

**ORDINANCE NO. 20-16**

**AN ORDINANCE OF SOUTH OGDEN CITY, UTAH, REVISING AND AMENDING SOUTH OGDEN CITY CODE 9-3A-2 FOR STORM WATER DRAINAGE SYSTEMS; MAKING NECESSARY LANGUAGE CHANGES TO THE CITY CODE TO EFFECT THOSE CHANGES; AND ESTABLISHING AN EFFECTIVE DATE FOR THOSE CHANGES.**

**Section 1 - Recitals:**

**WHEREAS**, South Ogden City (“City”) is a municipal corporation duly organized and existing under the laws of Utah; and,

**WHEREAS**, the City Council finds that in conformance with Utah Code (“UC”) §10-3-717, and UC §10-3-701, the governing body of the city may exercise all administrative and legislative powers by resolution or ordinance; and,

**WHEREAS**, the City Council finds Certain changes should be made to the City Code to deal with storm water drainage system issues and requirements throughout the City; and,

**WHEREAS**, the South Ogden City Council finds that storm water collection and handling systems in residential or commercial developments should be planned and managed for maximum benefit and minimum disruption of City and its residents; and

**WHEREAS**, the City Council finds that storm water collection and handling systems in residential or commercial developments should be designed by a civil engineer licensed in the state of Utah; and,

**WHEREAS**, the City Council finds that South Ogden City Code, at Title 9 and various sections should be amended by adding new language governing design, installation, and management of storm water collection and handling systems in residential or commercial developments throughout the city; and,

**WHEREAS**, the City Council finds that the requirements should be effective upon passage of this Ordinance; and,

**WHEREAS**, the City Council finds that the public safety, health and welfare is at issue and requires action by the City as noted above;

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF SOUTH OGDEN CITY, UTAH** that the City Code be changed and amended:

**Amended Section:**

Upon the adoption of this Ordinance, Title 9-3A-2 of the South Ogden City Code is readopted with the changes set out in **Attachment "A"** , which is incorporated herein, to read as indicated.

The foregoing recitals are incorporated herein.

**Section 2 - Repealer of Conflicting Enactments:**

All orders, ordinances and resolutions regarding the changes enacted and adopted which have been adopted by the City, or parts, which conflict with this Ordinance, are, for such conflict, repealed, except this repeal shall not be construed to revive any act, order or resolution, or part, repealed.

**Section 3 - Prior Ordinances and Resolutions:**

The body and substance of any prior Ordinances and Resolutions, with their specific provisions, where not otherwise in conflict with this Ordinance, are reaffirmed and readopted.

**Section 4 - Savings Clause:**

If any provision of this Ordinance shall be held or deemed or shall be invalid, inoperative or unenforceable such reason shall not render any other provision or provisions invalid, inoperative or unenforceable to any extent whatever, this Ordinance being deemed the separate independent and severable act of the City Council of South Ogden City.

**Section 5 - Date of Effect**

This Ordinance shall be effective on the 2<sup>nd</sup> day of June, 2020, and after publication or posting as required by law.

DATED this 2<sup>nd</sup> day of June, 2020.

SOUTH OGDEN, a municipal corporation

by: \_\_\_\_\_  
Mayor Russell Porter

Attested and recorded

\_\_\_\_\_  
Leesa Kapetanov, CMC  
City Recorder

# **ATTACHMENT "A"**

## **ORDINANCE NO. 20-16**

An Ordinance Of South Ogden City, Utah, Revising And Amending South Ogden City Code 9-3a-2 For Storm Water Drainage Systems; Making Necessary Language Changes To The City Code To Effect Those Changes; And Establishing An Effective Date For Those Changes.

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## 9-3A-2: SYSTEMS REQUIRED:

### A. Storm Drainage Systems:

1. Storm water collection and handling systems in residential or commercial developments (including redevelopment) must be designed by a Civil Engineer licensed in the State of Utah. Proposed systems for single-lot residential developments or residential lots that are part of a common plan of development must be submitted by the Developer/Builder for approval by the City Engineer. The proposed systems indicated must be approved by the City Engineer before any construction shall begin. All aspects of each system must comply with requirements of the currently approved South Ogden City Storm Water Management Plan.
2. Residential lot storm drainage runoff shall be allowed to enter through a curb cut or piping system directly into the curb and gutter with prior approval from the public works inspector and issuance of a curb cut permit and payment of a fee. The requester (legal owner of property), by signing the curb cut permit, agrees to and shall pay the regular storm sewer utility fee, plus an additional monthly fee. All work must be completed in accordance with the currently approved South Ogden City Stormwater Management Plan. Residents having installed storm drainage lines prior to the adoption of the ordinance codified herein or that have purchased homes, lots, etc., that have storm drainage piping already installed, shall pay the monthly storm sewer fee, plus the direct drainage fee. Residents not wishing to pay the additional monthly fee may choose to disconnect their drainage system and pay a curb replacement fee. All fees imposed in this subsection shall be as set forth in the city's consolidated fee schedule. (Ord. 955, 5-6-1998, eff. 5-6-1998; amd. Ord. 977, 8-18-1998)
3. Private residential developments (or PRUDs), consistent with PRUD development standards of the city, as presently constituted or as may be adopted in the future, shall be solely responsible for all storm drainage facilities such as detention basins, storm drainage piping, catch basins, etc. as may be determined by a state-licensed engineer to be necessary for the proper drainage of the PRUD. (Ord. 955, 5-6-1998, eff. 5-6-1998). All work must be completed in accordance with the currently approved South Ogden City Stormwater Management Plan.
4. Since the owner of each individual "twin home", as that term is defined in the city's zoning and subdivision titles, and where such construction is permitted, is in the best position to monitor, control and mitigate storm water runoff from his/her property, such owner shall be responsible to pay the storm sewer utility fee for storm water runoff generated from his/her property. Each twin home owner shall pay a basic storm sewer utility fee as set forth in the city's consolidated fee schedule.
5. Since the owner of each individual "duplex", as that term is defined in the city's zoning and subdivision titles, and where such construction is permitted, is in the best position to monitor, control and mitigate storm water runoff from his/her property, such owner shall be responsible to pay the storm sewer utility fee for storm water run off generated from his/her property. Each twin duplex owner shall pay a basic storm sewer utility fee as set forth in the city's consolidated fee schedule. (Ord. 982, 9-15-1998, eff. 9-15-1998; amd. 2001 Code)

### B. Land Drainage Systems:

1. Land drainage systems shall be installed when the city engineer determines that adverse ground water conditions exist. The developer shall be required to submit ground water testing and flow information, as prescribed by him/her, to the city engineer describing with specificity the ground water conditions in the area to be developed. It shall be the responsibility of the developer to provide an adequate ground water drainage system within the limits of the proposed development. Subsurface drains shall be installed with a slope throughout the system that is adequate to maintain cleaning velocities within the lines. (Ord. 955, 5-6-1998, eff. 5-6-1998)
  
2. All subsurface drainage systems installed under this subsection to provide drainage for residential single or multiple lots shall be the responsibility of the property owner/owners to maintain and shall be connected directly to the city's storm drainage systems piping when it is within two hundred feet (200') of the lot or lots being drained. Ground water will be allowed to enter through a curb cut or piping system directly into or onto the city's curb and gutter when prior approval is given by the public works inspector and issuance of a curb cut permit and payment of a curb cut fee. The requester (legal owner of property) in signing the permit, shall pay the monthly storm sewer utility fee, plus an additional monthly fee for direct piping of ground water into the city's storm sewer system. Residents having installed land drainage lines or purchased homes, lots, etc., already having such piping installed prior to the adoption of the ordinance codified herein shall pay the monthly storm sewer utility fee, plus the direct drainage fee. Residents not wishing to pay the addition monthly fee may choose to disconnect their drainage system and pay a curb replacement fee. The property owner shall be responsible for mitigating any icing or moss problems that may occur due to their drainage system. The public works inspector may deem that a drainage system piped into the city's curb and gutter is hazardous to the public safety and welfare and shall have the drain removed and piped directly into the city's storm drainage piping at the owners expense. All fees imposed in this subsection shall be as set forth in the city's consolidated fee schedule. (Ord. 955, 5-6-1998, eff. 5-6-1998; amd. Ord. 977, 8-18-1998)