

ORDINANCE NO. 14-14 (6-3-14)

AN ORDINANCE OF THE CITY OF SARATOGA SPRINGS, UTAH, ADOPTING CHAPTER 18.05 OF THE CITY CODE ESTABLISHING RULES AND REGULATIONS TO REGULATE GRADING, EXCAVATION, AND EARTHWORK

WHEREAS, pursuant to authority granted in Utah Code Annotated § 10-3-701 *et seq.*, the City Council for the City of Saratoga Springs may adopt and amend laws, ordinances, regulations, and codes that comprise the regulatory, penal ordinances, and administrative ordinances of the City of Saratoga Springs; and

WHEREAS, the City needs to have rules and regulations and establish administrative procedures with respect to grading, excavation, and earthwork construction; and

WHEREAS, the City Council has determined that it is in the best interests of the public health, safety, and welfare that Chapter 18.05, which is attached as Exhibit A and incorporated herein by this reference, that the attached amendments be adopted

NOW THEREFORE, the City Council of the City of Saratoga Springs, Utah does hereby ordain as follows:

SECTION I – ENACTMENT

Chapter 18.05 of the City Code as Exhibit A, incorporated herein by this reference, is hereby enacted.

SECTION II – AMENDMENT OF CONFLICTING ORDINANCES

If any ordinances, resolutions, policies, or zoning maps of the City of Saratoga Springs heretofore adopted are inconsistent herewith they are hereby amended to comply with the provisions hereof. If they cannot be amended to comply with the provisions hereof, they are hereby repealed.

SECTION III – EFFECTIVE DATE

This ordinance shall take effect upon its passage by a majority vote of the Saratoga Springs City Council and following notice and publication as required by the Utah Code.

SECTION IV – SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION V – PUBLIC NOTICE

The Saratoga Springs Recorder is hereby ordered, in accordance with the requirements of Utah Code §§ 10-3-710—711, to do as follows:

- a. deposit a copy of this ordinance in the office of the City Recorder; and
- b. publish notice as follows:
 - i. publish a short summary of this ordinance for at least one publication in a newspaper of general circulation in the City; or
 - ii. post a complete copy of this ordinance in three public places within the City.

ADOPTED AND PASSED by the City Council of the City of Saratoga Springs, Utah, this 3 day of June, 2014.

Signed: [Signature]
Jim Miller, Mayor

Attest: [Signature]
Lori Yates, City Recorder

6-3-14
Date

| | VOTE |
|------------------|----------|
| Shellie Baertsch | <u>X</u> |
| Rebecca Call | <u>X</u> |
| Michael McOmber | <u>X</u> |
| Stephen Willden | <u>X</u> |
| Bud Poduska | <u>X</u> |



EXHIBIT A

Title 18. BUILDING AND CONSTRUCTION.

Chapters:

18.01. Adopted Codes.

18.02. Flood Damage Prevention.

18.03. Open Pit Extraction of Earth Products.

18.04. Excavation Permits.

18.05. Grading.

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Chapter 18.05. Grading.

Sections:

18.05.01. Purpose.

18.05.02. Scope.

18.05.03. Definitions.

18.05.04. Grading Permit Required.

18.05.05. Grading Permit Requirements in General.

18.05.06. Specific Engineered Grading Requirements.

18.05.07. Grading Permit and Inspection Fees.

18.05.08. Bonds.

18.05.09. Hazards.

18.05.10. Cuts.

18.05.11. Fills.

18.05.12. Setbacks.

18.05.13. Grading Inspection.

18.05.14. Completion of Work.

18.05.01. Purpose.

The purpose of this Chapter is to safeguard life, limb, property, and the public welfare by regulating grading on property within the City of Saratoga Springs.

18.05.02. Scope.

This Chapter establishes rules and regulations to regulate grading, excavation, and earthwork construction including fills and embankment, establishes the administrative procedure for issuance of permits, and provides for approval of plans and inspection of grading construction.

18.05.03. Definitions.

As used in this Chapter:

1. "Cut" means the removal of soil, rock, or earth material from an area of land.
2. "Cut slope" means an artificial incline or decline created by a cut.
3. "Fill" means a deposit of soil, rock, or earth material placed onto an area of land by artificial means such as the placement of soil for an embankment or fill slope.
4. "Fill slope" means an artificial incline or decline created by a fill.
5. "Grade" means the ground surface contour.

6. “Grading” means excavation, filling, in-place ground modification, removal of roots or stumps, ground disturbance, stockpiling of earth materials, establishment of a grade following demolition of a structure, or any combination of the foregoing.

7. “Slope” means an inclined ground surface.

18.05.04. Grading Permit Required.

1. Except as specified in subsection 2., no person shall perform any grading without first having obtained a grading permit from the City Engineer.

2. A grading permit is not required for the following:

- a. An excavation authorized by a valid building permit below finished grade for basements and footings of a building, retaining walls, or other structures. This shall not exempt any fill made with the material from such excavation or exempt any excavation remaining after the completion of such structure.
- b. Approved and permitted cemetery graves.
- c. Approved and permitted refuse disposal sites controlled by other regulations.
- d. Exploratory excavations under the direction of a soils engineer or engineering geologist where no more than 500 square feet of land surface is disturbed or where bore holes are 12” in diameter or less.
- e. An excavation and/or fill that is no more than two feet in depth and covers an area less than 1000 sq. ft.
- f. Work covered by a City approved encroachment/excavation permit

3. Exemption from the permit requirements of this Chapter shall not be deemed to grant authorization for any work to be done in any manner in violation of any other laws or ordinances.

18.05.05. Grading Permit Requirements in General.

1. **Permit Required.** Except as exempted in this Section 18.05.05, no person shall perform any grading without first obtaining a grading permit from the City. A separate permit shall be obtained for each site and may cover both cuts and fills.

2. **Grading Designation.** Grading equal to or greater than 1,000 cubic yards shall be performed in accordance with an approved grading plan prepared by a licensed civil engineer and shall be designated as “engineered grading.” Grading involving less than 1,000 cubic yards shall be designated “regular grading,” unless the permittee chooses to have the grading performed as engineered grading or the City Engineer determines that special conditions or unusual hazards exist, in which case grading shall conform to the requirements for engineered grading.

3. **Regular Grading Requirements.** Regular grading shall be required to comply with all sections of this Chapter except for Section 18.05.06. In the event of a conflict, the more restrictive provision shall apply.

4. **Engineered Grading Requirements.** Engineered grading shall be required to comply with all sections of this Chapter including the specific requirements in Section 18.05.06. In the event of a conflict, the more restrictive provisions shall apply.
5. **Issuance.** The provisions of this Chapter are applicable to grading permits. The City Engineer may require that grading operations and project designs be modified if delays occur that create issues, such as weather-generated problems, not considered at the time the permit was issued. The City Engineer may require professional inspection and testing by a soils engineer. When the City Engineer has evidence that geologic factors may be involved, the grading will be required to conform to engineered grading.

18.05.06. Specific Engineered Grading Requirements.

Engineered grading shall comply with all sections of this Chapter including the specific requirements in this Section. In the event of a conflict, the more restrictive provision shall apply. The following specific requirements shall apply to engineered grading:

1. Application for a permit shall be accompanied by two sets of construction drawings (a 24" x 36" size set and an 11" x 17" set) and details, an erosion control plan, permanent stabilization plans for all disturbed areas, and supporting data consisting at a minimum of a soils engineering report and drainage report. If requested by the City, additional supporting data may also be required including a Geology Report, Liquefaction Study and re-vegetation plan.
 - a. **Soils Engineering Report.** The soils engineering report shall include: (a) data regarding the nature, distribution, and strength of existing soils; (b) conclusions and recommendations for grading procedures and design criteria for all proposed cuts and fills; and (c) opinion on adequacy for the intended use of sites to be developed by the proposed grading as affected by soils engineering factors including the stability of slopes.
 - b. **Drainage Report.** The drainage report shall include: (a) data regarding the intensity, duration, and frequency of historic rainfall; (b) analysis of pre and post project drainage conditions; and (c) conclusions and recommendations on how site can accommodate and mitigate peak storm drain flows during and after construction without harmful impacts to the site or downstream properties.
 - c. **Geology Report (if requested by the City).** The geology report shall include at a minimum:
 - i. An adequate description of the geology of the site;
 - ii. Conclusions and recommendations regarding the effect of geologic conditions on the proposed development; and
 - iii. Opinion on the adequacy for the intended use of sites to be developed by the proposed grading, as affected by geologic factors.
 - d. **Liquefaction Study (if requested by the City).** The City Engineer may require a geotechnical investigation and report in accordance with this Chapter. The report shall address the potential of liquefaction when, during the course of an investigation, all of the following conditions are discovered:
 - i. Shallow ground water, fifty feet or less;

3. **Inspection Fees.** A fee for each grading permit shall be paid to the City of Saratoga Springs as set forth in the Consolidated Fee Schedule adopted by the City. Separate permits and fees may apply to retaining walls or major drainage structures as required elsewhere in this Code.

18.05.08. Bonds.

The City Engineer may require bonds in such form and amounts as may be deemed necessary to ensure that the work will be completed in accordance with the approved plans and/or specifications and/or will be corrected to eliminate hazardous conditions. Cash, escrow, or letter of credit bonds are acceptable.

18.05.09. Hazards.

Whenever the City Engineer determines that any existing excavation, embankment, or fill on private property has become a hazard to life and limb, endangers property, or adversely affects the safety, use, or stability of public property or drainage channel, the owner of the property upon which the excavation or fill is located, or other person or agent in control of said property, upon receipt of notice in writing from the City Engineer, shall within the period specified in the notice repair or eliminate such excavation, embankment, or fill to eliminate the hazard and to be in conformance with the requirements of this Chapter.

18.05.10. Cuts.

1. **General.** Unless otherwise recommended in the approved soils engineering report or approved engineering geology report and approved in writing by the City, cuts shall conform to the provisions of this Chapter and the most recent City Engineering Technical Specifications and Drawings.
2. **Slope.** The slope of cut surfaces shall be no steeper than is safe for the intended use and shall be no steeper than one unit vertical in four units horizontal, unless the permittee furnishes a soils engineering or an engineering geology report, or both, stating that the site has been investigated and giving an opinion that a cut at a steeper slope will be stable and not create a hazard to public or private property. Said report must be by a reputable engineer or engineering geologist and be acceptable by the City Engineer.

18.05.11. Fills.

1. **General.** Unless otherwise recommended in the approved soils engineering report and approved by the City, fills shall conform to the provisions of this Chapter and the most recent version of the Engineering Standard Technical Specifications and Drawings.
2. **Slope.** The slope of cut surfaces shall be no steeper than is safe for the intended use and shall be no steeper than one unit vertical in four units horizontal, unless the permittee furnishes a soils engineering or an engineering geology report, or both, stating that the site has been investigated and giving an opinion that a cut at a steeper slope will be stable

and not create a hazard to public or private property. Said report must be by a reputable and certified engineer or engineering geologist and be acceptable to the City Engineer.

18.05.12. Setbacks.

1. **General.** Cut and fill slopes shall be set back from site boundaries in accordance with this Chapter. Setback dimensions shall be horizontal distances measured perpendicular to the site boundary. Setback dimensions shall be as required by the City.
2. **Top of Cut Slope.** The top of cut slope shall not be made nearer to a site boundary line than one-fifth of the vertical height of cut with a minimum of five feet. The setback may need to be increased for any required interceptor drains, utilities, or utility easements.
3. **Toe of Fill Slope.** The toe of fill slope shall not be made nearer to the site boundary line than one-half the height of the slope with a minimum of five feet. Where a fill slope is to be located near the site boundary and the adjacent offsite property is developed, special precautions shall be incorporated in the work as the City Engineer deems necessary to protect the adjoining property from damage as a result of such grading. These precautions may include but are not limited to:
 - a. Additional setbacks.
 - b. Provision for retaining or slough walls.
 - c. Mechanical or chemical treatment of the fill slope surface to minimize erosion.
 - d. Provisions for the control of surface waters.
4. **Modification of Slope Location.** The City Engineer may approve alternate setbacks. The City Engineer may require an investigation and recommendation by a qualified engineer or engineering geologist to demonstrate that the intent of this Section has been satisfied.

18.05.13. Grading Inspection.

1. **General.** Grading operations for which a permit is required shall be subject to inspection by the City. The City Engineer may require that Professional inspection of grading operations is provided by a civil engineer, soils engineer, and/or engineering geologist.
2. **Civil Engineer.** The civil engineer shall provide professional inspection within such engineer's area of technical specialty, which shall consist of observation and review as to the establishment of line, grade, and surface drainage of the development area. If revised plans are required during the course of the work they shall be prepared by the civil engineer.
3. **Soils Engineer.** The soils engineer shall provide professional inspection within such engineer's area of technical specialty, which shall include observation during grading and testing for required compaction. The soils engineer shall provide sufficient observation during the preparation of the natural ground and placement and compaction of the fill to verify that such work is being performed in accordance with the conditions of the approved plan and the appropriate requirements of this Chapter. Revised

recommendations relating to conditions differing from the approved soils engineering and engineering geology reports shall be submitted to the permittee, the City Engineer, and the civil engineer. Materials testing shall be provided as recommended by the Soils Engineer and as directed by the City Engineer.

4. **Engineering Geologist.** The engineering geologist shall provide professional inspection within such engineer's area of technical specialty, which shall include professional inspection of the bedrock excavation to determine if conditions encountered are in conformance with the approved report. Revised recommendations relating to conditions differing from the approved engineering geology report shall be submitted to the soils engineer.
5. **Permittee.** The permittee shall be responsible for the work to be performed in accordance with the approved plans and specifications and in conformance with the provisions of this Code.
 - a. The permittee shall engage consultants, if required, to provide professional inspections on a timely basis.
 - b. The permittee shall act as a coordinator between the consultants, the contractor, and the City Engineer.
 - c. In the event of changed conditions, the permittee shall be responsible for informing the City Engineer of such change and shall provide revised plans for approval.
 - d. The permittee shall engage and pay for all materials testing.
6. **City Engineer.** The City Engineer may inspect the project at the various stages of work requiring approval to determine that adequate control is being exercised by the professional consultants and that the requirements of this Chapter are being complied with.
7. **Notification of Noncompliance.** If, in the course of fulfilling their respective duties under this Chapter, the civil engineer, the soils engineer, or the engineering geologist finds that the work is not being done in conformance with this Chapter or the approved grading plans, the discrepancies shall be reported immediately in writing to the permittee and to the City Engineer. If the permittee is not responsive to notification and does not bring work into compliance, the permit may be revoked and bond called.
8. **Transfer of Responsibility.** If the civil engineer, the soils engineer, or the engineering geologist of record is changed during grading, the work shall be stopped until the replacement has agreed in writing to accept their responsibility within the area of technical competence for approval upon completion of the work. It shall be the duty of the permittee to notify the City Engineer in writing of such change prior to the recommencement of such grading. The City Engineer must approve of the replacement before work can continue.

18.05.14. Completion of Work.

1. **Final Reports.** Upon completion of the grading work and at the final completion of all stabilization per the City Standard Technical Specifications and Drawings, the following reports and drawings and supplements thereto are required for engineered grading or when professional inspection is performed for regular grading, as applicable:
 - a. An as-built grading plan prepared by the civil engineer retained to provide such services in accordance with this Chapter showing original ground surface elevations, as-graded ground surface elevations, lot drainage patterns, and the locations and elevations of surface drainage facilities and of the outlets of subsurface drains. As-constructed locations, elevations, and details of subsurface drains shall be shown as reported by the soils engineer. Civil engineers shall state that to the best of their knowledge the work within their area of responsibility was done in accordance with the final approved grading plan.
 - b. A report prepared by the soils engineer retained to provide such services in accordance with this Chapter, including locations and elevations of field density tests, summaries of field and laboratory tests, other substantiating data, and comments on any changes made during grading and their effect on the recommendations made in the approved soils engineering investigation report. Soils engineers shall submit a statement that, to the best of their knowledge, the work within their area of responsibilities is in accordance with the approved soils engineering report and applicable provisions of this Chapter.
 - a.c. A report prepared by the engineering geologist retained to provide such services in accordance with this Chapter, including a final description of the geology of the site, any new information disclosed during the grading, and the effect of the grading on recommendations incorporated in the approved grading plan. Engineering geologists shall submit a statement that, to the best of their knowledge, the work within their area of responsibility is in accordance with the approved engineering geologist report and applicable provisions of this Chapter.
 - b.d. The grading contractor shall submit in a form prescribed by the City Engineer a statement of conformance to said as-built plan and the specifications
2. **Notification of Completion.** The permittee shall notify the City Engineer when the grading operation is ready for final inspection. Final approval shall not be given until: (a) all work has been completed, including installation of all drainage facilities and their protective devices; (b) all erosion-control measures have been completed in accordance with the final approved plans; and (c) all required reports have been submitted.