

## 15-11-02 Grading and Excavating Requirements

### F. Soil Erosion/Blowing Dust As A Public Nuisance

1. Declaration of Nuisance. Soil erosion caused by wind and dust storms produced thereby and blowing of dust, soil and sand are hereby declared to be destructive of property and natural resources of the City; and are harmful to the health and well-being of the residents of the City. The Sandy City Council does hereby declare conditions causing, allowing or maintaining blowing dust, soil or sand to be public nuisances.
2. Duty of Landowner. To conserve property and the natural resources of the City and to prevent injurious effects of blowing dust, soil or sand, it is the duty of the owner of real property and the duty of all responsible parties to prevent, by appropriate means, the blowing of dust, soil or sand.
3. Action by City Engineer. When the City Engineer is advised of blowing dust, soil or sand and is supplied with a description of such nuisance, or when by reason of such blowing the streets or other public property are damaged, the City Engineer is authorized to immediately inspect or cause to be inspected the source of such blowing.
  - a. Should the City Engineer determine that such blowing is injurious to persons, property, streets, public property or public health and convenience, the City Engineer shall then determine what may be done to prevent or lessen such nuisance.
  - b. Should the City Engineer determine that such blowing can be prevented or lessened, he is hereby authorized to issue an order to the responsible party specifying the nature of the nuisance, the treatment required, the extent thereof, the date by which such treatment is to be commenced and the date such treatment is to be completed.
  - c. Notice of such order shall be served by certified mail, postage prepaid, to the last known address of the responsible party.
4. Method of Enforcement. If the treatment ordered by the City Engineer is not performed in the manner and to the extent specified in the order, and if no appeal is made; or, if it is not performed in the manner, to the extent, and within the time specified in the order or amendment thereof or within three (3) days of any decision as a result of an appeal of an order issued by the City Engineer, the City Attorney may bring an action for abatement of the blowing condition as authorized by the provisions of Sections 10-11-1 and 76-10-806, U.C.A. 1953, as amended, or its successor section and the bond shall be declared forfeited in the amount necessary to complete the treatment required plus 50% service charge or may bring a criminal action.
5. Revegetation.
  - a. The loss of trees, groundcover, and topsoil shall be minimized on any grading project. In addition to mechanical methods of erosion control, graded areas shall be protected to the extent practical from damage by erosion by planting grass or ground cover plants and trees. Such plantings shall provide for rapid, short-term coverage of the slopes as well as long-term permanent coverage. A plan by a landscape architect may be required by the Director and/or the City Engineer.
  - b. Timing of Planting. Weather permitting, the planting shall be completed not more than 30 days after completion of the grading, or of a portion thereof on large projects. Planting for erosion control need not be provided for slopes that are not subject to erosion.

- c. **Vegetation Removal.** If the project is abandoned after vegetation removal has taken place, the area shall be planted as provided herein. If the work is suspended for an extended period, the Director and/or the City Engineer may require the developer to provide temporary planting as needed to control wind and water erosion.

6. Maintenance.

- a. **Irrigation.** Slopes required to be planted shall be provided with an approved system of irrigation where needed for planting propagation and continued maintenance. The plans shall be submitted and approved as a part of the grading permit. If hose bibs are installed, they must be at conveniently accessible locations, where a hose no longer than 50 feet is necessary for irrigation.
- b. The requirement for a permanent irrigation system may be modified upon the recommendation of a landscape architect based on the type of plants selected, the planting methods, and the soil and climatic conditions at the site, as approved by the Director and/or the City Engineer.
- c. **Establishment of Planting.** The planting and irrigation system required by this section shall be installed as soon as practical after rough grading. Prior to final approval of grading and before the release of the total grading bond, the planting shall be well established.
- d. **Other Standards.** The Director and City Engineer may adopt supplementary engineering standards as may be appropriate for the carrying out of the provisions of this Chapter.