

**Title 18  
LAND DISTURBANCE**

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**Chapter 18-1  
ADMINISTRATION**

**Sections:**

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**18-1-010. SHORT TITLE.**

This Title shall be known as the “Land Disturbance Ordinance” of the City and shall be so cited.  
(419, Amended, 06/05/2001)

**18-1-020. PURPOSE.**

The purpose of this Title is to establish and provide means, rules, and regulations for conducting land disturbance activities on real property within the boundaries of Draper City. It is the intent of this Title to protect the health, safety and welfare of the public against inadequate, unwarranted, or unsafe land disturbance activities during all aspects of land disturbance activities, including, but not limited to the following:

- (1) To establish means, rules, and regulations for land disturbance activities such as clearing, grubbing, grading, excavating, filling, dredging, and other land disturbance related activities, to minimize hazards to life and limb, protect against erosion and sedimentation, maintain the natural environment, protect the safety, use, and stability of public rights-of-way and drainage facilities, and provide for restoration of the land through revegetation and landscaping.
- (2) To assure that projects approved under this Title, as well as neighboring and downstream properties, will be free from harmful effects of new land disturbance activities with regard to runoff, including inundation, flooding, erosion, air pollution, and sedimentation.
- (3) To ensure proper restoration of vegetation and soil systems disturbed by land disturbance activities, to maintain an attractive and healthy landscape, and to control against dust and erosion and their consequent effects on soil structure and air and water quality during and after excavation.
- (4) To provide processes and standards in compliance with State and Federal requirements regarding pollution, environmental quality, and storm water discharge.  
(manual, Added, 06/05/2001)

**18-1-030. DEFINITIONS.**

Any interpretation of any definition or the manner of application of the provisions of this Title to specific individual developments, subdivisions or any projects affected by this Title shall be left to the Engineering Division of the City. Said Division’s interpretation

shall be binding upon all parties involved. Whenever any words or phrases used in this Title are not defined herein, but are defined in related sections of the Utah Code or in other Draper City Ordinances, such definitions are incorporated herein and shall apply as though set forth herein in full, unless the context clearly indicates a contrary intention. Unless a contrary intention clearly appears, words used in the present tense include the future, the singular includes the plural, the term “shall” is always mandatory, and the term “may” is permissive. The following terms as used in this Title shall have the respective meanings hereinafter set forth.

(1) “Accelerated Soil Erosion” means the increased migration and movement of soils on all land surfaces that occur as a result of human activities.

(2) “Applicant” means any person who submits an application for a land disturbance permit pursuant to this Title.

(3) “Best Management Practice (BMP)” means practices, procedures or designs used as a standard for a given industry. For purposes of this Title, the relevant BMP’s for the erosion control and pollution prevention industry are more particularly defined in the Division’s Land Disturbance Design and Construction Standards.

(4) “Building Envelope” means the area within a lot which will be used to construct the building, landscaped areas, retaining walls, fences, porches, patios, decks, swimming pools, driveways, parking areas, or any other permanent feature which is appurtenant to the building.

(5) “Building Permit” means all permits for construction issued by Draper City Community and Economic Development Department.

(6) “Buttress Fill” means a buttress fill is a designed compacted earth fill used for providing lateral support to an unstabilized earth or rock mass.

(7) “City” means Draper City, Utah.

(8) “City Council” means the City Council of Draper City.

(9) “City Engineer” means the City Engineer of Draper City, or his or her authorized designee.

(10) “City Manager” means the City Manager of Draper City.

(11) “Civil Engineer” means a professional engineer in the branch of civil engineering licensed under the laws of Utah.

(12) “Clearing and Grubbing” means moving, removing, displacing, and/or stockpiling, by manual or mechanical means, any healthy trees, vegetation and/or the top organic layer of a site. The top organic layer shall be that described in the geotechnical report for the site. In the absence of a geotechnical report the organic layer shall not be less than eight inches (8”) thick.

- (13) “Community and Economic Development Department” means the Community and Economic Development Department of Draper City.
- (14) “Community and Economic Development Director” means the Director of Community and Economic Development Department of Draper City, or his/her authorized designee.
- (15) “Compaction” means the densification of fill by mechanical means.
- (16) “County” means Salt Lake County and/or Utah County, depending on location in question.
- (17) “County Facilities” means the following facilities, including their open channel sections and sections in conduit:
- (a) The Jordan River;
  - (b) Jordan and Salt Lake Canal;
  - (c) East Jordan Canal;
  - (d) Corner Canyon Creek;
  - (e) Willow Creek;
  - (f) Little Willow Creek;
  - (g) Cherry Canyon;
  - (h) Bear Canyon;
  - (j) Bangerter Highway Conduits, from Jordan River to 13800 South;
  - (k) I-15 Conduits, from 11400 South to Draper City point of the mountain limits;
  - (l) State Street Conduits, from 11400 South to 12300 South;
  - (m) 12300 South Conduits, from Jordan River to 1300 East;
  - (n) 700 East Conduits, from 12300 South to 11400 South;
  - (o) Draper Irrigation Canal.
- (18) “Detention” means the temporary containing or holding of storm runoff to be released at a controlled discharge rate.
- (19) “Developer” means any Person who alters, improves, constructs upon, or in any other way physically impacts any real property in the City. A Developer may or may not be the owner of the property.

(20) “Development” means any man-made change to improved or unimproved real property, including, but not limited to, buildings or other structures, mining, dredging, filling, Grading, paving, excavation, or drilling operations.

(21) “Division” means the Engineering Division of Draper City Community and Economic Development Department.

(22) “Drainage System” means all facilities used for conducting Excess Waters to, through and from a Drainage Area to the point of Final Retention or Destination, including but not limited to any or all of the following: pipes, conduits, culverts, curbs, gutters, waterways, inlets, swales, ditches, gulches, channels, retention and detention areas, and appurtenant features, as well as easements and rights-of-way necessary to accommodate the same. In ascending order of size and capacity, components of the Drainage System include the following: Unit Drainage System, Intermediate Drainage System, Major Drainage System, and County Facility. A Drainage System may, but need not, contain all of the foregoing components.

(23) “Dredging” means the practice of deepening a waterway by mechanical means by the removal of sediments.

(24) “Enforcement Authority” means the City Engineer, the Engineering Inspector, the Community and Economic Development Director, or any duly appointed Code Enforcement Officer or Law Enforcement official charged with the responsibility for enforcement of City Ordinances.

(25) “Engineering Geologist” means a professional engineering geologist licensed or registered under the laws of Utah and capable of applying the geological sciences to engineering practices for the purpose of assuring that the geological features affecting the location, design, construction, operation, and maintenance of engineering works are recognized and adequately provided for.

(26) “Erosion” means the process by which the ground surface is worn away by action of wind, water, gravity, or any other natural means.

(27) “Erosion Control Measures” means the structural and nonstructural BMP for erosion control that prevents displacement of soil particles by wind or water. BMP erosion control measures may include seeding, mulching, vegetative buffer strips, sod, plastic coverings, rip rap, gabions, and other channel armoring methods, burlap coverings, watering, and other BMP measures that control the movement of the ground surface or soil.

(28) “Excavation” means any act by which soil or rock is cut into, dug, quarried, uncovered, removed, displaced, relocated, or stockpiled, including all conditions resulting from such activities.

(29) “Excess Waters” means those waters flowing upon or across real property which are created because of alteration of or building upon the natural terrain, or other increase in the impervious surface of the property, which waters are additional to the waters which would flow upon or across the unaltered natural terrain.

(30) “Fill” means the artificial deposit of soil, rock, or other materials on a site.

(31) “Filling” means any act by which soil, rock, or other construction materials are placed, stockpiled, dumped, or a combination thereof, onto the surface of the land that may result in exposure to rain or wind.

(32) “Final Destination” means a natural or artificial retention area which serves one or more drainage basins into which excess waters are discharged, without subsequent discharge into any other drainage system, facility or retention or detention area or facility.

(33) “Finished Grade” means the final grade or elevation of the building site, slope or terrace (0.1 plus or minus feet).

(34) “Flood” or “Flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from the unusual and rapid accumulation or runoff of surface waters from any source.

(35) “Grade” means the elevation of the ground surface as measured from a known vertical control.

(36) “Grading” means the act or result of digging, excavating, transporting, spreading, depositing, filling, compacting, settling, or shaping of land surfaces and slopes, and other operations or activities involving the physical movement of rock or soil or similar disturbance on real property.

(37) “Guidance Document for Storm Water Management” means the Salt Lake County publication for Best Management Practices, including any amendments.

(38) “Impervious Surface” means that part of a property that has been modified to reduce the land’s natural ability to absorb and hold rainfall. It includes hard surfaces which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow that existed under natural conditions prior to development. Common impervious surfaces include, but are not limited to, rooftops, walkways, patios, driveways, concrete or asphalt paving, gravel roads, or any cleared, graded, graveled, paved, or compacted surface, or other surface which similarly impede the natural infiltration of surface water into the soil.

(39) “Intermediate Drainage System Facility” means that part of the drainage system which serves one or more single units, subdivision or development drainage system facilities, which conveys excess waters from a unit, subdivision or other drainage site and which is tributary to a Major Drainage System Facility, a trunk line, or County Facility. Intermediate Drainage System Facilities within this system will be designed to fully accommodate a 10-year frequency flood.

(40) “Land Disturbance” means any disturbance of native soils, plants, environment or topography of land, including, but not limited to, clearing, grubbing, grading, excavation, filling, dredging, construction of earth-filled dams, and any other types of earthwork.

- (41) “Land Disturbance Design and Construction Standards” means the Engineering Division’s published manual entitled “Land Disturbance Design and Construction Standards,” including any amendments.
- (42) “Land Disturbance Permit” means the land disturbance permit required by the City in accordance with provisions of this Title.
- (43) “Landmark Trees” means trees that measure over three inches (3”) in diameter.
- (44) “Landscape Architect” means a professional landscape architect licensed or registered under the laws of Utah.
- (45) “Lot Level” means the design, construction and infrastructure related to construction on a specific lot within an approved subdivision or site plan development.
- (46) “Major Drainage System Facility” means that part of the Drainage System within a Drainage Basin which is contributed to by one or more Drainage Areas within the Drainage Basin by Unit and Intermediate Drainage Systems. A Major Drainage System Facility is tributary to a County Facility.
- (47) “Municipal Separate Storm Sewer System (MS4)” means a conveyance or system of conveyances (including but not limited to, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains), designed or used for collecting or conveying Storm Waters.
- (48) “Permanent Soil Erosion Control Measures” means those control measures which are installed or constructed on real property to control Erosion, and which are maintained after completion of all Grading and Land Disturbance activities.
- (49) “Permittee” means any Person owning, developing, or occupying a parcel of property which is subject to a Land Disturbance Permit. Permittee shall include an applicant for a Land Disturbance Permit.
- (50) “Person” means any individual, firm, trust, partnership, public or private association or corporation.
- (51) “Planting Date” means the date native seed can be applied without temporary irrigation, generally from October 15 through March 1, or as otherwise determined by the City’s Engineering Department.
- (52) “Pollutant” means any dirt, slurry, solid waste, construction debris, garbage, trash, rock, sand and any industrial, municipal or agricultural waste.
- (53) “Private Drainage System Facility” means that drainage system which drains privately-owned property, and is tributary to a Unit, Intermediate or Major Drainage System Facility, County Facility, natural tributary or Final Destination.

(54) “Project” means a defined site that has obtained final subdivision plat or site plan approval from the City.

(55) “Retention” means temporary or permanent accumulation of Excess Waters and/or other Storm Waters, and shall include the total or partial accumulation of such waters.

(56) “Sediment” means solid material settled from suspension in a liquid. “Sedimentation” is the deposition or accumulation of such Sediment.

(57) “Sediment Control Measures” means the BMP for sediment control that contains the deposited and/or displaced soil particles. BMP sediment control measures may include dikes, sediment detention traps, sediment detention basins, filters, fences, barriers, swales, berms, drains, check dams, and other BMP measures that control the deposition of soil or earth material.

(58) “Site” means the parcel or parcels of real property on which activity regulated by this Title is occurring or is proposed to occur.

(59) “Slope” means the portion of ground forming a natural or artificial incline.

(60) “Soil” means all earth material, of whatever origin, which overlies bedrock.

(61) “Soils Engineer” means a professional civil engineer licensed under the laws of Utah who is experienced in soil mechanics and slope stability analysis.

(62) “Storm Drainage Master Plan” is the capital facilities plan maintained and altered by the Division, which is required and described in the Utah Code.

(63) “Storm Water Management Program” means the required program Draper City has set forth under UPDES guidelines.

(64) “Storm Water Pollution Prevention Plan (SWPPP)” means the required plan that describes the potential for pollution problems on a construction project.

(65) “Storm Waters” means a storm or flood flow of the magnitude which is expected to occur on the average of a 10-year frequency or has a 10 percent chance of being equaled or exceeded during any one year. “Storm Water” is the water that is produced from rain storms or melting snow.

(66) “Stripping” means any activity which removes, or significantly disturbs, the vegetative surface cover (including clearing and grubbing operations).

(67) “Structure” means anything constructed or erected which requires location on the ground or is attached to something having location on the ground.

(68) “Subdivision” means any land that is divided, resubdivided or proposed to be divided into two or more lots, parcels, sites, units, plots or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or



development either on the installment plan or upon any and all other plans, terms and conditions.

(69) “Subdivision Level” means the design, construction and infrastructure related to subdivision development and systems such as drainage, culinary water, wastewater systems, etc.

(70) “Substantial Damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

(71) “Substantial Improvement” means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “Start of Construction” of the improvement. This term includes structures which have incurred “Substantial Damage,” regardless of the actual repair work performed. The term does not, however, include either:

(a) Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications that has been identified by the local code enforcement official and which is the minimum necessary to assure safe living conditions; or

(b) Any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.”

(72) “Suspended Sediment” means the very fine soil particles that remain in suspension in water for a considerable period of time without contact with the solid fluid boundary at or near the bottom. They are maintained in suspension by the upward components of turbulent currents.

(73) “Swales” means shallow grassed or otherwise protected trenches that are wider than they are deep and which provide a specific pathway for drainage water.

(74) “Wet Weather Plan” means the detailed erosion and sediment control plan and construction sequence that clearly shows how construction will be processed during nonplanting date periods; i.e., after October 15 of each year until March 1 of each year.

(75) “UPDES” means the Utah Pollution Discharge Elimination System.

(76) “Unit Drainage System Facility” means that Drainage System which drains a Subdivision or other individual Development area, and which is tributary to an Intermediate or Major Drainage System Facility or County Facility.

(419, Added, 06/05/2001)

**18-1-050. ADMINISTRATION.**

The Engineering Division is designated as the responsible department, with the City Engineer as the official responsible for the administration of this Title. The City Engineer may delegate any or all administrative duties provided herein as deemed necessary.

(419, Added, 06/05/2001)

**18-1-080. CONFLICT.**

In the event of a conflict between the terms of this Title or any other law, ordinance, rule, regulation or standard, the more restrictive provision shall apply.

(419, Added, 06/05/2001)

**Chapter 18-2  
LAND DISTURBANCE PERMIT**

**Sections:**

- 18-2-010. LAND DISTURBANCE PERMIT REQUIRED.**
- 18-2-020. EXEMPTIONS.**
- 18-2-030. APPLICATION.**
- 18-2-040. PLANS AND SPECIFICATIONS.**
- 18-2-050. GRADING PLAN.**
- 18-2-060. DRAINAGE PLAN.**
- 18-2-070. EROSION AND SEDIMENT CONTROL PLAN.**
- 18-2-080. REVEGETATION PLAN.**
- 18-2-090. STORM WATER POLLUTION PREVENTION PLAN.**
- 18-2-100. SOILS REPORT.**
- 18-2-110. GEOLOGICAL REPORT.**
- 18-2-120. EXPLORATORY WORK.**
- 18-2-130. APPLICATION WAIVER.**
- 18-2-140. FEES.**
- 18-2-150. REVIEW AND APPROVAL.**
- 18-2-160. ISSUANCE.**
- 18-2-170. CONDITIONS OF APPROVAL.**
- 18-2-180. DENIAL OF LAND DISTURBANCE PERMITS.**
- 18-2-190. APPROVED PLANS.**
- 18-2-200. MODIFICATION OF PLANS**
- 18-2-210. CORRECTION OF ERRORS.**
- 18-2-220. TERM OF LAND DISTURBANCE PERMITS.**
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- 18-2-240. SUSPENDED OR ABANDONED WORK.**
- 18-2-250. RENEWAL OF EXPIRED LAND DISTURBANCE PERMIT.**
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- 18-2-280. VALIDITY OF PERMIT.**
- 18-2-290. ADDITIONAL PERMITS.**
- 18-2-300. EMERGENCIES.**

**18-2-010. LAND DISTURBANCE PERMIT REQUIRED.**

Except as otherwise provided herein, no person shall commence or perform any land disturbance, grading, relocation of earth, or any other land disturbance activity, and no person shall import or export any earth materials to or from any site, without first obtaining a land disturbance permit. No land disturbance permit shall be issued for any site or project requiring site plan approval until and unless a final site plan has been approved for the site or project and no land disturbance permit shall be issued for any site or project requiring subdivision approval until and unless the final subdivision plat has been approved and recorded for the site or project.

**18-2-020. EXEMPTIONS.**

Activities exempted from the land disturbance permit requirements set forth herein are subject to and shall be performed in accordance with the Land Disturbance Design and Construction Standards, the Hillside Overlay Ordinance and all other

applicable ordinances, rules, regulations and standards of the City. The following activities do not require a land disturbance permit:

- (1) An excavation which does not exceed fifty (50) cubic yards; or does not affect an area that is less than three-thousand (3,000) square feet in area; or does not create a cut slope greater than five feet (5') in height and steeper than two horizontal to one vertical (2:1); provided, however, any excavation which is made in an area of adverse geological conditions or which alters a drainage course must obtain a permit.
- (2) A fill which is less than one foot (1') in depth and placed on natural terrain with a slope flatter than five horizontal to one vertical (5:1); affects an area that is less than three-thousand (3,000) square feet in area; is less than three feet (3') in depth and is not intended to support structures; provided, any fill over fifty (50) cubic yards or which obstructs a drainage course must obtain a permit.
- (3) Excavations below the finished grade for basements and footings of buildings, retaining walls, swimming pools, or other structures authorized by a valid building permit. This shall not exempt any fill made of materials from such excavations or exempt any excavation having an unsupported height greater than five feet (5') after the completion of such structures.
- (4) Mining, quarrying, excavating, processing, and the stockpiling of rock, sand, gravel, aggregate, clay, or topsoil operations conducted under a valid special use permit issued by the City pursuant to applicable zoning regulations.
- (5) The depositing of rubbish or other materials at any dump or sanitary fill conducted under a valid permit and/or applicable zoning ordinances. Such exemption shall not extend to surrounding berms, permanent access roads, building sites, or protective drainage works.
- (6) Farming and agricultural operations conducted under a valid use permit or applicable zoning ordinances.
- (7) Soil and water conservation work under the direct control of the United States Natural Resources Conservation Service; provided, the construction of water impounding structures of earth shall require a permit where the maximum depth to which water is or may be impounded is five feet (5') or greater.
- (8) Grading operations conducted by the City for approved capital improvement projects.  
(419, Added, 06/05/2001)

**18-2-030. APPLICATION.**

Application for a land disturbance permit shall be filed with the City Engineer on forms furnished by the City for such purpose. Applications shall include all the plans, specifications, reports, documentation and information required herein. Three (3) sets of all required plans, specifications and reports shall be submitted with each application. All such plans, specifications and reports shall be prepared and signed by a civil engineer, soils engineer, engineering geologist and/or landscape architect, where applicable.

Additional experts in applicable fields should be utilized for preparation of such documents and reports as appropriate. No application shall be processed until all required plans, specifications, reports, documentation and information have been received by the City in accordance with the provisions and requirements of this Title. (419, Added, 06/05/2001)

**18-2-040. PLANS AND SPECIFICATIONS.**

Each application for a land disturbance permit shall include the following plans, specifications, reports, documentation and information:

- (1) A vicinity sketch or other data adequately indicating the site location;
- (2) The property lines and dimensions and bearings of the property on which the work is to be performed;
- (3) The location of any existing buildings or structures on the property where the work is to be performed and the location of any buildings or structures on the land of adjacent property owners, which buildings or structures are within fifty feet (50') of the property boundary;
- (4) The location of landmark trees as indicated by the designation of the location of the center of the trunk;
- (5) Accurate topography showing suitable contours of the existing and proposed ground elevations. The contours shall be extended past the boundary lines of any project for a minimum of one hundred feet (100'). The City Engineer may require the contours to be extended to include watershed areas and all other areas influencing the proposed development;
- (6) The elevations, dimensions, locations, extent, and slopes of all proposed land disturbance activities shown by contours or other means;
- (7) A certification of the quantity and type of material of any proposed excavation and fill;
- (8) The estimated starting and completion dates for the proposed land disturbance activities and proposed land disturbance activities schedule and permit term;
- (9) Detailed plans of all drainage devices, walls, cribbing, dams, or other protective devices to be constructed in connection with, or as a part of, the proposed work, together with a map showing the drainage area and estimated runoff of the area served by the drains. All hydrologic and hydraulic calculations shall be signed by a civil engineer;
- (10) Temporary construction entrance and exit plan;
- (11) An indication as to the type of structure or structures to be constructed or the proposed use of the site, such as single-family residence, multiple-family development, commercial, or industrial; and

(12) Any additional plans, drawings, or calculations required herein or by the City Engineer;

(13) **Storm Water Pollution Prevention Plan.**  
(419, Added, 06/05/2001)

**18-2-050. GRADING PLAN.**

Each application for a land disturbance permit shall include a grading plan for the proposed land disturbance activity and site. The grading plan shall be prepared by a civil engineer and shall be prepared in accordance with the requirements and standards for such plans as set forth in the Land Disturbance Design and Construction Standards.  
(419, Added, 06/05/2001)

**18-2-060. DRAINAGE PLAN.**

Each application for a land disturbance permit shall include a drainage plan for the proposed land disturbance activity and site. The drainage plan shall be prepared by a civil engineer and shall be prepared in accordance with the requirements and standards for such plans as set forth in the Land Disturbance Design and Construction Standards.  
(419, Added, 06/05/2001)

**18-2-070. EROSION AND SEDIMENT CONTROL PLAN.**

Each application for a land disturbance permit shall include an erosion and sediment control plan for the proposed land disturbance activity and site. The erosion and sediment control plan shall be prepared by a civil engineer and shall be prepared in accordance with the requirements and standards for such plans as set forth in the Land Disturbance Design and Construction Standards.  
(419, Added, 06/05/2001)

**18-2-080. REVEGETATION PLAN.**

Each application for a land disturbance permit shall include a revegetation plan for the proposed land disturbance activity and site. The revegetation plan shall be prepared by an erosion control specialist or professional of comparable expertise and shall be prepared in accordance with the requirements and standards for such plans as set forth in the Land Disturbance Design and Construction Standards.  
(419, Added, 06/05/2001)

**18-2-090. STORM WATER POLLUTION PREVENTION PLAN (SWPPP).**

Each application for a land disturbance permit shall include a SWPPP for the proposed land disturbance activity and site. The SWPPP shall be prepared by a civil engineer and shall be prepared in accordance with the requirements and standards for such plans as set forth in the Land Disturbance Design and Construction Standards.

**18-2-100. SOILS REPORT.**

Each application for a land disturbance permit shall include a soils report for the site. The soils report shall be prepared and signed by a soils engineer and shall be prepared in accordance with the requirements and standards for such reports as set forth in the Land Disturbance Design and Construction Standards.  
(419, Added, 06/05/2001)

**18-2-110. GEOLOGICAL REPORT.**

When deemed necessary by the City Engineer due to the circumstances and conditions of the site, an application for a land disturbance permit shall include a geological report for the site. The geological report, when required, shall be prepared and signed by a engineering geologist and shall be prepared in accordance with the requirements and standards for such reports as set forth in the Land Disturbance Design and Construction Standards.  
(419, Added, 06/05/2001)

**18-2-120. EXPLORATORY WORK.**

Surface and subsurface exploratory work and reports may be required when deemed necessary by the City Engineer due to site conditions and/or hazards on the site. When required, such exploratory work and reports shall be performed and prepared by a soils engineer and/or engineering geologist. Exploratory work and reports shall be conducted and prepared in accordance with the requirements and standards for exploratory work and reports as set forth in the Land Disturbance Design and Construction Standards.  
(419, Added, 06/05/2001)

**18-2-130. APPLICATION WAIVER.**

The City Engineer may waive any application requirement, plan, specification or report when deemed unnecessary for the proposed application and for good cause showing. A request for an application waiver shall be submitted by the applicant in writing setting forth the grounds and reasons for the waiver. An application shall not be deemed complete for purposes of the filing of a completed application until the City Engineer has approved the application waiver request.  
(419, Added, 06/05/2001)

**18-2-140. FEES.**

All applicable fees shall be paid by applicant with the filing of an application for a Land Disturbance Permit in accordance with the City Fee Schedule. An application will not be deemed complete until the required fees have been received by the City.  
(419, Added, 06/05/2001)

**18-2-150. REVIEW AND APPROVAL.**

The City Engineer shall review the application, plans, and specifications filed by an applicant for a Land Disturbance Permit. If the City Engineer determines that the application is incomplete, or that additional information is needed from the applicant regarding the proposed land disturbance activities, the City Engineer shall notify the applicant in writing of such deficiencies or the need for additional information. The City

Engineer may also request review of the application, plans and specifications by other departments of the City for compliance with the laws and ordinances under their jurisdiction. Once satisfied that the work described in an application for land disturbance permit and the plans and specifications filed with the application conform to the requirements of this Title and other pertinent laws and ordinances, all applicable fees have been paid, and all required bonds have been provided in accordance with the provisions of Chapter 5 of this Title, the City Engineer may issue a land disturbance permit to the applicant.

(419, Added, 06/05/2001)

**18-2-160. ISSUANCE.**

The City Engineer shall provide the applicant with a written decision regarding the approval or denial of the application for land disturbance permit and related plans and shall provide the applicant with a copy of such decision. If the application is approved, a copy of the land disturbance permit will be provided to the applicant.

(419, Added, 06/05/2001)

**18-2-170. CONDITIONS OF APPROVAL.**

In granting any land disturbance permit pursuant to the provisions of this Title, the City Engineer or his or her authorized representative may attach such conditions as may be reasonably necessary to protect public health and safety. Such conditions may include, but will not be limited to:

(1) The improvement of any existing site condition to bring it up to the standards of this Title; and

(2) Requirements for fencing excavations or fills which would otherwise be hazardous.

(419, Added, 06/05/2001)

**18-2-180. DENIAL OF LAND DISTURBANCE PERMITS.**

(1) A land disturbance permit shall not be issued in any case where it is found that the work proposed by the applicant is hazardous, as determined by the City Engineer, or is likely to endanger any private property, result in the deposit of debris on any public way, or interfere with any existing drainage course.

(2) A land disturbance permit shall not be issued if the land area for which grading is proposed is subject to geological or flood hazard to the extent that no reasonable amount of corrective work can eliminate or sufficiently reduce the hazard to human life or property as determined by the City Engineer.

(3) A land disturbance permit shall not be issued if the proposed land disturbance activity would not comply with the requirements of an applicable site plan, subdivision plat, or any provisions of law, including the provisions of this Title.

(419, Added, 06/05/2001)



**18-2-190. APPROVED PLANS.**

Prior to issuance of the land disturbance permit, the applicant shall provide the City with four (4) sets of the final plans, specifications and computations (full-size), (2) SWPPPs, and two (2) sets of 11x17-inch plans. Upon issuance of the land disturbance permit, the City Engineer shall endorse in writing, or stamp "Approved" on all required sets of plans and specifications. The City Engineer shall retain two (2) sets of the plans and specifications during the period of construction and as thereafter required by the Government Records Access and Management Act (GRAMA). The City Engineer shall return one set of the approved plans and specifications to the applicant. The applicant shall retain the approved set of plans and specifications at the site covered by the land disturbance permit at all times during which the work authorized thereby is in progress. (419, Added, 06/05/2001)

**18-2-200. MODIFICATION OF PLANS.**

No approved plans or specifications shall be changed, modified, altered or amended, without approval of the City Engineer in accordance with the procedures and requirements set forth herein for original approval of such plans and specifications. (419, Added, 06/05/2001)

**18-2-210. CORRECTION OF ERRORS.**

The issuance of a land disturbance permit based upon submitted plans, specifications and documents shall not prevent or preclude the right of the City from thereafter requiring the correction of errors which may be later discovered in such plans, specifications and documents. (419, Added, 06/05/2001)

**18-2-220. TERM OF LAND DISTURBANCE PERMITS.**

Each land disturbance permit shall contain a specified term as determined by the City. The date the land disturbance permit expires shall be noted on the land disturbance permit. (419, Added, 06/05/2001)

**18-2-230. EXTENSION OF TERM.**

Prior to expiration of the land disturbance permit, the land disturbance permit holder may apply for an extension of time in which to complete the work in a reasonable and expeditious manner. The City Engineer may grant an extension of time, upon a showing of good cause, for a period or periods not exceeding a total of one (1) year. Denial of an extension of time does not preclude the right of the land disturbance permit holder to apply for a new land disturbance permit for the remaining balance of the work. Adequate security or written consent from the surety must be provided for any extension of time before approval of the extension is granted or becomes effective. (419, Added, 06/05/2001)

**18-2-240. SUSPENDED OR ABANDONED WORK.**

Every land disturbance permit issued by the City Engineer under the provisions of this Title expires by limitation and becomes null and void if the land disturbance permit holder suspends or abandons the construction or work authorized by such land disturbance permit, at any time after the work is commenced, for a period of one-hundred twenty (120) days or longer. After construction or work under a land disturbance permit has been suspended or abandoned for a period of one-hundred twenty (120) days or longer, a new or renewed permit must be obtained prior to recommencing work. (419, Added, 06/05/2001)

**18-2-250. RENEWAL OF EXPIRED LAND DISTURBANCE PERMIT.**

If a land disturbance permit has expired, a new land disturbance permit shall be obtained before any work can be recommenced. If no changes have been made or will be made to the original plans and specifications for such work, and any suspension or abandonment has not exceeded one (1) year, the fee for the new land disturbance permit will be one-half (1/2) the amount ordinarily required for a new land disturbance permit. If changes have been made or will be made in the original plans or specifications for the land disturbance activity, or the suspension or abandonment has exceeded one (1) year, the fee for a new permit shall be required for a new permit for the proposed land disturbance activity. (419, Added, 06/05/2001)

**18-2-260. SUSPENSION OR REVOCATION OF PERMIT.**

The City may, in writing, suspend or revoke a permit when the permit is issued in error, or on the basis of incorrect information supplied, or when work conducted thereunder is in violation of the terms of the permit or the provisions of this Title or other applicable City Ordinances, rules, regulations, standards and specifications, or pertinent laws. (419, Added, 06/05/2001)

**18-2-270. NO TRANSFER OR ASSIGNMENT OF PERMIT.**

Land disturbance permits shall not be transferable or assignable and work shall not be performed under a land disturbance permit in any place other than that specified in the permit. Nothing herein shall prevent a permit holder from subcontracting the work to be performed under a land disturbance permit; provided, however, the permit holder shall be and remain responsible and liable for the performance of the work and land disturbance activities under the permit and for all bonding and other requirements of this Title and the applicable permit. (419, Added, 06/05/2001)

**18-2-280. VALIDITY OF PERMIT.**

The issuance of a land disturbance permit shall not be construed to be a permit for violation of any of the provisions of this Title or any other City Ordinances, rules, regulations, standards or specifications or other pertinent laws. Permits presuming to give such authority shall be deemed invalid. (419, Added, 06/05/2001)

**18-2-290. ADDITIONAL PERMITS.**

The issuance of a land disturbance permit shall not relieve the owner, applicant, permit holder, or developer from obtaining any and all other permits or approvals required by the City or any other applicable agency having jurisdiction over the work or property affected by the proposed land disturbance activity.  
(419, Added, 06/05/2001)

**18-2-300. EMERGENCIES.**

The provisions of this Title shall not apply to any land disturbance activity which is conducted during a period of emergency or disaster, as declared and defined by the City, and which is directly connected with or related to the relief of conditions caused by such emergency or disaster.  
(419, Added, 06/05/2001)

**Chapter 18-3  
LAND DISTURBANCE REGULATIONS**

**Sections:**

- 18-3-010. COMPLIANCE WITH PERMIT.**
- 18-3-020. PROTECTIVE DEVICES.**
- 18-3-030. MAINTENANCE OF SITE.**
- 18-3-040. ACCESS AND HAUL ROUTES.**
- 18-3-050. CONSENT OF ADJACENT PROPERTY OWNERS.**
- 18-3-060. CUTS AND FILLS.**
- 18-3-070. EROSION CONTROL AND DRAINAGE DEVICES.**
- 18-3-080. AREAS SUBJECT TO SLIDES AND UNSTABLE SOIL.**
- 18-3-090. PLANTING AND IRRIGATION OF CUT AND FILL SLOPES.**
- 18-3-100. IDENTIFICATION OF BUILDING ENVELOPE.**
- 18-3-110. PROPERTY LINE AND CORNER MARKERS.**
- 18-3-120. SLOPE PROTECTION EASEMENTS.**
- 18-3-130. LOTS GRADED TOWARD STREET FOR DRAINAGE.**
- 18-3-140. LOTS WHICH CANNOT BE GRADED TOWARD THE STREET.**
- 18-3-150. MATERIALS FOR SIDE AND REAR YARD DRAINAGE.**
- 18-3-160. FLOW OF WATER FROM ONE LOT TO ANOTHER - LIMITED USE.**
- 18-3-170. LANDSCAPING OF CERTAIN LOTS FOR EROSION CONTROL.**
- 18-3-180. EROSION CONTROL AND REVEGETATION.**
- 18-3-190. WET WEATHER PLAN**
- 18-3-200. LAND DISTURBANCE DESIGN AND CONSTRUCTION STANDARDS.**
- 18-3-210. LOT IMPERVIOUS SURFACE AREA DRAINAGE.**
- 18-3-220. MAINTENANCE REQUIREMENTS.**
- 18-3-230. STORM WATER MANAGEMENT.**
- 18-3-240. COMPLIANCE WITH TITLE REQUIRED FOR OCCUPANCY.**

**18-3-010. COMPLIANCE WITH PERMIT.**

The land disturbance permit holder and contractor and their agents shall carry out the proposed land disturbance activities in accordance with the approved plans and specifications, the conditions of the land disturbance permit, and the requirements of this Title and all other applicable ordinances, rules, regulations and standards of the City. (419, Added, 06/05/2001)

**18-3-020. PROTECTIVE DEVICES.**

The land disturbance permit holder and contractor and their agents shall maintain all required protective devices and temporary drainage during the progress of the land disturbance activities and shall be responsible for the observance of the hours of work, dust control, methods of hauling, and other applicable regulations. (419, Added, 06/05/2001)

**18-3-030. MAINTENANCE OF SITE.**

The land disturbance permit holder and contractor and their agents shall be responsible for the maintenance of the site and the removal of all debris during the term of the permit.  
(419, Added, 06/05/2001)

**18-3-040. ACCESS AND HAUL ROUTES.**

Temporary construction entrance and exit routes shall be provided by the permit holder in accordance with the approved plans and permit at key access points to the site or project to eliminate the problem of tracking mud and debris from the construction site onto private or public streets. The City Engineer may impose conditions to the land disturbance permit with respect to access or haul routes to and from land disturbance activity sites, the hours of work, methods of controlling dust, and safety precautions involving pedestrian or vehicular traffic as determined required in the interest of the public health, safety and welfare. **Construction entrances shall be placed prior to any land disturbance operations taking place.**  
(419, Added, 06/05/2001)

**18-3-050. CONSENT OF ADJACENT PROPERTY OWNERS.**

Whenever any land disturbance activity requires entry onto adjacent property for any reason, the land disturbance permit applicant shall obtain the written consent of the adjacent property owner or their authorized representative and shall file a copy of such consent with the City Engineer before a land disturbance permit may be issued.  
(419, Added, 06/05/2001)

**18-3-060. CUTS AND FILLS.**

(1) Height. Except as otherwise provided herein, no finished fill slope shall exceed a vertical height of twenty-five feet (25'). The City Engineer may approve a fill slope in excess of twenty-five feet (25') as deemed appropriate in his or her sole discretion based upon the circumstances and conditions of the proposed site and fill. Any fill slope proposed in excess of twenty-five feet (25') shall be supported by documentation and a report prepared and signed by a professional engineering geologist and soils engineer attesting to the appropriateness, safety and stability of the proposed fill slope. Such documentation and report shall be prepared at the applicant's expense and shall address the need for and design of intervening terraces or other necessary measures to provide for the safety and stability of the proposed slope.

(2) Slope. Except as otherwise provided herein, no cut or fill shall exceed a slope of two horizontal to one vertical (2:1). The City Engineer may approve a cut or fill slope in excess of two horizontal to one vertical (2:1) as deemed appropriate in his or her sole discretion based upon the circumstances and conditions of the proposed site and the cut or fill. Any cut or fill slope proposed in excess of two horizontal to one vertical (2:1) shall be supported by documentation and a report prepared and signed by a professional engineering geologist and soils engineer attesting to the appropriateness, safety and stability of the proposed cut or fill slope. Such documentation and report shall be prepared at the applicant's expense and shall address the need for and design of

necessary measures to provide for the safety and stability of the proposed cut or fill slope.

(3) Slope Length. All applications for land disturbance activities involving or proposing cut and/or fill slopes shall include a report prepared and signed by an erosion control specialist or professional of comparable expertise addressing the design, safety, and stability of the proposed slope lengths. Such report shall indicate how the applicant will address the issue of length of slope using the Revised Uniform Soils Loss Equation (RUSLE). The report shall indicate the method and/or materials to be used.

(4) Unstable Material. The City Engineer may require any cut or fill to be constructed with an exposed surface flatter than two horizontal to one vertical (2:1) when, in the City Engineer's opinion, under the particular conditions, such flatter surface is deemed necessary for stability or safety.

(5) Fill Slope Limits. Toes of fill slopes shall not be made nearer to a property boundary line than one-half (1/2) of the height of the fill, or twenty feet (20'), whichever is less. Fill slopes shall not be divided horizontally by property lines. Fill slopes occurring on a side or rear lot line shall be made a part of the downhill lot.

(6) Intervening Terraces. When intervening terraces are used, terraces shall be paved using materials as approved by the City and shall have a minimum width of six feet (6'). Terraces shall be extensively landscaped in accordance with an approved landscaping plan. Terraces shall be spaced at vertical intervals of twenty-five feet (25'); provided, however, for slopes less than forty feet (40') in vertical height, terraces shall be approximately at mid-height. For slopes flatter than two horizontal to one vertical (2:1), or where soil conditions require, additional intervening terraces may be required.

(7) Compaction. All fills shall be placed, compacted, inspected, and tested in accordance with the provisions of this Title and the Land Disturbance Design and Construction Standards. If the strict enforcement of the compaction provisions of this Section is determined by the City Engineer to be unnecessary because of the proposed or probable use of the land, the City Engineer may waive the requirements. The requirements of this Section shall not be waived when structures are to be supported by the fill, the fills are being placed in areas to be designated as hillside, or where the fills are necessary as a safety measure to aid in preventing the saturation, settling, slipping, or erosion of the fill.

(8) Fills Toeing Out on Natural Slopes. Except as otherwise provided herein, no fills toeing out on natural slopes which are steeper than two horizontal to one vertical (2:1) shall be permitted. The City Engineer may approve such fills toeing out on natural slopes which are steeper than two horizontal to one vertical (2:1) as deemed appropriate in his or her sole discretion based upon the circumstances and conditions of the proposed site and fill. Any fill slope proposed to toe out on natural slopes which are steeper than two horizontal to one vertical (2:1) shall be supported by documentation and a report prepared and signed by a professional engineering geologist and soils engineer attesting to the appropriateness, safety and stability of the proposed fill. Such documentation

and report shall be prepared at the applicant's expense and shall address the need for and design of necessary measures to provide for the safety and stability of the proposed fill.

(9) Combined Cut and Fill Slopes. Combined cut and fill slopes shall meet the requirements of this section insofar as steepness, height, and benching are concerned except that, where the slope exceeds twenty-five feet (25') in height, the required drainage bench shall be placed at the top of the cut slope.

(10) Setback. Fill placed on or above the top of an existing or proposed cut or natural slope steeper than three horizontal to one vertical (3:1) shall be set back from the top of the slope a minimum distance as required by the Uniform Building Code, as adopted by the City, or as approved by the City Engineer based upon submitted reports and documentation for the project.

(11) Existing Fills. All existing man-made fills on any and all sites shall be properly evaluated by a soils engineer. If deficiencies exist, recommendations and design criteria for corrective measures shall be included within the soils engineering report.

(12) Measure of Settlement. The City Engineer or the Building Official may require the determination of the settlement characteristics of any fills to establish that any movements have substantially ceased. In such cases, a system of bench marks shall be installed by a civil engineer or land surveyor at critical points on the fill, and accurate measurements of both horizontal and vertical movements shall be taken and evaluated by the soils engineer for a period of time sufficient to define the settlement behavior. The evaluation period shall be monitored in accordance with the approved geotechnical report for the project.

(13) Buttress Fills. All buttress fills shall be designed in accordance with the Land Disturbance Design and Construction Standards and the recommendations and design criteria, including the subdrain system, submitted by the soils engineer or engineering geologist with the approval of the City Engineer.

(419, Added, 06/05/2001)

**18-3-070. EROSION CONTROL AND DRAINAGE DEVICES.**

BMP's, such as, but not limited to, intervening terraces, diverter terraces, vee channels, runoff computations, drainage dispersal walls, subdrains and site drainage, are to be provided and designed as indicated in the Land Disturbance Design and Construction Standards.

(419, Added, 06/05/2001)

**18-3-080. AREAS SUBJECT TO SLIDES AND UNSTABLE SOIL.**

A detailed evaluation shall be completed for all areas subject to slides or unstable soils by a soils engineer and/or engineering geologist including design criteria for corrective measures. Exploratory work and/or reports may be required by the City Engineer for such conditions in accordance with permit requirements set forth in Chapter 2 of this Title.

(419, Added, 06/05/2001)

**18-3-090. PLANTING AND IRRIGATION OF CUT AND FILL SLOPES.**

All manufactured cut and fill slopes shall be planted and maintained until established. Temporary irrigation may be required in accordance with the provisions of this Title and the Land Disturbance Design and Construction Standards. The Developer is responsible for operating and maintaining the irrigation system.  
(419, Added, 06/05/2001)

**18-3-100. IDENTIFICATION OF BUILDING ENVELOPE.**

The developer shall indicate on the site plan or subdivision plat required for the site or project, the maximum building envelope, or area of ultimate land/vegetation disturbance, including designation of the building envelope's distance from the lot or site boundary lines, which will be caused by the proposed structure and its appurtenances. Prior to the beginning of any type of land disturbance or construction on a given lot, the contractor performing the work is responsible for identifying the building envelope in the field by marking of the building envelope perimeter. The Building Official may require markers to be surveyed when deemed necessary or appropriate. Marking of the building envelope shall be inspected by the City's Community and Economic Development Department and/or Building Division prior to commencement of any land disturbance activity on the lot.  
(419, Added, 06/05/2001)

**18-3-110. PROPERTY LINE AND CORNER MARKERS.**

The developer shall ensure that property lines and corner survey markers are installed for the site or project. These markers are to include rebar placed at the back corners of each lot and markers placed on the curb for locating the side property lines. If curb and gutter do not exist, the front markers are to be placed in the road pavement.  
(419, Added, 06/05/2001)

**18-3-120. SLOPE PROTECTION EASEMENTS.**

The developer shall provide slope protection easements for all slopes constructed as part of the project. Slope protection easements shall be provided either through indicating them on the final plat or by separate recordable easement acceptable to the City.  
(419, Added, 06/05/2001)

**18-3-130. LOTS GRADED TOWARD STREET FOR DRAINAGE.**

Except as otherwise provided herein, storm water runoff from individual lots shall be directed toward the streets at a minimum slope of two (2%) percent. Exceptions may be granted by the City Engineer, when deemed appropriate and necessary, in accordance with the provisions of this Section. Aesthetic reasons such as the creation of view lots shall not constitute sufficient reason for granting an exception. If the developer finds that draining storm water toward the street is unobtainable for a portion or all of the lot, the developer shall demonstrate to the Engineering Department that there are no other avenues for drainage of the storm water. In such cases, the developer shall prepare a drainage plan which indicates how the storm water will be disposed of from



the lot, to either a City-owned storm drain, a natural stream or channel, a manmade channel, other City-approved facility or retained on-site. The developer is responsible for obtaining the necessary approvals and permits for the discharge or retention of storm water flows. The City Engineer will determine if such alternate drainage is both necessary and appropriate.

(419, Added, 06/05/2001)

**18-3-140. LOTS WHICH CANNOT BE GRADED TOWARD THE STREET.**

(1) Approval Required. Lots that cannot be drained toward the street, may be allowed to drain a portion of their storm water runoff toward the rear of the yard, after review and approval by the Engineering Department. Prior to obtaining this approval, the developer shall prepare a drainage plan, which indicates how the storm water will be disposed of from the lot, to either a City-owned storm drain, a natural stream or channel, or manmade channel, or other City-approved facility or retained on-site. Such disposal is to be protected by a drainage easement dedicated for this purpose and the facilities are to be bonded for.

(2) Swales. Swales located in rear and side yards shall be of materials as approved by the City that will prevent erosion, and shall be a permanent feature of the lot and shall be shown in a drainage easement on the site plan or final plat for the project. An actual design drawing of the swale system shall be prepared and be included as part of the grading and drainage plan for the project. If slopes exist between lots, sufficient space shall be allowed to include a swale at the top of the slope and one at the bottom, all within dedicated storm drainage easements. Where storm water is transferred from a lot of higher elevation, to a lower lot in elevation, sufficient energy dissipation shall be constructed to reduce the water velocity to an acceptable level. Engineering calculations are to be submitted to the Engineering Department certifying the proposed design of the energy dissipation facilities.

(3) Notice. Swales shall be constructed and in place before building permits are issued on subdivision lots. The developer shall notify the homebuilders and homeowners of these drainage swale easements and the need to maintain them both during and after construction. Homeowners are to be notified by the developer of the installation of these sides and rear yard swales through an acceptable instrument to the City. A notice of these drainage swale easements shall also be recorded on the subdivision plat for the project. After completion of the swales, the homeowners shall be responsible for maintenance of swales.

(4) Bonding. In the event these types of swales are used for the project, the Developer shall provide sufficient bonding of these swales as part of the City's regular public improvement bonding, to ensure these facilities will be constructed.

(5) Underground Facilities. The Developer may select the option of designing and constructing underground drainage facilities to replace aboveground drainage swales if these facilities meet certain City requirements. These requirements include the design being approved by the Engineering Department, inclusion of these facilities within City approved drainage easements, maintenance of the system by a homeowners' association, and other requirements as may be deemed necessary by the City.

(419, Added, 06/05/2001)

**18-3-150. MATERIALS FOR SIDE AND REAR YARD DRAINAGE.**

Side and rear yard swales and drainage facilities shall be designed into projects as an integral component of the storm water system of the project which needs to transfer storm water runoff from the rear and side yards to the street, or to other rear yard storm water facilities. These swales or drain facilities shall be designed and constructed in such a way that they become a permanent feature of the side and/or rear yard and shall be constructed of a material as approved by the City which prevents erosion. Inspections of these swales or drain facilities shall be conducted by the Engineering Department during the subdivision construction phase of the project. Once the subdivision has entered the warranty period, and building permits are issued, the Building Division of the City shall inspect the maintenance and functioning of these lot level storm water facilities during lot level development. Developers are to provide recorded drainage easements wide enough to provide for the possible slight field relocation of rear and side yard drainage swales, or other drainage facilities. At a minimum, the drainage easement shall be for the width of the swale plus two feet (2').  
(419, Added, 06/05/2001)

**18-3-160. FLOW OF WATER FROM ONE LOT TO ANOTHER - LIMITED USE.**

In the case where storm water flow is allowed to flow from a higher lot to a lower lot, in elevation, sufficient energy dissipation shall be designed and constructed to reduce the water velocity to an acceptable level to prevent erosion. The design and construction of these energy dissipation structures shall be approved by the Engineering Department in conjunction with the review and approval of the drainage plan for the project.  
(419, Added, 06/05/2001)

**18-3-170. LANDSCAPING OF CERTAIN LOTS FOR EROSION CONTROL.**

The City reserves the right to require that the lots be revegetated or stabilized prior to issuance of building permits or that lots are fully landscaped prior to the issuance of a Certificate of Occupancy, as part of the requirements of the project. The purpose of this requirement is to ensure that, for certain areas in the City which have soils susceptible to severe erosion, erosion is controlled. The criteria to be used by the City are the size of the lot and sizes of adjacent lots, elevation differences between lots, and the type of soils in the project, along with other factors. A landscaping plan shall be submitted to the Engineering Department for approval prior to commencement of landscaping improvements required hereunder.  
(419, Added, 06/05/2001)

**18-3-180. EROSION CONTROL AND REVEGETATION.**

The developer is to indicate erosion control and revegetation BMP to be used for the project on the project drawings and as part of the project descriptions included with the application in accordance with the City's Land Disturbance Design and Construction Standards. Erosion and sedimentation control measures will be inspected upon completion, during construction of the subdivision, and once the subdivision construction is complete. The Engineering Department will be responsible for these inspections.

Once the subdivision level construction is complete and improvement work begins on individual lots, erosion and sedimentation control BMP will be inspected prior to any disturbance, during construction and once lot level construction is complete. The Building Division will be responsible for these inspections.

(419, Added, 06/05/2001)

**18-3-190. WET WEATHER PLAN.**

The City Engineer may require that land disturbance activities and erosion control or revegetation plans be modified, if unforeseen delays occur due to weather generated problems not considered at the time the land disturbance permit was issued, including submission and approval of a wet weather plan.

(419, Added, 06/05/2001)

**18-3-200. LAND DISTURBANCE DESIGN AND CONSTRUCTION STANDARDS.**

All land disturbance activities shall be conducted in accordance with the Land Disturbance Design and Construction Standards, the Hillside Overlay District Ordinance, the 'Development Processing Manual,' 'Road and Bridge Design and Construction Standards,' 'Storm Drainage and Flood Control Design and Construction Standards,' 'Culinary Water Design and Construction Standards' and all other applicable ordinances, rules, regulations, standards and specifications of the City. Revegetation shall also be conducted in accordance with Resolution No. 97-73, as adopted by the City.

(419, Added, 06/05/2001)

**18-3-210. LOT IMPERVIOUS SURFACE AREA DRAINAGE.**

All impervious surface areas on lots, including roofs and their drains, driveway pads and other such areas are to be drained toward the street unless otherwise approved by the City Engineer.

(419, Added, 06/05/2001)

**18-3-220. MAINTENANCE REQUIREMENTS.**

The Permittee carrying out Grading and Erosion control measures under this Chapter, and all subsequent owners or tenants of property on which such measures have been taken, shall maintain all temporary and permanent Erosion control measures, retaining walls, structures, plantings, and other protective devices. Should the Permittee, or any of the subsequent property owners or tenants, fail to adequately maintain the temporary and permanent Erosion control facilities, retaining walls, structures, plantings, and other protective devices, the City reserves the authority to enter affected property and take such action as authorized by Section 18-7-190 of this Title.

**18-3-230. STORM WATER MANAGEMENT.**

Pursuant to the terms, conditions and requirements of the UPDES Permit issued to the County by the State of Utah, the City is required to develop and implement a Storm Water Management Program to control discharges to the Municipal Separate Storm Sewer System (MS4) owned or operated by the City. Elements of this mandatory program require the City to take steps to minimize the discharge of sediment, debris, oil

and grease, pesticides, metals, nutrients, bacteria and viruses, and other pollutants from storm runoff generated from developed real property within the City.

**18-3-240. COMPLIANCE WITH TITLE REQUIRED FOR OCCUPANCY.**

No Certificate of Occupancy for any building shall be issued by the City, unless the Community and Economic Development Department has confirmed the applicant's compliance with the provisions of this Title.

**Chapter 18-4  
STORM WATER MANAGEMENT**

**Sections:**

- 18-4-010. APPLICABILITY.**
- 18-4-020. GENERAL.**
- 18-4-030. ADOPTION OF WATER QUALITY AND EROSION CONTROL CRITERIA.**
- 18-4-040. RESPONSIBILITY OF PERSONS.**
- 18-4-050. STORM WATER POLLUTION PREVENTION PLANS (SWPPP).**
- 18-4-060. MODIFICATION OF APPROVED PLANS.**
- 18-4-070. EROSION CONTROL FACILITIES.**
- 18-4-080. CONTROL OF EXCESS WATERS.**
- 18-4-090. CONNECTION TO CITY DRAINAGE SYSTEM**
- 18-4-100. USE OF STATE OR COUNTY STORM DRAINAGE FACILITIES**
- 18-4-110. FACILITIES BECOME PROPERTY OF THE CITY**
- 18-4-120. NO POLLUTED WATERS DISCHARGED TO STORM DRAINS.**
- 18-4-130. NOTIFICATION OF SPILLS.**
- 18-4-140. MAINTENANCE.**
- 18-4-150. INSPECTION.**
- 18-4-160. RIGHT OF ENTRY.**

**18-4-010. APPLICABILITY.**

The provision of this Chapter shall apply to all real property within the incorporated area of the City and shall apply to all portions of the City Drainage System. (419, Added, 06/05/2001)

**18-4-020. GENERAL.**

Any Person who undertakes, or is responsible for undertaking, an activity which involves land disturbance is ultimately responsible to ensure that soil Erosion and Sedimentation (and changed water flow characteristics) are controlled to the extent necessary to avoid damage to personal and real property, and to prevent pollution of the Municipal Separate Storm Sewer System (MS4) and Final Destination. Nothing in this Title shall be construed as lessening the ultimate responsibility of such Persons. Nor do the requirements of this Title imply the assumption of any liability on the part of the City. The provisions of this Title are to be considered as minimum standards which are not necessarily adequate to meet the highly variable conditions which must be covered by effective control measures. Therefore, compliance with the requirements of this Title does not relieve any Person's responsibility to provide effective Grading and Erosion control measures.

**18-4-030. ADOPTION OF WATER QUALITY AND EROSION CONTROL CRITERIA.**

The Guidance Document for Storm Water Management is hereby adopted as the appropriate reference for water quality and Erosion control criteria when the Land Disturbance Design and Construction Standards haven't the applicable BMP's. The Division shall be guided by and shall apply the criteria contained within the Land

Disturbance Design and Construction Standards and Guidance Document for Storm Water Management in the administration of this Chapter.

**18-4-040. RESPONSIBILITY OF PERSONS.**

During land disturbance operations Persons shall be responsible for:

- (1) The prevention of damage to any public utilities or services within the limits of Grading, and along any routes of travel of the equipment; and
- (2) The prevention of damage to adjacent property. No Person shall grade on land so close to the property line as to endanger any adjoining public street, sidewalk, alley, or any public or private property without supporting and protecting such property from settling, cracking, or other damage which might result; and
- (3) Carrying out the proposed work in accordance with the approved plans and in compliance with all the requirements of this Title and Land Disturbance Design and Construction Standards manual; and
- (4) The prompt removal of all soil, miscellaneous debris or materials that have been applied, dumped, or otherwise deposited on public streets, highways, sidewalks or other public thoroughfares, or any other non-authorized off-site location.

**18-4-050. STORM WATER POLLUTION PREVENTION PLANS.**

Prior to the issuance of a Land Disturbance Permit for any Construction or Substantial Improvement project, a Storm Water Pollution Prevention Plan shall be prepared by a civil engineer, registered in the State of Utah, and submitted to the Division for review and approval. This plan shall be prepared using the Land Disturbance Design and Construction Standards and shall address specific pollutants expected to be generated from the specific site, and describe all permanent water quality “Best Management Practices (BMPs)” to be used on the fully-developed site. The type and scope of this plan will vary with the characteristics of each site. Review and approval of this plan by the Division is required before any permits are issued that relate to the project.

**18-4-060. MODIFICATIONS OF APPROVED PLANS.**

All proposed modifications of the approved Storm Water Pollution Prevention Plan must be submitted, along with all supporting materials, to the City Engineer for review and approval. No work in connection with the proposed modifications shall be permitted without prior approval of the City Engineer. Approval shall be granted when the applicant can demonstrate, to the satisfaction of the City Engineer, that the modifications will provide soil Erosion controls equivalent to, or better than, the originally approved Storm Water Pollution Prevention Plan.

**18-4-070. EROSION CONTROL FACILITIES.**

- (1) All temporary Erosion control facilities, and all permanent facilities intended to control Erosion of any land disturbance operations, shall be installed as defined in the approved plans. The installation of the first level of temporary Erosion control facilities shall be installed and inspected prior to any land disturbance operations taking place.
- (2) All required Best Management Practices shall be installed in accordance with the Land Disturbance Design and Construction Standards and maintained throughout the duration of the construction project.
- (3) Any land disturbance shall be conducted in such a manner so as to effectively reduce accelerated soil Erosion and resulting Sedimentation.
- (4) All Persons engaged in land disturbances shall implement and maintain acceptable soil erosion and sediment control measures in conformance with the Erosion Control Technical Standards of the Land Disturbance Design and Construction Standards and in accordance with the soil stabilization plan approved by the City.
- (5) All land disturbances shall be designed, constructed, and completed in such a manner so that the exposed area of any disturbed land shall be limited to the shortest possible period of time.
- (6) Suspended Sediment caused by accelerated soil Erosion shall be removed from runoff water before it leaves the site of the land disturbance.
- (7) Any temporary or permanent facility designed and constructed for the conveyance of water around, through, or from the land disturbance area shall be designed to limit the water flow to a non-erosive velocity.
- (8) Temporary soil Erosion control facilities shall be removed and land disturbance areas graded and stabilized with permanent soil Erosion control measures pursuant to the standards and specifications prescribed in accordance with the provisions of the Land Disturbance Design and Construction Standards and in accordance with the permanent Erosion control features shown on the Storm Water Pollution Prevention Plan approved by the City.
- (9) Soil Erosion control measures for all slopes, channels, ditches, or any disturbed land area shall be completed within fourteen (14) calendar days after final Grading, or final land disturbance, has been completed. All temporary soil Erosion control measures shall be maintained until permanent soil Erosion control measures are implemented.
- (10) The owner, Developer, Contractor and/or their authorized agents shall be responsible for the removal of all construction debris, dirt, trash, rock, sediment, and sand that may accumulate in the Storm Water Drainage System and Storm Water appurtenances as a result of site development.
- (11) No Person shall cause the impediment of Storm Water flow in the flow line of the curb and gutter. No Person shall place within the flow line of the curb

and gutter any erosive material or material that may be displaced during water flows.

(12) The contractor shall prevent Sediment, debris and all other pollutants from entering the Storm Water Drainage System during all phases of demolition and construction.

**18-4-080. CONTROL OF EXCESS WATERS.**

As determined to be necessary by the Division, any Person developing or altering real property within the City may be required to provide, at the Person's own expense:

- (1) The means, structures and systems necessary to provide for the Detention of Storm Waters on the property, or for the entire Development;
- (2) The Private Drainage System Facility needed to control Storm Water runoff on the property and discharge it into an approved Drainage System facility;
- (3) The Unit Drainage System Facilities required to control Storm Water runoff from any property to be dedicated to the City within the Development;
- (4) The Intermediate Drainage System required to convey Storm Waters to the Major Drainage System; and/or
- (5) Any portion of the Major Drainage System needed to safely convey Storm Water runoff from the property, which portion of the System may be located within or adjacent to the property. Persons who construct Major Drainage System improvements may be entitled to a Storm Drain impact fee offset or reimbursement for the cost of constructing certain portions of the Major Drainage System, in accordance with the provisions of Title 5 of this code.

**18-4-090. CONNECTION TO CITY DRAINAGE SYSTEM.**

Any Unit or Intermediate Drainage System Facilities constructed by a Person developing property within the City shall be connected to the appropriate Intermediate or Major Drainage System Facility constructed to serve the area which includes the Development.

**18-4-100. USE OF STATE OR COUNTY STORM DRAINAGE FACILITIES.**

Any Person developing property within the City, who may connect directly to state or county facilities, may do so under the following conditions:

- (1) The Division shall determine whether or not and/or the degree to which the proposed Development impacts the City's Storm Water Drainage System.
- (2) The Person developing the property shall be required to submit to the Division a written statement from the state or the county indicating that all requirements for connection into the state or county facility have been or will be



complied with, and that the Person has authorization to use the state or county drainage system.

(3) The Person developing the property shall submit evidence, satisfactory to the Division, that the proposed storm drainage and flood control plan will adequately service the proposed Development. The proposed plan shall in all respects conform to the requirements of this Title.

**18-4-110. FACILITIES BECOME PROPERTY OF THE CITY.**

All Intermediate and Major Drainage System Facilities constructed, and all Unit Drainage System Facilities constructed in the public right-of-way, shall, upon completion of construction and written acceptance by the City, become the property of the City. Written acceptance shall be given if the Drainage System facilities are constructed in compliance with Division requirements; provided, however, that at the discretion of the City, temporary Retention areas may be retained by the Developer, or such Retention areas may, at the discretion of the City, be conveyed or dedicated to the City.

**18-4-120. NO POLLUTED WATERS DISCHARGED TO STORM DRAINS.**

The only substance allowed to be discharged under this Chapter into the City's Storm Water Drainage System is Storm Water, surface drainage, subsurface drainage, groundwater, roof runoff, cooling water, or non-polluted water. Such water may be discharged only into Storm Water Drainage System facilities which have adequate capacity for the accommodation of such water. Such discharged water shall comply with the City's Storm Water quality standards.

**18-4-130. NOTIFICATION OF SPILLS.**

(1) All Persons in charge of a facility or responsible for emergency response for a facility are responsible to train facility personnel, maintain records of such training and maintain notification procedures to assure that immediate notification is provided to the City Community and Economic Development Department upon becoming aware of any suspected, confirmed or unconfirmed release of material, pollutants or waste that creates a risk of discharge into the Municipal Separate Storm Water Drainage System.

(2) As soon as any Person in charge of a facility or responsible for emergency response for a facility has knowledge of any release of materials as described in Subsection (1), such Person shall take all necessary steps to ensure the containment and clean up of such release and shall notify the City Community and Economic Development Department of the occurrence no later than the next business day.

(3) The notification requirements of this Section are in addition to any other notification requirements set forth in federal, state or local regulations and/or laws.

**18-4-140. MAINTENANCE.**

The design and planning of all Storm Water management facilities or BMPs shall include detailed maintenance and repair procedures to ensure their continued functioning. These procedures will identify the parts or components of a Storm Water management facility that need to be maintained and the equipment and skills or training necessary. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan. The Permittee shall be responsible for maintenance of any and all facilities included in the approved Storm Water Pollution Prevention Plan.

**18-4-150. INSPECTION.**

All Storm Water management facilities shall be subject to an annual inspection by the Division to document maintenance and repair needs and to ensure compliance with the requirements of this Chapter and accomplishment of its purposes. These needs may include removal of silt, litter and other debris from all catch basins, inlets and drainage pipes; grass cutting and vegetation removal; and necessary replacement of landscape vegetation. Any maintenance deficiencies shall be corrected within such time period as is determined to be reasonable by the Division, and the inspection and maintenance requirements may be increased as deemed necessary to ensure proper functioning of the Storm Water management facility. Additional inspections may be required as determined to be appropriate by the Division.

If the Division finds that the Erosion and Sediment control devices are not removing the accelerated Erosion and Suspended Sediment prior to the drainage leaving the construction site, the Division may direct the Permittee by written order to install any Erosion and Sediment controls that are deemed necessary to prevent said soil Erosion from migrating off site. If immediate additional Erosion and Sediment control or repair is necessary due to functional inadequacies, the Permittee shall be verbally notified followed by a written confirmation. It shall be the duty of the Permittee to immediately take all necessary steps to comply with such order and otherwise to take all necessary steps to prevent such migration of sediment off the premises or entering receiving waters. Delivery of an order by the Division to the Permittee shall be deemed to be notice of such order.

**18-4-160. RIGHT-OF-ENTRY.**

When any new Drainage System facility is installed on private property, or when any new connection is made between private property and a public Drainage System facility, the property owner shall grant to the City the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when the City has a reasonable basis to believe that a violation of this Title is occurring or has occurred and to enter when necessary for abatement of a public nuisance or correction of a violation of this Chapter.

**Chapter 18-5  
BONDS**

**Sections:**

- 18-5-010. LAND DISTURBANCE ACTIVITIES AND IMPROVEMENTS BOND.**
- 18-5-020. REVEGETATION BOND.**
- 18-5-030. RESTORATION BOND.**

**18-5-010. LAND DISTURBANCE ACTIVITIES AND IMPROVEMENTS BOND.**

Prior to issuance of a land disturbance permit, the applicant shall be required to enter into a bond agreement in a form acceptable to the City providing security to insure completion of the land disturbance activities and improvements required to be installed and/or provided pursuant to the provisions of this Title and the land disturbance permit. The applicant shall be required to complete all land disturbance activities and improvements in accordance with the terms and conditions of the land disturbance permit, the bond agreement, and all applicable ordinances, resolutions, standards, specifications, and plans. The bond shall be equal to 110% of the City Engineer's estimated cost of the land disturbance activities and improvements to be installed and/or provided. Except as otherwise provided in this Section, the bond shall be administered and processed in accordance with the bond provisions set forth in Section 17-4-070 of the City Subdivision Ordinance regarding bonds and security for subdivision public improvements.

(419, Added, 06/05/2001)

**18-5-020. REVEGETATION BOND.**

Prior to issuance of a land disturbance permit, the applicant shall be required to enter into a revegetation bond agreement in a form acceptable to the City providing security to insure installation and completion of revegetation improvements required to be installed and/or provided pursuant to the provisions of this Title and the land disturbance permit. The applicant shall be required to install and complete all revegetation improvements in accordance with the terms and conditions of the land disturbance permit, the bond agreement, and all applicable ordinances, resolutions, standards, specifications and plans. The bond shall be equal to 110% of the City Engineer's estimated cost of the revegetation improvements required to be installed and/or provided. Except as otherwise provided in this Section, the revegetation bond shall be administered and processed in accordance with the bond provisions set forth in Section 17-4-070 of the City Subdivision Ordinance regarding bonds and security for subdivision public improvements.

(419, Added, 06/05/2001)

**18-5-030. RESTORATION BOND.**

Prior to issuance of a land disturbance permit, the applicant shall be required to enter into a restoration bond agreement in a form acceptable to the City providing security to insure installation and completion of restoration improvements required to be installed and/or provided pursuant to the provisions of this Title and the land disturbance permit. The applicant shall be required to install and complete all restoration improvements in accordance with the terms and conditions of the land disturbance

permit, the bond agreement, and all applicable ordinances, resolutions, standards, specifications and plans. The bond shall be equal to 110% of the City Engineer's estimated cost of the restoration improvements required to be installed and/or provided. Except as otherwise provided in this Section, the restoration bond shall be administered and processed in accordance with the bond provisions set forth in Section 17-4-070 of the City Subdivision Ordinance regarding bonds and security for subdivision public improvements.

(419, Added, 06/05/2001)

**Chapter 18-6  
INSPECTIONS**

**Sections:**

- 18-6-010. PERMIT HOLDER SUPERVISION AND INSPECTION.**
- 18-6-020. CITY INSPECTIONS.**
- 18-6-030. ADDITIONAL INSPECTIONS OR TESTING.**
- 18-6-040. INSPECTION REQUESTS.**
- 18-6-050. DUTY TO KEEP WORK ACCESSIBLE AND EXPOSED.**
- 18-6-060. ENTRY ONTO PREMISES.**
- 18-6-070. CERTIFICATION OR APPROVAL.**
- 18-6-080. TRANSFER OF RESPONSIBILITY FOR CERTIFICATION.**
- 18-6-090. FINAL INSPECTION.**
- 18-6-100. BUILDING PERMITS.**
- 18-6-110. VALIDITY OF INSPECTION.**

**18-6-010. PERMIT HOLDER SUPERVISION AND INSPECTION.**

The land disturbance permit holder shall provide, at the permit holder's sole cost and expense, all required supervision, inspection and safety precautions before, during and after all land disturbance activities in accordance with the Land Disturbance Design and Construction Standards and other applicable City Ordinances, rules, regulations, standards and specifications regarding such activities. The land disturbance permit holder shall be required, at the permit holder's sole cost and expense, to design, inspect and certify all land disturbance activities at such intervals and in accordance with such design, inspection and certification standards and requirements provided in the Land Disturbance Design and Construction Standards and other applicable City Ordinances, rules, regulations, standards and specifications. Certain land disturbance activities may require continuous or constant inspection and supervision by a civil engineer or other authorized inspector, as a condition of the land disturbance permit or when deemed necessary by the City Engineer, in accordance with the terms and conditions of this Title and the Land Disturbance Design and Construction Standards.  
(419, Added, 06/05/2001)

**18-6-020. CITY INSPECTIONS.**

In addition to permit holder inspections and certifications, all land disturbance activities shall be subject to City inspection as specified and required in the Land Disturbance Design and Construction Standards, the Hillside Overlay Ordinance, and other applicable City Ordinances, rules, regulations, standards and specifications. The City may also make or require other inspections of land disturbance activities to ascertain compliance of such work with the land disturbance permit and applicable City Ordinances, rules, regulations, standards and specifications, when deemed necessary by the City Engineer, in accordance with the terms and conditions of this Title and the Land Disturbance Design and Construction Standards.  
(419, Added, 06/05/2001)

**18-6-030. ADDITIONAL INSPECTIONS OR TESTING.**

The City Engineer may require additional inspections and/or testing of land disturbance activities by an approved testing agency when deemed necessary by the

City Engineer in accordance with the terms and conditions of this Title and the Land Disturbance Design and Construction Standards. Any such additional inspections and/or testing shall be at the permit holder's expense.  
(419, Added, 06/05/2001)

**18-6-040. INSPECTION REQUESTS.**

When inspections are required to be conducted by the City, the permit holder, or authorized agent of the permit holder, shall notify the City Engineer in writing or by telephone that such work is ready for inspection at least one (1) business day before the inspection is desired.  
(419, Added, 06/05/2001)

**18-6-050. DUTY TO KEEP WORK ACCESSIBLE AND EXPOSED.**

The permit holder shall cause the land disturbance activities and work to be accessible and exposed for inspection by the applicable required inspector until such inspection has been conducted and approved or certified, as applicable. The City, its officers, agents and employees, shall not be liable for any expense incurred by the permit holder in removing or replacing any materials or improvements required to allow inspection.  
(419, Added, 06/05/2001)

**18-6-060. ENTRY ONTO PREMISES.**

The City, and its authorized representatives, shall have access to the premises described in the land disturbance permit for the purpose of inspecting the progress of the work.  
(419, Added, 06/05/2001)

**18-6-070. CERTIFICATION OR APPROVAL.**

Inspections and certifications required to be made by the permit holder's engineer shall be conducted and certification of the same submitted to the City prior to further construction or land disturbance activities. Inspections required to be made by the City shall be conducted and approved by the City prior to further construction or land disturbance activities.  
(419, Added, 06/05/2001)

**18-6-080. TRANSFER OF RESPONSIBILITY FOR CERTIFICATION.**

If the land disturbance permit holder changes the civil engineer, the soils engineer, the engineering geologist, the contractor, or the testing agency of record during the course of permitted work, the land disturbance permit holder shall file an assignment and assumption agreement of the new engineer, contractor or testing agency responsible for certification of the site or project. Such assignment and assumption agreement shall be filed with and approved by the City Engineer.  
(419, Added, 06/05/2001)

**18-6-090. FINAL INSPECTION.**

Final inspection of the permitted land disturbance activities shall be conducted by the City. No final inspection of permitted land disturbance activities shall be approved until and unless all work has been completed in accordance with the land disturbance permit, the final approved plans and specifications, and all applicable City Ordinances, rules, regulations, standards and specifications, including, but not limited to, installation of all drainage facilities and protection devices, all required revegetation, and all required erosion and sediment control measures. No final inspection shall be approved until the permit holder has submitted, and the City has approved, a post-construction maintenance schedule for the revegetation, erosion control and other required improvements.

(419, Added, 06/05/2001)

**18-6-100. BUILDING PERMITS.**

No building permit or other development approval shall be given for any property, parcel, site or project for which a land disturbance permit has been issued until final inspection and approval has been given under the land disturbance permit.

(419, Added, 06/05/2001)

**18-6-110. VALIDITY OF INSPECTION.**

Any inspection approval or certification shall not be construed to be an approval of a violation of any of the provisions of this Title or any other applicable law, ordinance, rule, regulation, standard or specification. Inspections presuming to give such authority shall be deemed invalid.

(419, Added, 06/05/2001)

**Chapter 18-7  
ENFORCEMENT**

**Sections:**

- 18-7-010. ENFORCEMENT.**
- 18-7-020. PENALTIES.**
- 18-7-030. OBSTRUCTION.**
- 18-7-040. DUMPING.**
- 18-7-050. NOTICES OF NONCOMPLIANCE/NOTICE TO CORRECT.**
- 18-7-060. NOTICE OF VIOLATION.**
- 18-7-070. SUSPENSION OR REVOCATION OF LAND DISTURBANCE PERMIT.**
- 18-7-080. NOTICE OF SUSPENSION OR REVOCATION.**
- 18-7-090. CESSATION OF WORK.**
- 18-7-100. DECISION OF SUSPENSION OR REVOCATION.**
- 18-7-110. TESTING AND MONITORING.**
- 18-7-120. OBSTRUCTION OF OR DAMAGE TO FACILITIES.**
- 18-7-130. REMOVAL OF OBSTRUCTION.**
- 18-7-140. RIGHT OF ENTRY.**
- 18-7-150. VIOLATIONS.**
- 18-7-160. APPEALS.**
- 18-7-170. LIABILITY.**
- 18-7-180. RIGHT TO STOP WORK.**
- 18-7-190. FAILURE TO COMPLETE THE WORK**

**18-7-010. ENFORCEMENT.**

This Title is to be enforced pursuant to the provisions set forth herein as applicable. The City Engineer and other Enforcement Authorities are responsible for the enforcement of the provisions of this Title.  
(419, Added, 06/05/2001)

**18-7-020. PENALTIES.**

- (1) Nothing herein is intended to limit or prohibit the enforcement of the Draper City Municipal Code or other applicable laws through civil or criminal process where the City has determined that enforcement of the procedures outlined in these sections will not result in effective redress, where there have been repeated violations of the provisions of this Title, or where the severity of the violation warrants redress through civil or criminal action.
- (2) Any one of the following sanctions shall be available to redress violations of the provisions of this Title:
  - (a) Issuance of a Notice of Noncompliance/Notice to Correct setting forth corrective action;
  - (b) Revocation or suspension of licenses or land disturbance permits, conditional use land disturbance permits, or other entitlements issued by Draper City;



(c) The placement of requirements for corrective action on land disturbance permits, licenses, or entitlements issued by Draper City as a condition to avoid revocation of the land disturbance permit, license, or entitlement;

(d) Requiring the responsible permit holder to post a bond, irrevocable letter of credit, or other adequate security to ensure compliance with the provisions of this Title or other applicable laws.

(3) At the time of issuance of a notice of violation, the Enforcement Authority will determine the appropriate level of sanction and will provide written notice to the responsible person of the proposed level of sanction and the reasons therefor as outlined herein.

(4) Where multiple violations have occurred or are occurring, each violation of the provisions of this Title or other applicable laws is subject to a separate sanction. The City may take into account the number and severity of violations in determining the type of action to take against the offending party.

(419, Amended, 06/05/2001)

**18-7-030. OBSTRUCTION.**

(1) It is unlawful for any Person to obstruct or contribute to the obstruction of the flow of Storm Water runoff or non-storm water runoff into any sump, retention basin, storm drain, curb and gutter, drain inlet, or other associated structural controls that convey Storm Water and/or non-storm water runoff, unless the obstruction is authorized in writing by the Division.

(2) It is unlawful for a Person to cover over any Drainage System inlet for any reason or purpose, unless the obstruction is authorized in writing by the Division, provided however, those Drainage System inlets may be temporarily obstructed in emergency situations in order to prevent contaminants from entering the system.

(3) Subsections (1) and (2) above shall not apply during clean-up periods established by the City, provided the materials are placed according to any directions from the City and do not obstruct Drainage System inlets.

**18-7-040. DUMPING.**

(1) It is unlawful for any Person to dump, or allow to flow into any sump, detention basin, storm drain, curb and gutter, drain inlet, or other storm drainage structure that conveys Storm Water and/or non-storm water, any type of debris, rubbish, petroleum product, chemical, paint, pesticide, herbicide, detergent, heavy metal, acid or base product, accelerated erosion sediment, solid or liquid waste product, hazardous waste product, and/or human or animal waste.

(2) The restriction set forth in Subsection (1) shall not apply to the normal runoff of non-storm water related to domestic home uses, such as lawn watering, washing cars, etc.

**18-7-050. NOTICES OF NONCOMPLIANCE/NOTICE TO CORRECT.**

Whenever a violation is discovered that can be corrected and the responsible permit holder has not been issued a previous Notice of Noncompliance/Notice to Correct or Notice of Violation for the same violation within the past twelve (12) months, the Enforcement Authority shall issue a Notice of Noncompliance/Notice to Correct in order to notify the responsible person of the violation and to order that the violation be corrected within a reasonable time. The notice may include a stop work order that orders the responsible person to immediately cease all work on the project until the violation is corrected.

(419, Added, 06/05/2001)

**18-7-060. NOTICE OF VIOLATION.**

(1) A Notice of Violation may be issued under any of the following circumstances:

- (a) When the violation cannot be corrected;
- (b) A Notice of Noncompliance/Notice to Correct has been served, and the specified time has passed without adequate correction of the violation;
- (c) When a stop work order has been issued and has not been complied with by the responsible person; or
- (d) When the same violation has been committed by the same responsible permit holder within the past twelve (12) months for which a Notice to Correct or Notice of Violation has been served on the responsible person within that same twelve (12) month period.

(2) The Notice of Violation shall be in writing and set forth the facts constituting the violation, the specific provisions of the law which have been violated, the proposed sanctions for the violation, and the rights that the responsible person has to appeal the Notice of Violation.

(419, Added, 06/05/2001)

**18-7-070. SUSPENSION OR REVOCATION OF LAND DISTURBANCE PERMIT.**

The City Engineer may suspend or revoke a land disturbance permit and/or suspend any land disturbance activity if:

- (1) Conditions at the site vary from those shown on the approved plans;
- (2) Construction does not conform to the approved plans, time schedules, or conditions of the land disturbance permit;
- (3) The work does not comply with applicable ordinances, rules, regulations and standards;

(4) The site is left in a condition hazardous to the public or to the adjacent properties, and the land disturbance permit holder does not comply with reasonable requirements to correct said conditions;

(5) The land disturbance permit holder does not comply with reasonable requirements to safeguard the workers, the public, or other persons acting in a lawful manner;

(6) The land disturbance permit holder, in connection with the operations for which the land disturbance permit was issued, fails to operate equipment properly on public roads; allows material to encroach into, obstruct, or be deposited within a public road right-of-way or within a drainage channel in a manner not authorized by said land disturbance permit; or causes unauthorized obstruction or diversion of drainage channels;

(7) The land disturbance permit holder fails to have a qualified, City-approved inspector working under the supervision of a civil engineer on the site during operations, when so required by the land disturbance permit, or fails to have the work under proper supervision; or

(8) Emergency conditions exist on the site, which constitute a threat to health, safety or public welfare, whether or not caused by the actions of the land disturbance permit holder.

(419, Added, 06/05/2001)

**18-7-080. NOTICE OF SUSPENSION OR REVOCATION.**

(1) Prior to the suspension or revocation of a land disturbance permit, the City Engineer shall give the land disturbance permit holder written notice of intention to suspend or revoke the land disturbance permit, the notice shall specify the grounds for such intended action and the time and place for the holding of a conference between the City Engineer and the land disturbance permit holder, or its authorized representatives, to review the grounds for the proposed action. Notice of the proposed action shall be given to the land disturbance permit holder at least forty-eight (48) hours before the time set for the conference, if given by personal service, and at least ninety-six (96) hours before the time set for the conference, if given by first-class mail. Weekends and holidays are not counted in determining the time for the giving of notice and the holding of the conference. With the consent of the land disturbance permit holder, the time periods provided for herein may be shortened or extended.

(2) In the case of an emergency, and only where an unacceptable level of risk to public health, safety and welfare would incur from any delay, the notification deadlines may be disregarded and the City Engineer may act decisively to reduce or eliminate the hazard. In such a situation, the City Engineer will then make every reasonable effort to confer with the land disturbance permit holder in a timely manner to resolve the concerns which resulted in the suspension. Costs, including additional City staff time and equipment, shall be borne by the land disturbance permit holder.

(419, Added, 06/05/2001)

**18-7-090. CESSATION OF WORK.**

Upon receipt of the notice of intended suspension or revocation, the land disturbance permit holder is to cease all work in connection with the land disturbance permit, with the exception of work necessary to correct any condition or perform any work cited in the notice of proposed action as a ground for suspension or revocation, and work of an emergency nature. The time necessary for completion of these emergency corrections will be determined by the City Engineer.  
(419, Added, 06/05/2001)

**18-7-100. DECISION OF SUSPENSION OR REVOCATION.**

(1) Within twenty-four (24) hours following the conclusion of the conference, the City Engineer is to render a written decision, either revoking the land disturbance permit, suspending the land disturbance permit, or authorizing the land disturbance permit holder to proceed with the work. Such action may be with or without conditions. The decision is to be served upon the land disturbance permit holder by personal service or by first-class mail, postage prepaid, within twenty-four (24) hours after the rendition of the decision.

(2) If the land disturbance permit holder fails to correct the objectionable or emergency conditions causing the revocation or suspension, the City may cause the work necessary to correct said conditions to be done, and the City may take action against the land disturbance permit holder's security to cover the cost of performing the work.

(3) The City Engineer may either reinstate or revoke any land disturbance permit that has been suspended.

(419, Added, 06/05/2001)

**18-7-110. TESTING AND MONITORING.**

(1) Whenever the Director of Community and Economic or his designee determines that any Person engaged in any activity and/or owning or operating any facility may cause or contribute to Storm Water pollution or illicit discharges to the Storm Water Drainage System, the Director of Community and Economic Development or his or her designee may, by written notice, order that such Person undertake such monitoring activities and/or analyses and furnish such reports as the Director of Community and Economic Development or his or her designee may recommend. The written notice shall be served either in person or by certified or registered mail, return receipt requested, and shall set forth the basis for such order and shall particularly describe the monitoring activities and/or analyses and reports required. The burden to be borne by the owner or operator, including costs of these activities, analyses and reports, shall bear a reasonable relationship to the need for the monitoring, analyses and reports and the benefits to be obtained. The recipient of such order shall undertake and provide the monitoring, analyses and reports within the time frames set forth in the order.

(2) In the event the owner or operator of a facility fails to conduct the monitoring and/or analyses and furnish the reports required by the order in the

time frames set forth therein, the City may cause such monitoring and/or analyses to occur and assess all costs incurred, including reasonable administrative costs and attorney's fees, to the facility owner or operator. The City may pursue judicial action to enforce the order and recover all costs incurred.

**18-7-120. OBSTRUCTION OF OR DAMAGE TO FACILITIES.**

It shall be unlawful for any Person, agency, firm, municipality, county or district to place or cause to be placed in the easement, channel, bed or bank of any river, stream, wash or other natural drain or within or upon any storm drain, flood control channel, reservoir, Detention basin, debris basin, spreading ground or other property over which the City has an interest, matter of any kind that may operate to impede, retard or change the normal direction of the flow of Flood, Storm or other Waters, or that may catch or collect debris carried by such Waters, or that may be carried downstream by such Waters to the damage and detriment of adjacent private or public property, or that may degrade the quality of the water, without first obtaining a written permit for such placement from the Division.

**18-7-130. REMOVAL OF OBSTRUCTIONS.**

In addition to any penalties which may be imposed pursuant to this Chapter, the Division may do the following:

- (1) Remove any of the obstructions described in Section 18-7-030 and also, any pipelines or other devices installed in violation of the provisions of this Title;
- (2) Give written notice to Persons in violation of the provisions of this Title requiring the removal of offending installations from natural channels or other storm drainage facilities. Notices may be personally served or may be mailed to violators by registered mail provided that a copy is also posted on offending installations for a period of 10 days. If such installations are not removed within 10 days after notice is given, the Division may effect removal at the expense of the Person in violation and may recover its costs and expenses therefor; and/or
- (3) Bring an action for the abatement of the nuisance caused by the offending installation, and/or for the recovery of the City's costs and expenses incurred in removing the offending installation pursuant to Subsections (1) or (2), above.

**18-7-140. RIGHT OF ENTRY.**

In the administration and enforcement of this Title, any duly authorized official or employee of the City shall have authority to enter upon the premises of the permitted site for the purposes of investigation and inspection; provided, however, that such right of entry shall be exercised at reasonable times. No land disturbance permit holder shall refuse to allow such inspection. In the case where the responsible person is not a land disturbance permit holder, the Enforcement Authority is to provide twenty-four (24) hours written notice of the intent to inspect, except in emergency situations or when consent has been obtained of the owner and/or occupant of the site to be inspected. The notice shall state that the property owner has the right to refuse entry and that, in the event

such entry is refused, inspection may be made only upon issuance of a search warrant as allowed by law.

(419, Added, 06/05/2001)

**18-7-150. VIOLATIONS.**

It is unlawful for any Person, corporation, association, partnership or governmental entity to willfully violate any of the provisions of this Title, any Division standards and specifications or to aid or cause the violation of any of said provisions.

(1) Violations Enumerated. No Person shall fail, refuse, or neglect to comply with the following provisions:

(a) All orders issued by the City Engineer or the Building Official pursuant to the provisions of this Title;

(b) All conditions imposed on land disturbance permits pursuant to the provisions of this Title; and

(c) All rules and regulations of the office of the City Engineer with respect to grading which were in effect at the time the land disturbance permit was issued.

(2) Penalties. Any person, firm, or corporation violating any of the provisions of this Title shall be deemed guilty of a violation of this Code pursuant to the provisions of this Code, and each such person shall be deemed guilty of a separate offense for each and every day, or portion thereof, during which any violation of any of the provisions of this Title is committed, continued, or land disturbance permitted.

(3) Letters of Noncompliance. Whenever any construction or work is being done contrary to the provisions of this Title or any other law, the City Engineer or his/her duly authorized representative may issue a letter of noncompliance. The letter of noncompliance shall be issued to the developer, the civil engineer, and the contractor immediately on that portion of the work on which the noncompliance has occurred. If the portion of the work on which the noncompliance has occurred is not remedied, a stop work order shall be issued; or if the portion of the work on which the noncompliance has occurred is corrected, a letter shall be issued stating that the noncompliance has been rectified, and such letter shall be distributed to the developer, the civil engineer, and the contractor. The issuance of a letter of noncompliance shall not be a prerequisite for the issuance of a stop work order by the City.

(419, Added, 06/05/2001)

**18-7-160. APPEALS.**

Any person aggrieved of a final determination of the City Engineer in the issuance, denial, suspension or revocation of a land disturbance permit may appeal such decision of the City Engineer to the City Council by filing a written appeal with the City Recorder within thirty (30) days from the date of the City Engineer's decision. The

City Council will give written notice to the City Engineer, the appellant, and all other persons requesting the same, specifying the place, date, and time of hearing the appeal. (419, Added, 06/05/2001)

**18-7-170. LIABILITY.**

Neither issuance of grading approval under the provisions of this Title, nor compliance with the provisions this Title, or with any conditions imposed in a land disturbance permit issued under the provisions of this Title, is to relieve any person from responsibility for damage to any person or property or impose any liability upon the City for damage to any person or property. (419, Added, 06/05/2001)

**18-7-180. RIGHT TO STOP WORK.**

Nothing herein is to be construed as indicating that the City cannot immediately stop the work being performed if, in the opinion of the City Engineer, the damage being done is of such a nature that it requires immediate cessation of the work. This could result in the bypassing of the normal processes of notices and increasing levels of enforcement which will typically be followed. (419, Added, 06/05/2001)

**18-7-190. FAILURE TO COMPLETE WORK.**

In the event a Permittee fails to complete the work or fails to comply with all the requirements, conditions, and terms of the Grading and Erosion component of the Land Disturbance Permit, the Division may suspend the Permit and may order such work as is necessary to eliminate any danger to persons or property and to leave the site in a safe condition. The Division may also authorize completion of all necessary temporary or permanent soil Erosion control measures. The Permittee shall be liable to the City for all costs and expenses that may be incurred or expended by the City in bringing the property into compliance with the requirements of the Permit and any collection costs, including legal fees, incurred by the City. The City may recover these costs either through the Administrative Code Enforcement Program or through appropriate legal action.