

Ordinance No. 2024-10, An Ordinance Of Fairfield Town, Utah, Enacting Fairfield Town Code § 5.4 Relating To The Town's Land Disturbance Ordinance.

Dated November 20, 2024

Whereas, on June 26, 2024, the Town passed Resolution No. 2024-16 which enacted a notice of pending ordinance to amend, among other things, the Town's soil ordinance found in Town Code § 5.3 because "the current code is inadequate ... in process procedure, and reporting for remediation of soil contaminants."

Whereas, the Town has determined that its existing regulations do not adequately address the impacts associated with land disturbance activities.

Whereas, the Town seeks to establish comprehensive regulations to manage land disturbance activities effectively, protect natural resources, and ensure compliance with applicable state and federal environmental laws.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FAIRFIELD, UTAH:





Section 1. Text Enactment. The Town Council hereby enacts Fairfield Town Code § 5.4, as shown in **Exhibit A**.

Section 2. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance and all sections, parts, provisions and words of this Ordinance shall be severable.

Section 3. Effective Date. This Ordinance shall become effective immediately upon passage or posting as required by law.

Approved By The Town Council Of The Town Of Fairfield, Utah, On This 20th Day Of November 2024 By The Following Vote:

Mayor: 
Hollie McKinney

RL Panek	yes <u></u>	no _____
Tyler Thomas	yes <u></u>	no _____
Michael Weber	yes <u></u>	no _____
Richard Cameron	yes <u></u>	no _____

ATTEST: 
Stephanie Shelley, Town Recorder/Clerk

FAIRFIELD TOWN

STATE OF UTAH)
) ss.
COUNTY OF UTAH)

I, Stephanie Shelley, Town Recorder of Fairfield Town, Utah, do hereby certify and declare that the above and foregoing is a true, full, and correct copy of an ordinance passed by the Town Council of Fairfield Town, Utah, on the **20th day of November 2024**.

Ordinance No. 2024-10, An Ordinance Of Fairfield Town, Utah, Enacting Fairfield Town Code § 5.4 Relating To The Town's Land Disturbance Ordinance.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Fairfield Town, Utah, this **20th day of November 2024**.


Stephanie Shelley
Fairfield Town Recorder/Clerk

(SEAL)



AFFIDAVIT OF POSTING

STATE OF UTAH)
) ss.
COUNTY OF UTAH)

I, Stephanie Shelley, Town Recorder of Fairfield Town, Utah, do hereby certify and declare that I posted in three (3) public places the following summary of the ordinance which was passed by the Fairfield Town Council on the **20th day of November 2024**, and herein referred to as:

SUMMARY.

An Ordinance Of Fairfield Town, Utah, Enacting Fairfield Town Code § 5.4 Relating To The Town's Land Disturbance Ordinance.

The three places are as follows:

1. Fairfield Town Hall
2. Fairfield Town Website
3. Utah State Public Notice Website


Stephanie Shelley
Fairfield Town Recorder/Clerk

Date of Posting 21st day of November, 2024

EXHIBIT A

(Land Disturbance Ordinance)

CHAPTER 4 LAND DISTURBANCE

5.4.10. SHORT TITLE.

5.4.20. PURPOSE.

5.4.30. PERMIT REQUIRED.

5.4.40. LAND DISTURBANCE PERMITS.

5.4.50. APPEALS.

5.4.10. SHORT TITLE.

This chapter shall be known and may be cited as the "land disturbance ordinance."

5.4.20. PURPOSE.

The purpose of this regulation is to protect public health, safety, and the environment by establishing procedures and requirements for land disturbance activities within the Town. This regulation aims to prevent erosion, sedimentation, flooding, and pollution associated with land disturbance activities, and to promote responsible and sustainable land use practices.

5.4.30. PERMIT REQUIRED.

1. Permit Required: A land disturbance permit is required when a person is proposing or seeking the following:
 - a. Redirect natural channels or waterways.
 - b. A building permit.
 - c. Activities that disturb more than 5,000 square feet of land.
2. Exemptions: The following activities are exempt from the permit requirement:
 - a. Routine landscaping and maintenance that do not involve significant soil disruption.
 - b. Agricultural activities conducted in accordance with best management practices.
 - c. Emergency activities required to protect public health, safety, or welfare, provided that temporary erosion control measures are taken.
 - d. Additions or modifications to existing single-family structures.
3. Plan Approvals Required: No land disturbance permit shall be issued for any site or project requiring a site plan or final subdivision approval. The Town Engineer may waive the requirement of obtaining final site plan or final subdivision plat approval as is deemed appropriate for a particular project.

5.4.40. LAND DISTURBANCE PERMITS.

1. Application Form: The applicant shall pay all applicable fees and submit a completed Land Disturbance Permit application form provided by the Town. The application shall include:
 - a. Contact Information: Contact information for the property owner, contractor, and applicant.
 - b. Summary of Activity: A statement indicating the nature, extent, and purpose of the land disturbing activity including the size of the area for which the permit shall be applicable and a schedule for the starting and completion dates.
 - c. Grading Plan: Grading plan prepared, stamped and signed by a civil engineer.
 - d. Drainage Plan: Each application for a land disturbance permit shall include a drainage plan for the proposed land disturbance activity and site. The drainage plan shall be prepared by a civil engineer and shall be prepared in accordance with the requirements and standards herein.
 - e. Stormwater Pollution Prevention Plan (SWPPP): Each application for a land disturbance permit shall include an SWPPP for the proposed land disturbance activity and site unless the site or lot is part of common plan of development that already has a UPDES/NOI permit and this permit is referenced on the application. If the site or lot is not part of the common plan of development or the builder of the lot is not the holder of the UPDES/NOI that is in place for the development then an SWPPP shall be prepared in accordance with the requirements and standards for such plans as set forth in the most current UPDES stormwater general permit.
 - f. Erosion And Sediment Control Plan: Each application for a land disturbance permit shall include an erosion and sediment control plan for the proposed land disturbance activity and site. The erosion and sediment control plan shall be prepared by a civil engineer and shall be prepared in accordance with the requirements and standards for such plans as set forth herein.
 - g. Revegetation Plan: Each application for a land disturbance permit shall include a revegetation plan for the proposed land disturbance activity and site. The revegetation plan shall be prepared by an erosion control specialist or professional of comparable expertise and shall be prepared in accordance with the requirements and standards herein.
 - h. Soils Report: Each application for a land disturbance permit shall include a soils report for the site. The soils report shall be prepared and signed by a soils engineer and shall be prepared in accordance with the requirements and standards herein.
 - i. Geological Report: When deemed necessary by the Town Engineer due to the circumstances and conditions of the site, an application for a land disturbance permit shall include a geological report for the site. The geological report, when required, shall be prepared and signed by an engineering geologist and shall be prepared in accordance with the requirements and standards herein.
2. Review and Approval of Application:
 - a. The Town Engineer will review each application for a land disturbance permit to determine its conformance with the provisions of this Chapter and best management practices. The Town Engineer may use the future American Society for Testing and Materials (ASTM) standards and various standards

obtained in published engineering studies and industry publications as a guide for review.

- b. If the Town Engineer has granted conditional approval of the permit, the applicant shall submit a revised plan that conforms to the conditions established by the Town Engineer. However, the applicant may be allowed to proceed with their land disturbing activity so long as it conforms to conditions established by the Town Engineer.
 - c. No development plans will be released until the land disturbance permit has been approved.
 3. Permit Duration: Every land disturbance permit shall expire and become null and void if substantial work authorized by such permit has not commenced within 180 calendar days of issuance, or is not complete within 18 months from the date of the commencement of construction.
 4. Notice of Construction: The applicant must notify the Town Engineer 10 working days in advance of the commencement of construction. Regular inspections of the stormwater management system construction shall be conducted by the Town Engineer.
 5. Performance Bond:
 - a. The Town Engineer may, at its discretion, require the submittal of a performance security or performance bond prior to issuance of a permit in order to ensure that the stormwater practices are installed by the permit holder as required by the approved stormwater management plan.
 - b. The performance security or performance bond shall be released in full only upon submission of as-built plans and written certification by the Town stormwater inspector that the structural BMP has been installed in accordance with the approved plan and other applicable provisions of this Chapter.
 6. Non-Compliance: If the site is found in violation of permit conditions, the permittee may be required to implement corrective measures immediately. Failure to comply may result in suspension or revocation of the permit, issuance of a stop work order, and/or a class C misdemeanor. Each and every day, or a portion thereof, during which any violation is committed and continued shall be considered a separate offense.

5.4.50. APPEALS.

Any person aggrieved by a decision related to the issuance, suspension, or revocation of a Land Disturbance Permit may file an appeal to the Town Administrator within 30 days of the decision.