CHAPTER 9: OTHER PERMITS

9.1 GRADING PERMIT

9.1.1 Permit Required

a. GENERAL REQUIREMENT
No person shall commence or perform any grading, excavation, filling or clearing without first having obtained a permit from the City Building Department and ascertaining the existence and location of any underground utilities. No grading permit shall be issued except in connection with a permitted use allowed within the zoning district, in which the property that is to be graded, filled, or cleared, is located. Any such permitted use that requires a building permit or other approval as provided by this Code, such as home construction or a commercial site or a subdivision must obtain either final site or final plat approval as provided under this code before a grading permit may be issued.

b. EXEMPTIONS
   i. Agricultural. Grading, excavation, filling, or clearing for agricultural purposes within an agricultural zone shall be exempt from a grading permit. Grading, excavation, etc., associated with non-agricultural uses or construction, in an agricultural zone, shall require a grading permit.
   ii. Residential landscaping. Minor grading, excavation, filling or clearing associated with landscaping projects for single family residential uses shall be exempt from a permit requirement.
   iii. Grading, excavation, filling, or clearing that does not disturb the natural grade of more than 2000 square feet or result in a change to the natural grade exceeding 4%, shall be exempt from permit requirements.
   iv. Projects receiving City Council approval.

9.1.2 Review Process

a. APPLICATION FORM
Application forms are available from and shall be submitted to the City Building Department. See Chapter 3 of this Code for information required to be submitted with the application. A list of additional information that may be required may be obtained from the Building Department. All Grading Permit applications shall included:

   i. A plan showing surface drainage flow patterns and a report of subsurface investigation if it appears that land slide or erosion will be caused by the proposed grading or filling.
   ii. Proof of land ownership in the form of a Recorded Deed or Grant, Recorded Plat, or Title Insurance Policy will be required before grading permits will be issued.

b. CITY REVIEW
The City Building Department shall determine the adequacy of the application and may require the submission of further information where necessary.

c. INSPECTIONS
All construction or work for which a permit is required shall be subject to inspection at all reasonable times by the City Building Department. The Building Department may make any inspections of any construction work deemed necessary to ascertain compliance with the provisions of this Chapter and other Ordinances which are applicable. The permittee shall notify the Building Department when grading reaches completion and prior to being covered or concealed by additional work. Whenever any work on which inspections are required is covered or concealed by additional work without first having been inspected, the Building Department may require, through written notice, that such work be exposed for examination. The work of exposing and recovering shall be an expense of the permittee requiring the inspection.

d. PERFORMANCE BOND
If the work specified under the permit is not completed in accordance with the approved plans and specifications when occupancy permit is requested, the City of Toquerville may require a performance bond or other security in such form and amounts as may be deemed necessary to assure the work will be corrected to eliminate hazardous conditions. In lieu of a performance bond, the applicant may file a cash bond or instrument of credit with the City in an amount equal to that which would be required for a performance bond and in conformance with Section 12.5 of this Code (Security for Completion).

9.1.3 Standards for Review

All grading, filling and clearing operations which are allowed under this Ordinance shall be consistent with Section 11.8 (Cuts, Fills, and Retaining Walls) and Chapter 14 (Hillside Regulations) of this Code and shall be designed to:

a. Minimize cuts and fills on steep or hazardous terrain.

b. Eliminate scars from cuts and fills, and preserve the natural scenic beauty of the area, such as by rounding off sharp angles at the top, toe and sides of cut and fill slopes to preserve, match or blend with the natural contours and undulation of the land, and by retaining trees, brush and other native vegetation where possible.

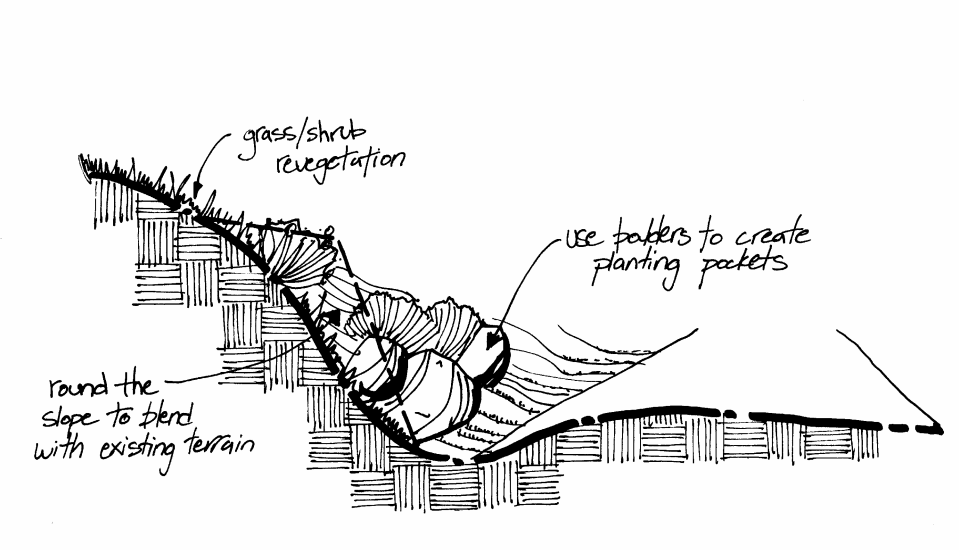

Figure 9.2: Slope rounding to naturalize a cut slope.

c. Limit clearing of vegetation or disturbances of the soil to those areas of proven stability, taking into consideration geologic hazards and soil conditions.
d. Assure that the natural runoff capacity of hillsides, slopes, graded areas, cleared areas, filled areas, or streams will not be exceeded, causing flooding, erosion, or silting greater than that which would have occurred if the land had been left in its natural state.

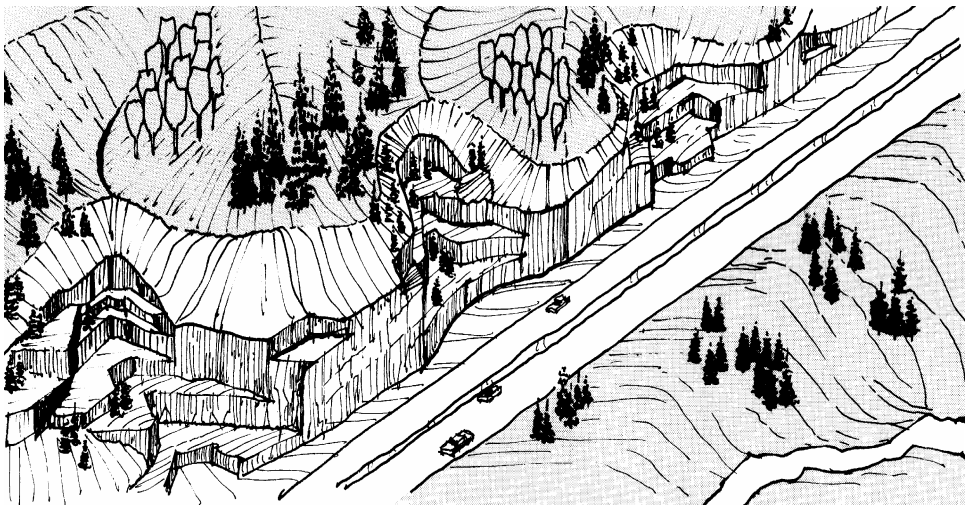

Figure 9.3: Slope terracing to naturalize a cut slope.

9.1.4 Discharge Prohibitions

No solid or liquid waste materials including soil, silt, clay, sand, and other organic or earthen materials shall he discharged either during the course of the grading process or as a result of changes created by the grading process covered under the permit into any creeks or streams, onto lands below the high-water level of the same, or onto adjoining property.

In order to prevent such discharges from occurring approved erosion and siltation control devices will be required for all grading and filling. Control devices and measures which shall be required include, but are not limited to, the following:

a. Energy absorbing devices to reduce the velocity of runoff water.
b. Sedimentation controls such as desilting basins and catch basins. (Any trapped sediment shall be removed to a disposal site approved by the Building Department.)

c. Dissipation or discharge of water runoff from developed areas into drainage fields to dissipate the runoff into the subsoil.
d. Multiple discharge points to reduce the volume of runoff over localized discharge areas.
e. Physical erosion control devices; e.g., culverts, rock banks, etc.

f. Approved temporary erosion and sedimentation control devices, facilities and measures shall be required during construction.

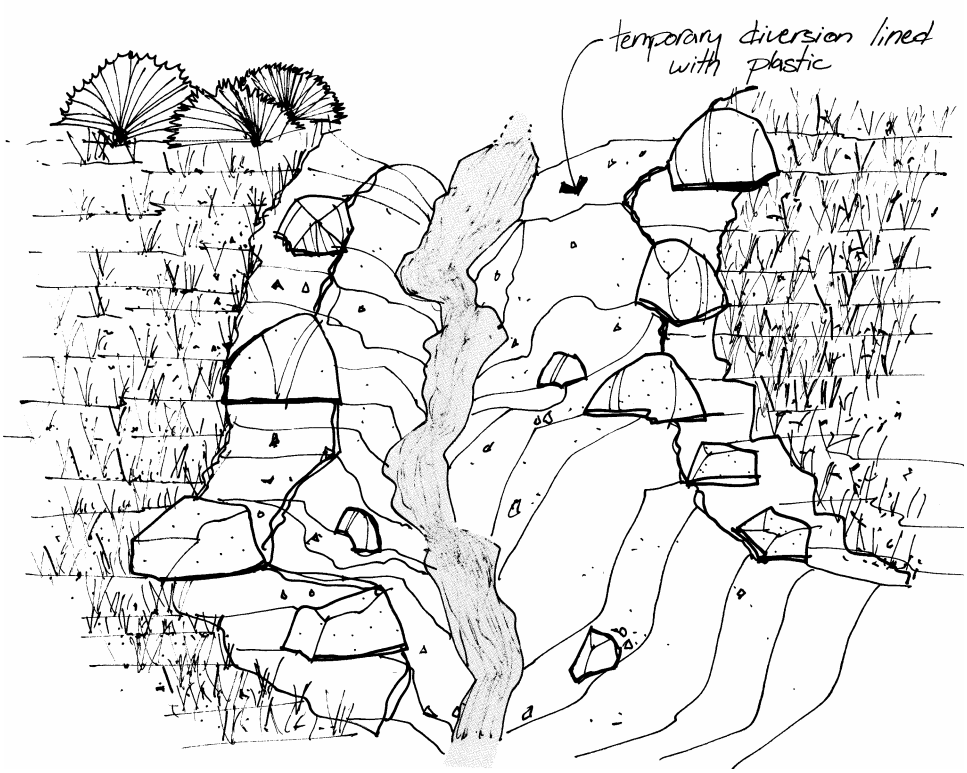

Figure 9.4: Temporary erosion control for grading.

9.1.5 Dust Control

Whenever the native ground cover is removed or disturbed, or whenever fill material is placed on the site, the exposed surface shall be treated to eliminate dust arising from the exposed material. The City Building Department must approve dust control methods. *All dust control measures must meet State and Federal standards*

9.1.6 Disposal of Cleared Vegetation

Vegetation removed during clearing operations shall be disposed of in a manner approved by the City Building Department.

9.1.7 Interceptors

Diverters may be required at the top of all cut and filled slopes where there is a surface runoff potential.

9.1.8 Protection of Non-Construction Areas

a. There shall be no excavation on the site before the City Building Department has approved the location (stakedout) of the drives, parking sites, building sites, and other areas to be graded or filled.
b. Construction equipment shall be limited to the actual area to be graded according to the approved plans. No vehicle of any kind shall pass over areas to be left in their natural state according to the approved plans.
c. Appropriate barriers around all native vegetation proposed for retention may be required to be erected during construction.
d. The permittee shall be fully responsible for any damage caused to existing trees or other vegetation. The permittee shall carry the responsibility both for his own employees and for any and all subcontractors from the first day of construction until the notice of completion is filed.

9.1.9 Protection of Any Existing Underground Public Utilities

The Contractor shall ascertain and verify the location of any public underground utilities that may be on the property before doing any grading excavation, and once located, he shall take reasonable care to protect and avoid damage to any such underground utilities by allowing at least forty-eight (48) hours for such utilities to be located. Any and all damage caused to public utilities by the permitte or his contractor shall be repaired at the permitee/contractor's expense to the satisfaction of the utility company and/or the City.

9.1.10 No Grading Near Historic or Prehistoric Ruins

No grading, filling, clearing of vegetation, operation of equipment, or disturbance of the soil shall take place in areas where any historic, prehistoric ruins, monuments, or objects of antiquity are present. The grading plan shall indicate all such historic or prehistoric areas on the site and shall indicate the measures that will be taken to protect such areas. Should excavation uncover or discover any historic or prehistoric ruins or monuments or object of antiquity which were not known at the time of the submittal of the grading plan, all work in the immediate area shall cease until the Building Department shall determine what precautions should be taken to preserve the historic artifacts.

9.2 TRENCHING PERMIT

9.2.1 Permit Required For Trenching On Public Property

No person shall perform any trenching or other excavation on public property, public right-of-way, or public easement within the City corporate boundaries before completing the following:

a. For trenching for water pipes, sewer pipes, gas pipes, or culverts -- file a written application with the City Building Department and obtaining a written permit;
b. For trenching for power, telephone, or television cables advise the City Building Department, in writing, of intent to excavate;

c. Allow at least forty-eight (48) hours for utility companies to field locate any coinciding underground utilities;
d. Obtain a copy of the Standard Specifications for Construction and Design relating to water and sewer piping materials and installation.

9.2.2 Review Process

APPLICATION
Application forms are available from and shall be submitted to the City Building Department. See Chapter 3 for information required with the application. A list of additional information that may be required may be obtained from the Building Department. Included shall be the following:

a. SITE PLAN
The site plan shall show all property boundaries, existing and proposed new underground utility mains, laterals, manhole inverts, piping grades, valves, meters, and thrust blocks.

b. MATERIAL AND INSTALLATION SPECIFICATION AND CONNECTION DETAILS
Underground piping shall comply with the City's Standard Specifications for Design and Construction.

c. AS-BUILT DRAWINGS
These drawings shall be furnished to the Building Department for record purposes within thirty (30) days after the work is completed

9.2.3 Barricades

All open trenches and excavations shall have approved barricades to protect pedestrians and vehicles. Appropriate barriers shall also protect vegetation.

9.2.4 Shoring Required

Trench shoring, in accordance with OSHA regulations, is required for all trenches.

9.2.5 Inspection

All trenches and excavations for which a permit is required shall be kept open until the utility within the trench has been inspected and tested by the Building Department or Special Inspector. All pavement and easement repairs shall also be subject to inspection and approval before final acceptance is given. When required by the City of Toquerville, the contractors shall employ a Special Inspector during the construction.

9.2.6 Pavement Repair — Performance Bond

When required by the City, the contractor shall furnish and file with the City Clerk appropriate security pursuant to Section 12.4 (Security for Completion) of this Code. A clean-up security of two thousand dollars (*$2000.00) or ten dollars ($10.00) per square* foot of trench, whichever is

greater, shall also be posted prior to approval of the permit. If the inspection of the completed work shows that the Standard Specifications for Design and Construction have been met, the security shall be released within fourteen (14) days from the date of the inspection. Paving repair materials shall comply with the City's Standard Specifications for Design and Construction and/or the Utah State Department of Transportation specifications, as applicable.

9.2.7 Easement and Right-of-Way Repair

The surface of all disturbed areas within easements or right-of-ways shall be returned to its original good condition and properly backfilled and compacted per the City's Standard Specifications for Design and Construction. Excess excavated material and vegetation debris shall be removed from the site. Property adjoining the easement or right-of-way shall be protected from damage during trenching, utility installations and backfilling, and all work shall stay within the easement or right-of-way limits. All damage to adjoining or neighboring property caused by any act of the permittee or its contractor shall be repaired at the permitee or contractor's expense to the satisfaction of the City and/or the property owner.

9.2.8 Protection of Any Existing Underground Public Utilities

The Contractor shall ascertain and verify the location of any public underground utilities that may be on the property before doing any grading excavation, and once located, he shall take reasonable care to protect and avoid damage to any such underground utilities by allowing at least forty-eight (48) hours for such utilities to be located. Any and all damage caused to public utilities by any act of the permitee or its contractor shall be repaired at the permitee or contractor's expense to the satisfaction of the utility company and/or the City of Toquerville.

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No grading, filling, clearing of vegetation, operation of equipment, or disturbance of the soil shall take place in areas where any historic, prehistoric ruins, monuments, or objects of antiquity are present.

The grading plan shall indicate all such historic or prehistoric areas on the site and shall indicate the measures that will be taken to protect such areas. Should excavation uncover or discover any historic or prehistoric ruins or monuments or object of antiquity which were not known at the time of the submittal of the grading plan, all work in the immediate area shall cease until the Building Department shall determine what precautions should be taken to preserve the historic artifacts.

9.3 Blasting Permit

9.3.1 Permit required.

a. When any blasting is to occur within the City a permit for such activity shall be applied for at least three working days prior to the desired blasting day. A detailed blast plan shall be submitted for review at the time of application for a permit. The blast plan shall contain the following information:

i. Number of holes per blast.
ii. Blast pattern
iii. Depth of holes
iv. Maximum holes per delay
v. Number of delays used
vi. Type of explosive used
vii. Total pounds of explosive
viii. Method of detonation
ix. Proximity to nearest structure
x. Expected duration of blast activity
xi. Name of independent monitoring company
xii Outline for notification of Fire Marshall one hour in advance of each blast and approximate time of each blast

9.3.2 General Blasting Criteria

a. Blasting activity that is to occur within one thousand (1000) feet of any school, university, day care center, church, library, medical facility, or any public building shall be conducted during off hours where possible and shall require seismic monitoring of each blast to insure the integrity of the building as well as the safety of the occupants. Since there is a wide variety in the type, density, specific gravity, velocity and general characteristics within the geographical area of Southern Utah there are varied methods that can be employed to attain the desired results. These methods, if used however, shall adhere to the appropriate limit criteria.

b. Any blasting that is intended within five hundred (500) feet of any structure, tunnel, underground utility, overhead transmission lines, pump station or radio tower requires that the blast be monitored with a seismograph capable of measuring peak particle velocities in three spatial components- horizontal, vertical and transverse, and shall be capable of printing this data into a permanent record as digital as well as wave form and air blast overpressure in terms of millibar, PSI or decibel recording of each event. All permanent structures within five hundred (500) feet of the blast area shall be required to have a pre-blast inspection performed at the expense of the Contractor and/or blaster, by an independent company whose primary business is to conduct and perform these types of services. The said company will deliver to the Fire Marshal a copy of the pre-blast inspection prior to the issuance of a blasting permit. A certificate of insurance issued by an underwriter legally doing business in the Sate of Utah showing the Contractor and/or blaster to be properly insured for the express purpose of blasting and showing the issuing agency as additional insured, shall be submitted with the application for a blasting permit.

c. A blasting permit shall be site specific and expire thirty days from issuance.

d. Special signs to warn the Public of blasting operations shall be erected in a manner as to be clearly evident to the public during all critical periods of the blasting operations.

e. Notice shall be given to all utilities with facilities adjacent to the operation with sufficient time to allow said utilities to advise the Contractor of any special circumstances or precautions to be taken.

f. Blasting shall be accomplished in such a manner that nearby buildings, structures, railways, highways, etc. will be safe from rocks and other projectiles. Adequate blasting mats or other means of protection shall be employed when blasting in congested areas, or close proximity to improvements.

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