

# **TITLE 20 – ZONING ORDINANCE OF GENOLA**

## **CHAPTER 30 MINING AND EXCAVATION**

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### 20.30.01 **SHORT TITLE**

This Ordinance shall be known as the MINING AND EXCAVATION ORDINANCE OF GENOLA and may be so cited and pleaded. Said Ordinance shall be referred to herein as "this Ordinance", and the sections hereinafter referred to shall be sections of this Ordinance. The provisions of this Ordinance shall only apply to areas in the Heavy Industrial (I-3) Zone.

### 20.30.02 **PURPOSE AND INTENT**

This Ordinance and the regulations and restrictions contained herein are designed and enacted for the purpose of establishing regulations for the safe, effective and viable removal of sand, gravel, rock, and other materials through mining and Excavation within Genola. The provisions of this Ordinance shall not apply to the: (i) construction of roads, (ii) removal of sod or topsoil, (iii) creation of ditches, (iv) leveling of land for residential or agricultural purposes, or (v) landscaping activities.

This Ordinance is also intended that:

1. Any necessary alterations in the surface of the earth to extract minerals required by our society should be done in such a way as to minimize undesirable effects on the surroundings, including but not limited to pollution caused by wind, soil erosion, and sedimentation.

2. Land affected by mining should be reclaimed so as to prevent conditions detrimental to the general health, safety and welfare of the citizens of the city and to result in land which is environmentally healthy, aesthetically pleasing, and provide for the future beneficial use of the lands affected. Reclamation requirements must be adapted to the diversity of the topographic, chemical, climatic, biologic, geologic, economic and social conditions of the area where the mining takes place.
3. Mining is only permitted when Genola Town and the Utah Division of Oil, Gas and Mining (DOGM) approve a site to be mined and deem it prudent to mine and/or extract the materials.

20.30.03

## DEFINITIONS

As used in this chapter:

**Blasting** means the controlled use of explosives underground by a qualified person to fracture, break and loosen rock for Excavation and quarrying.

**Concrete Mixing Batch Plant** means any facility used to manufacture concrete by mixing aggregate with cement.

**Excavation** means the removal of sand and gravel, clay, soil, granite, flagstone, and shale by excavating, stripping, leveling or any other process, together with all other types of Mining Operations where material is removed from the earth. Excavation shall not include: (i) the construction of roads, (ii) the removal of sod or topsoil, (iii) the creation of ditches, (iv) leveling of land for residential or agricultural purposes, or (v) landscaping activities. The provisions of this chapter shall not apply to the removal of sod or topsoil, providing the operation be not closer than ten feet to any property line or to a depth in excess of eighteen inches or so to adversely affect the drainage, stability or vegetation for the area; and to provide further, this chapter shall not apply to ditching and land leveling for agricultural purposes. Land leveling for agricultural purposes shall not include the removal of mineral resources from the site for sale or for other uses.

**Excavation Permit** means a permit issued by the Town of Genola wherein the Town of Genola accepts the remaining inventory/analysis, the operations plan, and the final reclamation plan, as evidenced by the properly endorsed and designated signature blocks.

**Finished Grade** means the final grade of the site after Reclamation activities are completed in conformity with the approved reclamation plan approved by the Town Council.

**Hot Batch Plant** means machinery and related equipment used to create hot asphalt, with the plant often consisting of a cold aggregate elevator, a rotary dryer, an oil or gas fire, a hot aggregate elevator, a screening and classifying system, weight hoppers, and a mixer.

**Land Affected** means the surface and subsurface of any area within the incorporated area of the city where Mining Operations are being, or will be, conducted, including but not limited to: On-site private ways, roads, the Excavation site itself, exploration

sites, drill or working sites, parking, storage or waste storage areas; areas in which structures, facilities, equipment, machines, tools or other materials or property which result from or are used in such operation, are situated.

**Mining Operation(s)** means those activities conducted on the land for the exploration for development of or the extraction of mineral deposits from its natural occurrences, including surface mining and surface effects of underground mining, including On-site transportation and other processing activities.

**Off-site** means the land areas that are outside of or beyond the On-site land which is owned or controlled by the Operator.

**On-site** means the surface land area within which Mining Operations are or will be conducted, which is bounded by continuous property lines dividing the surface of land ownership, control or right that is invested in the Operator. A series of related properties under the control of a single Operator but separated by small parcels of land controlled by others will be considered a single site unless excepted by the Planning Commission.

**Operator** means all persons, firms, corporations, associations, partnerships, receivers, trustees, executors, administrators, guardians, fiduciaries, agents or other organization or representative of any kind, either public or private, that now or in the future owns, controls, or manages all, or any portion of, a Mining Operation or proposed Mining Operation, including exploring for or developing of a mineral deposit.

**Owner** means all persons, corporations, associations, partnerships, or other legal organizations or representatives of any kind, either public or private, that now or in the future owns, controls, or manages a mineral deposit or the lands employed in Mining Operations.

**Public Road** means any road, street, alley, lane, court, place, viaduct, tunnel, culvert or bridge laid out or erected as such by the public, or dedicated or abandoned to the public, or made such in an action for the partition of real property and includes the entire area within the right-of-way.

**Reclamation** means actions performed during and after Mining Operations to shape, stabilize, revegetate or otherwise treat the Land Affected in order to achieve a safe, stable, ecologically viable condition as follows: the mined lands will be reclaimed to an aesthetically pleasing and useable condition which is readily adaptable to alternate land uses and create no danger to public safety. These rehabilitated or reclaimed conditions will be consistent with the city land use plan in the immediate area. The Reclamation process may extend to affected lands surrounding the mined lands and may require backfilling, grading, re-soiling, revegetation, soil compaction, stabilization and other measures.

**Rock Crushing** means the use of one or more machines designed to take large rocks or materials and reduce them to smaller rocks, gravel, or rock dust.

20.30.04

**PERMIT**

None of the special uses specified or implied authorizing the Excavation of natural materials within the Heavy Industrial Zone of the Town of Genola Zoning Ordinance, shall be permitted on any property in the Town of Genola unless authorized under an Excavation permit issued to the Owner and Operator of the property by the Town Council in accordance with the application procedures hereinafter set forth. In addition to delineating the area to which it is applicable, the Excavation permit shall also make explicit reference to the permitted and special uses authorized and shall include where applicable specific requirements for a pre-mining inventory/analysis, an operation plan, plus a final reclamation plan which includes plans for simultaneous phasing of Excavation and reclamation of the Excavation site. Five copies of the required plans shall be presented to the Town of Genola recorder for review and distribution. All applications shall be accompanied by an application and processing fee to be paid by the applicant in an amount established by resolution of the Town Council.

20.30.05

#### **APPLICATION PROCEDURE**

Applications for an Excavation Permit shall be submitted to the Planning Commission on forms provided for that purpose or otherwise accepted by the Planning Commission, and shall include all of the following information.

1. General Information. The following information shall be provided: The name of the mineral property, Owners, lessee, Operators, process agent, location of mineral property and legal description.
2. Pre-mining Inventory and Analysis. A pre-mining inventory and analysis, both Off-site and On-site, shall be performed by the applicant containing the following information:
  - a. A regional vicinity analysis describing other land uses surrounding the site, the possible impacts of the proposed Excavation on surrounding land and the methods to be employed to mitigate any potentially negative effects;
  - b. A detailed description of the regional haulage routes to be employed on Public Roads and private roads, including access routes, egress routes, On-site travel routes, and Off-site haulage routes.
3. Pre-site Inventory and Analysis. The applicant shall conduct a pre-site inventory and analysis and provide reports that include:
  - a. A topographic map of the area (at a scale of one-inch equals two hundred feet) to a maximum contour interval of five feet;
  - b. A description of the site hydrology and geology, including plans to address surface water and storm water issues;
  - c. A description of the visual characteristics with particular concern given to the use of natural topography and vegetation to shield site operations from nearby properties and the general public;
  - d. Detail drawings that show:

- i. all temporary and permanent improvements;
    - ii. details of all buildings and other structures to be placed on the location;
    - iii. surveyed boundary lines.
  - e. Engineered studies, reviews, and designs, as warranted;
  - f. All adjacent properties with the name and address of each property owner within six hundred feet (600') of the proposed site.
4. Mining Operations Plan. The applicant shall provide a Mining Operations plan which describes the following:
- a. Proposed starting date and the anticipated period of operation;
  - b. Operations development plan on a topographic map (to a scale of one-inch equals two hundred feet) of the area at least five hundred feet beyond the proposed Excavation showing the following operations:
    - i. Stockpiles, milling and processing system,
    - ii. Type and kinds of machinery and equipment, waste disposal systems,
    - iii. The water to be used, method of control and disposal, including storm water generated or accumulated on-site;
    - iv. Wind and air movement patterns with a description of techniques used to control dust and noise,
    - v. Transportation routes used in the site, schedule of proposed operations and plan showing location of buildings, storage areas, equipment,
    - vi. Possible effects of the operation on surrounding environment and the specific steps taken to mitigate them, including dust, noise, odors, and any other possible nuisances that could originate from the site;
    - vii. Economic effects on the surrounding area and the steps taken to mitigate them.
5. Reclamation Plan. The applicant shall provide a reclamation plan with the use of maps, imagery and renderings (at a scale of one inch equals two hundred feet) extending five hundred feet beyond the legal description of the site area with a maximum contour interval of five feet which includes at least the following:
- a. A grading plan drawn and certified by a licensed professional engineer or land surveyor indicating the areas excavated and the proposed Finished Grades;
  - b. A description of the methods and plans to be employed for simultaneous Reclamation of the site during and after the Mining Operation;

- c. A description of the landscape plan to include the installation of topsoil, planting schedule, specifications for plant applications, mulching and type of irrigation to be used;
  - d. A description of the grading and contouring of the property, including compaction;
  - e. A description of the hydrologic environment of the reclaimed site to include a map illustrating the water drainage areas such as lakes, springs, ponds, streams, wells, pipelines, culverts, ditches, canals;
  - f. A description of all permanent roads and other man-made structures which are to remain after Reclamation;
  - g. Description forming cross-sections in the Excavation site in areas of greatest material displacement. The number of cross sections required shall be dependent on the size and topography of the Excavation site.
6. Nuisance Mitigation Plan. As a part of the application, the applicant shall submit nuisance mitigation plans and will be expected to comply with such plans during the time for which a permit is issued. These plans should provide written and drawn details of the applicant's control of:
- a. Dust. Dust generated in the extraction and processing of the earth products shall be kept under control by the Operator by keeping the extraction area, main roads in the pit, and loaded trucks, watered down. Any unpaved access road to the pit from the paved road system shall be maintained by the pit Operator for dust control by watering down the access road surface or placing dust inhibiting material on the surface of the access road.
  - b. Noise. A project approved under this Chapter shall be operated such that the noise of operation or equipment vibration cannot reasonably be considered disturbing to the inhabitants of neighboring properties. Objectionable noises due to intermittence, beat, frequency, or shrillness shall be muffled so as not to become a nuisance to adjacent properties. Equipment on permitted sites shall not be operated at any time or under any condition so as to result in noise exceeding 75 dBA measured at the property lines. The Town shall, at its discretion, monitor noise levels using weighted decibel measurements (referenced to 20 micropascals) with a type of audio output meter approved by the united bureau of standards.
  - c. Odors. Activities approved under this Chapter shall be operated in such a way to reduce odors as much as possible. Masking agents, scrubbing, and other industry standards must be followed to reduce the impact on neighboring uses.
  - d. Any other possible nuisances that could originate from the site, any other possible nuisance recognized by the Town, and/or any pertinent nuisance contained within the Town's nuisance ordinance.

7. The Town of Genola is primarily an agricultural community, including substantial orchards, which are significantly impacted by dust. The objectives of dust mitigation therefore shall be to prevent the travel or spread of all airborne dust and debris originating from the applicant's site of operation, including any hauling of material from the applicant's site of operation.
- a. Applicants shall submit a site-specific dust control plan and a map showing the location of the project and clearly identifying all surrounding orchards, particularly noting those within 1,000 feet of the project. The Public Works Director shall review this map and any other information available to the Director to verify compliance with this submittal requirement. That shall contain all provisions of this section, including enhanced site-specific dust monitoring and control measures that will apply to the project.
  - b. These site-specific measures shall include at a minimum the following or equivalent measures, and such additional measures which are necessary to accomplish the goal of minimizing visible dust:
    - (1) wetting down areas around soil improvement operations, visibly dry disturbed soil surface areas, and visibly dry disturbed unpaved driveways at least three times per shift per day.
    - (2) analysis of the wind direction,
    - (3) placement of upwind and downwind particulate dust monitors,
    - (4) recordkeeping for particulate monitoring results,
    - (5) hiring of an independent third party to conduct inspections for visible dust and keeping records of those inspections,
    - (6) requirements for when dust generating operations have to be shut down due to dust crossing the property boundary or if dust is contained within the property boundary but not controlled after a specified number of minutes,
    - (7) establishing a hotline for surrounding community members to call and report visible dust problems so that the Applicant can promptly fix those problem; posting signs around the site with the hotline number and making sure that the number is given to adjacent residents, schools and businesses.
    - (8) limiting the area subject to Excavation, grading, and other demolition or construction activities at any one time,
    - (9) minimizing the amount of excavated material or waste materials stored at the site,
    - (10) installing dust curtains, plastic tarps or windbreaks, or planting tree windbreaks on the property line on windward and down windward sides of construction areas, as necessary,

(11) paving, applying water three times daily, or applying non-toxic soil stabilizers on all unpaved access roads, parking areas and staging areas at the construction site. Reclaimed water should be used whenever possible.

(12) loading haul trucks carrying excavated material and other non-excavated material so that the material does not extend above the walls or back of the truck bed. Tightly cover with tarpaulins or other effective covers all trucks hauling excavated materials before the trucks leave the loading area. Wet prior to covering if needed.

(13) establishing speed limits so that vehicles entering or exiting construction areas shall travel at a speed that minimizes dust emissions. This speed shall be no more than 15 miles per hour.

(14) sweeping streets with water sweepers at the end of each day if visible soil material is carried onto adjacent paved roads. Reclaimed water should be used whenever possible.

(15) installing wheel washers to clean all trucks and equipment leaving the construction site. If wheel washers cannot be installed, tires or tracks and spoil trucks shall be brushed off before they reenter Town streets to minimize deposition of dust-causing materials.

(16) terminating Excavation, grading, and other construction activities when winds speeds exceed 10 miles per hour.

(17) hydroseeding inactive construction areas, including previously graded areas inactive for at least 10 calendar days, or applying non-toxic soil stabilizers.

(18) sweeping of surrounding streets during demolition, Excavation and construction at least once per day to reduce particulate emissions.

8. Finished Grade Plan. The applicant shall also prepare a Finished Grade plan that is acceptable to the Genola Town Council and that complies with the requirements of Town of Genola Code. All operations should never remove material below Finished Grade elevations.
9. Haul Route Plan. The applicant shall also prepare a haul route plan. The Town Council shall recommend the amount of additional bonding be provided to mitigate any potential damage to roads or property along the proposed haul route based upon the review of the proposed plan.
10. The applicant shall provide verification from the following agencies to the Town of Genola that they comply with all requirements:
  - a. Utah Division of Oil, Gas and Mining (DOGM),
  - b. Mine Safety and Health Awareness (MSHA),

- c. Utah Department of Environmental Quality (UDEQ), including without limitation the Utah Department of Air Quality (UDAQ),
  - d. Utah Department of Transportation (UDOT),
  - e. Utah Labor Commission,
  - f. Utah Occupational Safety and Health (UOSH), and
  - g. Any other applicable county, state, and federal regulatory agency.
11. Authorization of Permit. All operation and Reclamation maps and plans shall include signature blocks for the Owners, Public Works Director, Planning Commission Chairman, and Mayor. Upon obtaining signatures of the above individuals, the permit shall be authorized.

20.30.06

#### **PLANNING COMMISSION REVIEW PROCEDURE**

- 1. Sketch Plan Meeting.
  - a. The Operator or Owner or their representative shall meet with the Planning Commission to review the sketch plan for the Excavation site. The sketch plans shall be submitted in five copies two weeks in advance of the meeting and shall consist of the following information requested in Section 20.30.05 (1) and (2), plus the following:
    - i. A sketch of the existing site contours, drainage and unusual geologic conditions;
    - ii. Anticipated amount of material to be removed;
    - iii. Type and kinds of machinery and equipment to be employed;
    - iv. Water to be used in the operation, source and disposal;
    - v. Sketch of the site contours after Excavation is complete to include location of natural drainage channels, vegetation and roadways.
  - b. Within a period of not more than thirty days following receipt of the preapplication, the Planning Commission shall distribute copies of the sketch plan and accompanying maps and statements to other interested county, city and state agencies as determined by the Planning Commission and shall ask for comments and recommendations. When the site for which application is being made poses significant impact because of its size or location, the Planning Commission may call for a public hearing through proper notice as prescribed by law.
  - c. Within sixty days of receipt by the Planning Commission the sketch plan shall be formally considered through a regularly scheduled or specially scheduled meeting of the Planning Commission with the excavator or Owner. Following consideration of the Excavation proposal, the Planning Commission shall notify the Operator or

Owner of their findings and make a recommendation to the Town Council for approval, approval with certain conditions, or disapproval.

2. Review of Final Plans.

- a. If the sketch plan is approved, the Operator or Owner shall then provide the information required by the forms provided by the Planning Commission and also submit maps, drawings and plans required by this chapter in five copies. Within thirty days following receipt of the final application, the Planning Commission shall distribute copies of the final application and accompanying plans and statements to other interested county, city and state agencies as determined by the Planning Commission and shall ask for comments and recommendations.
- b. Within a period of not more than sixty days of receipt of the final application, the Planning Commission shall call for a public hearing through proper notice as prescribed by law to consider said final application. Following the public hearing, the Planning Commission shall review the application and shall make written recommendations to the Town Council who shall have final approval or disapproval of the application.

20.30.07

**REVOCATION OR MODIFICATION OF PERMIT**

Any Excavation Permit issued shall be subject to revocation or modification by the Town Council, for cause, and in the following manner:

1. Notice of Failure to Comply. A notice shall be served on the Owner or the permittee by the Town Enforcement officer or his representative specifying the failure to comply with the requirements of the Excavation Permit or Town of Genola ordinance or state law, requiring him to appear before the Town Council at a designated date and hour to show cause why said permit should not be revoked or modified.
2. Hearing. Upon the date set for hearing, the Town Council shall hear all charges and other testimony relating to the matter under consideration. The Town Council shall then decide to either continue, revoke, modify, or refer to the Town of Genola Attorney for further action.
3. Modification of the Excavation Permit Plans. Modification of the Excavation Permit plans may be initiated either by the Planning Commission or by the permittee where it is merely sought to affect minor revisions in the approved grading plan, schedule of proposed operation, proposed reuse plan or landscape plan. Consideration of such revisions need not require a public hearing, provided that in the judgment of the Planning Commission the proposed revisions would not constitute significant changes, and provided also that the permittee has not expressly requested that a public hearing be held.

20.30.08

**TRANSFER TO SUCCESSOR OPERATOR**

Whenever an Operator succeeds to the interest of another Operator by sale, assignment, lease or other means, the Town Council may release the first Operator from his responsibilities under his approved plans including surety, provided the successor assumes all of the responsibilities of the former Operator, to the satisfaction of the Town Council under the approved operations and reclamation plans and the posting of surety. Upon satisfactory assumption of such responsibilities by the successor Operator, under conditions approved by the Town Council the responsibility of the total Excavation site shall be transferred to the successor Operator.

20.30.09      **APPEAL TO TOWN APPEAL AUTHORITY**

Appeals from any decision of the Town Council with respect to an Excavation Permit may be directed to the Town Appeal Authority within thirty days and in the manner prescribed for in the Zoning Ordinance of Genola. Upon the hearing of such appeal, the Appeal Authority may, by motion, affirm, reverse, or modify in whole or in part, any determination of the Town Council.

20.30.10      **FILING OF ANNUAL REPORT**

At the end of each calendar year, unless waived by the Town Council, each Operator conducting Mining Operations shall file an operations and progress report with the town recorder. Part of this progress report may be submitted on United States Department of Interior, Bureau of Mines Form O.M.B. No. 42-R0264. The remainder of the report will summarize activities in fulfillment of the requirement of simultaneous Excavation and Reclamation in confirmation with the Reclamation plan previously submitted.

20.30.11      **SPECIAL REGULATIONS**

1.      Buffer Distances.
  - a.      No Excavation operations, machinery, equipment and stockpiles shall take place within one thousand feet (1000') horizontal distance of any property owned by another individual or entity.
  - b.      No Excavations shall be conducted within four hundred feet (400') of a Public Road except where permitted by the Town Council upon their determination that the Excavations will not endanger the users of the road.
2.      Fencing and Screening. Areas of mining, Excavation and mass grading shall be fenced, except where in the determination of the Town Council other suitable devices may be used instead.
3.      Grade. All grading for slope stabilization shall be done in accordance with the current Reclamation plans, with the concurrence of the public works director.

4. Air and Water Quality. All air-and-water-quality-related plans and actions may be monitored and shall be subject to approval by the Utah County environmental health division.
5. Hours. All operations, except for the maintenance and repair of vehicles and equipment and dust mitigation, shall be confined to the hours between eight a.m. and five p.m., Monday through Friday; eight a.m. and one p.m. on Saturday, and closed on Sunday.
6. Landscaping. Properties containing uses for which an Excavation Permit is required shall be landscaped for the purpose of screening such uses from public streets abutting properties not in a Heavy Industrial Zone. Vegetative materials shall be planted together with necessary top soil used in accordance with the schedule approved in the granting of the Excavation Permit and shall be maintained in a healthy, growing condition.
7. Noise and Vibration. All equipment On-site and Off-site utilized in the extraction and processing of native natural resources shall be operated and maintained so as to minimize the emanation of noise and vibration from the premises.
8. Lighting. Lighting for all areas of mining, Excavation and mass grading shall contain Automatic Switching Controls that automatically extinguish all outdoor lighting when sufficient daylight is available using a control device or system such as a photoelectric switch, astronomic time switch or equivalent functions from a programmable lighting controller, building automation system or lighting energy management system, all with battery or similar backup power or device. Automatic Switching Controls shall automatically extinguish ninety percent (90%) of the light during non-operational hours.
9. Roads. All permanent haul roads within five hundred feet of public streets or land not in a Heavy Industrial Zone shall be regularly surfaced with asphalt or oil or other hard surfaces ordinarily used in road building. All other roadways shall be regularly watered or surfaced with a dust palliative.
10. Monuments or other means of identification shall be placed around the perimeter of the Excavation site so as to provide for reasonable identification of the property line separating the Excavation property from adjoining land.
11. The following are prohibited under this ordinance:
  - a. Rock Crushing
  - b. Concrete Mixing Batch Plant
  - c. Hot Batch Plants
  - d. Blasting

20.30.12

#### **VIOLATION OF DUST MITIGATION**

1. **Violation of the Dust Mitigation Requirements.** Applicants who are found to have violated these dust mitigation requirements shall:

- a. **First Violation:** a fine in the amount determined by the Town Council on the Town's Fee Schedule, to be paid within 30 days.
- b. **Second and Subsequent Violations:** an additional fine in the amount determined by the Town Council on the Town's Fee Schedule, to be paid within 30 days.
- c. **Cancelling the Conditional Use Permit.** On a third violation of the dust mitigation requirements, the Town Enforcement Officer shall cancel the applicant's Excavation Permit and the conditional use permit. Applicant can only obtain a new permit by application to the Town Council, showing the steps applicant has taken to prevent future violations of these dust mitigation requirements.

20.30.13

## RECLAMATION

- 1. The objectives of Reclamation shall be:
  - a. To return the land, concurrently with the Mining Operation or within a reasonable amount of time thereafter to a predetermined condition defined by the Reclamation plan as submitted and approved, compatible with past, present or probable future local land uses;
  - b. To minimize or prevent present and future On-site or Off-site environmental degradations to the ecologic and hydrologic regimes caused by Mining Operations, and to meet other pertinent state and federal regulations regarding air and water quality standards and health and safety criteria;
  - c. To minimize or prevent future hazards to public safety and welfare.
- 2. Simultaneous Excavation and Reclamation.
  - a. The Reclamation or rehabilitation of Excavation sites with a projected life of more than one year shall be carried out simultaneously with the Excavation of the resource. Objectives of simultaneous Excavation and Reclamation shall be:
    - i. To create a usable land resource and to eliminate waste heaps;
    - ii. To prevent shallow, stagnant, small bodies of water, small unusable remnants of land, and eroding, barren slopes all normally associated with open pit operations, except to provide storm water detention facilities as described in the hydrologic report.
  - b. Excavations shall be planned so as progressively to develop the proposed final land forms by grading and by stockpiling overburden materials in areas designated for future land forms or in Excavation where the material will be spread over the pit floor where no future Excavation is anticipated. Such areas shall be seeded and planted

immediately after grading is completed or within appropriate planting seasons, but in any case, the grading and planting shall be completed within one year. The Reclamation plan shall contain a description of the phased rehabilitation process throughout the anticipated life of the mine.

3. Final Reclamation. Final Reclamation shall begin immediately for any site where operations authorized under an Excavation Permit have been abandoned for a period of one year, or otherwise terminated. The final Reclamation shall conform to the plan approved (including approved modifications) in the Excavation Permit. All Reclamation plans shall conform at least to the minimum standard listed below and requirements listed elsewhere in the ordinance; provided however, that the Town Council may require more stringent standards where special hazards exist in order to protect the health, safety, or general welfare of the public, and to prevent injury to property or improvements.
  - a. Grading. Slopes, overburden stockpiles and abandoned soil piles shall be graded and smoothed so as to control erosion and prevent the creation of potentially dangerous areas in accordance with the direction of the public works director.
  - b. Water-Filled Areas. All Excavations which create standing water or ponds shall be refilled with inert materials. This requirement shall not apply, however, to any water-filled Excavations scheduled to become an integral part of the final Reclamation plan. The rehabilitation of these areas shall be done in such a manner that the groundwater is not polluted as determined by the Public Works Director through consultation with the Utah County health department. Fill material shall be porous enough to allow for water dispersion unless otherwise specified in the Reclamation plan.
  - c. Landscaping. Unless inconsistent with the final approved use of the reclaimed land, the excavated areas and all other disturbed areas shall be replanted and maintained with trees, shrubs, grasses or other vegetative ground cover, native to the area, in order to minimize erosion and to restore the land to a natural appearance previously approved by the Town Council.
  - d. Removal of Buildings and Equipment. As soon as Excavation and/or manufacturing has been permanently terminated, all buildings and equipment (including electrical conduits) used in the administration of the operations shall be removed unless deemed necessary to the approved final use of the reclaimed site.
4. Reclamation Verification. At the conclusion of a Mining Operation and Reclamation of the Excavation site, the Public Works Director shall present to the Town Council a statement verifying the permit area has been reclaimed in compliance with the requirements of the Town of Genola Excavation ordinance and Reclamation plans previously submitted in compliance with this Chapter. The Public Works Director shall certify to the Town Council that all requirements of this Chapter have been met.

**PROVISIONS OF SURETY**

1. Provision for Surety Before Operations Begin. After receiving notification that the application for an Excavation Permit has been approved, but prior to commencement of such operation, the Operator shall provide surety to the city in a form and amount to be determined by the Town Council in consultation with the public works director.
2. Amount of Surety. In determining the amount of surety to be provided, the Town Council shall consider factual information as to the magnitude type and costs of approved Reclamation activities planned for the Land Affected, and the nature, extent and duration of operations under the approved notice. The Town Council shall fix the amount of the bond reasonably related thereto, to protect the city and insure compliance with the requirements of the Excavation Permit; however, the amount of the bond shall not exceed one hundred percent of the estimated cost of rehabilitating the cost of the Excavation. The bond shall be periodically reviewed to insure that the amount of the bond is capable of insuring adequate Reclamation.
3. Form of Surety. In determining the form of surety to be provided by the Owner, the Town Council shall approve a method acceptable to the Owner and consistent with the requirements of this chapter which may be one or a combination of corporate surety bond, land, cash or other deposited securities.
4. Release of Surety. The liability under surety provisions shall continue until such time as released, in whole or in part, by the Town Council.
5. Forfeiture of Surety. If any Operator shall fail or refuse to carry out the necessary land Reclamation as set forth in the approved operation and Reclamation plans, the Town Council may, after notice and hearing declare any surety filed for this purpose forfeited, or in case of a corporate bond, file suit against the Owner and his bonding company. The city shall also have the right to file suit against the defaulting permittee for costs of rehabilitation and reasonable attorney's fees and court costs.

**APPLICATION TO EXISTING OPERATIONS**

It is not the intent of this Ordinance to annul, or in any way, repeal any existing law or ordinance unless expressly so stated in this title. Further, it is not the intention of this Ordinance to interfere with operations already existing prior to the enactment of this Ordinance.

**ENFORCEMENT; TOWN ZONING ENFORCEMENT OFFICER**

1. Town Zoning Enforcement Officer. The Town Zoning Enforcement Officer is designated and authorized as the officer charged with the enforcement of this title.

2. Powers and Duties of Town Zoning Enforcement Officer. It shall be the duty of the Town Zoning Enforcement Officer to inspect or cause to be inspected at regular intervals, as often as necessary, all Excavations.
3. Where it is determined by the Town Zoning Enforcement Officer that any Excavation project is not in compliance with the provisions of this chapter, he shall notify the permittee of any violation of the permit, or of this title, and upon failure of the permittee to abate said violation within thirty (30) days after mailing of said notice, said mining or Excavation site may be summarily closed, and the Excavation Permit, business license, and/or the conditional use permit therefore, suspended or revoked. Any permittee aggrieved by any notice pursuant to this Ordinance may file a written request for a hearing before the Town Council. The permittee shall set forth why operations on the site should not be summarily closed and/or the permit suspended or revoked. If a request for a hearing is received by the Town Council, the Town Council shall provide to the permittee notice of the time and place of the hearing, an opportunity to be heard, and shall make an impartial determination of whether a violation of this title or this Ordinance has occurred and whether the health, safety, and welfare of persons or property dictates the necessity of a suspension or revocation of said permit. Upon receipt of a request for a hearing, the Town Council may summarily close the site, if not yet closed by the Zoning Enforcement Officer, pending the hearing if it is determined that the health, safety, and welfare of persons or property require such action.
4. The Town Council may, where necessary, pursue legal action in appropriate courts against the permittee for violations of this Ordinance, provided that failure to do so shall not legalize any violation of such provisions.

#### 20.30.17 **VIOLATION; PENALTY**

Penalties. Any person, firm or corporation violating any of the provisions of this title shall be deemed guilty of a Class B misdemeanor, and each such person, firm or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this title is committed, continued or permitted. Upon conviction of any such violation such persons, firm or corporation shall be punishable by a fine not to exceed the maximum class B misdemeanor fine under Utah Code 76-3-301, by a term of imprisonment up to six months, or by both the fine and term of imprisonment. ..

#### 20.30.18 **BLASTING**

Blasting shall not be permitted as a part of any mining, earth extraction, or similar operation conducted within the Town.

#### 20.30.19 **MARKETING OF MATERIALS**

The Owner and/or Operator may market and sell the materials excavated. In order to conduct sales, the Owner and/or Operator must maintain an onsite office, or other suitable facility, and hold and clearly display within said office, a current Genola Town business license. The point of sale, as defined by the Utah State Tax Commission, shall be the Town of Genola.

20.30.20

## **LAND USES IN VARIOUS ZONES**

Land uses related to mining and Excavation are permitted, conditional, or prohibited in certain zones as designated in the Land Use Table in the Appendix to the Town of Genola's Zoning Ordinance.

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<sup>i</sup> Previous Versions and Ordinances