

BOUNTIFUL CITY COUNCIL MEETING

TUESDAY, January 24, 2017

Regular Session - 7:00 p.m.

NOTICE IS HEREBY GIVEN that the City Council of Bountiful, Utah will hold its regular Council meeting at City Hall, 790 South 100 East, Bountiful, Utah, at the time and on the date given above. The public is invited to all meetings. Deliberations will occur in the meetings. Persons who are disabled as defined by the Americans With Disabilities Act may request an accommodation by contacting the Bountiful City Manager at 801.298.6140. Notification at least 24 hours prior to the meeting would be appreciated.

If you are not on the agenda, the Council will not be able to discuss your item of business until another meeting. For most items it is desirable for the Council to be informed of background information prior to consideration at a Council meeting. If you wish to have an item placed on the agenda, contact the Bountiful City Manager at 801.298.6140.

AGENDA

No Work Session

Regular Session – 7:00 p.m.

1. Welcome, Pledge of Allegiance and Thought/Prayer
2. Approve minutes of previous meeting – January 10, 2016 p. 3
3. Council Reports
4. Consider approval of weekly expenditures > \$1,000 paid January 2 & 9, 2017 p. 7
5. Consider approval of Ordinance 2017-01 amending the Bountiful City Code with respect to Storm Water Management – Mr. Todd Christensen p. 11
6. Consider approval of the appointments of Mr. Lowell Leishman, Mrs. Sheryl Allen and Mr. Boyd Fisher to the Veterans Memorial Location Committee – Mayor Randy Lewis p. 49
7. Consider approval of the purchase of two 2017 Ford 350 Diesel Super Cab 4X4 cab and chassis from Larry H. Miller Ford in the total amount of \$79,708.76 – Mr. Allen Johnson p. 51
8. Consider approval of the quote from Cache Valley Electric for the rebuild of the transmission line on 300 South between Davis Boulevard and Moss Hill Drive in the amount of \$94,435 – Mr. Allen Johnson p. 53
9. Consider approval of the purchase of 54 wood poles to put into inventory from McFarland Cascade in the amount of \$78,591 – Mr. Allen Johnson p. 55
10. Adjourn to a closed session to discuss the acquisition or sale of real property, pending litigation and/or to discuss the character and/or competency of an individual(s) (Utah Code §52-4-205).


City Recorder

1
2
3 **Minutes of the**
4 **BOUNTIFUL CITY COUNCIL**

5 January 10, 2017 – 6:30 p.m.

6 Present: Mayor Randy Lewis
7 Councilmembers Kendalyn Harris, Richard Higginson, Beth Holbrook,
8 John Marc Knight, John Pitt
9 City Manager Gary Hill
10 Asst. City Manager Galen Rasmussen
11 City Attorney Clinton Drake
12 City Engineer Paul Rowland
13 City Planner Chad Wilkinson

14
15 Department Directors/Staff:

16 Police Chief Tom Ross
17 Assistant Chief Ed Biehler
18 Streets/Sanitation Gary Blowers
19 Charles Benson
20 Power Allen Johnson
21 Recording Secretary Nikki Dandurand
22

23 Official notice of the City Council Meeting was given by posting an Agenda at City Hall and on
24 the Bountiful City Website and the Utah Public Notice Website and by providing copies to the
25 following newspapers of general circulation: Davis County Clipper and Standard Examiner.
26

27 **Work Session – 6:30 p.m.**
28 **Planning Conference Room**

29
30 Mayor Lewis welcomed those in attendance and called the session to order at 6:30 p.m.
31 Mayor Lewis turned the time over to Mr. Clinton Drake. Mr. Drake presented an Open Meetings
32 Training to the Council and those in attendance. Mr. Drake reviewed Utah State Open Public
33 Meetings Act (OPMA). The Council asked various questions regarding OPMA and reviewed what
34 Mr. Drake presented. Mayor Lewis closed the session at 6:55 p.m.
35

36 **Regular Meeting – 7:00 p.m.**
37 **City Council Chambers**

38
39 Mayor Lewis called the meeting to order at 7:00 p.m. and welcomed those in attendance.
40 Jamison Bain, Troop 734, led the Pledge of Allegiance; Pastor Joshua Knight of the Bountiful
41 Heights Church gave a prayer.
42

43 **APPROVE MINUTES OF PREVIOUS MEETING - DECEMBER 13, 2016**

44 Mayor Lewis presented the minutes as printed. Councilman Pitt moved to approve the
45 minutes as presented and Councilwoman Holbrook seconded the motion. Voting was unanimous

1 with Councilpersons Harris, Higginson, Holbrook, Knight and Pitt voting “aye”.

2
3 **COUNCIL REPORTS**

4 Councilman Knight mentioned that Governor Herbert proclaimed January as Law
5 Enforcement Appreciation Month. Councilman Pitt commended the citizens of Bountiful for
6 gathering the signatures required for the City Hall referendum petition, although he does not agree
7 with the petition. No other reports were made.

8
9 **BCYC REPORT**

10 Brandon Titensor, food chair member and Kelsey Childs, photographer for BCYC announced
11 an upcoming food drive, attending the next open house for the City Plaza and Councilwoman Harris
12 said they will be attending “Meet the Legislature day” in late February.

13
14 **CONSIDER APPROVAL OF WEEKLY EXPENDITURES > \$1,000 PAID DECEMBER 5, 12,**
15 **19 & 26, 2016, AND THE NOVEMBER FINANCIAL REPORT**

16 Mayor Lewis presented the expenditures and financial report and asked for a motion to
17 approve. Councilman Higginson moved to approve the weekly expenditures/financial report as
18 presented and Councilwoman Holbrook seconded the motion. Voting was unanimous with
19 Councilpersons Harris, Higginson, Holbrook, Knight and Pitt voting “aye”.

20
21 **LIEUTENANT JON PURCELL RETIREMENT – CHIEF TOM ROSS**

22 Chief Ross brought Lt. Purcell up to the podium and told of his appreciation for his dedication
23 and service to the City. The Council and the Mayor expressed their appreciation as well. Lt. Purcell
24 said a few remarks to thank the City for its continued support.

25
26 **CONSIDER APPROVAL OF THE FOLLOWING APPOINTMENTS:**

- 27 a. **The reappointment of Mr. Paul Summers to the Power Commission for a four-year term**
28 **– Mr. Allen Johnson**
29 b. **The appointment of Mr. Jesse Bell to the Planning Commission to fill Mr. Mike Allen’s**
30 **position and complete his term which expires July 1, 2018 – Mr. Chad Wilkinson**

31
32 Mr. Johnson stated that Mr. Summers has served continually in this position and is recommended
33 for his reappointment to the Power Commission. Councilwoman Holbrook moved to approve his
34 reappointment and Councilman Knight seconded the motion. Voting was unanimous with
35 Councilpersons Harris, Higginson, Holbrook, Knight and Pitt voting “aye”. Mr. Chad Wilkinson
36 stated that Mr. Mike Allen has served for the past 14 years and recommends Mr. Jesse Bell to fill his
37 position. Mr. Bell has been serving with the city for many years and will be a great asset.
38 Councilman Higginson moved to approve his appointment to the Planning Commission and
39 Councilwoman Harris seconded the motion. Voting was unanimous with Councilpersons Harris,
40 Higginson, Holbrook, Knight and Pitt voting “aye”.

41
42 **CONSIDER APPROVAL OF THE PURCHASE OF A DODGE 3500 DUAL WHEEL ONE**
43 **TON DUMP TRUCK FROM SALT LAKE VALLEY CHRYSLER, DODGE, JEEP AND A**
44 **NINE-FOOT HOLLAND FLATBED BODY FROM HOLLAND EQUIPMENT COMPANY**
45 **IN THE TOTAL AMOUNT OF \$28,235 – MR. GARY BLOWERS**

1 Mr. Blowers stated the Landfill would like to replace a 14-year-old one ton truck. This truck
2 is used for hauling fuel from the Street Department to the Landfill to fuel the equipment there and to
3 pick up debris for litter control. Staff requested competitive price quotes from State contract and local
4 dealers. Councilwoman Harris made a motion to approve the purchases and Councilman Higginson
5 seconded the motion. Voting was unanimous with Councilpersons Harris, Higginson, Holbrook,
6 Knight and Pitt voting “aye”.

7
8 **CONSIDER APPROVAL OF THE SALE OF PROPERTY LOCATED AT LEWIS PARK**
9 **ADJACENT TO LOT 502 OF THE LEWIS PARK SUBDIVISION – MR. CLINTON DRAKE**

10 Mr. Drake said the City had received an offer to purchase land adjacent to LOT 502 of Lewis
11 Park Subdivision. Mr. Drake said that due to a dramatic change in grade from the rest of Lewis Park
12 the land has remained unimproved since the development of Lewis Park. The Council asked about
13 prior land sales by the City. Mr. Rowland stated another small parcel of land was previously sold,
14 years ago, for the value of \$12,000. The Council asked questions regarding the lot lines, landscaping
15 and the value of the property. Councilman Knight made a motion approve the sale and Councilman
16 Pitt seconded the motion. Voting was unanimous with Councilpersons Harris, Higginson, Holbrook,
17 Knight and Pitt voting “aye”.

18
19 Mayor Lewis asked for a motion to adjourn the regular session of City Council. Councilman
20 Knight made a motion to adjourn the meeting and Councilman Higginson seconded the motion.
21 Voting was unanimous with Councilpersons Harris, Higginson, Holbrook, Knight and Pitt voting
22 “aye”. The regular session of the City Council was adjourned at 7:40 p.m.

23
24

Mayor Randy Lewis

City Recorder

City Council Staff Report

Subject: Expenditures for Invoices > \$1,000.00 paid
January 2 & 9, 2017

Author: Tyson Beck, Finance Director

Department: Finance

Date: January 16, 2017



Background

This report is prepared following the weekly accounts payable run. It includes payments for invoices hitting expense accounts equaling or exceeding \$1,000.00.

Payments for invoices affecting only revenue or balance sheet accounts are not included. Such payments include: those to acquire additions to inventories, salaries and wages, the remittance of payroll withholdings and taxes, employee benefits, utility deposits, construction retention, customer credit balance refunds, and performance bond refunds. Credit memos or return amounts are also not included.

Analysis

Unless otherwise noted and approved in advance, all expenditures are included in the current budget. Answers to questions or further research can be provided upon request.

Department Review

This report was prepared and reviewed by the Finance Department.

Significant Impacts

None

Recommendation

Council should review the attached expenditures.

Attachments

Weekly report of expenses/expenditures for invoices equaling or exceeding \$1,000.00 paid January 2 & 9, 2017.

**Expenditure Report for Invoices (limited to those outlined in staff report) >\$1,000.00
Paid January 2, 2017**

<u>VENDOR</u>	<u>VENDOR NAME</u>	<u>DEPARTMENT</u>	<u>ACCOUNT</u>		<u>AMOUNT</u>	<u>CHECK NO</u>	<u>INVOICE</u>	<u>DESCRIPTION</u>
7666	AMERICAN CHILLER MECHANICAL	Police	10.4210.426000.	Bldg & Grnd Suppl & Maint	\$ 1,048.00	194091	8096	Maintenance for Stoker Building
1211	ASPHALT MATERIALS INC	Streets	10.4410.441200.	Road Matl Patch/ Class C	1,292.00	194094	72631	Patching
1212	ASPLUNDH TREE EXPERT	Light & Power	53.5300.448632.	Distribution	4,969.12	194095	86Q92816	Tree Trimming
1212	ASPLUNDH TREE EXPERT	Light & Power	53.5300.448632.	Distribution	5,140.40	194095	85X45116	Tree Trimming
1212	ASPLUNDH TREE EXPERT	Light & Power	53.5300.448632.	Distribution	5,140.40	194095	85X45216	Tree Trimming
1212	ASPLUNDH TREE EXPERT	Light & Power	53.5300.448632.	Distribution	5,140.40	194095	86Q92716	Tree Trimming
1473	BROKEN ARROW INC	Streets	10.4410.441100.	Special Highway Supplies	30,656.88	194097	22798	Road Salt
1716	CMT ENGINEERING LAB	Water	51.5100.472100.	Buildings	2,450.00	194103	62865	Mueller Park Water Treatment Plant
1716	CMT ENGINEERING LAB	Legislative	45.4110.472100.	Buildings	5,610.00	194103	62864	Plaza & City Hall
2537	HOSE & RUBBER SUPPLY	Streets	10.4410.425000.	Equip Supplies & Maint	3,402.22	194118	562377-001	Hose/ Wire/ Pipes
2987	M.C. GREEN & SONS INC	Water	51.5100.473110.	Water Mains	1,476.47	194131	3416	Application #3
3018	MARQUEE BODY & PAINT	Liability Insurance	63.6300.451150.	Liability Claims/Deductible	4,606.15	194133	6465	Vehicle Repair
4535	WEBER RIVER WATER US	Light & Power	53.5300.448627.	Echo Hyrdo	1,702.83	194173	12-1817	FY2017 Budget +Capital/ Security
4574	WHEELER MACHINERY CO	Landfill	57.5700.425000.	Equip Supplies & Maint	4,170.37	194175	SS000119496	Lndfill CAT Radiator
TOTAL:					<u>\$ 76,805.24</u>			

**Expenditure Report for Invoices (limited to those outlined in staff report) >\$1,000.00
Paid January 2, 2017**

<u>VENDOR</u>	<u>VENDOR NAME</u>	<u>DEPARTMENT</u>	<u>ACCOUNT</u>		<u>AMOUNT</u>	<u>CHECK NO</u>	<u>INVOICE</u>	<u>DESCRIPTION</u>
5368	ACE DISPOSAL INC	Recycling	48.4800.431550.	Recycling Collection Service	\$ 32,446.20	194176	01012017	Recycling
1059	AIA CORPORATION	Streets	10.4410.448000.	Operating Supplies	1,094.50	194178	RDA2005073	Uniforms
1212	ASPLUNDH TREE EXPERT	Light & Power	53.5300.448632.	Distribution	4,112.32	194185	87X72916	Tree Trimming
1212	ASPLUNDH TREE EXPERT	Light & Power	53.5300.448632.	Distribution	4,112.32	194185	87X73016	Tree Trimming
1212	ASPLUNDH TREE EXPERT	Light & Power	53.5300.448632.	Distribution	4,628.80	194185	87K70616	Tree Trimming
1212	ASPLUNDH TREE EXPERT	Light & Power	53.5300.448632.	Distribution	5,140.40	194185	87K70516	Tree Trimming
5799	BALLEJOS, TRACY	Police	10.4210.415000.	Employee Education Reimb	1,265.28	194187	12282016	2016 Fall Semester
1615	CENTURYLINK	Enhanced 911	10.4219.428000.	Telephone Expense	3,578.45	194201	12222016	Acct# 801-578-0401 452B
1767	CONTEMPORARY IMAGE	Light & Power	53.5300.445202.	Uniforms	1,955.00	194207	32753	Uniform Shirts
1887	DAVIS COUNTY GOVERNMENT	Police	10.4210.431600.	Animal Control Services	6,671.77	194210	79438	Nov 2016 Animal Control Services
2126	FAIRBANKS SCALES	Landfill	57.5700.425000.	Equip Supplies & Maint	1,195.00	194220	1313176	Trucking Scales
2275	GEICO	Liability Insurance	63.6300.451150.	Liability Claims/Deductible	7,903.18	194229	010902017	Claim# 0502542770101032
4979	GOVCONNECTION, INC.	Computer Maintenance	61.6100.425000.	Equip Supplies & Maint	1,266.80	194230	54412803	SSD Hard Drives
7850	GS TRACKME LLC	Streets	10.4410.448000.	Operating Supplies	1,169.61	194233	383	GPS Tracking
6959	JANI-KING OF SALT LAKE	Light & Power	53.5300.424002.	Office & Warehouse	1,775.00	194256	SLC01170183	Custodial Services
6330	MGB+A INC	Parks	45.4510.473100.	Improv Other Than Bldgs	3,784.50	194269	2016-282	Millcreek Park Project
3271	NETWIZE	Information Technology	10.4136.425000.	Equip Supplies & Maint	3,022.05	194277	29476	Brocade 48 Port Switch
5281	QUESTAR GAS COMPANY	Golf Course	55.5500.427000.	Utilities	1,030.51	194292	01042017B	Acct# 5887810000
5281	QUESTAR GAS COMPANY	Streets	10.4410.427000.	Utilities	1,291.43	194292	01042017I	Acct# 2493910000
5281	QUESTAR GAS COMPANY	Light & Power	53.5300.424002.	Office & Warehouse	1,506.32	194292	01042017N	Acct# 1067495449
5281	QUESTAR GAS COMPANY	Sanitation	58.5800.427000.	Utilities	1,569.43	194292	01042017J	Acct# 2893910000
5281	QUESTAR GAS COMPANY	Streets	10.4410.427000.	Utilities	2,075.09	194292	01042017K	Acct# 3893910000
5281	QUESTAR GAS COMPANY	Light & Power	53.5300.448613.	Plant	2,190.51	194292	01042017N	Acct# 1067495449
5281	QUESTAR GAS COMPANY	Water	51.5100.427000.	Utilities	2,403.96	194292	01042017F	Acct# 9591363682
5281	QUESTAR GAS COMPANY	Police	10.4210.427000.	Utilities	2,837.32	194292	01042017E	Acct# 3401140000
5281	QUESTAR GAS COMPANY	Light & Power	53.5300.448611.	Natural Gas	10,160.96	194292	01042017O	Acct# 6056810000
3832	SALT LAKE MAILING	Treasury	10.4143.429050.	Util Billing Supplies	50,000.00	194297	01092017	Printing & Mailing Utility Bills
3982	SOUTH DAVIS METRO FIRE	Fire	10.4220.431000.	Profess & Tech Services	517,676.78	194303	01012017	So. Davis Metro Fire Services
4016	SPRINT	Streets	10.4410.428000.	Telephone Expense	1,325.39	194306	12302016	Acct# 997225610
4229	TOM RANDALL DIST. CO	Streets	10.4410.425000.	Equip Supplies & Maint	11,979.72	194315	0252511	Fuel
4229	TOM RANDALL DIST. CO	Streets	10.4410.425000.	Equip Supplies & Maint	14,625.54	194315	0252157	Fuel
5000	U.S. BANK CORPORATE	Liability Insurance	63.6300.451150.	Liability Claims/Deductible	1,000.00	194319	12122016CD	Acct# -8851
5000	U.S. BANK CORPORATE	Light & Power	53.5300.448635.	Vehicles	1,396.02	194319	12122016AJ	Acct# -8851
5000	U.S. BANK CORPORATE	Parks	10.4510.425000.	Equip Supplies & Maint	1,499.99	194319	12122016BH	Acct# -8851
5000	U.S. BANK CORPORATE	Police	10.4210.423000.	Travel & Training	2,043.78	194319	12122016JP	Acct# -8851
5000	U.S. BANK CORPORATE	Police	10.4210.445100.	Public Safety Supplies	7,466.30	194319	12122016DE	Acct# -8851
5000	U.S. BANK CORPORATE	Light & Power	53.5300.484000.	Paying Agents Fees	1,000.00	194320	4472441	Acct# 144291000
5000	U.S. BANK CORPORATE	Debt Service	30.4710.484000.	Paying Agents Fees	1,600.00	194320	4500814	Acct# 135495000
4450	VERIZON WIRELESS	Police	10.4210.425000.	Equip Supplies & Maint	1,480.67	194329	9777481154	Acct# 771440923-00001
4535	WEBER RIVER WATER US	Light & Power	53.5300.448627.	Echo Hyrdo	1,913.93	194330	12-1818	Annual Gas Bill
4535	WEBER RIVER WATER US	Light & Power	53.5300.448627.	Echo Hyrdo	127,799.84	194330	12-1819	Echo Dam Hydroelectric Project
TOTAL:					<u>\$ 852,994.67</u>			

City Council Staff Report



Subject: Storm Water Ordinance Revisions
Author: Todd Christensen
Department: Engineering
Date: Jan 24, 2017

Background

In 2003, Bountiful City was initially required to obtain a municipal storm water permit from the State of Utah in order to discharge storm water from the city into the creeks (Waters of the State). Renewal permits have been issued since that time, the latest of which was issued March 1, 2016 then modified and re-issued December 1, 2016.

Analysis

Some State requirements relating to the City's Storm Water Ordinance have changed. Additionally, the current ordinance refers to a State Construction Permit that is now outdated.

Below is a summary of the proposed changes:

- Allowed discharges of material used in fire-fighting activities such as foam is limited to "emergency" fire-fighting (not practice);
- Allowing a waiver of requirements for construction sites for short-duration projects;
- Removing references to a State construction general permit which has now expired, and instead referring to the "current" construction general permit.

Significant Impacts

No significant impacts are expected from approving the proposed ordinance changes.

Department Review

This has been reviewed by the Engineering Department and the Legal Department.

Recommendation

Staff recommends that the City Council adopt Ordinance No. 2017-01 to approve revisions to the Bountiful City Code for Storm Water Management as shown in the attachment.

Attachments

Bountiful City Code Title 6, Chapter 15, Storm Water Management with markup showing proposed revisions.

Chapter 15: Storm Water Management

6-15-101. Purposes and objectives.

The purpose of this chapter is to protect the health, safety and welfare of the City and its inhabitants by improving the City's storm sewer system, managing and controlling storm water runoff, protecting property, preventing polluted water from entering the City's storm water system and other receiving waters as required by federal and state law. The objectives of this chapter are to:

- (a) Provide and maintain an adequate Municipal Separate Storm Sewer System (MS4) for handling storm water runoff.
- (b) Provide fair, equitable and non-discriminatory rates for using the storm drainage system which user fees will generate sufficient revenues for operating, improving and maintaining the storm drainage utility adequately. Rates shall be applied consistently for the same class of customers.
- (c) Establish a policy that fees should be set after considering such factors as:
 - (1) Intensity of development of land parcels;
 - (2) Types of development on land parcels;
 - (3) Cost of maintaining, operating, repairing and improving the system;
 - (4) Quantity and quality of the run-off generated;
 - (5) Public health, safety and welfare; and,
 - (6) Any other factors that should be considered.
- (d) Regulate the contribution of pollutants to the MS4 by storm water discharges by any user
- (e) Prohibit illicit connections and discharges to the MS4
- (f) Guide, regulate and control the design, construction, use, and maintenance of any development or other activity that results in the movement of soil on land within the city
- (g) Minimize increases in non-point source pollution caused by storm water runoff from development which would otherwise degrade local water quality
- (h) Reduce storm water runoff rates and volumes, soil erosion and non-point source pollution, wherever possible, through storm water management controls and to ensure that these management controls are properly maintained and pose no threat to public safety
- (i) Establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this chapter.

6-15-102. Definitions.

Where terms are not defined by this section, such terms shall have ordinarily accepted meanings such as the context implies.

For the purpose of this ordinance, the following terms, phrases and words shall mean:

“Authorized Enforcement Agency” – Employees or designees of the director of the municipal agency designated to enforce this chapter.

“Best Management Practices (BMPs)” – Includes schedules of activities, prohibitions of practices, maintenance procedures, design standards, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly into the waters of the State. BMPs also include treatment requirements, operating procedures, educational activities, and practices to control plant site runoff spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

“City” – Bountiful City, a municipal corporation of the State of Utah.

“City Engineer” – means the City Engineer or his/her authorized representatives.

“Clean Water Act” – The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

“Construction Activity” – Activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of one acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition

“Conveyance System” – Any channel or pipe for collecting and directing the storm water.

“County” – Davis County

“Council” – Bountiful City Council

“Culvert” – A covered channel or large diameter pipe that directs water flow below the ground surface.

“Customer” or “Person” – Any individual; public or private corporation and its officers; partnership; association; firm; trustee; executor of an estate; the State or its departments, institutions, bureaus, agencies; county; city; political subdivision; or any other governmental or legal entity recognized by law.

“Degradation” – (Biological or chemical) The breakdown of chemical compounds into simpler substances, usually less harmful than the original compound, as with the degradation of a persistent pesticide. (Geological) Wearing down by erosion. (Water) The lowering of the water quality of a watercourse by an increase in the amount of pollutant(s).

“Design Storm” – A theoretical selected storm event that is used as a basis for design, defined in terms of the probability of occurrence over time.

“Discharge” – to dispose, deposit, spill, pour, inject, seep, dump, leak or place by any means, or that which is disposed, deposited, spilled, poured, injected, seeped, dumped, leaked, or placed by any means any solid or liquid matter into the MS4..

“Drainage”– Refers to the collection, conveyance, containment, and/or discharge of surface and storm water runoff.

“Equivalent Residential Unit (ERU)” – An ERU is equal to 3,828 square feet of impervious surface area. This is based on a single-family residential parcel in Bountiful City, which has an average of 3,828 square feet of impervious surface according to a study completed in April 2000.

“Erosion” – The wearing away of land surface by wind or water. Erosion occurs naturally from weather or runoff but can be intensified by land-clearing practices related to farming, residential or industrial development, road building, or timber-cutting.

“Fill” – A deposit of earth material placed by construction activity.

“General Permit” – A permit issued under the UPDES program to cover a class or category of storm water discharges.

“Grading” – The cutting and/or filling of the land surface to a desired slope or elevation.

“Hazardous Waste” – By-products of society that can pose a substantial or potential hazard to human health or the environment when improperly managed. Possesses at least one of four characteristics (flammable, corrosivity, reactivity, or toxicity), or appears on special EPA lists.

“Illicit Connection” – Any physical connection to a publicly maintained storm drain system which has not been permitted by the public entity responsible for the operation and maintenance of the system.

“Impervious Surface” – A surface which prevents or retards the infiltration of water. Some examples of impervious surfaces are rooftops, concrete or asphalt paving, walkways, patios, driveways, parking lots or storage areas, and gravel that has been subject to surface traffic, compacted native surfaces, and earthen materials, and oiled, macadam, or other surfaces which impede the natural infiltration of storm water.

“Infiltration” – The downward movement of water from the surface to the subsoil. The infiltration capacity is expressed in terms of inches/hour.

“Inlet” – An entrance into a ditch, storm sewer, or other waterway.

“Mitigation” – Storm water control facilities located on a parcel, which either hold runoff for a short period of time before releasing it to the storm drainage system, or hold water until it evaporates or infiltrates into the ground.

“Municipal Separate Storm Sewer System (MS4)” – A municipally owned and operated storm water collection system that may consist of any or all of the following: curb & gutter, drainage swales, piping, ditches, canals, detention basins, inlet boxes, or any other system used to convey storm water that discharges into canals, ditches, streams, rivers, or lakes not owned and operated by that municipality.

“Mulch” – A natural or artificial layer of plant residue or other materials covering the land surface which conserves moisture, holds soil in place, aids in establishing plant cover, and minimizes temperature fluctuations.

“Non-point Source” – A group of diffuse sources of storm water runoff (not a single location such as a pipe) such as agricultural or urban land from which pollutants are or may be discharged.

“Off-site” – Any area lying upstream of the site that drains onto the site and any area lying downstream of the site to which the site drains.

“On-site” – The entire property that includes the proposed development.

“Parcel” – The smallest, separately segregated unit of land having an owner. A parcel has boundaries and surface area, and is documented with a property number by the County.

“Plat” – A map or representation of a subdivision showing the division of a tract or parcel of land into lots, blocks, streets, or other divisions and dedications.

“Point Source” – Any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.

“Pollutant” – Generally, any substance introduced into the environment that adversely affects the usefulness of a resource. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, and accumulations, so that same may cause or contribute to pollution; sediment, floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

“Receiving Waters” – Bodies of water or surface water systems receiving water from upstream constructed (or natural) systems.

“Retention” – The holding of runoff in a basin without release except by means of evaporation, infiltration, or emergency bypass.

“Riparian” – A relatively narrow strip of land that borders a stream or river.

“Runon” – Storm water surface flow or other surface flow which enters property other than that where it originated.

“Runoff” – That part of precipitation, snow melt, or irrigation water that runs off the land into streams or other surface water.

“Single-Family Residential Parcel” – Any parcel of land containing a single-family dwelling unit.

“Source Control” – A practice or structural measure to prevent pollutants from entering storm water runoff or other environmental media.

“Storm Drainage Facilities” – Any facility, improvement, development, or property made for controlling storm water quantity and quality.

“Storm Drainage System” – All man-made storm drainage facilities and conveyances, and natural storm water drainage channels owned or maintained by the City that store, control, treat, and/or convey storm water.

“Storm Drainage Utility” or “Utility” – The utility created by this ordinance, which operates, maintains, regulates, and improves storm drainage facilities and programs within Bountiful City.

“Storm Water” – Runoff produced by precipitation events and snowmelt. “Storm Water Pollution Prevention Plan (SWPPP)” – 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 storm water runoff to pre-development levels during and after construction.

“Swale” – An elongated depression in the land surface that is at least seasonally wet, is usually heavily vegetated, and is normally without flowing water. Swales direct storm water flows into primarily drainage channels and allow some of the storm water to infiltrate into the ground surface.

“Treatment Control BMP” – A BMP that is intended to remove pollutants from storm water.

“Undeveloped Parcel” – Any parcel that has not been altered by grading, filling, or construction.

“UPDES(Utah Pollutant Discharge Elimination System)” – means the State-wide program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements under the Utah Water Quality Act (Title 19, Chapter 5, Utah Code Annotated). UPDES is described in the Rules of the Utah Administrative Code R317-8.

“Waters of the State” – All streams, lakes, ponds, marshes, water-courses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state of Utah or any portion thereof, except that bodies of water confined to and retained within the limits of private property, and which do not develop into or constitute a nuisance, or a public health hazard, or a menace to fish and wildlife.

“Wetland” – An area that is regularly saturated by surface or ground water and subsequently characterized by a prevalence of vegetation that is adapted for life in saturated soil conditions. Examples include: swamps, bogs, marshes, and estuaries.

6-15-103. Storm Drainage Utility Created.

(a) There is hereby created and established a Bountiful City Storm Drainage Utility. All storm drainage facilities owned by the City constitute the physical assets of the Bountiful Storm Drain Utility.

(b) Responsibility of Administration.

The City Engineer shall administer, implement, and enforce the provisions of this chapter. Any powers granted or duties imposed upon the City may be delegated by the City Engineer to persons or entities acting in the beneficial interest of or in the employ of the City.

(c) Ultimate Responsibility.

The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore this ordinance does not intend nor imply that compliance by any person will ensure compliance with federal regulations, or that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

6-15-104. City Storm Drainage Utility facilities and assets.

The Utility shall operate, maintain, and improve all existing City storm drainage facilities used for the conveyance of storm waters, through, under or over lands or watercourses, beginning at a point where the storm waters first enter the storm drainage system of the city and ending in each instance at a point where the storm waters exit from the system. However, the utility does not include government-owned streets or those facilities operated and maintained by or for the County or the State of Utah.

6-15-105. Waters discharged to storm drains.

The only substance dischargeable into the City’s storm drainage system is non-polluted water. Such water may be discharged only into storm drains which have adequate capacity for the accommodation of such water. Such discharged water shall comply with the established storm water quality standards.

6-15-106. System of rates and charges.

(a) Service fees imposed. The City will by resolution of the City Council impose storm drainage fee rates and charges on each parcel of real property within the City except governmentally-owned streets. The charges shall fund the administration, planning design, construction, water quality programming, operation, maintenance and repair of existing and future storm water facilities.

(b) Method of determining contribution of storm water.

(1) Contributions of storm water from non-residential parcels and residential parcels larger than duplexes have been ascertained through aerial photography and by evaluating land surface and measuring the amount of impervious surface.

(2) Contributions of storm water from residential parcels up to and including duplexes have been ascertained by sampling the amount of residential impervious areas.

(c) Storm drainage service fees shall be assessed on each parcel of real property within the City (including City-owned properties), except government-owned streets and City storm water facilities. Service fees shall be established by resolution of the City Council and may be differentiated according to the following classifications:

Residential parcels: Single-family residential and duplex parcels shall constitute one ERU per month.

Undeveloped parcels: Undeveloped parcels shall have no charges assessed.

Other parcels: Charges for all other parcels shall be computed by multiplying the total ERUs for a parcel by the monthly rate. Total ERUs are calculated by dividing total square feet of impervious surface by 3,828 (one ERU), rounded to the nearest half or whole number.

Credit for on-parcel mitigation: Non-residential parcels with mitigating storm water facilities, e.g. approved on-site detention/retention of storm water, approved discharge of storm water through a sewer connection or other approved and complete on-site detention methods that meet the City's design and maintenance standards may be eligible for a service fee credit. The parcel's owner or agent must make application for this credit to the City Engineer. The amount of credit is based on the following formula:

$$P = 50 + 50 (Q_r/Q_p)$$

Formula symbols have the following meaning:

- P = Percentage of storm drainage fees to be applied to the parcel
- 50 = Percentage representing Utility's fixed operation and maintenance costs
- 50 = Percentage representing costs for Utility's capital improvement program
- Q_r = Restricted storm water discharge from a parcel
- Q_p = Peak storm water discharge from the same parcel that would result if the mitigating facilities were not in place.

The City Engineer may, if requested, provide a complete on-site mitigation evaluation at the expense of the parcel's owner or authorized agent.

Credit for regional storm water mitigation: Non-residential parcels with mitigating storm water facilities, that serve the City's regional storm water needs as prescribed by the storm water master plan and utilizing methods that meet the City's design and maintenance standards, may be eligible for a service fee credit. The credit may be granted if property owners have not already been compensated for or agreed to construct the facilities as part the development process. The parcel's owner or agent must make application for this credit to the City Engineer.

If a request for mitigation credit is granted, the credit shall be applied to all charges from the time of the appealed billing, and will be reflected on the next billing thirty days after appeal is granted.

Credit for maintenance of long-term storm water controls: Non-residential properties with long-term storm water controls or measures that meet the city's standards for reducing storm water runoff pollution may be eligible for a service fee credit of up to 20%. The credit may be granted if the storm water controls are kept in effective operating condition as shown by an annual inspection report that must be provided to the city. The parcel's owner or agent must make application for this credit to the City Engineer annually.

Low income relief: A single family residential parcel owner who qualifies for the City's low income relief, as determined by resolution of the City Council and set forth in the fee schedule, may also be eligible for a reduction in the service charge for their parcel.

6-15-107. Billing and collection.

(a) Utility Enterprise Fund – This ordinance creates the Storm Drainage Utility Fund. All revenues received from storm drainage user fees shall be placed in the enterprise fund as a designated fund, to be left separate and apart from all other City funds. The collection, accounting, and expenditure of all storm water utility funds shall be in accordance with the Utah Uniform Fiscal Procedures Act.

(b) Billing – The City shall bill property owners for storm drainage utility services. Billing amounts shall be included as a separate line item on utility bills. A billing will also be sent to owners of parcels within the city who are not City utility customers.

(c) Collection – Partial payments on a combined utility bill shall be applied consistent with the billing procedures established by the City. Fees and charges shall be considered delinquent if not paid as determined by the procedures established by the City and will be a debt to the City, which shall be subject to recovery in a civil action. Pursuant to 10-8-38 Utah Code Ann., the City may cause the water service to the property to be shut off for failure to pay for the storm drainage service furnished, as set forth on the billing.

6-15-108. Appeal of charges.

(a) Any non-residential customer who disagrees with the storm drainage user fee for his or her parcel may apply to the City Engineer for a user fee adjustment. The adjustment request must state the grounds for adjustment and must be filed in writing with the City Engineer no later than thirty days after receipt of billing. The City Engineer shall review the request and basis for user charges to determine whether an error was made in the calculation or application of the fee.

(b) An appeal of a City Engineer's decision may be brought before the City Manager within thirty days after the date of the City Engineer's decision. The decision of the City Manager is final and conclusive. If an appeal of charges is successful, credit will be applied to all charges from the time of the appealed billing, and will be reflected on a future billing after the appeal is granted.

6-15-109. Prohibitions.

It is unlawful for any person to:

(a) Track mud or sediment onto public streets by construction or delivery vehicles. Provisions shall be made at all construction sites to clean the vehicles before vehicles leave the site.

(b) Washout concrete trucks at sites other than pre-approved designated areas. Dumping of excess concrete shall not be allowed.

(c) Stockpile construction or yard improvement materials or debris in the street or in the gutter. This includes but is not limited to ramps being constructed for temporary access across the existing curb and gutter; stockpiling of topsoil or other fill material; stockpiling of sand, gravel, landscape rock, bark, mulch or any other material that may be considered a source of pollution in the storm water system.

6-15-110. Illicit discharges.

(a) No person shall discharge or cause or allow to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water.

(b) The commencement, conduct or continuance of any discharge to the storm drain system is prohibited except as described as follows:

- (1) water line flushing or other potable water sources,
- (2) landscape irrigation or lawn watering,
- (3) diverted stream flows,
- (4) rising ground water,
- (5) ground water infiltration to storm drains,
- (6) uncontaminated pumped ground water,
- (7) foundation or footing drains,
- (8) crawl space pumps,
- (9) air conditioning condensation,
- (10) springs,
- (11) individual residential washing of vehicles,
- (12) natural riparian habitat or wet-land flows,
- (13) swimming pools (if dechlorinated to less than one PPM chlorine),
- (14) residual street wash water
- (15) [emergency](#) fire fighting activities,
- (16) discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety.
- (17) Dye testing is an allowable discharge, but requires a verbal notification to the authorized enforcement agency prior to the time of the test.

(c) The prohibition shall not apply to any non-storm water discharge permitted under a UPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the State of Utah, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

(d) 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.

(e) This prohibition expressly includes, without limitation, connections of sanitary sewer lines to the MS4.

6-15-111. Construction Storm Water Discharge Permit Required .

(a) Owners and operators of any construction sites within the jurisdictional limits of the City which disturb one acre or more of surface area, or are part of a common plan of development that disturbs one acre or more and have not passed a final storm water inspection for notice of termination are required to obtain a Storm Water Discharge Permit from the City.

(b) No person shall be granted a storm water discharge permit without the approval of a Storm Water Pollution Prevention Plan by the City Engineer.

(c) No storm water discharge permit is required for the following activities:

(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.

~~(2)~~~~(3)~~ [Activities at construction sites which qualify for a Rainfall Erosivity Waiver according to the current UPDES Storm Water General Permit for Construction Activities.](#)

~~(3)~~~~(4)~~ Additions or modifications to existing single-family structures unless otherwise specifically required in this chapter.

6-15-112. Permit Application Requirements

(a) Application for a construction storm water discharge permit shall be filed with the City Engineer. Applicants are required to obtain a permit prior to commencement of work. Each permit application shall bear the name and address and contact information of the owner of the site, developer of the site, contractor(s) working at the site, and of any consulting firm retained by the applicant. The application shall be accompanied by a filing fee and a site specific storm water pollution prevention plan.

(b) The applicant is required to file a letter of credit or cash deposit in an amount deemed sufficient by the Engineering Department to cover all costs of implementation and maintenance of the approved Storm Water Pollution Prevention Plan including costs for improvements, landscaping, and maintenance of improvements for such period as specified by the city, and also to cover engineering and inspections costs

and the cost to repair improvements installed on the site and damaged by uncontrolled erosion and sediment from the construction site.

6-15-113. Permit Fees.

(a) The City shall charge and the Permittee shall pay upon issuance of the permit, fees for costs associated with the work performed under the permit. Such costs could include costs for reviewing the project and issuing the permit, inspections of the project, deterioration of existing Public Improvements or diminution of the useful life of existing Public Improvements, and other costs to the City associated with the work to be done under the permit. All costs shall be assessed in a non-discriminatory manner.

(b) The City Engineer may reduce or waive permit fees or penalties or portion thereof provided for in this Chapter, when he/she determines that such permit fee or penalty:

- (1) pertains to construction or rehabilitation of housing for Persons whose income is below the median income level for the City; or
- (2) pertains to work by a contractor on City owned systems at the request of the City.

(c) Additional charges to cover the reasonable cost and expenses of any required engineering review, inspection, and work site restoration associated with each undertaking may be charged by the City to each Permittee, in addition to the initial permit fee.

(d) The fee structure for review of any storm water discharge permit application shall be established by the City Engineer. All of the monetary contributions shall be credited to a local budgetary category to support local plan review, inspection and program administration, and shall be made prior to the issuance of any permit for the development.

6-15-114. Permit - Contents - Duration and Extensions.

(a) Each permit application shall state the estimated starting date and estimated completion date. Work shall be completed within a reasonable period of time from the starting date or as determined by the City Engineer. Such determination shall be based upon factors reasonable related to the work to be performed under the permit. Such factors may include, in addition to other factors related to the work to be performed, the following:

- (1) The scope of work to be performed under the permit;
- (2) Protecting existing public improvements impacted by the work;
- (3) The seasons of the year during which the work is to be performed as well as the current weather and its impact on public safety and the environment.

The City Engineer shall be notified by the Permittee of commencement of the work a minimum of twenty-four hours prior to commencing work. The permit shall be valid for the time period specified in the permit or as amended.

(b) If the work is not completed during such period, prior to the expiration of the permit, the Permittee may apply to the City Engineer for an additional permit or an extension, which may be granted by the City Engineer for good cause shown. The length of the extension requested by the Permittee shall be subject to the approval of the City Engineer.

(c) The Storm Water Pollution Prevention Plan shall be amended as required for an extension.

6-15-115. Permit - No Transfer or Assignment.

Permits shall not be transferable or assignable, and work shall not be performed under a permit in any place other than that specified in the permit. Nothing herein contained shall prevent a Permittee from subcontracting the work to be performed under a permit; provided, however, that the holder of the permit shall be and remain responsible for the performance of the work under the permit, and for all bonding, insurance and other requirements of this Chapter and under said permit. Subcontractors shall also be appropriately licensed, insured and bonded.

6-15-116. Storm Water Pollution Prevention Plan

(a) A Storm Water Pollution Prevention plan shall be required with all permit applications providing for erosion and sediment control and storm water management during the land disturbing activity and after the activity has been completed. The Storm Water Pollution Prevention Plan must meet the requirements of the ~~State of Utah~~^{current} UPDES Storm Water General Permit for Construction Activities, ~~UTR 300000~~. The Storm Water Pollution Prevention Plan shall be prepared in accordance with the checklist provided by the Engineering Department and must be certified by a professional engineer.

(b) For development or redevelopment occurring on a previously developed site, an applicant shall be required to include within the Storm Water Pollution Prevention Plan measures for controlling existing storm water runoff discharges from the site in accordance with the standards of this Ordinance.

6-15-117. Review and Approval

(a) The Engineering Department will review each application to determine its conformance with the provisions of this regulation. Within 30 days after receiving an application, the Engineering Department shall, in writing:

- (1) Approve the permit application;
- (2) Approve the permit application subject to such reasonable conditions as may be necessary to secure substantially the objectives of this regulation, and issue the permit subject to these conditions; or
- (3) Disapprove the permit application, indicating the reason(s) and procedure for submitting a revised application and/or submission.

(b) Failure of the Engineering Department to act on an original or revised application within the specified time period shall authorize the applicant to proceed in with the plans as filed unless such time is extended

by agreement between the applicant and the Engineering Department.

6-15-118. Inspection

(a) Field inspections shall be conducted by the Engineering Department or other designated agent as outlined in the inspection checklist provided by the Engineering Department.

(b) Where it is necessary to make an inspection to enforce the provisions of this ordinance, or where the city engineer has reasonable cause to believe that there exists upon a premises a condition which is contrary to or in violation of this ordinance the city engineer or designee is authorized to enter the premises at reasonable times to inspect or to perform the duties imposed by this ordinance, provided that if such premises be occupied that credentials be presented to the occupant and entry requested. If such premises be unoccupied the city engineer shall first make a reasonable effort to locate the owner or other person having charge or control of the premises and request entry. If entry is refused, the city engineer shall have recourse to the remedies provided by law to secure entry.

6-15-119. Storm Water Discharge Permit Waiver.

(a) Every applicant shall provide for storm water management as required by this chapter unless a written request is filed to waive this requirement. Requests to waive the storm water management requirements shall be submitted to the City Engineer for approval.

(b) The minimum requirements for storm water management may be waived in whole or in part upon written request of the applicant, provided that at least one of the following conditions applies:

(1) It can be demonstrated 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 storm water discharges have been established in a storm water management plan that has been approved by the Engineering Department.

(3) Provisions are made to manage storm water by an off-site facility. The off-site facility is required to be in place, to be designed and adequately sized to provide a level of storm water control that is equal to or greater than that which would be afforded by on-site practices and there is a legally obligated entity responsible for long-term operation and maintenance of the facility.

(4) The Engineering Department finds that meeting the minimum on-site management requirements is not feasible due to the natural or existing physical characteristics of a site.

(5) Non-structural practices will be used on the site that reduce:

- (A) the generation of storm water from the site,
- (B) the size and cost of storm water storage and
- (C) the pollutants generated at the site.

The amount of credit available for using such non-structural practices shall be determined by the

Engineering Department.

(c) In instances where one of the conditions above applies, the City Engineer may grant a waiver from strict compliance with these storm water management provisions, as long as acceptable mitigation measures are provided. However, to be eligible for a waiver, the applicant must demonstrate to the satisfaction of the City Engineer that the waiver will not result in the following impacts to downstream waterways:

- (1) Deterioration of existing culverts, bridges, dams, and other structures;
- (2) Degradation of biological functions or habitat;
- (3) Accelerated streambank or streambed erosion or siltation;
- (4) Increased threat of flood damage to public health, life, property

(d) Furthermore, where compliance with minimum requirements for storm water management is waived, the applicant will satisfy the minimum requirements by meeting one of the mitigation measures selected by the city. Mitigation measures may include, but are not limited to, the following:

- (1) The purchase and donation of privately owned lands, or the grant of an easement to be dedicated for preservation and/or reforestation. These lands should be located adjacent to the stream corridor in order to provide permanent buffer areas to protect water quality and aquatic habitat,
- (2) The creation of a storm water management facility or other drainage improvements on previously developed properties, public or private, that currently lack storm water management facilities designed and constructed in accordance with the purposes and standards of this ordinance,
- (3) Monetary contributions (Fee-in-Lieu) to fund storm water management activities such as research and studies (e.g., regional wetland delineation studies, stream monitoring studies for water quality and macroinvertebrates, stream flow monitoring, threatened and endangered species studies, hydrologic studies, and monitoring of storm water management practices.)

(e) Fee in Lieu of Storm Water Management Practices. Where the Engineering Department waives all or part of the minimum storm water management requirements, or where the waiver is based on the provision of adequate storm water facilities provided downstream of the proposed development, the applicant shall be required to pay a fee in an amount as determined by the Engineering Department. When an applicant obtains a waiver of the required storm water management, the monetary contribution required shall be in accordance with a fee schedule (unless the developer and the storm water authority agree on a greater alternate contribution) established by the Engineering Department, and based on the cubic feet of storage required for storm water management of the development in question. All of the monetary contributions shall be credited to an appropriate capital improvements program project, and shall be made by the developer prior to the issuance of any building permit for the development.

(f) Dedication of Land. In lieu of a monetary contribution, partially or totally, an applicant may obtain a

waiver of the required storm water management by entering into an agreement with the City Engineer for the granting of an easement or the dedication of land by the applicant, to be used for the construction of an off-site storm water management facility. The agreement shall be entered into by the applicant and the City Engineer prior to the recording of plats or, if no record plat is required, prior to the issuance of the building permit.

6-15-120. Long-Term Storm Water Management Requirements

Owners and operators of development and re-development sites within the jurisdictional limits of the City which disturb 1 acre or more of surface area, or are part of a common plan of development that disturbs one acre or more and have not passed a final storm water inspection for notice of termination are required to meet ~~the minimum long term storm water management requirements of the State of Utah UPDES Storm Water General Permit for Construction Activities, UTR 300000 Section 3.5.2.b. and~~ the following requirements:

(a) Controlling Runoff From Sites. All site designs shall establish storm water management practices to control the peak flow rates of storm water discharge associated with specified design storms and reduce the generation of storm water runoff. These practices should seek to mirror pre-development runoff from the site.

(b) Additional Storm Water Design Requirements. Storm water discharges from land uses or activities with higher potential pollutant loadings, as determined by the City Engineer, may require the use of specific structural BMPs and pollution prevention practices based on policy established by the City Engineer. Prior to design, applicants are required to consult with the Engineering Department to determine if they are subject to additional storm water design requirements.

(c) Calculations. Hydrologic design calculations for the pre-development and post-development conditions must show that the proposed storm water management measures are capable of controlling runoff from the site in compliance with this ordinance based on a design storm having a 10-year return frequency or a 25-year return frequency if located in the Residential Foothill subzone. A description and source of all parameters used in the calculations shall be included. The calculations should be based on one of the following:

- (1) Rational Method
- (2) National Resources Conservation Service (NRCS) Method
- (3) Unit Hydrograph derived from locally-observed data
- (4) Any methodology as approved by the city engineer

(d) Soils Information: If a storm water management control measure fundamentally depends on the hydrologic properties of soils (e.g., infiltration basins), then a soils report shall be submitted. The soils report shall be based on on-site boring logs or soil pit profiles and soil survey reports.

(d) Maintenance Agreements. All storm water treatment facilities shall have an enforceable operation and maintenance agreement to ensure the system functions as designed.

- (1) This agreement shall include provisions allowing for access, inspections, and corrective action.

(2) If a responsible party fails or refuses to meet the requirements of the maintenance covenant, the Engineering Department, 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 storm water management facility becomes a danger to public safety or public health, the Engineering Department shall notify the party responsible for maintenance of the storm water management facility in writing. Upon receipt of that notice, the responsible person shall have 30 days to complete maintenance and repair of the facility in an approved manner. After proper notice, the Engineering Department may assess the owner(s) of the facility for the cost of repair work and any penalties.

6-15-121. As Built Plans

All applicants are required to submit actual "as built" plans for any storm water management practices located on-site after final construction is completed. The plan must show the final design specifications and maintenance requirements for all storm water management facilities and must be certified by a professional engineer. A final inspection by the Engineering Department is required before the release of any performance securities can occur.

6-15-122. Enforcement

(a) Stop-Work Order; Revocation of Permit. In the event that any person holding a building permit or site development permit pursuant to this ordinance violates the terms of the permit or implants site development in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood or development site so as to be materially detrimental to the public welfare, environment, or injurious to property or improvements in the neighborhood, the Engineering Department may suspend or revoke the site development permit and/or building permit.

(b) Violation and Penalties. Whenever the Engineering Department finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the authorized enforcement agency may order compliance by written notice to the responsible person or property owner. Such notice may require, without limitation:

- (1) The performance of monitoring, analyses, and reporting;
- (2) The elimination of illicit connections or discharges;
- (3) That violating discharges, practices, or operations shall cease and desist;
- (4) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
- (5) Payment of a fine to cover administrative and remediation costs; and
- (6) The implementation of source control or treatment BMPs.

(c) Any person violating any of the provisions of this ordinance shall be deemed guilty of a Class C misdemeanor and each day during which any violation of any of the provisions of this ordinance is committed, continued, or permitted, shall constitute a separate offense.

(d) Any work done or condition created or allowed, in violation of this ordinance is hereby declared to be a public nuisance, which may be abated by a civil legal action by the City Attorney.



BOUNTIFUL

City of Beautiful Homes and Gardens

MAYOR
Randy Lewis
CITY COUNCIL
Richard Higginson
Beth Holbrook
Kendalyn Harris
John Marc Knight
John Pitt
CITY MANAGER
Gary R. Hill

Bountiful City Ordinance No. 2017-01

AN ORDINANCE AMENDING CHAPTER 15, TITLE 6 OF THE BOUNTIFUL CITY MUNICIPAL CODE

WHEREAS, Bountiful City manages a storm water sewer system within the Bountiful City limits through its Storm Water Management Ordinance; and

WHEREAS, the purpose of the Storm Water Management Ordinance is to protect the health safety and welfare of the City improving, managing and protecting the City's storm water sewer system and to receive waters into the storm sewer system as required by federal and state law; and

WHEREAS, certain federal and/or state requirements change from time to time; and

WHEREAS, recent updates to federal and state law have made it necessary to update and amend the City's Storm Water Management Ordinance; and

WHEREAS, the City Council finds it in the best interest of the City and the general health, safety and welfare of the public that this Ordinance amending the City's Storm Water Management Ordinance be passed.

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE BOUNTIFUL CITY COUNCIL AS FOLLOWS:

Section 1. Ordinance Amendment. Title 6 of the Bountiful City Municipal Code is hereby amended follows:

Chapter 15: Storm Water Management

6-15-101. Purposes and objectives.

The purpose of this chapter is to protect the health, safety and welfare of the City and its inhabitants by improving the City's storm sewer system, managing and controlling storm water runoff, protecting property, preventing polluted water from entering the City's storm water system and other receiving waters as required by federal and state law. The objectives of this chapter are to:

(a) Provide and maintain an adequate Municipal Separate Storm Sewer System (MS4) for handling storm water runoff.

(b) Provide fair, equitable and non-discriminatory rates for using the storm drainage system

which user fees will generate sufficient revenues for operating, improving and maintaining the storm drainage utility adequately. Rates shall be applied consistently for the same class of customers.

(c) Establish a policy that fees should be set after considering such factors as:

- (1) Intensity of development of land parcels;
- (2) Types of development on land parcels;
- (3) Cost of maintaining, operating, repairing and improving the system;
- (4) Quantity and quality of the run-off generated;
- (5) Public health, safety and welfare; and,
- (6) Any other factors that should be considered.

(d) Regulate the contribution of pollutants to the MS4 by storm water discharges by any user

(e) Prohibit illicit connections and discharges to the MS4

(f) Guide, regulate and control the design, construction, use, and maintenance of any development or other activity that results in the movement of soil on land within the city

(g) Minimize increases in non-point source pollution caused by storm water runoff from development which would otherwise degrade local water quality

(h) Reduce storm water runoff rates and volumes, soil erosion and non-point source pollution, wherever possible, through storm water management controls and to ensure that these management controls are properly maintained and pose no threat to public safety

(i) Establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this chapter.

6-15-102. Definitions.

Where terms are not defined by this section, such terms shall have ordinarily accepted meanings such as the context implies.

For the purpose of this ordinance, the following terms, phrases and words shall mean:

“Authorized Enforcement Agency” – Employees or designees of the director of the municipal agency designated to enforce this chapter.

“Best Management Practices (BMPs)” – Includes schedules of activities, prohibitions of practices, maintenance procedures, design standards, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly into the waters of the State. BMPs also include treatment requirements, operating procedures, educational activities, and practices to control plant site runoff spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

“City” – Bountiful City, a municipal corporation of the State of Utah.

“City Engineer” – means the City Engineer or his/her authorized representatives.

“Clean Water Act” – The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

“Construction Activity” – Activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of one acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition

“Conveyance System” – Any channel or pipe for collecting and directing the storm water.

“County” – Davis County

“Council” – Bountiful City Council

“Culvert” – A covered channel or large diameter pipe that directs water flow below the ground surface.

“Customer” or “Person” – Any individual; public or private corporation and its officers; partnership; association; firm; trustee; executor of an estate; the State or its departments, institutions, bureaus, agencies; county; city; political subdivision; or any other governmental or legal entity recognized by law.

“Degradation” – (Biological or chemical) The breakdown of chemical compounds into simpler substances, usually less harmful than the original compound, as with the degradation of a persistent pesticide. (Geological) Wearing down by erosion. (Water) The lowering of the water quality of a watercourse by an increase in the amount of pollutant(s).

“Design Storm” – A theoretical selected storm event that is used as a basis for design, defined in terms of the probability of occurrence over time.

“Discharge” – to dispose, deposit, spill, pour, inject, seep, dump, leak or place by any means, or that which is disposed, deposited, spilled, poured, injected, seeped, dumped, leaked, or placed by any means any solid or liquid matter into the MS4..

“Drainage” – Refers to the collection, conveyance, containment, and/or discharge of surface and storm water runoff.

“Equivalent Residential Unit (ERU)” – An ERU is equal to 3,828 square feet of impervious surface area. This is based on a single-family residential parcel in Bountiful City, which has an average of 3,828 square feet of impervious surface according to a study completed in April 2000.

“Erosion” – The wearing away of land surface by wind or water. Erosion occurs naturally from weather or runoff but can be intensified by land-clearing practices related to farming, residential or industrial development, road building, or timber-cutting.

“Fill” – A deposit of earth material placed by construction activity.

“General Permit” – A permit issued under the UPDES program to cover a class or category of storm water discharges.

“Grading” – The cutting and/or filling of the land surface to a desired slope or elevation.

“Hazardous Waste” – By-products of society that can pose a substantial or potential hazard to human health or the environment when improperly managed. Possesses at least one of four characteristics (flammable, corrosivity, reactivity, or toxicity), or appears on special EPA lists.

“Illicit Connection” – Any physical connection to a publicly maintained storm drain system which has not been permitted by the public entity responsible for the operation and maintenance of the system.

“Impervious Surface” – A surface which prevents or retards the infiltration of water. Some examples of impervious surfaces are rooftops, concrete or asphalt paving, walkways, patios, driveways, parking lots or storage areas, and gravel that has been subject to surface traffic, compacted native surfaces, and earthen materials, and oiled, macadam, or other surfaces which impede the natural infiltration of storm water.

“Infiltration” – The downward movement of water from the surface to the subsoil. The infiltration capacity is expressed in terms of inches/hour.

“Inlet” – An entrance into a ditch, storm sewer, or other waterway.

“Mitigation” – Storm water control facilities located on a parcel, which either hold runoff for a short period of time before releasing it to the storm drainage system, or hold water until it evaporates or infiltrates into the ground.

“Municipal Separate Storm Sewer System (MS4)” – A municipally owned and operated storm water collection system that may consist of any or all of the following: curb & gutter, drainage swales, piping, ditches, canals, detention basins, inlet boxes, or any other system used to convey storm water that discharges into canals, ditches, streams, rivers, or lakes not owned and operated by that municipality.

“Mulch” – A natural or artificial layer of plant residue or other materials covering the land

surface which conserves moisture, holds soil in place, aids in establishing plant cover, and minimizes temperature fluctuations.

“Non-point Source” – A group of diffuse sources of storm water runoff (not a single location such as a pipe) such as agricultural or urban land from which pollutants are or may be discharged.

“Off-site” – Any area lying upstream of the site that drains onto the site and any area lying downstream of the site to which the site drains.

“On-site” – The entire property that includes the proposed development.

“Parcel” – The smallest, separately segregated unit of land having an owner. A parcel has boundaries and surface area, and is documented with a property number by the County.

“Plat” – A map or representation of a subdivision showing the division of a tract or parcel of land into lots, blocks, streets, or other divisions and dedications.

“Point Source” – Any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.

“Pollutant” – Generally, any substance introduced into the environment that adversely affects the usefulness of a resource. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, and accumulations, so that same may cause or contribute to pollution; sediment, floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

“Receiving Waters” – Bodies of water or surface water systems receiving water from upstream constructed (or natural) systems.

“Retention” – The holding of runoff in a basin without release except by means of evaporation, infiltration, or emergency bypass.

“Riparian” – A relatively narrow strip of land that borders a stream or river.

“Runon” – Storm water surface flow or other surface flow which enters property other than that where it originated.

“Runoff” – That part of precipitation, snow melt, or irrigation water that runs off the land into streams or other surface water.

“Single-Family Residential Parcel” – Any parcel of land containing a single-family dwelling unit.

“Source Control” – A practice or structural measure to prevent pollutants from entering storm water runoff or other environmental media.

“Storm Drainage Facilities” – Any facility, improvement, development, or property made for controlling storm water quantity and quality.

“Storm Drainage System” – All man-made storm drainage facilities and conveyances, and natural storm water drainage channels owned or maintained by the City that store, control, treat, and/or convey storm water.

“Storm Drainage Utility” or “Utility” – The utility created by this ordinance, which operates, maintains, regulates, and improves storm drainage facilities and programs within Bountiful City.

“Storm Water” – Runoff produced by precipitation events and snowmelt. “Storm Water Pollution Prevention Plan (SWPPP)” – 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 storm water runoff to pre-development levels during and after construction.

“Swale” – An elongated depression in the land surface that is at least seasonally wet, is usually heavily vegetated, and is normally without flowing water. Swales direct storm water flows into primarily drainage channels and allow some of the storm water to infiltrate into the ground surface.

“Treatment Control BMP” – A BMP that is intended to remove pollutants from storm water.

“Undeveloped Parcel” – Any parcel that has not been altered by grading, filling, or construction.

“UPDES(Utah Pollutant Discharge Elimination System)” – means the State-wide program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements under the Utah Water Quality Act (Title 19, Chapter 5, Utah Code Annotated). UPDES is described in the Rules of the Utah Administrative Code R317-8.

“Waters of the State” – All streams, lakes, ponds, marshes, water-courses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state of Utah or any portion thereof, except that bodies of water confined to and retained within the limits of private property, and which do not develop into or constitute a nuisance, or a public health hazard, or a menace to fish and wildlife.

“Wetland” – An area that is regularly saturated by surface or ground water and subsequently

characterized by a prevalence of vegetation that is adapted for life in saturated soil conditions. Examples include: swamps, bogs, marshes, and estuaries.

6-15-103. Storm Drainage Utility Created.

(a) There is hereby created and established a Bountiful City Storm Drainage Utility. All storm drainage facilities owned by the City constitute the physical assets of the Bountiful Storm Drain Utility.

(b) Responsibility of Administration.

The City Engineer shall administer, implement, and enforce the provisions of this chapter. Any powers granted or duties imposed upon the City may be delegated by the City Engineer to persons or entities acting in the beneficial interest of or in the employ of the City.

(c) Ultimate Responsibility.

The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore this ordinance does not intend nor imply that compliance by any person will ensure compliance with federal regulations, or that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

6-15-104. City Storm Drainage Utility facilities and assets.

The Utility shall operate, maintain, and improve all existing City storm drainage facilities used for the conveyance of storm waters, through, under or over lands or watercourses, beginning at a point where the storm waters first enter the storm drainage system of the city and ending in each instance at a point where the storm waters exit from the system. However, the utility does not include government-owned streets or those facilities operated and maintained by or for the County or the State of Utah.

6-15-105. Waters discharged to storm drains.

The only substance dischargeable into the City's storm drainage system is non-polluted water. Such water may be discharged only into storm drains which have adequate capacity for the accommodation of such water. Such discharged water shall comply with the established storm water quality standards.

6-15-106. System of rates and charges.

(a) Service fees imposed. The City will by resolution of the City Council impose storm drainage fee rates and charges on each parcel of real property within the City except governmentally-owned streets. The charges shall fund the administration, planning design, construction, water quality programming, operation, maintenance and repair of existing and future storm water facilities.

(b) Method of determining contribution of storm water.

(1) Contributions of storm water from non-residential parcels and residential parcels larger than duplexes have been ascertained through aerial photography and by evaluating land surface and measuring the amount of impervious surface.

(2) Contributions of storm water from residential parcels up to and including duplexes have been ascertained by sampling the amount of residential impervious areas.

(c) Storm drainage service fees shall be assessed on each parcel of real property within the City (including City-owned properties), except government-owned streets and City storm water facilities. Service fees shall be established by resolution of the City Council and may be differentiated according to the following classifications:

Residential parcels: Single-family residential and duplex parcels shall constitute one ERU per month.

Undeveloped parcels: Undeveloped parcels shall have no charges assessed.

Other parcels: Charges for all other parcels shall be computed by multiplying the total ERUs for a parcel by the monthly rate. Total ERUs are calculated by dividing total square feet of impervious surface by 3,828 (one ERU), rounded to the nearest half or whole number.

Credit for on-parcel mitigation: Non-residential parcels with mitigating storm water facilities, e.g. approved on-site detention/retention of storm water, approved discharge of storm water through a sewer connection or other approved and complete on-site detention methods that meet the City's design and maintenance standards may be eligible for a service fee credit. The parcel's owner or agent must make application for this credit to the City Engineer. The amount of credit is based on the following formula:

$$P = 50 + 50 (Q_r/Q_p)$$

Formula symbols have the following meaning:

P = Percentage of storm drainage fees to be applied to the parcel

50 = Percentage representing Utility's fixed operation and maintenance costs

50 = Percentage representing costs for Utility's capital improvement program

Q_r = Restricted storm water discharge from a parcel

Q_p = Peak storm water discharge from the same parcel that would result if the mitigating facilities were not in place.

The City Engineer may, if requested, provide a complete on-site mitigation evaluation at the expense of the parcel's owner or authorized agent.

Credit for regional storm water mitigation: Non-residential parcels with mitigating storm water facilities, that serve the City's regional storm water needs as prescribed by the storm water master plan and utilizing methods that meet the City's design and maintenance standards, may be

eligible for a service fee credit. The credit may be granted if property owners have not already been compensated for or agreed to construct the facilities as part the development process. The parcel's owner or agent must make application for this credit to the City Engineer.

If a request for mitigation credit is granted, the credit shall be applied to all charges from the time of the appealed billing, and will be reflected on the next billing thirty days after appeal is granted.

Credit for maintenance of long-term storm water controls: Non-residential properties with long-term storm water controls or measures that meet the city's standards for reducing storm water runoff pollution may be eligible for a service fee credit of up to 20%. The credit may be granted if the storm water controls are kept in effective operating condition as shown by an annual inspection report that must be provided to the city. The parcel's owner or agent must make application for this credit to the City Engineer annually.

Low income relief: A single family residential parcel owner who qualifies for the City's low income relief, as determined by resolution of the City Council and set forth in the fee schedule, may also be eligible for a reduction in the service charge for their parcel.

6-15-107. Billing and collection.

(a) Utility Enterprise Fund – This ordinance creates the Storm Drainage Utility Fund. All revenues received from storm drainage user fees shall be placed in the enterprise fund as a designated fund, to be left separate and apart from all other City funds. The collection, accounting, and expenditure of all storm water utility funds shall be in accordance with the Utah Uniform Fiscal Procedures Act.

(b) Billing – The City shall bill property owners for storm drainage utility services. Billing amounts shall be included as a separate line item on utility bills. A billing will also be sent to owners of parcels within the city who are not City utility customers.

(c) Collection – Partial payments on a combined utility bill shall be applied consistent with the billing procedures established by the City. Fees and charges shall be considered delinquent if not paid as determined by the procedures established by the City and will be a debt to the City, which shall be subject to recovery in a civil action. Pursuant to 10-8-38 Utah Code Ann., the City may cause the water service to the property to be shut off for failure to pay for the storm drainage service furnished, as set forth on the billing.

6-15-108. Appeal of charges.

(a) Any non-residential customer who disagrees with the storm drainage user fee for his or her parcel may apply to the City Engineer for a user fee adjustment. The adjustment request must state the grounds for adjustment and must be filed in writing with the City Engineer no later than thirty days after receipt of billing. The City Engineer shall review the request and basis for user charges to determine whether an error was made in the calculation or application of the fee.

(b) An appeal of a City Engineer's decision may be brought before the City Manager within

thirty days after the date of the City Engineer's decision. The decision of the City Manager is final and conclusive. If an appeal of charges is successful, credit will be applied to all charges from the time of the appealed billing, and will be reflected on a future billing after the appeal is granted.

6-15-109. Prohibitions.

It is unlawful for any person to:

- (a) Track mud or sediment onto public streets by construction or delivery vehicles. Provisions shall be made at all construction sites to clean the vehicles before vehicles leave the site.
- (b) Washout concrete trucks at sites other than pre-approved designated areas. Dumping of excess concrete shall not be allowed.
- (c) Stockpile construction or yard improvement materials or debris in the street or in the gutter. This includes but is not limited to ramps being constructed for temporary access across the existing curb and gutter; stockpiling of topsoil or other fill material; stockpiling of sand, gravel, landscape rock, bark, mulch or any other material that may be considered a source of pollution in the storm water system.

6-15-110. Illicit discharges.

- (a) No person shall discharge or cause or allow to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water.
- (b) The commencement, conduct or continuance of any discharge to the storm drain system is prohibited except as described as follows:
 - (1) water line flushing or other potable water sources,
 - (2) landscape irrigation or lawn watering,
 - (3) diverted stream flows,
 - (4) rising ground water,
 - (5) ground water infiltration to storm drains,
 - (6) uncontaminated pumped ground water,
 - (7) foundation or footing drains,
 - (8) crawl space pumps,

- (9) air conditioning condensation,
- (10) springs,
- (11) individual residential washing of vehicles,
- (12) natural riparian habitat or wet-land flows,
- (13) swimming pools (if dechlorinated to less than one PPM chlorine),
- (14) residual street wash water
- (15) [emergency](#) fire fighting activities,
- (16) discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety.
- (17) Dye testing is an allowable discharge, but requires a verbal notification to the authorized enforcement agency prior to the time of the test.

(c) The prohibition shall not apply to any non-storm water discharge permitted under a UPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the State of Utah, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

(d) 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.

(e) This prohibition expressly includes, without limitation, connections of sanitary sewer lines to the MS4.

6-15-111. Construction Storm Water Discharge Permit Required .

(a) Owners and operators of any construction sites within the jurisdictional limits of the City which disturb one acre or more of surface area, or are part of a common plan of development that disturbs one acre or more and have not passed a final storm water inspection for notice of termination are required to obtain a Storm Water Discharge Permit from the City.

(b) No person shall be granted a storm water discharge permit without the approval of a Storm Water Pollution Prevention Plan by the City Engineer.

(c) No storm water discharge permit is required for the following activities:

- (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.

(2)(3) [Activities at construction sites which qualify for a Rainfall Erosivity Waiver according to the current UPDES Storm Water General Permit for Construction Activities.](#)

(3)(4) Additions or modifications to existing single-family structures unless otherwise specifically required in this chapter.

6-15-112. Permit Application Requirements

(a) Application for a construction storm water discharge permit shall be filed with the City Engineer. Applicants are required to obtain a permit prior to commencement of work. Each permit application shall bear the name and address and contact information of the owner of the site, developer of the site, contractor(s) working at the site, and of any consulting firm retained by the applicant. The application shall be accompanied by a filing fee and a site specific storm water pollution prevention plan.

(b) The applicant is required to file a letter of credit or cash deposit in an amount deemed sufficient by the Engineering Department to cover all costs of implementation and maintenance of the approved Storm Water Pollution Prevention Plan including costs for improvements, landscaping, and maintenance of improvements for such period as specified by the city, and also to cover engineering and inspections costs and the cost to repair improvements installed on the site and damaged by uncontrolled erosion and sediment from the construction site.

6-15-113. Permit Fees.

(a) The City shall charge and the Permittee shall pay upon issuance of the permit, fees for costs associated with the work performed under the permit. Such costs could include costs for reviewing the project and issuing the permit, inspections of the project, deterioration of existing Public Improvements or diminution of the useful life of existing Public Improvements, and other costs to the City associated with the work to be done under the permit. All costs shall be assessed in a non-discriminatory manner.

(b) The City Engineer may reduce or waive permit fees or penalties or portion thereof provided for in this Chapter, when he/she determines that such permit fee or penalty:

- (1) pertains to construction or rehabilitation of housing for Persons whose income is below the median income level for the City; or
- (2) pertains to work by a contractor on City owned systems at the request of the City.

(c) Additional charges to cover the reasonable cost and expenses of any required engineering review, inspection, and work site restoration associated with each undertaking may be charged by the City to each Permittee, in addition to the initial permit fee.

(d) The fee structure for review of any storm water discharge permit application shall be established by the City Engineer. All of the monetary contributions shall be credited to a local budgetary category to support local plan review, inspection and program administration, and shall be made prior to the issuance of any permit for the development.

6-15-114. Permit - Contents - Duration and Extensions.

(a) Each permit application shall state the estimated starting date and estimated completion date. Work shall be completed within a reasonable period of time from the starting date or as determined by the City Engineer. Such determination shall be based upon factors reasonable related to the work to be performed under the permit. Such factors may include, in addition to other factors related to the work to be performed, the following:

- (1) The scope of work to be performed under the permit;
- (2) Protecting existing public improvements impacted by the work;
- (3) The seasons of the year during which the work is to be performed as well as the current weather and its impact on public safety and the environment.

The City Engineer shall be notified by the Permittee of commencement of the work a minimum of twenty-four hours prior to commencing work. The permit shall be valid for the time period specified in the permit or as amended.

(b) If the work is not completed during such period, prior to the expiration of the permit, the Permittee may apply to the City Engineer for an additional permit or an extension, which may be granted by the City Engineer for good cause shown. The length of the extension requested by the Permittee shall be subject to the approval of the City Engineer.

(c) The Storm Water Pollution Prevention Plan shall be amended as required for an extension.

6-15-115. Permit - No Transfer or Assignment.

Permits shall not be transferable or assignable, and work shall not be performed under a permit in any place other than that specified in the permit. Nothing herein contained shall prevent a Permittee from subcontracting the work to be performed under a permit; provided, however, that the holder of the permit shall be and remain responsible for the performance of the work under the permit, and for all bonding, insurance and other requirements of this Chapter and under said permit. Subcontractors shall also be appropriately licensed, insured and bonded.

6-15-116. Storm Water Pollution Prevention Plan

(a) A Storm Water Pollution Prevention plan shall be required with all permit applications providing for erosion and sediment control and storm water management during the land disturbing activity and after the activity has been completed. The Storm Water Pollution Prevention Plan must meet the requirements of the [State of Utah](#) current UPDES Storm Water

General Permit for Construction Activities, ~~UTR-300000~~. The Storm Water Pollution Prevention Plan shall be prepared in accordance with the checklist provided by the Engineering Department and must be certified by a professional engineer.

(b) For development or redevelopment occurring on a previously developed site, an applicant shall be required to include within the Storm Water Pollution Prevention Plan measures for controlling existing storm water runoff discharges from the site in accordance with the standards of this Ordinance.

6-15-117. Review and Approval

(a) The Engineering Department will review each application to determine its conformance with the provisions of this regulation. Within 30 days after receiving an application, the Engineering Department shall, in writing:

(1) Approve the permit application;

(2) Approve the permit application subject to such reasonable conditions as may be necessary to secure substantially the objectives of this regulation, and issue the permit subject to these conditions; or

(3) Disapprove the permit application, indicating the reason(s) and procedure for submitting a revised application and/or submission.

(b) Failure of the Engineering Department to act on an original or revised application within the specified time period shall authorize the applicant to proceed in with the plans as filed unless such time is extended by agreement between the applicant and the Engineering Department.

6-15-118. Inspection

(a) Field inspections shall be conducted by the Engineering Department or other designated agent as outlined in the inspection checklist provided by the Engineering Department.

(b) Where it is necessary to make an inspection to enforce the provisions of this ordinance, or where the city engineer has reasonable cause to believe that there exists upon a premises a condition which is contrary to or in violation of this ordinance the city engineer or designee is authorized to enter the premises at reasonable times to inspect or to perform the duties imposed by this ordinance, provided that if such premises be occupied that credentials be presented to the occupant and entry requested. If such premises be unoccupied the city engineer shall first make a reasonable effort to locate the owner or other person having charge or control of the premises and request entry. If entry is refused, the city engineer shall have recourse to the remedies provided by law to secure entry.

6-15-119. Storm Water Discharge Permit Waiver.

(a) Every applicant shall provide for storm water management as required by this chapter unless

a written request is filed to waive this requirement. Requests to waive the storm water management requirements shall be submitted to the City Engineer for approval.

(b) The minimum requirements for storm water management may be waived in whole or in part upon written request of the applicant, provided that at least one of the following conditions applies:

(1) It can be demonstrated 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 storm water discharges have been established in a storm water management plan that has been approved by the Engineering Department.

(3) Provisions are made to manage storm water by an off-site facility. The off-site facility is required to be in place, to be designed and adequately sized to provide a level of storm water control that is equal to or greater than that which would be afforded by on-site practices and there is a legally obligated entity responsible for long-term operation and maintenance of the facility.

(4) The Engineering Department finds that meeting the minimum on-site management requirements is not feasible due to the natural or existing physical characteristics of a site.

(5) Non-structural practices will be used on the site that reduce:

- (A) the generation of storm water from the site,
- (B) the size and cost of storm water storage and
- (C) the pollutants generated at the site.

The amount of credit available for using such non-structural practices shall be determined by the Engineering Department.

(c) In instances where one of the conditions above applies, the City Engineer may grant a waiver from strict compliance with these storm water management provisions, as long as acceptable mitigation measures are provided. However, to be eligible for a waiver, the applicant must demonstrate to the satisfaction of the City Engineer that the waiver will not result in the following impacts to downstream waterways:

- (1) Deterioration of existing culverts, bridges, dams, and other structures;
- (2) Degradation of biological functions or habitat;
- (3) Accelerated streambank or streambed erosion or siltation;
- (4) Increased threat of flood damage to public health, life, property

(d) Furthermore, where compliance with minimum requirements for storm water management is waived, the applicant will satisfy the minimum requirements by meeting one of the mitigation measures selected by the city. Mitigation measures may include, but are not limited to, the following:

(1) The purchase and donation of privately owned lands, or the grant of an easement to be dedicated for preservation and/or reforestation. These lands should be located adjacent to the stream corridor in order to provide permanent buffer areas to protect water quality and aquatic habitat,

(2) The creation of a storm water management facility or other drainage improvements on previously developed properties, public or private, that currently lack storm water management facilities designed and constructed in accordance with the purposes and standards of this ordinance,

(3) Monetary contributions (Fee-in-Lieu) to fund storm water management activities such as research and studies (e.g., regional wetland delineation studies, stream monitoring studies for water quality and macroinvertebrates, stream flow monitoring, threatened and endangered species studies, hydrologic studies, and monitoring of storm water management practices.)

(e) Fee in Lieu of Storm Water Management Practices. Where the Engineering Department waives all or part of the minimum storm water management requirements, or where the waiver is based on the provision of adequate storm water facilities provided downstream of the proposed development, the applicant shall be required to pay a fee in an amount as determined by the Engineering Department. When an applicant obtains a waiver of the required storm water management, the monetary contribution required shall be in accordance with a fee schedule (unless the developer and the storm water authority agree on a greater alternate contribution) established by the Engineering Department, and based on the cubic feet of storage required for storm water management of the development in question. All of the monetary contributions shall be credited to an appropriate capital improvements program project, and shall be made by the developer prior to the issuance of any building permit for the development.

(f) Dedication of Land. In lieu of a monetary contribution, partially or totally, an applicant may obtain a waiver of the required storm water management by entering into an agreement with the City Engineer for the granting of an easement or the dedication of land by the applicant, to be used for the construction of an off-site storm water management facility. The agreement shall be entered into by the applicant and the City Engineer prior to the recording of plats or, if no record plat is required, prior to the issuance of the building permit.

6-15-120. Long-Term Storm Water Management Requirements

Owners and operators of development and re-development sites within the jurisdictional limits of the City which disturb 1 acre or more of surface area, or are part of a common plan of development that disturbs one acre or more and have not passed a final storm water inspection for notice of termination are required to meet the minimum long term storm water management

~~requirements of the State of Utah UPDES Storm Water General Permit for Construction Activities, UTR 300000 Section 3.5.2.b. and~~ the following requirements:

(a) Controlling Runoff From Sites. All site designs shall establish storm water management practices to control the peak flow rates of storm water discharge associated with specified design storms and reduce the generation of storm water runoff. These practices should seek to mirror pre-development runoff from the site.

(b) Additional Storm Water Design Requirements. Storm water discharges from land uses or activities with higher potential pollutant loadings, as determined by the City Engineer, may require the use of specific structural BMPs and pollution prevention practices based on policy established by the City Engineer. Prior to design, applicants are required to consult with the Engineering Department to determine if they are subject to additional storm water design requirements.

(c) Calculations. Hydrologic design calculations for the pre-development and post-development conditions must show that the proposed storm water management measures are capable of controlling runoff from the site in compliance with this ordinance based on a design storm having a 10-year return frequency or a 25-year return frequency if located in the Residential Foothill subzone. A description and source of all parameters used in the calculations shall be included. The calculations should be based on one of the following:

- (1) Rational Method
- (2) National Resources Conservation Service (NRCS) Method
- (3) Unit Hydrograph derived from locally-observed data
- (4) Any methodology as approved by the city engineer

(d) Soils Information: If a storm water management control measure fundamentally depends on the hydrologic properties of soils (e.g., infiltration basins), then a soils report shall be submitted. The soils report shall be based on on-site boring logs or soil pit profiles and soil survey reports.

(d) Maintenance Agreements. All storm water treatment facilities shall have an enforceable operation and maintenance agreement to ensure the system functions as designed.

(1) This agreement shall include provisions allowing for access, inspections, and corrective action.

(2) If a responsible party fails or refuses to meet the requirements of the maintenance covenant, the Engineering Department, 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 storm water management facility becomes a danger to public safety or public health, the Engineering Department shall notify the party responsible for maintenance of the storm water management facility in writing. Upon receipt of that notice, the responsible person shall have 30 days to complete maintenance and repair of the facility in an approved manner. After proper notice, the Engineering Department may assess the owner(s) of the facility for the cost of repair work and any penalties.

6-15-121. As Built Plans

All applicants are required to submit actual "as built" plans for any storm water management practices located on-site after final construction is completed. The plan must show the final design specifications and maintenance requirements for all storm water management facilities and must be certified by a professional engineer. A final inspection by the Engineering Department is required before the release of any performance securities can occur.

6-15-122. Enforcement

(a) Stop-Work Order; Revocation of Permit. In the event that any person holding a building permit or site development permit pursuant to this ordinance violates the terms of the permit or implants site development in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood or development site so as to be materially detrimental to the public welfare, environment, or injurious to property or improvements in the neighborhood, the Engineering Department may suspend or revoke the site development permit and/or building permit.

(b) Violation and Penalties. Whenever the Engineering Department finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the authorized enforcement agency may order compliance by written notice to the responsible person or property owner. Such notice may require, without limitation:

- (1) The performance of monitoring, analyses, and reporting;
- (2) The elimination of illicit connections or discharges;
- (3) That violating discharges, practices, or operations shall cease and desist;
- (4) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
- (5) Payment of a fine to cover administrative and remediation costs; and
- (6) The implementation of source control or treatment BMPs.

(c) Any person violating any of the provisions of this ordinance shall be deemed guilty of a Class C misdemeanor and each day during which any violation of any of the provisions of this ordinance is committed, continued, or permitted, shall constitute a separate offense.

(d) Any work done or condition created or allowed, in violation of this ordinance is hereby declared to be a public nuisance, which may be abated by a civil legal action by the City Attorney.

Section 2. Effective Date. This Ordinance shall become effective immediately upon adoption.

Adopted by the City Council of Bountiful, Utah, this 24th day of January, 2017.

Randy C. Lewis, Mayor

Attest:

Shawna Andrus, City Recorder

City Council Staff Report



Subject: Veterans Memorial Location Committee
Author: Gary Hill
Department: Administration
Date: January 24, 2017

Background

On December 13, 2016 the City Council approved the creation of a Veterans Memorial Location Committee to recommend possible sites for a future memorial for Bountiful's veterans. The City would provide a suitable location, and then a separate organization will raise funds for the memorial which would be gifted to the City to be maintained. No public funds would need to be used to construct the monument.

The Mayor and Council appointed Chris Simonson, Brock Hill, and Councilman John Marc Knight to the committee. They further directed that 4 more members should be added to the committee.

Analysis

Mayor Lewis has consulted with Mr. Simonson and others in the community and recommends the following individuals for the Location Committee:

- Lowell Leishman
- Sheryl Allen
- Boyd Fisher

All three have close ties to the City and long history of service to our community. At the time of this report, one more member has been approached, but not confirmed for the Committee.

Department Review

This report was prepared by the City Manager

Significant Impacts

None

Recommendation

Staff requests that the City Council confirm the appointment of Lowell Leishman, Sheryl Allen, and Boyd Fisher as members of the Veteran Memorial Location Committee.

Attachments

None

City Council Staff Report

Subject: Service Truck Cab and Chassis
Author: Allen Ray Johnson, Director
Department: Light & Power
Date: January 24, 2017



Background

The Light & Power Department 2016-17 budget includes a purchase of two (2) service utility trucks that will be used by our line crews and technicians. One truck will replace unit 5051, the current on call vehicle which is a 2008 Ford F-350 4X4 crew cab. This vehicle is taken home and responds to any emergency call out and carries tools and materials for emergencies. The other vehicle will replace unit 5035 which is a 1999 Ford F-350 4X4 technician truck. This vehicle transports technicians, material, and equipment to maintain our substation and generation facilities.

Analysis

General Contractor	Office Location	Total Bid Price	Schedule
Larry H Miller Ford	Sandy, Utah	\$79,708.76	8-10 Weeks
Performance Ford	Bountiful, Utah	\$80,262.00	
Young Ford	Morgan, Utah	\$81,152.00	

Through our research we believe the 2017 Ford 350 Diesel Super Cab 4X4 cab and chassis will meet our needs and is most cost effective. We have received three bids from state and local dealers. Larry H. Miller Ford has the state bid and beat all other competitor pricing. Listed above is a price for two (2) cab and chassis.

Department Review

This has been reviewed by the Power Department Staff and the City Manager.

Significant Impacts

These items are included in the 2016-17 fiscal budget and will be paid for from the Capital Vehicles account 535300-474600. We will need to purchase two utility beds for the vehicles at a later date. The total purchase should be within the \$164,000.00 budgeted for these vehicles.

Recommendation

Staff recommends approval and the purchase of two (2) 2017 Ford 350 Diesel Super Cab 4X4 cab and chassis, costing \$39,854.38 per unit having a total cost of \$79,708.76.

This item will be sent to the Power Commission meeting and we will bring their recommendation with us to the City Council meeting that night.

Attachments

None

City Council Staff Report

Subject: Transmission Line Rebuild
Author: Allen Ray Johnson
Department: Light & Power
Date: January 24, 2017



Background

Over the last 20 years we have been rebuilding sections of our transmission line a piece at a time. Typically when we have rebuilt a section of transmission line we have also reconducted the line and installed steel poles at the angles and termination points. Our transmission line rebuilding program is ongoing. We have completed seven sections of the line and have about eight to ten more sections to complete.

We have identified a section of our transmission line on 300 South between Davis Boulevard and Moss Hill Drive which is in need of a rebuild. At this time we are not planning to reconductor this line and we are not planning to install steel poles. We are just going to replace the wood poles and insulators. For this section of line rebuild we plan to hire a Line Construction Contractor to do the work for us and we will provide the materials.

Analysis

The invitation to bid was sent out to six Line Construction Contractors and we have received four sealed bids. The results of the bid opening are as follows.

Contractor	Local Office	Total Bid	Schedule
Cache Valley Electric	Salt Lake City, Utah	\$94,435	4 weeks
Wasatch Electric	Salt Lake City, Utah	\$183,898	4 weeks
Hunt Electric	Salt Lake City, Utah	\$226,000	4 weeks
Probst Electric, Inc.	Heber City, Utah	\$402,079	5 weeks

Department Review

This has been reviewed by the Power Department Staff, and the City Manager.

Significant Impacts

We have budgeted \$100,000 for this item in the 2016-17 fiscal budget under Transmission, account number 535300-448630. The additional material cost will be taken out of the contingency.

Recommendation

Staff recommends the approval of the Quote from Cache Valley Electric for a total of \$94,435.

This item will be discussed at the Power Commission meeting Tuesday, January 24, 2017, and we will bring their recommendation to the City Council meeting that night.

Attachments

None

City Council Staff Report

Subject: Power Poles Purchase Approval
Author: Allen Ray Johnson, Director
Department: Light & Power
Date: January 24, 2017



Background

Our inventory of power poles is running low, and we need to purchase some to replenish it. The 65-75 foot poles will be used to replace rotting transmission poles scheduled for March. The remaining poles will be purchased for maintenance and future construction projects throughout the City.

Analysis

Invitations to submit a bid for the wood poles were sent out to three (3) major suppliers. The pole bid specifications require that they should be Western red or yellow cedar and butt treated. We use the butt treated poles because they hold up very well in our area and are safer for the linemen to climb. The pole bid included the following quantities:

14 (ea.) 40' class 3 Poles	4 (ea.) 65' class H3 Poles
10 (ea.) 45' class 1 Poles	15 (ea.) 70' class H3 Poles
10 (ea.) 45' class 3 Poles	1 (ea.) 75' class H3 Pole

This is a single source bid, as McFarland is still the only vendor able to bid butt treated poles. We were not able to receive a bid from the other power pole vendors due to the fact that they no longer supply butt treated poles.

Department Review

This has been reviewed by the Power Department Staff and the City Manager.

Significant Impacts

These poles will be purchased and placed into inventory until they are installed on the system.

Recommendation

Staff recommends the approval of the bid for 54 wood poles from McFarland Cascade for \$78,591.00.

Attachments

None