

by the applicant, before engaging in further tree removal activities. (2010 Code, amd. Ord. 15-005, 4-28-2015)

9 -10-2: GRADING & TRENCHING PERMIT:

- A. Purpose: The purpose of a grading and trenching permit is to prevent unnecessary clearing of vegetation, to avoid detrimental alteration of drainage patterns, to eliminate unsafe slopes and soil instability, and to provide for safe and standardized utility location and installation practices. Grading permits will only be issued in conjunction with a building permit, when applicable, to reduce cases of lots being left unfinished.
- B. Notification and/or Permit Required: No person shall commence or perform any grading, filling (including spreading gravel), trenching, or clearing of land without first having notified the Building Department. Following notification, the Building Department may require a grading and trenching permit if it is determined that the proposed work will result in cleared vegetation (grubbing), alterations to natural or historical patterns of drainage, changes in slopes or soil stability, or changes to utility design or location. This section shall not restrict a soils test or utility location pit up to ten feet (10') in depth. Any person undertaking utility location shall comply with the applicable Blue Stakes regulations and standards. (2010 Code, amd. Ord. 15-005, 4-28-2015 amd Ord. 17-004, 7-11-2017)
- C. Review Process:
 - 1. Application Form: Application forms are available from and shall be submitted to the Building Department with the appropriate fee as outlined in the consolidated fee schedule. A list of additional information that may be required may be obtained from the Building Department.
 - 2. Application Packet: The applicant shall submit a permit packet, which includes: (2010 Code, amd. Ord. 15-005, 4-28-2015)
 - a. Site plan, showing surface drainage flow patterns, a report of subsurface investigation if it appears that there is a history or appearance of potential landslide or erosion that may be caused or exacerbated by the proposed grading or filling, and location of existing and proposed utilities;
 - b. Agent authorization to use the land if it is not owned by the applicant;
 - c. Quantities to be removed from or brought to the site;
 - d. Written explanation as to how the applicant will comply with this section regarding noise, dust, smell, safety and other nuisances;
 - e. Insurance and bond information (if work is to be in the public right of way);
 - f. Storm drain and erosion control plan;
 - g. Site restoration and vegetation plan;
 - h. Other information that will show how the operation will be conducted and site restored after use;

- i. In cases where earth material is to be stored on site for relocation to another site, the application shall identify the approximate quantity to be stored, the receiving site it will be permanently placed on, and a time frame by which it will be completed, not to exceed one year.
3. As built drawings: Drawings showing the final location of utilities installed shall be furnished to the building department for record purposes within thirty (30) days after the work is completed or forfeit any outstanding bonds. An extension period may be granted for a sufficient reason. (2010 Code, amd. Ord. 15-005, 4-28-2015)
- D. Town Review: The Building Department shall determine the adequacy of the application and may require the submission of further information where necessary. (2010 Code, amd. Ord.15-005, 4-28-2015)
- E. Inspections: All construction or work for which a permit is required shall be subject to inspection at all reasonable times by the 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 at least twenty-four (24) hours in advance 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.
- F. Performance Bond: The town may require a performance bond 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 town in an amount equal to that which would be required in the performance bond and in conformance with section [9-13-7](#) of this title.
- G. Security For Completion: Security in a form consistent with section [9-13-7](#) of this title and the accompanying agreement shall be completed prior to permit approval to ensure the cleanup and restoration of the permit area.
- H. Standards For Review: All grading, filling and clearing operations which are performed under this chapter shall be consistent with section [912-11](#) of this title, and shall be designed to:
 1. Minimize cuts and fills on steep or hazardous terrain. Ensure that all excavation work, including spoil piles, do not create an attractive nuisance or hazard to the general public.
 2. 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 and other native vegetation.
 3. Limit clearing of vegetation or disturbances of the soil to areas of proven stability, taking into consideration geologic hazards and soil conditions, and ensure re-vegetation and restoration within one year of completing the grading work or after construction, where applicable. (2010 Code, amd. Ord. 15-005, 4-28-2015)

4. Assure that the natural runoff capacity of hillsides, slopes; graded areas, cleared areas, filled areas or streams shall not be exceeded causing flooding, erosion or silting. (2010 Code, amd. Ord. 15-005, 4-28-2015)
5. Utility construction and trench backfilling are in compliance with Standards & Specifications for Public Works Construction. (2010 Code, amd. Ord. 15-005, 4-28-2015)
6. If grading or clearing is being done in preparation for development, a building permit has been obtained and work has been approved to proceed or a performance bond has been secured sufficient to ensure that any scars on the land may be remedied. This provision shall apply only to residential zones. (2010 Code, amd. Ord. 15-005, 4-28-2015, amd. Ord. 19-001, 2-26-2019)

I. Discharge Prohibitions:

1. No solid or liquid materials shall be discharged into any creeks or streams, onto lands below the high-water level of the same, or onto adjoining property.
2. In order to prevent such discharges from occurring, approved erosion and silt 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:
 - 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.) Dissipation or discharge of water runoff from developed areas into drainage fields to dissipate the runoff into the subsoil.
 - c. Multiple discharge points to reduce the volume of runoff over localized discharge area.
 - d. Physical erosion control devices (e.g., culverts, rock banks, etc.).
 - e. Approved temporary erosion and sedimentation control devices, facilities and measures shall be required during construction.

J. Waste Materials, Including Soil, Silt, Clay, Sand and Other Organic or Earthen 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 Building Department must approve dust control methods.

K. Disposal Of Cleared Vegetation: Vegetation removed during grading or clearing operations shall be disposed of in a manner approved by the Building Department. See section [9-10-1](#) of this chapter.

L. Water Flow Diverters: The Town Engineer may require diverters, as necessary, at the top of all cut and filled slopes where there is a surface runoff potential.

M. Protection Of Non-constructed Areas:

1. There shall be no excavation on the site before the Building Department has approved the location (stakeout) of the drives, parking sites, building sites and other areas to be graded or filled.
 2. 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.
 3. Appropriate barriers shall be placed around all native vegetation proposed for retention, trails, public rights of way, etc., as may be required to be erected during construction to prevent a hazard or damage to property or persons.
 4. The permittee shall be fully responsible for any damage caused to existing trees or other vegetation. The permittee shall carry the responsibility both for their employees and for any and all subcontractors from the first day of construction until the notice of completion is filed.
- N. 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 by contacting Blue Stakes, or other applicable agency, before doing any grading excavation. Once such are located, the permittee shall take reasonable care to protect and avoid damage to any such underground utilities by contacting Blue Stakes, or other applicable agency, 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 the town.
- O. No Grading Near Historic Or Prehistoric Ruins:
1. 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.
 2. 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 Manager, or designee, shall determine what precautions should be taken to preserve the historic artifacts. (Ord. 08-016, 8-12-2008)

9-10-3: HORSE BOARDING:

- A. Requirements:
1. Residential Horse Boarding:
 - a. Purpose: Residential horse boarding is intended to provide for short term, boarding of horses in an approved residential zone with adequate property size and in such a way as to limit any negative impact on adjoining properties and maintain the harmony