

Appendix C

Land Disturbance Ordinance

TITLE 81

LAND DISTURBANCE

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Chapter 81-1 ADMINISTRATION

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81-1-010 Short Title.

This Title is to be known as the "Land Disturbance Ordinance" of the City and may be so cited.

81-1-020 Authorization to Adopt Standards

The City Manager is hereby authorized to adopt these standards pursuant to this Title.

81-1-030 Purpose.

The purpose of this Title is to establish minimum requirements and procedures for conducting land disturbance activities within the 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:

- (a) To establish processes, procedures and standards 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.
- (b) 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.
- (c) 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.
- (d) To provide processes and standards in compliance with State and Federal requirements regarding pollution, environmental quality, and storm water discharge.

81-1-040 Definitions.

As used in this Title, the following words and phrases shall have the meanings given in this Section:

(a) Applicant: Any person who submits an application for a permit pursuant to the Land Disturbance Ordinance.

(b) Best Management Practice (BMP): Practices, procedures or designs used as a standard for a given industry. In this specific case, these “practices” are for the erosion control industry’s Best Management Practices (BMPs) for controlling nonpoint sources of pollution are the methods, measures, practices, or a combination of practices determined to be the most effective and practicable means (including technological, economic, and institutional considerations) to control nonpoint pollutants at levels compatible with environmental quality goals. As used in the document, BMPs are synonymous with erosion and sediment control measures.

(c) Building Envelope: The area within the 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.

(d) Buttress Fill: A buttress fill is a designed compacted earth fill used for providing lateral support to an unstabilized earth or rock mass.

(e) City: City of West Jordan, Utah.

(f) City Engineer: City Engineer shall mean the City Engineer of City of West Jordan, or the person(s) engaged by the City and authorized to perform the duties assigned to the City Engineer, and shall include any deputies and representatives.

(g) Civil Engineer: A professional engineer in the branch of civil engineering holding a valid certificate of registration issued by the State of Utah.

(h) Clearing and Grubbing: Moving, removing, displacing, and/or stockpiling, by manual or mechanical means, trees, and other vegetation and/or the top organic layer as described in the geotechnical report. In the absence of a geotechnical report the organic layer shall not be greater than eight (8”) inches.

(i) Community Development Director: That person charged with the responsibility of directing all phases of the Community Development Department and the enforcement of all State statutes and City laws pertaining to this office, or his duly authorized representative.

(j) Compaction: The act of compacting or consolidating soil and rock material to a specified density, and the resulting compacted state of the material.

(k) Detention: The holding back or delaying of the flow of water, through manmade or natural means.

(l) Dredging: The practice of deepening a waterway by mechanical means by the removal of sediments.

(m) Enforcement Authority: The City Engineer, the Engineering Inspector, and other designated representatives of the City Engineer, or any duly appointed Code Enforcement Officer or police official charged with the responsibility for enforcement of the provisions of this Title

(n) Engineering Geologist: 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.

(o) Erosion: The process of detachment of soil particles or other surface material by the action of wind, water, snow, or ice.

(p) Erosion Control Measures: The structural and nonstructural Best Management Practices (BMPs) 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, other channel armoring methods, burlap coverings, watering, and other BMP measures that control the movement of the ground surface or soil.

(q) Farming and Agricultural Operations: Any activity or process normally performed as part of the farming use of the land which would prepare the soil for planting or harvesting of agriculturally usable products.

(r) Fill: Deposits of soil, rock, or other materials placed by man.

(s) Finished Grade: The final grade or elevation of the building site, slope or terrace (0.1 plus or minus feet).

(t) Grade: The elevation of the ground surface as measured from a known vertical control. Existing grade means grade currently on the site. Natural grade means the grade unaltered evidenced by the presence of indigenous plants and grasses.

(u) Grading: 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.

(v) LDDCS: Land Disturbance Design and Construction Standards.

(w) Land Disturbance: Any disturbance of native soils, plants, or environment, including, but not limited to, clearing, grubbing, grading, excavation, filling, dredging, construction of earth-filled dams, and any other types of earthwork.

(x) Land Disturbance Design and Construction Standards: City of West Jordan Land Disturbance Design and Construction Standards as adopted by the City.

(y) Land Disturbance Permit: The land disturbance permit required by the City in accordance with provisions of this Title.

(z) Landmark Trees: Trees that measure over three inch (3") caliper.

(aa) Landscape Architect: A professional landscape architect licensed or registered under the laws of Utah.

(bb) Lot Level: Design, construction and infrastructure related to construction on a specific lot within an approved subdivision or site plan development.

(cc) Planting Date: 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.

(dd) Project: A defined site that has obtained final subdivision plat or site plan approval from the City.

(ee) Sediment: The transport of soil or earth material by wind, water, snow or ice.

(ff) Sediment Control Measures: The structural and nonstructural BMP that contains the deposited, displaced soil particles caused by erosion. This may include (but not limited to) dikes, sediment detention traps, sediment detention basins, filters, fences, barriers, swales, berms, drains, check dams, and other measures that control the deposition of soil or earth material.

(gg) Site: A parcel or parcels of real property owned by one or more persons on which activity regulated by this Title is occurring or is proposed to occur.

(hh) Slope: A portion of ground forming a natural or artificial incline, including retaining wall.

(ii) Soil: All earth material, of whatever origin, which overlies bedrock.

(jj) Soils Engineer: A professional civil engineer licensed under the laws of Utah who is experienced in soil mechanics and slope stability analysis.

(kk) Structure: Anything constructed or erected which requires location on the ground or is attached to something having location on the ground.

(ll) Subdivision Level: Design, construction and infrastructure related to subdivision development and systems such as drainage, culinary water, wastewater systems, etc.

(mm) Swales: Shallow grassed or otherwise protected trenches that are wider than they are deep that provide a specific pathway for drainage water.

(nn) Wet Weather Plan: A detailed erosion and sediment control plan and construction sequence that clearly shows how construction will be processed during the period of October 31 of each year until March 31 of each year.

81-1-050 Administration.

The Engineering Department 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.

81-1-060 Conflict.

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

Chapter 81-2 LAND DISTURBANCE PERMIT

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81-2-010 Land Disturbance Permit Required.

Except as otherwise provided herein, no person, developer, builder, contractor, etc shall cause to be commenced or performed 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 by the Planning Commission, 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 by the Planning Commission and recorded for the site or project.

81-2-020 Exemptions.

The following activities do not require a land disturbance permit. 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, standards and specifications of the City.

(a) An excavation which does not exceed fifty (50) cubic yards; or affects an area that is less than three-thousand (3,000) square feet; or does not create a cut slope greater than five feet (5') in height or 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.

(b) 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; 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 affects a drainage course must obtain a permit.

(c) 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.

(d) Mining and quarrying operations conducted under a valid special use permit issued by the City pursuant to applicable zoning regulations.

(e) 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.

(f) Farming and agricultural operations conducted under a valid use permit or applicable zoning ordinances.

(g) 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.

(h) Grading operations conducted by the City for approved capital improvement projects.

81-2-030 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, as required by this Title and the LDDCS. Additional experts in applicable field 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.

81-2-040 Plans and Specifications.

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

- (a) A vicinity sketch or other data adequately indicating the site location;
- (b) The property lines and dimensions and bearings of the property on which the work is to be performed;
- (c) The location of any existing buildings or structures on the property where the work is to be performed and the location of any building or structure on the land of adjacent property owners, which building or structure is within fifty feet (50') of the property boundary;
- (d) The location of landmark trees as indicated by the designation of the location of the center of the trunk;
- (e) 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 project or site
- (f) The elevations, dimensions, locations, extent, and slopes of all proposed land disturbance activities shown by contours or other means;
- (g) A certification, by a soils engineer, of the quantity and type of material of any proposed excavation and fill;
- (h) The estimated starting and completion dates for the proposed land disturbance activities and proposed land disturbance activities schedule and permit term;
- (i) 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;
- (j) Temporary construction entrance and exit plan as indicated in the LDDCS;
- (k) An indication as to the type of structure(s) to be constructed or the proposed use of the site, such as single-family residence, multiple-family development, commercial, or industrial; and
- (l) Any additional plans, drawings, or calculations required herein or by the City Engineer.

81-2-050 Required Plans and Reports.

Unless an application waiver is obtained in accordance with the provisions of this Title, each application for a land disturbance permit shall include the following plans and reports for the proposed land disturbance activity and site. The grading plan shall be prepared in accordance with the requirements and standards for such plans as set forth in the Land Disturbance Design and Construction Standards.

- a) Grading plan prepared and signed a civil engineer
- b) 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 LDDCS.
- c) Rear and Side Lot Drainage Swales – Swales located in rear and side yards shall part of the grading and drainage plan and be designed as set forth in the LDDCS.
 - d) 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 LDDCS.
 - e) 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 LDDCS, Section 4.
 - f) Soils Report - Each application for a land disturbance permit shall include a soils report for the site. The soils report be prepared and signed by a soils engineer and shall be prepared in accordance with the requirements and standards for geological reports as set forth in the LDDCS, Section 2
 - g) 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 geological reports as set forth in the LDDCS, Section 2.
 - h) 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.

81-2-100 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, 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.

81-2-120 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. Failure of the City Engineer to approve the request within 60 days shall be deemed a denial.

81-2-130 Fees.

All applicable fees shall be paid by applicant with the filing of an application for a land disturbance permit. An application will not be deemed complete until the required fees have been received by the City. The fee amount shall be as adopted by City Council.

81-2-140 Review and Approval.

The City Engineer shall review the application, plans, and specifications, reports, documentation and information 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 4 of this Title, the City Engineer may issue a land disturbance permit to the applicant.

81-2-150 Issuance.

The City Engineer shall provide the applicant with a written decision, within 30 days, 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.

81-2-160 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:

- a) The improvement of any existing site condition to conform with the standards of this Title; and
- b) Requirements for fencing excavations or fills which would otherwise be hazardous, and
- c) Requirements for access and haul routes. 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.

81-2-170 Denial of Land Disturbance Permits.

(a) A land disturbance permit shall not be issued in any case where it is determined by the City Engineer that the work proposed by the applicant is hazardous, 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.

(b) 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.

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

81-2-180 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) 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 for Construction" 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). Upon Approval, the City Engineer shall return one set of the final plans and specifications, stamped "Approved", 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.

81-2-190 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. Modification of plans will require additional City review and will be subject to additional fees.

81-2-200 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.

81-2-210 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. No person shall perform land disturbance, grading, relocation of earth, or any other land disturbance activity beyond the expiration date, unless an extension of term is granted or a new land disturbance permit is obtained in accordance with this Title.

81-2-220 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. If the extension is denied, the City will make a demand on the bond and complete the work.

81-2-230 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 thirty days (30) or longer. After construction or work under a land disturbance permit has been suspended or abandoned for a period of thirty (30) days or longer, a new or renewed permit must be obtained prior to recommencing work.

81-2-240 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 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.

81-2-250 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.

81-2-260 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.

81-2-270 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.

81-2-280 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.

81-2-290 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.

Chapter 81-3 LAND DISTURBANCE REGULATIONS

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81-3-010 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.

81-3-020 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, mud tracking, dust control, methods of hauling, and other applicable regulations.

81-3-030 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.

81-3-040 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 access at key points to the site or project to eliminate the problem of tracking mud and debris from the construction site onto private or public streets.

81-3-050 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.

81-3-060 Cuts and Fills.

(a) 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 necessary measures to provide for the safety and stability of the proposed slope in accordance with the LDDCS.

(b) 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 in accordance with the LDDCS. 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.

(c) 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.

(d) 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.

(e) 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.

(f) 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.

(g) 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.

(h) Combined Cut and Fill Slopes. Combined cut and fill slopes shall meet the requirements of this section insofar as steepness, height, and terracing 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.

(i) 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 International Building Code, as adopted by the City, or such greater distance as approved by the City Engineer based upon submitted reports and documentation for the project.

(j) 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.

(k) 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.

(l) 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.

81-3-070 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 LDDCS.

81-3-080 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.

81-3-090 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 LDDCS. The permit holder is responsible for operating and maintaining the irrigation system.

81-3-100 Identification of Building Envelope Within Hillside Ordinance District.

The permit holder 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. No land disturbance activity shall commence on the lot prior to inspection by the City's Building and Safety Division of the building envelope marking.

81-3-110 Property Line and Corner Markers.

The permit holder 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.

81-3-120 Slope Protection Easements.

The permit holder 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.

81-3-130 Lots Graded Toward Street for Drainage.

Except as otherwise provided herein, storm water runoff from individual lots shall be directed toward the streets. Exceptions may be granted by the City Engineer, when deemed appropriate and necessary, in accordance with the provisions of this Section. Aesthetics reasons such as the creation of view lots shall not constitute sufficient reason for granting an exception. If the permit holder finds that draining storm water toward the street is unobtainable, for a portion or all of the lot, the permit holder shall demonstrate to the City Engineer that there are no other avenues for drainage of the storm water. In such cases, the permit holder 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 permit holder 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.

81-3-140 Lots Which Cannot Be Graded Toward the Street.

(a) 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 City Engineer. Prior to obtaining this approval, the permit holder 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 shall be subject to the bonding provisions set forth in Chapter 81-4.

(b) 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 as set forth in the LDDCS.

(c) Notice. Swales shall be constructed and in place before building permits are issued on subdivision lots. The developer shall notify the homebuilders and homeowners shall be notified 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 side 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.

(d) 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.

(e) 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 Homeowner's Association, and other requirements as may be deemed necessary by the City.

81-3-150 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 during the subdivision construction phase of the project and 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').

81-3-160 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.

81-3-170 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 be 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, that 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.

81-3-180 Erosion Control and Revegetation.

The developer is to indicate erosion control and revegetation BMPs 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 LDDCS. 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.

81-3-190 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.

81-3-200 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.

81-3-210 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.

Chapter 81-4 BONDS

- 81-4-010 Land Disturbance Activities and Improvements Bond.**
- 81-4-020 Revegetation Bond.**
- 81-4-030 Restoration Bond.**

81-4-010 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 100% of the engineers estimated cost, and approved by the City Engineer, 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 the City's Subdivision Ordinance regarding bonds and security for subdivision public improvements.

81-4-020 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 100% of the engineers estimated cost, and approved by the City Engineer, 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 the City's Subdivision Ordinance regarding bonds and security for subdivision public improvements.

81-4-030 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 100% of the engineers estimated cost, and approved by the City Engineer, 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 the City's Subdivision Ordinance regarding bonds and security for subdivision public improvements.

Chapter 81-5 INSPECTION

- 81-5-010 Permit Holder Supervision and Inspection.**
- 81-5-020 City Inspections.**
- 81-5-030 Additional Inspections or Testing.**
- 81-5-040 Inspection Requests.**
- 81-5-050 Duty to Keep Work Accessible and Exposed.**
- 81-5-060 Entry Onto Premises.**
- 81-5-070 Certification or Approval.**
- 81-5-080 Transfer of Responsibility for Certification.**
- 81-5-090 Final Inspection.**
- 81-5-100 Building Permits.**
- 81-5-110 Validity of Inspection.**

81-5-010 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 LDDCS 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 LDDCS.

81-5-020 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 LDDCS, 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 LDDCS.

81-5-030 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 LDDCS. Any such additional inspections and/or testing shall be at the permit holder's expense.

81-5-040 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 desired.

81-5-050 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.

81-5-060 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.

81-5-070 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.

81-5-080 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.

81-5-090 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 scheduled or conducted 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 scheduled or conducted 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.

81-5-100 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.

81-5-110 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.

Chapter 81-6 ENFORCEMENT

81-6-010	Enforcement.
51-6-015	Violations.
81-6-020	Remedies and Enforcement Powers.
81-6-030	Notice of Violation.
81-6-040	Suspension or Revocation of Land Disturbance Permit.
81-6-050	Notice of Suspension or Revocation.
81-6-060	Cessation of Work.
81-6-070	Decision of Suspension or Revocation.
81-6-080	Right of Entry.
81-6-090	Appeals.
81-6-100	Liability.
81-6-110	Right to Stop Work.

81-6-010 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.

81-6-015 Violations.

(a) Violations Enumerated. No person shall fail, refuse, or neglect to comply with the following:

(1) Provisions of this Title and land disturbance permits issued in accordance with this Title

(2) Orders issued by the City Engineer or the Building Official pursuant to the provisions of this Title;

(2) Conditions imposed on land disturbance permits pursuant to the provisions of this Title; and

(3) 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.

(b) Continuing Violation. 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, shall be considered a separate offense.

81-6-020 Remedies and Enforcement Powers.

(a) Nothing herein is intended to limit or prohibit the enforcement of the City of West Jordan 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.

(b) The following sanctions shall be available to redress violations of the provisions of this Title:

(1) Issuance of a Notice of Violation;

(2) Revocation or suspension of land disturbance permits, conditional use land disturbance permits or plan or other approvals issued by City of West Jordan;

(3) The placement of requirements for corrective action on land disturbance permits, licenses, or other entitlements issued by City of West Jordan as a condition of the land disturbance permit, license, or entitlement;

(4) 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;

(5) Withholding of permits, certificates or other forms of authorization pertaining to any land where there exists an uncorrected violation of this Title;

(6) Issuance of a stop work order;

(c) Penalties. Violation of any of the provisions of this Title shall upon conviction be punishable as a class C misdemeanor.

(d) Other remedies; remedies cumulative. The City shall have such other remedies as are and as may be from time to time provided by State law or City ordinance for the violation of any provision of this Title. Remedies shall be cumulative.

(e) 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 therefore as outlined herein.

(f) 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.

81-6-030 Notice of Violation.

(a) When a violation is discovered, and the responsible permit holder has not been issued a previous Notice of Violation for the same violation within the past twelve (12) months, the Enforcement Authority shall issue a Notice of Violation in order to notify the responsible person of the violation and to order that the violation be corrected within fourteen (14) calendar days. 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. The issuance of a Notice of Violation shall not be a prerequisite for the issuance of a stop work order by the City.

(b) 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 shall require that the City Engineer be contacted within five calendar days if the responsible person disputes the Notice of Violation.

(c) Failure to correct the violation within the amount of time specified in the Notice of Violation may result in issuance of a citation, a stop work order, a notice of intent to suspend or revoke, or other enforcement action as deemed appropriate by the City.

(d) In the case of a violation involving: continuing construction or development, an emergency situation (as reasonably determined by the City), or a violation for which a previous Notice of violation was issued within the past twelve (12) months, the City may use the enforcement powers and remedies available to it under this chapter without prior notice. In such case, notice shall be sent simultaneously with the beginning of enforcement action.

81-6-040 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:

- (a) Conditions at the site vary from those shown on the approved plans;
- (b) Construction does not conform to the approved plans, time schedules, or conditions of the land disturbance permit;
- (c) The work does not comply with applicable ordinances, rules, regulations and standards;
- (d) 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;
- (e) 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;
- (f) 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;
- (g) 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;
- (h) 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; or
- (i) The land disturbance permit holder has been issued a Notice of Violation and has failed to correct the violation within the time specified.

81-6-050 Notice of Suspension or Revocation.

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.

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.

81-6-060 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 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.

81-6-070 Decision of Suspension or Revocation.

(a) 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.

(b) 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.

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

81-6-080 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.

81-6-090 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.

81-6-100 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.

81-6-110 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.