

TOWN OF ALTA

ORDINANCE NO. 2009-O-2

**AN ORDINANCE ENACTING A NEW PART OF THE
CODE OF REVISED ORDINANCES TITLED
9-521(C) PERMIT REQUIRED FOR EXCAVATING, GRADING, AND CUT AND
FILL OPERATIONS.**

WHEREAS, the Town of Alta (the "Town") finds it in the public interest to enact a new Part, 9-521(C) Permit Required for Excavating, Grading, and Cut and Fill in order to promote public safety and the general public welfare; and

WHEREAS, the Town recognizes the need to protect property against loss from erosion, earth movement, flooding and other hazards; and

WHEREAS, the Town recognizes the need to establish minimum standards and requirements relating to excavations, grading, cut and fills, and procedures by which these standards and requirements may be enforced; and

WHEREAS, the Town recognizes the need to ensure the maximum retention of natural vegetation to aid in protection against erosion, earth movement, flooding, and other hazards and to aid in preservation of the Little Cottonwood Canyon watershed and natural scenic qualities of the community.

**NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE
TOWN OF ALTA AS FOLLOWS:**

Notwithstanding any other provisions of any Town of Alta ordinance, the following shall apply:

Section 1. DEFINITIONS.

- a) **Compaction:** The densification of a fill by mechanical means.
- b) **Cut:** The removal of earth material by any means also referred to as excavation.
- c) **Emergency Work:** Excavation, grading, or cut and fill required to mitigate imminent threats to the health, safety, and well-being of persons or property.
- d) **Erosion:** The wearing away of the ground surface as a result of the movement of wind, water, or ice.
- e) **Excavation:** The removal of earth material by any means also referred to as a cut.
- f) **Fill:** Deposition of earth materials.

- g) Grade: The degree or inclination of a road or slope, datum or reference level, especially ground level. The vertical location of the ground surface.
- h) Grade, Existing: The grade prior to grading.
- i) Grade, Finished: The grade of the site at the conclusion of all grading efforts.
- j) Grading: An excavation or fill or combination thereof.
- k) Minor landscaping and gardening: Landscaping and gardening activities which do not cause a vertical disturbance in excess of two (2) feet. Such activities may include tree planting, vegetable gardening, planting of annual flowers or other activities as determined by the Building Official.
- l) Slope: An inclined surface, the inclination of which is expressed as a ratio or horizontal distance to vertical distance.

Section 2. PERMITS REQUIRED.

- a) To reduce the possibility of erosion and eliminate unsightly scars on the mountain slopes, all excavation, grading, and cut and fill operations shall be done under the strict control and approval of the Town Building Official. No excavation, grading, or cut and fill operations shall be done without first obtaining a building permit for excavation, grading, or cut and fill from the Town Building Official. A separate approval or permit shall be required for each property. A single permit for multiple contiguous properties may be granted at the discretion of the Town Building Official.
- b) Excavation, grading, and cut and fill building permits are required for work including but not limited to new developments, construction projects, detention basins, ditches, drainage culverts, slopes in excess of fifteen percent (15%), roads, utilities, exploratory excavations, boring and drilling, and clearing of any site which contains trees and/or vegetation.
- c) For work requiring a building permit, plans and specifications shall be completed by a registered professional as determined by the Town Building Official.
- d) Activities exempt from permits shall include grading activities associated with minor landscaping and gardening within 100 feet of an existing structure provided such activities would not interrupt or modify existing surface drainage patterns.

Section 3. EMERGENCY WORK.

- a) Any person maintaining pipes, lines, or facilities may proceed with work upon existing facilities without a permit when emergency work demand the work to be done

immediately, provided a permit could not reasonably and practicably have been obtained beforehand.

b) If said emergency work commenced during regular business hours, the Town Building Official shall be notified within two hours from the time the work commences. The person commencing and conducting such work shall take all necessary safety precautions for the protection of the public and shall insure that work is accomplished according to all requirements set out in this ordinance.

c) If said emergency work commences without a permit outside of regular business hours, said person shall immediately thereafter apply for a permit or give notice during the first hour of the first regular business day on which the Town Office opens for business after such work is commenced. A permit for such emergency may be issued which shall be retroactive to the date when the work began.

Section 4. APPLICATIONS AND SUBMITTALS.

a) To obtain a building permit or approval, the applicant shall first file an application in writing on a building permit form furnished by the Town Building Department for that purpose. Each building permit application shall:

1) Identify and describe the work to be covered by the building permit or approval for which application is made;

2) Describe the land on which the proposed work is to be done by legal description, street address, or similar description that will readily identify and definitively locate the proposed work and identify lots of any platted subdivision included within the proposed building site;

3) Indicate the purpose, use, or occupancy for which the proposed work is intended;

4) For other than exploratory purposes, plans, diagrams, computations, specifications and other data may be required by the Town Building Official;

5) Show the location of property lines and all existing and proposed streets, roadways, utility right of ways, driveways, easements, and other right-of-ways on, contiguous, or adjacent to the proposed development site;

6) Present a plan showing erosion control measures to prevent erosion during the course of construction;

7) Show a revegetation plan addressing the revegetation requirements;

8) Provide a statement of the estimated starting and completion dates for the grading work proposed and any revegetation work that may be required;

9) Where applicable, submit a copy of the recorded subdivision plat showing developable area limitations;

10) Provide a brief description of the intended project if grading activity is exploratory in nature;

11) Provide details showing access to the proposed area of excavation, grading, or cut and fill and identify erosion control, revegetation and stabilization methods to be used if proposed excavation, grading, and cut and fill is not accessible by existing roadway.

b) A grading plan is required that shall show the existing grade and finished grade in contour intervals of sufficient clarity to indicate the nature and extent of the work and show in detail that it complies with the requirement of this code;

c) If excavation, grading, or cut and fill operations are conducted for more than exploratory purposes the Town Building Official may require a soil suitability report and/or a geology report.

d) The Town Building Official may refer the application and site plans to those government agencies and/or affected entities necessary to protect the health, safety, and welfare of the public and to ensure the project's compliance with applicable ordinances and codes. The Town Building Official may condition the final approval of said application on any specific recommendations or requirements from those governmental agencies and affected entities.

Section 5. EROSION CONTROL, REVEGETATION, AND DRAINAGE.

a) Erosion Control: Erosion control shall utilize best practice methods to contain all erosion on site. The faces of cut and fill slopes shall be prepared and maintained to control erosion. Where necessary, check dams, cribbing, riprap or other devices or methods shall be employed to control erosion and provide safety.

b) Revegetation: To restore the vegetation of the faces of cut and fill slopes, all applicants must follow the requirements set for in the Town's ordinance pertaining to the preservation of vegetation (Ordinance 1992-O-1).

c) Drainage Plan: Applicant shall provide a detailed drainage plan based on the 100 year storm event. Drainage Plan shall demonstrate protection of the said property and down stream properties from flooding, erosion, and other adverse impacts.

Section 6. INSPECTIONS REQUIRED.

a) All inspections shall be performed by the Town Building Official or his/her representative and upon completion, filed with the Town of Alta.

b) Inspections shall be required:

1) Before commencement of excavation, grading, or cut and fill operations and placement of erosion control measures and after required construction stakes have been set; and

2) When all rough grading has been completed; and

3) When all work, including installation of all drainage and other structures and required revegetation has been completed.

Section 7. FEES REQUIRED.

a) The excavation, grading, or cut and fill permit shall be \$275.00 per permit.

b) Fees for emergency work that requires excavation, grading, or cut and fill operations for maintaining pipes, lines or facilities for emergency purposes may be waived by the Town Building Official.

c) Fees may be changed at any time by resolution of the Alta Town Council.

Section 8. VIOLATIONS.

A violation of any section of this of this ordinance shall be a Class C misdemeanor.

Section 9. SEVERABILITY.

If any part or provision of this ordinance is declared invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect any other portion of this ordinance.

Section 10. EFFECTIVE DATE.

This ordinance shall become effective immediately upon posting, in accordance with Utah law.

Adopted this 18th day of June, 2009.

By [Signature]
Tom Pollard, Mayor

ATTEST:
[Signature]
Katherine S.W. Black
Town Clerk

