

**CHAPTER 10. CONSTRUCTION
CONSTRUCTION SUBJECT TO GEOLOGIC, FLOOD AND OTHER HAZZARDS.**

SECTION:

10-1: Purpose

10-2: Requirements

10-1: PURPOSE:

To protect the general public from geologic, flood, or other hazards that might be detrimental to the health, safety, and general welfare of the residents of the Town of Leeds. Any application for a conditional use, building, planned unit development or subdivision permit which has, in the opinion of the Leeds Planning Commission, when authorized, potentially dangerous soil, earthquake, flood, traffic or other discernible hazards may be required to provide a report addressing such hazards.

10-2: REQUIREMENTS:

10-2-1. The report shall be prepared at the applicant's expense by a registered or licensed geologist, soils engineer, or civil engineer, and shall show the suitability of the soils on the property to accommodate the proposed construction, and any discernible flood or earthquake hazards.

10.2.2. Whenever a professional expert indicates a parcel may be subject to a potential or actual hazard, the applicant shall meet the special conditions required by the Leeds Planning Commission and or Town designee, when authorized, to reduce or eliminate such hazards.

10.2.3. A comprehensive traffic study by a person specializing in such studies shall be performed at the developer's expense to determine if the construction project results in a traffic pattern that will require action to control the traffic.

10-3. GRADING PERMIT

SECTION:

10-3-1: Permit Required; Exceptions

10-3-2: Review Process

10-3-3: Standards For Review

10-3-4: Discharge Prohibitions

10-3-5: Dust Control

10-3-6: Disposal Of Cleared Vegetation

10-3-7: Interceptors

10-3-8: Nonconstruction Areas Protected

10-3-9: Underground Public Utilities Protected

10-3-10: Grading Operations

10-3-11: Historic Or Prehistoric Ruins

10-3-1: PERMIT REQUIRED; EXCEPTIONS:

A. General Requirement: No person shall commence or perform any grading, excavation, filling or clearing of land without first having obtained a permit from the Town of Leeds 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 title, such as home construction or a commercial site or a subdivision, must obtain either site plan approval, or preliminary plat approval as provided under this title before a grading permit may be issued. All plans submitted for approval must be prepared by a professional engineer licensed in the State of Utah.

1. The bond will need to cover one hundred percent (100%) of the grading cost. The Town of Leeds will need to approve the cost breakdown for the proposed bond prior to the city accepting a bond. Once the city approves the cost breakdown, the developer will be required to provide the Town of Leeds either a cash bond in the amount shown on the approved spreadsheet.

B. Exemptions:

1. 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 nonagricultural uses or construction, in an agricultural zone, shall require a grading permit.

2. Residential Landscaping: Minor grading, excavation, filling or clearing associated with landscaping projects for single-family residential uses shall be exempt from a permit requirement.

3. Nondisturbance of Natural Grade: Grading, excavation, filling or clearing that does not disturb the natural grade of more than two thousand (2,000) square feet or result in a change to the natural grade exceeding four percent (4%), shall be exempt from permit requirements.

4. Public Facility Projects: Grading required to construct Public Facilities including roadways and utility improvements approved by the Town of Leeds.

C. Scope of Permit: A grading permit and the approved grading plan is intended to be utilized for grading purposes only and is not to be used for the purpose of constructing on-site or off-site improvements. Issuance of a grading permit based on an approved grading plan does not constitute approval of driveway locations or sizes, parking lot structural sections or layout of any structure, ADA-related requirements, building locations or foundations, walls, curbing, off-site drainage facilities or other items not related directly to the basic grading operation. On-site and off-site improvements shall be constructed from construction plans and drawings approved by the Town of Leeds.

10-3-2: REVIEW PROCESS:

A. Application Form: Grading permit application forms are available from the Town of Leeds and shall be submitted to the Town of Leeds. Included in the grading permit application shall be:

1. A detailed grading plan showing, at a minimum, the details outlined in 2018 International Building Code, Appendix J Grading. In addition, the grading plan shall contain an estimate of the volumes, in cubic yards, of cut and/or fill and area of site to

be graded as well as a statement concerning the ultimate disposition of any excess dirt. Excess dirt moved outside the town limits shall comply with the applicable standards of the area it is moved to. Any location within the town limits used for disposal of excess dirt shall require a separate grading permit application and issuance of a separate grading permit for the receiving site;

2. A Soils Engineering Report and Geology Study Report addressing the adequacy of the native soil to be graded for applicant's intended use.

3. Proof of land ownership in the form of a recorded deed or grant, recorded plat or title insurance policy not older than sixty (60) days at time of application;

4. Additional information that may be required by the Town of Leeds for complex grading projects such as, but not limited to drainage studies, storm water pollution protection plans, dust control plans and restoration plans;

5. Payment of the required grading plan review and permit fees in accordance with the Town of Leeds Consolidated Uniform Fee Schedule.

B. Town Review: The Town of Leeds 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 Town of Leeds. The Town of Leeds may make any inspections of any construction work deemed necessary to ascertain compliance with the provisions of this article and other ordinances which are applicable. The permittee shall notify the Town of Leeds 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 Town of Leeds 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.

Grading Bond: In reviewing a grading permit application, the Town of Leeds may require the applicant/permittee to post a grading bond, a cash bond, from a licensed and insured lender, with the town in an amount equal to that which would be required for a performance bond and in conformance with this title. If one of the following instances are present:

1. Grading that is to occur within any area that is designated as part of the Town of Leeds Hillside Development Standards and will need to comply with

2. Any off-site grading will require the written permission of adjacent property owner.

3. Any project in which on-site drainage structures/storm drain system connects to a Leeds storm drain and drainage facilities are constructed in concurrence with grading plan;

4. Any grading plan in which the scope of work increases the potential to transport silt/sediment into public right of way and/or the Town of Leeds storm drain system;

5. Any grading plan in which the scope of work would create a public safety risk in event of work stoppage; and/or

6. Any grading plan in which the Town of Leeds reasonably determines would create an increased risk of possible damage or injury to residents or Public Facilities of the Town of Leeds, Leeds Domestic Water Association (LDWA), Angel Springs,

Washington County Water Conservancy District (WCWCD), Ash Creek Special Service District and any other private or public utility.

10-3-3: STANDARDS FOR REVIEW:

All grading, filling and clearing operations which are allowed under this Article shall be consistent with this title, 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.
- 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.
- E. Applicant must submit a grading permit application and checklist with Leeds and adhere to all fees, and conditions found within the application along with any conditions found in this chapter.

10-3-4: DISCHARGE PROHIBITIONS:

A. Scope: No solid or liquid waste materials, including soil, silt, clay, sand and other organic or earthen materials shall be 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.

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

1. Energy absorbing devices to reduce the velocity of runoff water.
2. Sedimentation controls, such as desilting basins and catch basins. (Any trapped sediment shall be removed to a disposal site approved by The Town of Leeds.
3. Dissipation or discharge of water runoff from developed areas into drainage fields to dissipate the runoff into the subsoil.
4. Multiple discharge points to reduce the volume of runoff over localized discharge areas.
5. Physical erosion control devices, e.g., culverts, rock banks, etc.
6. Approved temporary erosion and sedimentation control devices, facilities and measures shall be required during construction

10-3-5: 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 Town of Leeds must approve dust control methods. All dust

control measures must meet applicable Leeds codes, standards and requirements including: fugitive dust control, and any other local, state, and federal standards.

A. Land use violation according to the uniform fee schedule.

B. If disturbed area is one acre or greater, a dust control permit must be obtained from the state of Utah, air quality control and provisions of the air quality regulations will be in effect.

10-3-6: DISPOSAL OF CLEARED VEGETATION:

Vegetation removed during clearing operations shall be disposed of in a manner approved by the Town of Leeds.

10-3-7: INTERCEPTORS:

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

10-3-8: NONCONSTRUCTION AREAS PROTECTED:

A. There shall be no excavation on the site before the Town of Leeds has approved the location (stakeout) 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.

10-3-9: UNDERGROUND PUBLIC UTILITIES PROTECTED:

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 forty-eight (48) hours for such utilities to be located. Any and all damage caused to public utilities by any act or negligence of the contractor's employees shall be repaired at the contractor's expense to the satisfaction of the utility company and/or the city.

10-3-10: GRADING OPERATIONS:

A. Hours of operation shall not begin before seven (7:00) AM, and shall not continue after the hour of seven (7:00) PM. No operations shall take place on Sunday or legal holidays.

B. All grading shall comply with standard engineering specifications for slope stabilization in accordance with the geotechnical recommendations included with the application, and all other applicable Town ordinances. Slopes shall be maintained in a manner that will prevent erosion damage on adjacent properties.

C. The grading operation cannot exceed the boundary of the approved preliminary plat.

10-3-11: HISTORIC OR PREHISTORIC RUINS:

A. 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.

B. 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.

10-4. TRENCHING PERMIT

SECTION:

10-4-1: Permit Required

10-4-2: Review Process

10-4-3: Barricades

10-4-4: Shoring Required

10-4-5: Inspection

10-4-6: Pavement Repair; Performance Bond

10-4-7: Easement And Right Of Way Repair

10-4-8: Underground Public Utilities Protected

10-4-9: Historic Or Prehistoric Ruins

10-4-1: PERMIT REQUIRED:

No person shall perform any trenching or other excavation on public property, public right of way or public easement within the city limits before completing the following:

A. For trenching for water pipes, sewer pipes, gas pipes or culverts, file a written application with the Town and obtaining a written permit;

B. For trenching for power, telephone or television cables, advise the Town, in writing, of intent to excavate;

C. Allow forty-eight (48) hours for utility companies to field locate any coinciding underground utilities;

D. Obtain a copy of the town specifications for water and sewer piping materials and installation.

10-4-2: REVIEW PROCESS:

Application forms are available from and shall be submitted to the Town of Leeds. 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 town specifications.

C. As Built Drawings: These drawings shall be furnished to the Town of Leeds for record purposes within thirty (30) days after the work is completed.

10-4-3: BARRICADES:

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

10-4-4: SHORING REQUIRED:

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

10-4-5: 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 Leeds designee 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 Town of Leeds, the contractor shall employ a special inspector during the construction.

10-4-6: PAVEMENT REPAIR; PERFORMANCE BOND:

When required by the city, the contractor shall furnish and file with the town recorder appropriate security pursuant to Town code. A cleanup security of three thousand dollars (\$3,000.00) shall also be posted prior to approval of the permit. If the inspection of the completed work shows that the standards and specifications have been met, the security shall be released within fourteen (14) days from the date of the inspection. Paving repair materials shall comply with Leeds standards and specifications and/or the state department of transportation specifications as are applicable.

10-4-7: EASEMENT AND RIGHT OF WAY REPAIR:

The surface of all disturbed areas within easements or rights of way shall be returned to its original good condition and properly backfilled and compacted per town utility specifications. 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 or neglect on the part of the contractor shall be repaired at the contractor's expense to the satisfaction of the Town of Leeds and/or the property owner.

10-4-8: UNDERGROUND PUBLIC UTILITIES PROTECTED:

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 forty eight (48) hours for such utilities to be located. Any and all damage caused to public utilities by any act or negligence of the contractor's employees shall be repaired at the contractor's expense to the satisfaction of the utility company and/or the Town of Leeds.

10-4-9: HISTORIC OR PREHISTORIC RUINS:

A. 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.

B. 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 Town of Leeds shall determine what precautions should be taken to preserve the historic artifacts.

10-5. BLASTING PERMIT

SECTION:

10-5-1: Permit Required

10-5-2: Blasting Criteria

10-5-1: PERMIT REQUIRED:

When any blasting is to occur within the Town of Leeds, a permit for such activity shall be applied for at least three (3) working days prior to the desired blasting day. Written approval from Hurricane Valley Fire District is required before the Town can approve a permit. 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:

- A. Number of holes per blast.
- B. Blast pattern.
- C. Depth of holes.
- D. Maximum holes per delay.
- E. Number of delays used.
- F. Type of explosive used.
- G. Total pounds of explosive.
- H. Method of detonation.
- I. Proximity to nearest structure.
- J. Expected duration of blast activity.
- K. Name of independent monitoring company.
- L. Outline for notification of the Hurricane Valley Fire District one hour in advance of each blast and approximate time of each blast.

10-5-2: BLASTING CRITERIA:

A. Blasting activity that is to occur within one thousand feet (1,000') of any school, university, daycare center, church, library, medical facility or any public building shall be conducted during off hours where possible and shall a third party seismograph is

required; the cost of which shall be paid by the applicant. The require seismic monitoring of each blast to ensure 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 feet (500') 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 (3) spatial components: horizontal, vertical and transverse, and shall be capable of printing this data into a permanent record as digital, as well as waveform, and air blast overpressure in terms of millibar, psi or decibel recording of each event. All permanent structures within five hundred feet (500') of the blast area shall be required to have a preblast 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 Hurricane Valley fire district a copy of the preblast inspection prior to the issuance of a blasting permit. A certificate of insurance issued by an underwriter legally doing business in the state 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 (30) 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.

APPROVED AND ADOPTED this 22nd Day of May, 2024



Bill Hoster, Mayor

ATTEST:



Michelle Rutherford
Town Clerk/Recorder