems. The length and specificity of the plan shall be commensurate with the size of the project, the site condition, and potential for off-site damage. The plan shall be prepared under seal by a registered professional engineer licensed in Utah. The plan shall also conform to the requirements found in the BMP manual and shall include at least the following:
1. A description of the intended project and proposed land disturbing activity including number of units and structures to be constructed and infrastructure required;
  2. A topographic map with contour intervals of five feet or less showing present conditions and proposed contours resulting from land disturbing activity;
  3. All existing drainage ways, including intermittent and wet-weather ways, with any designated floodways or floodplains;
  4. A general description of existing land cover, not to include individual trees and shrubs;
  5. Stands of existing trees as they are to be preserved upon project completion, specifying their general location on the property. Differentiation shall be made between existing trees to be preserved, trees to be removed and proposed planted trees. Tree protection measures must be identified, and the diameter of the area involved must also be identified on the plan and shown to scale. Information shall be included concerning the proposed destruction of exceptional and historic trees in setbacks and buffer strips, where they exist. Complete landscape plans may be submitted separately. The plan must include the sequence of implementation for tree protection measures;
  6. Approximate limits of proposed clearing, grading and filling;
  7. Approximate flows of existing stormwater leaving any portion of the site;
  8. A general description of existing soil types and characteristics and any anticipated soil erosion and sedimentation problems resulting from existing characteristics;
  9. Location, size and layout of proposed stormwater and sedimentation control improvements;
  10. Proposed drainage network;
  11. Proposed drain tile or waterway sizes;

12. Approximate flows leaving site after construction and incorporating water run-off mitigation measures. The evaluation must include projected effects on property adjoining the site and on existing drainage facilities and systems. The plan must address the adequacy of outfalls from the development; when water is concentrated, the capacity of waterways, if any, accepting stormwater offsite; and the measures, including infiltration, sheeting into buffers, and other measures used to prevent the scouring of waterways and drainage areas off-site;
13. The projected sequence of work represented by the grading, drainage and sedimentation and erosion control plans relating to other major items of construction, beginning excavation and including the construction of any sediment basins or retention facilities or any other structural BMPs;
14. Specific remediation measures to prevent erosion and sedimentation run-off. Plans shall include detailed drawings of all control measures used and stabilization measures including both temporary and permanent vegetation and non-vegetation measures. Detailed construction notes and a maintenance schedule shall be included for all control measures in the plan;
15. Specific details for the construction of rock pads, wash down pads, and settling basins for controlling erosion; road access points; and eliminating or keeping soil, sediment, and debris on streets and public ways at a level acceptable to the county engineer. Soil, sediment, and debris brought onto streets and public ways must be removed by the end of the work day by machine, broom or shovel to the satisfaction of the county engineer. Failure to remove the sediment, soil or debris shall be deemed a violation of this ordinance;
16. Location and identification of any proposed additional buildings, structures or development on the site; and
17. A description of on-site measures to be taken to recharge surface water into the ground water system through infiltration.

(Ord. No. 1686, § I, 11-2-2010)

#### PART III. - Post construction.

##### 17.22.060 - As-built plans.

All applicants are required to submit actual as-built plans for any structures located on-site within 60 days after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be prepared under seal by a registered professional engineer licensed to practice in Utah. A final inspection by the county engineer is required before any performance security or performance bond will be released. The county engineer shall have the discretion to adopt provisions for a partial pro-rata release of the performance security or performance bond on the completion of various stages of development. In addition, a Certificate of Occupancy shall not be granted until corrections to all BMPs have been made and accepted by the county engineer.

(Ord. No. 1686, § I, 11-2-2010)

##### 17.22.070 - Landscaping and stabilization requirements.

Any area of land from which the natural vegetative cover has been either partially or wholly cleared by development activities shall be revegetated according to a schedule approved by the county engineer. The following criteria shall apply to revegetation efforts:

- A. Reseeding must be done with an annual or perennial cover crop accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until such time as the cover crop is established on more than seventy percent of the seeded area.

- B. Replanting with native woody and herbaceous vegetation must be accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until the plantings are established and are capable of controlling erosion.
- C. In addition to the above requirements, a landscaping plan must be submitted with the final design describing the vegetative stabilization and management techniques to be used at the site after construction is completed. This plan shall explain how the site will be stabilized after construction, who will be responsible for the maintenance of vegetation at the site, and what practices will be employed to ensure that adequate vegetative cover is preserved.

(Ord. No. 1686, § I, 11-2-2010)

17.22.080 - Inspection of stormwater management facilities.

Periodic inspections of facilities shall be performed by the county engineer to determine and ensure that the facilities are adequately maintained, continue to perform in an adequate manner, and are in compliance with applicable law and the inspection and maintenance agreement. Such inspections shall be conducted in a reasonable manner, at reasonable times and upon reasonable notice to responsible parties as determined by the county engineer.

(Ord. No. 1761, § II, 11-5-2013; Ord. No. 1686, § I, 11-2-2010)

17.22.090 - Records of installation and maintenance activities.

Parties responsible for the operation and maintenance of a stormwater management facility shall make records of the installation and of all maintenance and repairs to the facility and shall retain the records for at least three years. These records shall be made available to the county engineer during inspection of the facility and at other reasonable times upon request.

(Ord. No. 1686, § I, 11-2-2010)

17.22.100 - Failure to meet or maintain design or maintenance standards.

If a responsible party fails or refuses to meet the design or maintenance standards required for stormwater facilities under this ordinance, the county engineer, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition. In the event that the stormwater management facility becomes a danger to public safety or public health, the county engineer shall notify in writing the party responsible for maintenance of the stormwater management facility. Upon receipt of the notice, the responsible person shall have 15 days to effect maintenance and repair of the facility in an approved manner. In the event the corrective action is not undertaken within that time, the county engineer may take necessary corrective action. The cost of any activities by the county engineer under this section shall be charged to the responsible party.

(Ord. No. 1686, § I, 11-2-2010)

17.22.110 - Waivers.

- A. Every applicant shall be responsible for all post-construction stormwater management activities required by this ordinance unless a request to waive this requirement is approved. Requests to waive the stormwater management plan requirements shall be submitted in writing to the county engineer for approval.

- B. The minimum requirements for stormwater management may be waived in whole or part upon written request of the applicant, provided that at least one of the following conditions applies:
  - 1. The applicant demonstrates that the proposed development is not likely to impair attainment of the objectives of this ordinance;
  - 2. Alternative minimum requirements for on-site management of stormwater discharges have been established in a stormwater management plan approved by the county engineer; or
  - 3. Provisions are made to manage stormwater by an off-site facility which must be currently in place and designed to provide the level of stormwater control equal to or greater than controls afforded by on-site practices. Further, the off-site facility must be operated and maintained by an entity that is legally obligated to continue the operation and maintenance of the facility.
- C. To receive a waiver, the applicant must demonstrate to the satisfaction of the county engineer the waiver will not lead to any of the following conditions downstream:
  - 1. Deterioration of existing culverts, bridges, dams, and other structures;
  - 2. Degradation of biological or ecological functions or habitat;
  - 3. Accelerated streambank or streambed erosion or siltation;
  - 4. Increased threat of flood damage to public health, life or property; or
  - 5. Degradation of receiving water quality.
- D. No land disturbance permit shall be issued where a waiver has been requested until the waiver is granted. If no waiver is granted, the plans must be resubmitted with a stormwater management plan.

(Ord. No. 1761, § III, 11-5-2013; Ord. No. 1686, § I, 11-2-2010)

#### PART IV. - Ordinance applicability at existing location and developments.

##### 17.22.120 - Existing locations and developments.

- A. The following requirements shall apply to all locations and development where land disturbing activities have occurred before enactment of this ordinance:
  - 1. Denuded areas must be vegetated or covered under the standards and guidelines specified in the BMP manual and on a schedule acceptable to the County Engineer.
  - 2. Cuts and slopes must be properly covered with appropriate vegetation or retaining walls constructed.
  - 3. Drainage ways shall be properly covered in vegetation or secured with rip-rap, channel lining, or other means capable of preventing erosion.
  - 4. Trash, junk, and other materials shall be cleared from drainage ways.
  - 5. Stormwater runoff shall be controlled to the extent reasonable to prevent pollution of local waters. Such control measures may include, but are not limited to, the following:
    - a. Ponds, such as:
      - i. Detention pond;
      - ii. Extended detention pond;
      - iii. Wet pond; or
      - iv. Alternative storage measures;
    - b. Constructed wetlands;

- c. Infiltration systems, such as:
    - i. Infiltration/percolation trench;
    - ii. Infiltration basin;
    - iii. Drainage (recharge) well; or
    - iv. Porous pavement;
  - d. Filtering systems, such as:
    - i. Catch basin inserts/media filter;
    - ii. Sand filter;
    - iii. Filter/absorption bed; or
    - iv. Filter and buffer strips; or
  - e. Open channel, such as a swale.
- B. The county engineer shall notify in writing the owners of existing locations and developments of specific drainage, erosion or sediment problems affecting such locations and developments and the specific actions required to correct those problems. The notice shall also specify a reasonable time for compliance.
- C. The county engineer may, to the extent authorized by state and federal law, or this ordinance, establish inspection programs to verify that all stormwater management facilities, including those built before or 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 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 likely to cause violations of the county's UPDES stormwater permit; and joint inspections with other agencies inspecting under environmental, safety or other 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.
- D. Corrective measures imposed by the county engineer under this section are subject to appeal under § 17.22.200 of this ordinance.

(Ord. No. 1686, § I, 11-2-2010)

PART V. - Illicit discharges and connections.

17.22.130 - Illicit discharges.

- A. This section shall apply to all water generated on developed or undeveloped land entering the county's separate storm sewer system.
- B. No person shall introduce or cause to be introduced into the county storm sewer system any discharge that is not composed entirely of uncontaminated stormwater. The commencement, conduct or continuance of any non-stormwater discharge to the county storm sewer system is prohibited except as described as follows:
  - 1. Discharges from the following:
    - a. Water line flushing;
    - b. Landscape irrigation;

- a. Diverted stream flows;
  - d. Rising ground waters;
  - e. Uncontaminated ground water infiltration (as defined at 40 C.F.R. 35.2005(2)) to separate storm sewers;
  - f. Uncontaminated pumped groundwater;
  - g. Discharges from potable water sources;
  - h. Uncontaminated footing/foundation drains;
  - i. Air conditioning condensate;
  - j. Irrigation water;
  - k. Springs;
  - 1. Uncontaminated water from crawl space pumps;
  - m. Individual residential car washing;
  - n. Flows from riparian habitats and wetlands;
  - o. Dechlorinated swimming pool discharges;
  - p. Residential street wash water;
  - q. Dechlorinated water reservoir discharges;
  - r. Discharges or flows from emergency firefighting activity.
2. Discharges specified in writing by the county engineer as being necessary to protect public health and safety.
  3. Dye testing is an allowable discharge if the county engineer has so specified in writing.
  4. The prohibition shall not apply to any non-storm water discharge permitted under an UPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the state division of water quality, provided the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations and provided that written approval has been granted for any discharge to the storm drain system.

(Ord. No. 1761, § IV, 11-5-2013; Ord. No. 1686, § I, 11-2-2010)

#### 17.22.140 - Illicit connections.

- A. The construction, use, maintenance or continued existence of illicit connections to the separate county storm sewer system is prohibited.
- B. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection, or made before the effective date of this ordinance.

(Ord. No. 1686, § I, 11-2-2010)

#### 17.22.150 - Reduction of stormwater pollutants by the use of best management practices.

Any person responsible for a property or premises, which is or may be the source of an illicit discharge, may be required to implement, at the person's expense, the BMPs necessary to prevent the further discharge of pollutants to the county storm sewer system. Compliance with all terms and conditions of a valid National Pollutant Discharge Elimination System permit authorizing the discharge of

stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.

(Ord. No. 1686, § I, 11-2-2010)

17.22.160 - Notification of spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information of any known or suspected release of materials which are resulting in, or likely to result in the illicit discharges or pollutants into the county storm sewer system, the person shall take all necessary steps to ensure the discovery, containment, and cleanup of the release. In the event of such a release of hazardous materials the person shall immediately notify applicable emergency response agencies of the occurrence. In the event of a release of non-hazardous materials, the person shall notify the county engineer no later than the next business day. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge, the notices given, and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

(Ord. No. 1785, § II, 6-9-2015; Ord. No. 1686, § I, 11-2-2010)

PART VI. - Enforcement Actions and Penalties.

17.22.170 - Enforcement actions.

- A. The authority to enforce the provisions of this ordinance is vested in the county engineer.
  - 1. The county engineer shall have the authority to issue notices of violation and stop work orders and to impose the civil penalties provided in this section.
  - 2. With the issuance of a land disturbance permit, the county engineer shall be permitted to enter and inspect facilities subject to this ordinance at all reasonable times and as often as necessary to determine compliance. Failure to comply with this ordinance may result in criminal prosecution, punitive sanctions by the Salt Lake Valley Health Department (SLVHD) or by other means identified in law, ordinance or permits or terms set forth in development applications.
- B. Notification of violation.
  - 1. Whenever the county engineer finds that any permittee or any other person discharging stormwater has violated or is violating this ordinance or a permit or order issued hereunder, the county engineer may serve upon such person written notice of the violation. Within ten days of this notice, that person shall submit a written explanation of the violation and a plan for the satisfactory correction thereof, including specific required actions, to the county engineer. Submission of this plan does not relieve the discharging person of liability for any violations occurring before or after receipt of the notice of violation.
  - 2. The county engineer is empowered to enter into consent orders, assurances of voluntary compliance, or other similar means establishing an agreement with the person responsible for the noncompliance. Such orders will include specific action to be taken by the person to correct the noncompliance within a time period set out in the order. Consent orders shall have the same force and effect as administrative orders issued pursuant to subparagraphs 4, 5 and 6 below.
  - 3. The county engineer may order any person who violates this ordinance or any permit or order issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served on the person specifying the time and place for the meeting, the proposed enforcement action and the reasons for such action, and a request that the violator show cause why this proposed enforcement action should not be taken. The notice of the

hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten days prior to the hearing.

4. When the county engineer finds that any person has violated or continues to violate this ordinance or any permit or order issued here under, he may issue an order to the violator directing that adequate structures, devices, be installed or procedures implemented and properly operated with that period specified in the order. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the construction of appropriate structures, installation of devices, self-monitoring, and adequate management practices.
  5. When the county engineer finds any person has violated or continues to violate this ordinance or any permit or order issued hereunder, he may issue an order to cease and desist all such violations and direct those persons in noncompliance to comply forthwith or take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating any discharge.
  6. In the event any person or any holder of a land disturbance permit pursuant to this ordinance violates the terms of the permit or any provision of this ordinance, or implements site development in such a manner as to materially adversely affect the health, welfare, or safety any of persons or be injurious to property or improvements, the county engineer may issue a stop work order, directing no further work on the development shall be performed or approved, until otherwise authorized by the county.
- C. Whenever there is a conflict between any standard contained in this ordinance and in the BMP manual adopted by the county under this ordinance, the strictest standard shall prevail.

(Ord. No. 1686, § I, 11-2-2010)

#### 17.22.180 - Penalties.

- A. Any person who commits any act declared unlawful under this ordinance, who violates any provision of this ordinance, who violates the provisions of any permit issued pursuant to this ordinance, or who fails or refuses to comply with any lawful communication or any notice to abate or take corrective action issued by the county engineer, shall be guilty of a class B misdemeanor.

Each day of violation shall constitute a separate violation.

- B. Civil penalties imposing fines and damages or injunctive relief issued by the county engineer may include consideration of:
1. The harm done to the public health or the environment;
  2. Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;
  3. The economic benefit gained by the violator;
  4. The effort put forth by the violator to remedy this violation;
  5. Any unusual or extraordinary enforcement costs incurred by the county;
  6. The penalty established by law, such as the Utah Water Quality Act and the Utah Solid and Hazardous Waste Act, for specific categories of violations; and
  7. Any equities or aggravating or mitigating considerations.
- C. In addition to any civil penalty imposed pursuant to s subsection B. above, the county may recover all damages proximately caused by the violator to the county, which may include any reasonable expenses incurred in investigating violations of and enforcing compliance with this ordinance, any other actual damages caused by the violation, and the costs of the county's construction

maintenance or repair of stormwater facilities when the user or owner of such facilities fails to maintain them as required by this ordinance.

- D. The county may bring legal action to enjoin the continuing violation of this ordinance and the existence of any other remedy, at law or equity, shall be no defense to any such actions.
- E. The remedies set forth in this section shall be cumulative, not exclusive, and it shall not be a defense to any civil or criminal action that one or more of the remedies herein has been sought or granted.

(Ord. No. 1761, § V, 11-5-2013; Ord. No. 1686, § I, 11-2-2010)

#### 17.22.190 - Appeals.

- A. Any person aggrieved by the imposition of a civil penalty or damage assessment as provided by this ordinance may appeal said penalty or damage assessment to the county council.
- B. The appeal shall be in writing and filed with the county council clerk within fifteen days after the civil penalty or damage assessment was served.
- C. Upon receipt of an appeal, the county council shall conduct a public hearing within thirty days. Ten days prior notice of the time, date, and location of the hearing shall be published in a daily newspaper of general circulation. Ten days notice by registered mail shall also be provided to the appellant at the address provided by the appellant in his appeal. The decision of the county council shall be final.
- D. An appellant may appeal a decision of the county's governing body to district court as provided by state law.

(Ord. No. 1686, § I, 11-2-2010)

### Chapter 17.24 - BUDGETING AND FUNDING

#### **Sections:**

#### Article I. - Budgeting

#### 17.24.010 - Program elements within budget.

The budget for flood control and water quality shall provide for water quality management planning, administration staff, maintenance of facilities listed in Section 17.08.040 of this title, new construction or replacement of facilities master planning for flood control and drainage facilities, and construction of new stormdrains to provide for control of stormwaters and floodwaters generated from existing and new development.

(Ord. 817 § 2 (part), 1982: prior code § 7-7-1)

#### 17.24.020 - Allocation of funds.

The budget for flood control and water quality shall be submitted to the county council for approval. Adequate funding shall first be provided for the staff and services required to operate the flood control and water quality management programs and for maintenance and repair of facilities listed in Section 17.08.040(1) through (64). Second priority shall be for new construction required on facilities listed in Section 17.08.040(1) through (64). All remaining funds shall be used for maintenance and construction of trunk or collector and local systems, excluding systems that drain only roadway surfaces. Remaining funds may also be allocated for projects and maintenance of facilities in the cities and the unincorporated

area based on such factors as the county may consider appropriate to provide an effective county-wide flood control program. Maintenance expenditures shall be limited to work accomplished by county employees or by contracts awarded by the county.

(Ord. 1473 (part), 2001: 1986 Recodification: Ord. 817 § 2 (part), 1982: prior code § 7-7-2)

17.24.030 - Expenditures within cities.

All funds allocated for construction within cities pursuant to Section 17.24.020 shall be accounted for by contracts between the county and each city. Funds shall be used for construction or major maintenance work performed by contract. Allocated funds shall not be used to pay the cost of city manpower and equipment used in routine maintenance activities.

(Ord. 817 § 2 (part), 1982: prior code § 7-7-3)

Article II. - Reserve Fund

17.24.040 - Purpose.

It is the purpose of this article to establish in the county as part of the budget process a reserve fund as appropriated to be used for flood control, storm drainage and water quality management. Provision is made for the acquisition of both real and personal property, and for the financing of programs to prevent damage from floodwaters or stormwaters, and to maintain and improve the quality of water within the county to accomplish the purposes of the reserve fund.

(Ord. 1473 (part), 2001: Ord. 817 § 2 (part), 1982: prior code § 7-6-1)

17.24.050 - Appropriation of funds.

The county council may appropriate each year such sums as they deem necessary or convenient for the purposes of this article. Money so appropriated shall be allowed to accumulate from year to year until spent for any of the purposes specified in Section 17.24.040 and shall not be transferred to any other fund or used for any other purpose.

(Ord. 1473 (part), 2001: Ord. 817 § 2 (part), 1982: prior code § 7-6-2)

17.24.060 - Administration.

Money appropriated or accumulated under the provisions of this article shall be budgeted by the county council and no expenditure or encumbrance of such money shall be made without the approval of the mayor.

(Ord. 1473 (part), 2001: Ord. 817 § 2 (part), 1982: prior code § 7-6-6)

17.24.070 - Authorized uses.

Money appropriated or accumulated pursuant to this title, including all interest and earnings thereon shall be used for the purposes specified in Section 17.24.040.

(Ord. 817 § 2 (part), 1982: prior code § 7-6-3)

## Chapter 17.28 - BONDS AND SURETIES

### Sections:

#### 17.28.010 - Form—Filing—Extension.

All bonds, sureties or deposits required under the terms of this title, or by the division director, shall be in the form of either a cash or surety bond, escrow agreement or letter of credit, in an amount specified by the mayor. The bond or other surety shall be filed with the mayor, and shall guarantee the performance of all construction and/or the payment, of all fees required under the terms of this title. If the bond is given to guarantee the performance of any construction of facilities that are to be maintained by the public, twenty-five percent of the bond amount for such facilities shall extend for a one-year period beyond the date the construction is completed to guarantee replacement of defects.

(Ord. 1473 (part), 2001: Ord. 817 § 2 (part), 1982: prior code § 7-8-1)

#### 17.28.020 - Processing.

Bonds, sureties or deposits required in this title shall be processed and released in accordance with the procedures set forth in Chapter 3.56 of this code.

(Ord. 817 § 2 (part), 1982: prior code § 7-8-2)

## Chapter 17.32 - VIOLATIONS AND PENALTIES

### Sections:

#### 17.32.010 - Definitions.

"Division" means Salt Lake County's Flood Control Engineering Division.

"Emergency abatement" means abatement procedures conducted upon the determination that the obstruction, encroachment, violation, or other circumstance is immediately hazardous to public health, safety, or welfare, including but not limited to conditions that are likely to result in a flood event.

"Responsible person" means any person, including the property owner, or entity, including but not limited to firms, corporations, and government entities, whether as owner, agent, or occupant, who commits, aids in committing, contributes to, causes, supports, retains, or permits a violation of this title. Every successive owner or tenant of a property or premises who fails to correct the violation upon or in the use of property or premises caused by a former owner or tenant is also a responsible person. In cases where there is more than one responsible person, the county may proceed against one, some, or all of them.

(Ord. No. 1800 § III, 9-13-2016)

**Editor's note**— Ord. No. 1800 § III, adopted August 13, 2016, repealed § 17.32.010, and enacted a new § 17.32.010 as set out herein. Former § 17.32.010 pertained to violation deemed misdemeanor and derived from prior code § 7.9.1 and Ord. 817, adopted in 1982.

#### 17.32.020 - Penalty.

- A. The provisions of this title may be enforced by injunctions, mandamus, abatement, criminal or civil penalties, or any other remedies provided by law. Any one, all, or combination of the penalties and remedies set forth herein may be used to enforce the provisions of this title.
1. Criminal Penalties. It is unlawful for any responsible person to willfully violate any of the provisions of this title, or to aid or cause the violation of any of said provisions. Any person who is convicted of violating any of the provisions of this title shall be guilty of a Class B misdemeanor and shall be punishable as set out in Chapter 1.12 of this code.
  2. Civil Penalties. Any responsible person found in violation of the provisions of this title may be fined according the Flood Control Violation Civil Penalty Schedule, adopted by the county's governing body.

(Ord. No. 1800 § III, 9-13-2016; Ord. 1473 (part), 2001: 1986 Recodification: Ord. 817 § 2 (part), 1982: prior code § 7-9-2)

#### 17.32.035 - Enforcement procedure.

The following procedures govern the enforcement of the provisions of this title.

- A. Stop Work Order. Whenever the division finds that there is or has been a violation of this title, the division may serve upon a responsible person a written stop work order, directing no further work shall be performed or approved until otherwise authorized by the division. A stop work order may be personally served, may be mailed to responsible person by certified mail, or may be posted in a prominent location upon the property where the violation exists.
1. A stop work order must include:
    - i. The activity or action that must be stopped immediately;
    - ii. Name of responsible person;
    - iii. The location of violation;
    - iv. Date violation was observed;
    - v. Explanation of the violation specifying ordinance sections in violation;
    - vi. Obligation of the responsible person to bring violation into compliance, including the date by which to bring violation into compliance; and
    - vii. Notice of the appeals process found in Section 17.32.060 of this chapter.
  2. If responsible person has not remediated the violation within the timeframe allotted in stop work order, the division may proceed with a notice of violation or abatement procedures.
- B. Notice of Violation. The division may serve upon a responsible person a written notice of the violation whenever the division finds that there has been a violation of this title. A notice of violation may be personally served, may be mailed to responsible person by certified mail, or may be posted in a prominent location upon the property where the violation exists.
1. A notice of violation under this title must include:
    - i. Name of responsible person;
    - ii. The location of violation;
    - iii. Date violation was observed;
    - iv. Explanation of the violation specifying ordinance sections in violation;
    - v. Obligations of the responsible person to bring violation into compliance, including the date, of not less than thirty days, by which to bring violation into compliance;

- vi. Date and rate which civil penalties will begin to accrue;
  - vii. A reminder of the county's ability to abate the violation pursuant to Section 17.32.040 of this title; and
  - viii. Notice of the appeals process found in Section 17.32.060 of this chapter.
2. The penalties described in Section 17.32.020 will be imposed and begin to accrue upon service of the notice of violation.
  3. The division may issue further notices of the violation as needed. All subsequent notices will include the total accrual of all civil penalties as of the date of the notice. After penalties begin accruing, remediation of the violation will not relieve the responsible person from payment of any accrued penalty, nor will payment of a civil penalty relieve the responsible person from the obligation to correct the violation. The division director, in his or her discretion, may waive all or a portion of the civil penalty for good cause.

(Ord. No. 1831, § II, 6-5-2018; Ord. No. 1800 § III, 9-13-2016)

**Editor's note**— Ord. No. 1800 § III, adopted August 13, 2016, repealed § 17.32.030, and enacted a new § 17.32.035 as set out herein. Former § 17.32.030 pertained to additional sanctions against corporation or association and derived from prior code § 7.9.3 and Ord. 817, adopted in 1982.

#### 17.32.040 - Removal of obstruction—Abatement.

In addition to any penalties which may be imposed pursuant to this chapter, the division may bring an action to abate any violation of this chapter or of any permit issued by the division and to remove any obstruction or other [ ] violation described in Section 17.08.020 or otherwise is in violation of this title.

- A. **Abatement Procedure.** To abate a violation under this title, the division must follow the following procedure, unless the violation falls under Subsection 17.32.040(B)-(C).
  1. To conduct an abatement, the division must have either the written permission of the property owner to conduct the abatement, or a court order or other legal document authorizing access and the violation's abatement. The division may direct the Salt Lake County District Attorney's office to bring an action for abatement of the violation.
  2. After receiving permission or a court order as provided above, and before abating a violation under Subsection 17.32.035(C)(1) and (2), the division may give written final notice to responsible persons of the impending abatement. This notice will include the date and time of the abatement, as well as notice that the division can recover abatement costs from the responsible person. Notices may be personally served or may be mailed to violators by certified mail provided that a copy is also posted on offending installations.
  3. If such installations are not removed after notice is given, or at any time after permission or a court order is granted, the division, acting with permission or by order of the court, may effect removal at the expense of the person in violation and may recover its costs and expenses in conducting the abatement according to Subsection 17.32.040(D) of this chapter.
- B. **Emergency Entry.** The division has the authority, based on cause and exigent circumstance, to enter any property, without a search warrant or court order to conduct emergency flood control work or emergency abatement to mitigate a threat to public health, safety, and welfare, but only in a situation of extreme, imperative, or overwhelming necessity when immediate action is necessary to save human life or avert destruction or damage of property.
  1. Before conducting an emergency entry or emergency abatement under Subsection 17.32.035(C)(3), the division must give whatever notice is practicable and reasonable

under the circumstances and based upon the severity of the threat to public health, safety, and welfare. The division may not authorize such emergency entry or emergency abatement if the threat is not so imminent as to allow time to obtain permission, a court order, injunction, preliminary injunction, temporary restraining order or other court order before action is taken.

2. After an emergency entry, the division shall notify the owner or responsible person of the action taken, which notice shall be served immediately after completion of the entry and work. A person wishing to appeal this entry, work, or abatement may do so as authorized in Subsection 17.32.060(B)(1).
  3. The responsible person shall be liable for all costs associated with an emergency abatement. The county may recover costs pursuant to Subsection 17.32.040(D) of this chapter.
- C. Reimbursement. After the violation is abated pursuant to Subsections 17.32.040(C), 17.32.040(D) or 17.32.040(F) of this title, the division may recover its abatement costs and expenses.
1. Division will create an inventory of all costs and expenses expended by the division in abating the violation and will serve notice of the inventory of costs upon the responsible person within thirty business days of the abatement.
  2. If the responsible person fails to pay such costs within thirty days after receipt, the division may bring an action for the recovery of the divisions' costs and expenses incurred in removing the offending installation pursuant to the above subsections.
- D. Nothing set forth in this title shall prevent the division from abating any violation, removing any obstruction, or exercising any powers granted by Utah Code Section 17-8-5, on county property or within a county easement without following the enforcement procedures in this chapter, so long as the division does not trespass upon another's property.
- E. The division's right to abate a violation does not extinguish through passage of time and may be exercised at any time.

(Ord. No. 1831, § II, 6-5-2018; Ord. No. 1800 § III, 9-13-2016; Ord. 817 § 2 (part), 1982: prior code § 7-9-4)

#### 17.32.050 - Recordation of notices of violation.

- A. If the division issues a notice of violation to a responsible person, and the property remains in violation after the deadline established in the notice of violation, and no request for an appeal has been filed, the division has authority to record a notice of violation with the Recorder's Office of Salt Lake County.
- B. The recordation shall include the name of the property owner, the parcel number, the legal description of the parcel, a copy of the notice of violation or order, and any other relevant information.
- C. The recordation does not: (i) place a lien on the property; (ii) encumber the property, or (iii) serve as a notice of interest in the property, but merely places future interested parties on notice of any continuing violation found upon the property.
- D. A notice of the recordation shall be served on the responsible person and the property owner by personal services or certified mail.
- E. Compliance. When the violation has been corrected, the responsible person will request an inspection by the division. If after inspection, all violations have been corrected, necessary permits issued and finalized, and civil penalties and administrative fees paid, the division shall issue a notice

of correction of violation to the responsible person and shall record such notice of compliance with the Recorder's Office of Salt Lake County.

(Ord. No. 1800 § III, 9-13-2016)

17.32.060 - Appeals.

- A. Any person aggrieved by the issuance of any enforcement or abatement proceeding authorized by this chapter may appeal to the county.
- B. First Appeal. The notice of appeal shall be in writing and filed with the flood control engineering division director. Upon receipt of an appeal, the flood control engineering division director or his designee will conduct an informal meeting with the appellant. The flood control engineering division director or designee will provide reasonable notice to appellant of this meeting. The flood control engineering division director or designee will make a final determination within two business days of the meeting, and will send by certified mail a copy of the determination to appellant.
  - 1. Time. Appeals must be appealed no later than ten calendar days after notice was received.
  - 2. Staying an Abatement. Any abatement or emergency abatement may be appealed, however, any notice to appeal an abatement or emergency abatement will not stay abatement or emergency abatement proceedings, or prevent the division from carrying out an abatement.
- C. Second Appeal. The appellant may appeal the flood control engineering director or designee's determination to the public works director or designee. The appeal shall be in writing and filed with the public works director no later than ten business days after the flood control engineering director's determination.
  - 1. Upon receipt of an appeal, the public works director or his designee will conduct an appeal. The public works director or designee will provide reasonable notice to appellant of this meeting. The public works director or designee will make a determination within two business days of the meeting, and will send by certified mail a copy of the determination to appellant.
- D. Third Appeal. The appellant may appeal the public works director or designee's determination by requesting an administrative hearing as provided in Chapter 1.16 of this code. The appellant may appeal the final administrative order as provided by state law. The division may charge a reasonable administrative hearing fee for this appeal.

(Ord. No. 1831, § II, 6-5-2018; Ord. No. 1800 § III, 9-13-2016)