

Chapter 5.42

EXCAVATION OPERATIONS

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5.42.010 Excavation defined.

For the purpose of this part, “excavation” means the removal of clay, soil, granite, flagstone, slate, shale, limestone, sandstone, sand or gravel from the earth by excavating, stripping, leveling or any other process, together with all other types of mining operations where material is removed from the earth.

5.42.020 Operations—Distance from residential zones.

Subject to any modifications permitted in this chapter, no part of an excavation operation or access road, parking area, office building or crushing, screening, washing, mixing or other type of processing operation, shall be permitted closer than 200 feet to a residential zone boundary or a subdivision, or within 50 feet of a public highway right-of-way, except for accessory access roads.

5.42.030 Operation—Reduction in distance permitted when.

Relating to existing operations, the manager shall, consistent with the intent of these regulations and where the character of the terrain, of ownership of land, of surrounding development, or other special conditions would justify such modification, permit a reduction in the required yard as specified in section 5.42.050 below so as not to impose unreasonable requirements; however, in no case shall the required distances for any excavation or accessory structure be less than 50 feet from a residential zone.

5.42.040 Exemptions—Commercial disposal of materials.

The provisions of this section shall not apply to any operation that is incident to the legitimate use of the premises. However, when such operation involves the commercial disposal of the material removed, such operation shall be limited to a maximum period of six months.

5.42.050 Exemptions—Topographical or other conditions.

In cases where unusual topographical or other exceptional conditions exist, variations and exemptions from this title may be made by the manager after recommendation by the planning commission.

5.42.060 Exemptions—Removal of less than 1,000 cubic yards.

Excavation over a six-month period of less than 1,000 cubic yards from a single parcel of land, as recorded in the office of the county recorder, is not subject to the requirements of this title.

5.42.070 Exemptions—Removal of sod.

The provisions of this section shall not apply to the removal of sod.

5.42.080 Exemptions—Removal of topsoil.

The provisions of this section shall not apply to the removal of topsoil, providing the operation is not closer than ten feet to any property line or to a depth in excess of 18 inches, or such as to adversely affect the drainage of the area.

5.42.090 Hours of operation—Designated.

Excavation operations shall not begin before 7:00 a.m. and shall not continue after the hour of 6:00 p.m., and no operation shall take place on Sunday or legal holidays. During periods of national or unusual emergency, time and hours of operation may be altered at the discretion of the manager.

**5.42.100 Hours of operation—
Modifications.**

The manager may, consistent with the intent of these regulations, modify the provisions relative to permitted hours of operation of an excavation operation after notice to interested parties and the holding of a hearing on the matter.

**5.42.110 Restrictions, limitations and
controls generally.**

All excavation operations conducted or carried on in the city are subject to the limitations, restrictions and controls specified below:

A. All equipment and machinery used on the site of an excavation operation shall be

constructed, maintained and operated in such a manner as to reduce dust, noise, vibration, smoke, welding lights, and odor to a minimum. Access and haulage roads on the site shall be maintained in a dust-free condition by surfacing or other treatment.

B. Fencing or other suitable barriers shall be created and maintained on the excavation site where such fencing is practicable and necessary because of dangerous conditions created by the excavation.

C. The manufacture of concrete building blocks or other similar blocks, the production or manufacture of lime products, the production of ready-mixed concrete, the production of asphalt mixes, and any similar production or manufacturing processes that might be related to the excavation operation shall not be permitted except as otherwise provided in the zoning ordinance.

D. The washing of sand and gravel shall be done so as to prevent the discharge of wastewater directly into adjacent natural watercourses, or onto any public or private roads or any private property without the consent of the owner.

**5.42.120 Removal of temporary structures
and materials.**

Within one year after the cessation of the operation, all temporary structures (except fences), equipment, rock piles, rubble heaps or other debris shall be removed or backfilled into the excavation so as to leave the premises in a neat and orderly condition.

5.42.130 Excavation and backfilling.

A. Where backfilling is required, the excavation shall be graded or backfilled with nontoxic, nonflammable, noncombustible solids. The materials used or the method of fill shall not be such as to create a health hazard, nor shall they be objectionable because of odor or unsightliness.

B. Stagnant water shall not be allowed to collect and remain on the graded or backfilled

area.

C. The peaks and depressions of the excavation area shall be reduced to a surface which will result in level or gently sloping topography in substantial conformity to the land area immediately surrounding, and which will minimize erosion due to rainfall.

D. In any rehabilitation procedure that takes place in sand and gravel pits or on other sites where material is of loose or friable nature, no slope shall be left that exceeds 30 degrees or the normal angle of repose of the material involved, whichever is less.

5.42.140 Rehabilitation requirements.

A. In order to ensure that the area of excavation operation shall be rehabilitated, the owner or operator shall, prior to the commencement of excavation, submit to the city four copies of a plan for such rehabilitation that shall provide, among other things, acceptable bonding. The plan for rehabilitation shall be in the form of the following:

1. A description of all phases of the contemplated operation and the specific mention of the type of machinery and equipment that will or might be necessary to the performance of the operation. When the excavation operation shall include the washing of sand and gravel, the estimated daily quantity of water required, its source and disposition, shall be made a part of the description;

2. A legal description of the proposed site, with a map showing its location with indications of private access roads, existing or proposed, and of public highways adjacent to the site which will be affected by the operation;

3. A topographic map of the area at a minimum contour interval of five feet, extending beyond the site to the nearest public street or highway or to a minimum distance of 300 feet on all sides; and

4. A physical rehabilitation plan showing

the proposed contours after rehabilitation and other special features of rehabilitation, and the method by which such rehabilitation is to be accomplished. When the excavation site is greater than ten acres, such plans shall, in addition to the foregoing, show each ten-acre section or portion thereof exceeding the first ten-acre section. Upon completion of excavation of the first ten-acre section, the owner or operator shall commence rehabilitation of the first ten-acre section. Rehabilitation of the first ten-acre section must be completed before excavation may begin on the third ten-acre section or portion thereof. Upon completion of excavation of any subsequent ten-acre section, rehabilitation of such section shall be commenced and completed in the same manner and sequence as rehabilitation of the first ten-acre section; that is, rehabilitation of the second ten-acre section shall be commenced upon completion of excavation of such section and shall be completed before excavation may begin on the fourth ten-acre section, and so forth.

B. At any stage during the rehabilitation, the plan may be modified by the submission and subsequent approval of an amended rehabilitation plan such as that required in the original application.

C. The rehabilitation plan and all data and information pertaining thereto shall be referred to the planning commission within 15 days after its receipt for report and recommendation. If approved, the planning commission shall, express its written approval, with whatever conditions are attached, by returning one copy of the rehabilitation plan signed by the chairman of the planning commission. If the plan is disapproved, the planning commission shall, in the same manner and within three days, indicate its disapproval in writing, and the reasons therefor.

5.42.150 Enforcement—Development services director authority.

The license official is hereby designated and authorized as the officer charged with the enforcement of these provisions.

5.42.160 Inspection and stop work orders.

It shall be the duty of the license official to inspect or cause to be inspected at regular intervals, as often as necessary, all excavations. Where it is determined by the license official that any excavation project is not proceeding in compliance with the provisions of these provisions, the license official may order, or cause to be ordered, the work on the project stopped by notice in writing served on any persons engaged in working or causing such work to be done on the project, and all persons shall forthwith stop such work until the project is brought into compliance with these provisions and the license official. In addition, the license official may also pursue appropriate legal action in the courts. Failure to implement administrative or legal action shall not legalize any violation of these provisions.

**5.42.170 Existing operations—
Compliance required.**

Within 90 days after the adoption of the ordinance codified in these provisions, existing operations shall comply with all the provisions hereof.

5.42.180 Violation—Penalty—Violation of stop work orders.

Any person violating any provision of this chapter shall be deemed guilty of a misdemeanor. Any person violating the terms of a stop work order issued pursuant to these provisions shall be deemed to be guilty of a separate offense for each and every day during which such violation is committed, continued or permitted by such person.