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17.1 Purpose

It is the purpose and object of this Title to establish reasonable and uniform limitations, safeguards, and controls on excavation within Huntsville Town. These provisions are deemed necessary and in the public interest to effect practices which will provide protection of the tax base, provide for the economical use of vital materials necessary for our economy, and give due consideration to the present and future use of land in the interest of promoting the public health, comfort, safety, and general welfare. The regulations in this Title are in addition to those in Title 16.

17.2 Definitions

Enforcement Official includes the designated Huntsville Town Council Member, Huntsville Town Engineer, Huntsville Town Roads Authority, Huntsville Town Building Official, the Weber County Sheriff and their designees.

Engineering Regulation means construction specifications, and design standards which must comply with the most recently adopted Huntsville Town Public Works Standards and Technical Specifications.

Excavation. For the purpose of this Title, “excavation” shall mean the removal of clay, soil, granite, flagstone, slate, shale, limestone, sandstone, asphalt, concrete, road base, sand or gravel from the earth by excavating, stripping, leveling or any other process, together with all other types of mining operations where material is removed from the earth except that dredging operations in the bed of existing rivers and streams shall not be covered by this Title.

Obstruction means any rubbish, glass, material, wood, metal, earth, structures, or other object, thing or substance which may interfere with or obstruct the free use or view of the public way by travelers, or injure or tend to injure or destroy or render unsightly the surface of a public way, or which may cause or tend to cause such public way to become restricted in its uses or unsafe or dangerous for travelers thereon.

Public Way means and includes all public right-of-way and easements, public footpaths, walkways and sidewalks, public streets, public roads, public highways, public alleys, and public drainage ways within the areas of Huntsville Town, Utah.

Shoulder shall mean the gravel strip of roadway four (4) feet wide adjacent and parallel to the hard surface roadway edge.

17.3 Enforcement Official to Enforce

The Enforcement Official, appointed by the Huntsville Town Council, are hereby designated and authorized as the officer charged with the enforcement of this Title.

17.4 Powers and Duties of an Enforcement Official

It shall be the duty of an Enforcement Official to inspect or cause to be inspected at regular intervals of not more than three (3) months or as often as necessary all excavations. Where it is determined by an Enforcement Official that excavation is proceeding not in compliance with the provisions of this Title, he shall enforce the provisions of

this Title and in performance of this duty may enter actions in the court where necessary, and his failure to do so shall not legalize any violation of such provisions.

17.5 Penalties

Any person, firm or Corporation who shall violate any of the provisions of this ordinance shall be guilty of a Class C misdemeanor, and upon conviction shall be punished as provided by the laws of the State of Utah for Class C misdemeanors.

17.6 Restrictions

All excavation operations concluded or carried on in Huntsville Town are subject to the following limitations, restrictions and controls:

- A. Dust, noise, vibration, smoke, lights and odor. All equipment and machinery used on the site of an excavation operation shall be constructed, maintained and operated in such a manner as to minimize dust, noise, vibration, smoke, welding, lights and odor. Access and haulage roads on the site shall be maintained in a dust-free condition by asphalt or dust-proof oil surfacing or other approved treatment as determined by an enforcement official.
- B. Fencing or barriers. Fencing or other suitable barriers shall be created and maintained on the excavation site or on portions of the site to mitigate the inherently dangerous conditions created by the excavation.
- C. Landscaping. The planting of trees and shrubs and other appropriate landscaping should be encouraged where natural conditions make such feasible and practicable in order to screen excavation operations from normal view, to enhance the general appearance, and to minimize the damaging effect of such operations to the beauty and character of the surrounding countryside.
- D. Related Manufacturing Operations. The manufacture of concrete building blocks or other similar blocks, the production or manufacture of lime products, the production of ready-mixed concrete, the production of asphalt mixes and any similar production or manufacturing processes which might be related to the excavation operation shall not be permitted.
- E. Washing. The washing of sand and gravel shall be done so as to prevent the discharge of waste water on to any public or private roads or any private property without the consent of the owner.
- F. Hours of operation. Excavation operations shall not begin before 8:00 a.m. and shall not continue after the hour of 6:00 p.m. and no operation shall take place on Sunday or legal holidays. During periods of national and unusual emergency, time and hours of operation may be altered at the discretion of the Town Council.
- G. Excavation and Backfilling.
 1. Where back filling is required, the excavation shall be graded or backfilled with non-noxious, non-inflammable, non-combustible solids. The materials used or the method of fill shall not be such as to create a health hazard nor which would be objectionable as determined by an enforcement official, because of odor or unsightliness. This backfill must be of such material as will encourage natural vegetation to reappear.
 2. The graded or back-filled area shall not be contoured so that it will collect and permit stagnant water to remain thereon.
 3. The peaks and depressions of the excavation area shall be reduced to a surface which will result in level or gently sloping topography in substantial conformity to the land area immediately surrounding and which will minimize erosion due to rainfall.
 4. In any rehabilitation procedure which takes place in sand and gravel excavations or on other sites where the material is of loose or friable nature, no slope shall be left which is steeper than a ratio of 1.5 horizontal to 1 vertical. In no case shall any slope exceed the normal angle of repose of the material involved.

- H. Time limitation. Within one year after the cessation of the operation, all temporary structures, (except fences), equipment, rock pile, rubble heaps or other debris shall be removed or backfilled into the excavation so as to leave the premises in a neat and orderly condition as determined by an Enforcement Official.

17.7 Rehabilitation Requirements

In order to insure that the area of excavation operation shall be rehabilitated to a condition of practical usefulness and reasonable physical attractiveness, the owner or operator shall, prior to the commencement of excavation, submit to the Huntsville Town Council a plan for such excavation and rehabilitation in the form of the following:

- A. A full and adequate description of all phases of the contemplated operation and the specific mention of type of machinery and equipment which will be or might be necessary to carry on the operation.
- B. A legal description of the proposed site with a map showing its location with indications of private access roads, existing or proposed, and of public highways adjacent to the site which will be affected by the operation.
- C. A topographic map of the area at a maximum contour interval of five (5) feet extending beyond the site of the nearest public street or highway or to a minimum distance of three hundred (300) feet on all sides.
- D. A physical rehabilitation plan showing the proposed contours of the excavation before and after rehabilitation and other special features of rehabilitation, and the method by which such rehabilitation is to be accomplished.
- E. A bond, written by a licensed surety company, a certified check or other financial guarantee in an amount to be fixed by the Huntsville Town Council as recommended by the Huntsville Town Engineer sufficient to secure the performance of the rehabilitation agreement. Such amount may be determined only after an adequate and thorough investigation of such operation, and after issuance of special findings based on a rehabilitation cost analysis which clearly justifies the amount of the bond. Such agreement and financial guarantee shall be in a form approved by the Huntsville Town Attorney.

In the event of the applicant's failure to fulfill this agreement, such bond, check or other financial guarantee shall be deemed forfeit for the purpose of performing the rehabilitation.

- F. Rehabilitation shall proceed as soon as practicable after termination of the excavation operations as determined by an enforcement official. However, the owner or operator may, at his option, submit a plan for progressive rehabilitation to the Planning Commission as the excavation operation is being carried on. The required bond in such case shall be sufficient to cover progressive stages of the rehabilitation as provided in approved plan for periods of not less than two (2) years.

17.8 Approval of Excavation and Rehabilitation Plans

- A. The Huntsville Town Planning Commission shall consider the excavation and rehabilitation plans and all data and information pertaining thereto, and shall have sixty (60) days in which to make a recommendation to the Huntsville Town Council.
- B. The Huntsville Town Council may approve or disapprove the proposal. If approved, the Huntsville Town Council shall instruct an enforcement official to issue an "Excavation Permit" which shall state any conditions or limitations to be imposed. If disapproved, the Huntsville Town Council shall indicate its disapproval in writing to the applicant with reasons therefore.

17.9 Approved Use

The provisions of this Title shall not apply to excavations which are necessary to a permitted use or a conditional use approved pursuant to the Land Use Planning Regulations of Huntsville Town, Utah.

This Building Codes Ordinance shall take effect upon approval by the Huntsville Town Council.

PASSED and ADOPTED this 5th day of June 2007.

Mayor, James C. McKay

ATTEST:

Dated this 5th day of June 2007.

Clerk/Recorder, Gail Ahlstrom

Vote of the Town Council	yea	nay
Council Member Gault	___	___
Council Member Sorenson	___	___
Council Member Stevenson	___	___
Council Member Truett	___	___
Mayor McKay	___	___