

VIRGIN TOWN  
ORDINANCE NO. 2025-XX

AN ORDINANCE ADOPTING AND ENACTING A NEW SECTION IN CHAPTER 16.8 OF THE VIRGIN MUNICIPAL CODE ESTABLISHING STANDARDS FOR GRADING, EXCAVATION, AND EARTHWORK ACTIVITIES; PROVIDING FOR PERMITTING, ENGINEERING, AND ENFORCEMENT PROCEDURES; AND PROMOTING PUBLIC HEALTH, SAFETY, AND WELFARE THROUGH RESPONSIBLE LAND DISTURBANCE REGULATION.

**WHEREAS**, Virgin Town is a municipal corporation and political subdivision of the State of Utah, organized and existing under the provisions of Utah Code Annotated Title 10; and

**WHEREAS**, pursuant to Utah Code Annotated 10-9a-501 et seq., the Town Council of Virgin Town is authorized to adopt ordinances and regulations governing land use, development, and construction within the Town to protect the public health, safety, and welfare; and

**WHEREAS**, the Town Council recognizes that grading, excavation, and other earthwork activities, if not properly managed, can create hazards to life and property, cause erosion and sedimentation, and negatively affect natural drainage patterns, vegetation, and the visual character of the community; and

**WHEREAS**, the Town Council finds it necessary to establish clear standards and procedures for grading permits to ensure safe engineering practices, protect natural resources, and maintain the integrity of Virgin Town's terrain and hydrology; and

**WHEREAS**, the adoption of this ordinance will promote consistency, efficiency, and accountability in the regulation of grading and land disturbance activities, and further the Town's goals of sustainability, responsible development, and environmental protection;

**NOW THEREFORE**, BE IT ORDAINED BY THE TOWN COUNCIL OF VIRGIN TOWN, UTAH, AS FOLLOWS:

**SECTION 1. ADOPTION OF NEW SECTION 16.8.62.** Section 16.8.62 of the Virgin Municipal Code (VMC) is hereby adopted and enacted as follows:

16.8.62 - Grading Permit

- A. **PURPOSE:** The purpose of this Chapter is to protect public health, safety, and general welfare by establishing standards for grading, excavation, and earthwork activities within the Town. This Chapter is intended to:

1. Prevent erosion, sedimentation, and other forms of environmental degradation.
2. Protect natural features, including hillsides, ridgelines, streams, and vegetation.
3. Minimize the risk of landslides, slope instability, and damage to public and private property.
4. Ensure compatibility of grading activities with existing topography and planned land uses.
5. Maintain the natural hydrology and minimize adverse impacts on drainage patterns and stormwater systems.
6. Promote safe development practices through appropriate engineering design and oversight.
7. Align grading activities with the Town's goals for land use, resource protection, sustainability, and visual character.
8. Regulate the development of hazardous terrain and conserve the value and aesthetics of adjacent properties.

B. DEFINITIONS: For purposes of this Section 16.8.62, the following terms shall have the meanings indicated. Terms not defined in this section shall have the meanings assigned in Section 16.2.12 of this Title or, if not defined therein, their ordinary accepted meaning within the engineering and land-use professions.

1. "Clearing" means the removal of vegetation, organic material, or surface debris in preparation for grading or construction.
2. "Cut" means the mechanical removal of earth material that lowers the elevation of the natural ground.
3. "Drainage Study" means a report prepared and stamped by a licensed professional civil engineer that evaluates existing and proposed drainage conditions for a site, including hydrologic calculations, stormwater discharge rates, drainage paths, required retention or detention, and the impact of proposed grading on adjacent and downstream properties. A drainage study shall be prepared in accordance with professionally accepted engineering standards and any criteria adopted by the Town Engineer.
4. "Engineered Grading Permit" means a grading permit required for activities that disturb the natural grade of more than one thousand (1,000) cubic yards and require engineered plans stamped by a licensed professional engineer.
5. "Excavation" means the mechanical removal or movement of earth material, including trenching, cutting, and digging.
6. "Fill" or "Filling" means the placement, deposition, or stockpiling of soil, rock, or earth material that raises the elevation of the natural ground.
7. "Grading" means any excavation, filling, clearing, or movement of soil, rock, or earth material, or any combination thereof.

- 81 8. "Land Disturbance" means any activity that disturbs the surface of the land,  
82 including clearing, grading, excavation, filling, stockpiling, or soil movement.  
83 9. "Natural Grade" means the elevation of the undisturbed natural ground surface  
84 before any grading, excavation, or filling occurs, as shown by existing contours.  
85 10. "Standard Grading Permit" means a grading permit required for activities that  
86 disturb the natural grade of more than two thousand (2,000) square feet but  
87 not more than one thousand (1,000) cubic yards.  
88 11. "Substantial Work" means physical work on the site that materially advances  
89 the grading activity and demonstrates active construction, as determined by  
90 the Town.  
91

92 C. SCOPE AND APPLICABILITY: No person shall commence or perform any grading,  
93 excavation, filling, or clearing of land without first having obtained a grading permit  
94 and ascertaining the existence of underground utilities. No grading permit shall be  
95 issued except in connection with an allowed use in the zoning district in which the  
96 property that is to be graded, filled, or cleared is located. A grading permit shall not  
97 be issued until the Town has approved all other required development applications  
98 associated with the proposed work, including but not limited to building permits, site  
99 plans, conditional use permits, or subdivision approvals, so that grading is authorized  
100 only in conjunction with an approved use.  
101

102 D. EXEMPTIONS: The following shall not require a grading permit:

- 103 1. Agricultural: Grading, excavation, filling, or clearing for bona fide agricultural  
104 uses, including but not limited to crop production, livestock operations,  
105 irrigation improvements, and soil preparation, provided the work does not alter  
106 natural drainage patterns or negatively impact adjacent property. Any grading,  
107 excavation, filling, or clearing conducted for non-agricultural purposes shall  
108 require a grading permit, regardless of the zoning district.  
109 2. Residential Landscaping: Minor grading or clearing associated with  
110 landscaping projects for single-family residential uses that do not negatively  
111 impact adjacent property regarding drainage.  
112 3. Non-disturbance of Natural Grade: Minor grading (residential), excavation,  
113 filling, or clearing that does not disturb the natural grade of more than two  
114 thousand (2,000) square feet or result in a change to the natural grade.  
115 4. Public Facility Projects: Grading required to construct public facilities, including  
116 roadways and utility improvements, approved by the Town Council.  
117

118 E. STANDARD GRADING PERMIT: A standard grading permit shall be required for  
119 grading, excavation, filling, or clearing that disturbs the natural grade of more than  
120 two thousand (2,000) square feet but not more than one thousand (1,000) cubic yards.

121 Prior to the commencement of any grading, an applicant shall submit a minor grading  
122 and drainage plan consisting of the following:

- 123 1. Location of the site.
- 124 2. Name of the owner/applicant.
- 125 3. A statement of the credentials of the person who prepared the plan.
- 126 4. Date the plan was prepared.
- 127 5. A general vicinity map of the proposed site, identifying all adjoining parcels  
128 and the names of their current owners as listed in the Washington County  
129 Assessor's records on the date of application.
- 130 6. Limiting dimensions and depth of cut and fill.
- 131 7. Location of any buildings or structures where work is to be performed and the  
132 location of any buildings or structures within thirty feet (30') of the proposed  
133 grading.
- 134 8. Typical cross-section of the cuts/fills resulting from excavation slopes steeper  
135 than two horizontal to one vertical must be engineered.
- 136 9. Additional items as required by the Town Engineer.

137  
138 F. ENGINEERED GRADING PERMIT: An engineered grading permit shall be required for  
139 grading, excavation, filling, or clearing that disturbs the natural grade of more than  
140 one thousand (1,000) cubic yards. Prior to the commencement of any engineered  
141 grading, an applicant must submit an engineered grading and drainage plan  
142 consisting of the following:

- 143 1. All submitted plans and specifications must be stamped and signed by a  
144 professional civil engineer licensed in the State of Utah.
- 145 2. Anticipated schedule of commencement of proposed excavation and grading.
- 146 3. Plans shall indicate the nature and extent of the work to be performed and  
147 that the work will conform to the most current version of the International  
148 Building Code, and all relevant laws, ordinances, rules, and regulations, and  
149 shall contain the following:
  - 150 a. The first sheet of each set of the plans shall indicate the location of the  
151 work, name and address of the owner, a statement of the credentials of  
152 the engineer who prepared the plans, and the date the plan was  
153 prepared, including revision dates.
  - 154 b. General vicinity of the proposed site.
  - 155 c. Property limits and accurate contours of existing ground and details of  
156 terrain.
  - 157 d. Existing ground slope map for the proposed site.
  - 158 e. Horizontal and vertical limits of grading, including proposed elevations,  
159 finish contours, and the layout of drainage channels and related  
160 improvements.

- 161 f. Typical cross-sections of cuts/fills resulting from excavation and grading  
162 work.
- 163 g. Details of surface and subsurface drainage devices, retaining walls,  
164 cribbing, dams, etc. to be constructed with or as part of the proposed  
165 work.
- 166 h. A Drainage Study, prepared and stamped by a licensed professional  
167 engineer, evaluating existing and proposed drainage conditions in  
168 accordance with professionally accepted engineering standards and any  
169 criteria adopted by the Town Engineer.
- 170 i. Location of any existing buildings or structures on the site and the  
171 location of any buildings or structures on adjacent property which is  
172 within thirty feet (30') of the site or which may be affected by the  
173 proposed grading.
- 174 j. A soils engineering report with recommendations incorporated in the  
175 plans and specifications. Soils engineer shall acknowledge the plans are  
176 in accordance with the soils report by stamping and signing the plan or  
177 by letter.
- 178 k. An erosion control plan.
- 179 l. A Stormwater Pollution Prevention Plan (SWPPP) prepared by a  
180 stormwater inspector certified in the State of Utah.
- 181 m. State of Utah – Notice of Intent for stormwater construction.
- 182 n. A fugitive dust plan implementing best management practices for  
183 permanent and ongoing dust control.
- 184 o. A detailed narrative containing:
- 185 i. An estimate of the volumes, in cubic yards, of cut and/or fill, and  
186 the area of the site to be graded.
- 187 ii. A statement regarding the phasing and timing of any grading  
188 activities. If the applicant/permittee needs to grade materially  
189 out of sequence, or fails to grade in sequence, as identified in  
190 the narrative and the engineered grading plan, the Town  
191 reserves the ability to invoke its enforcement rights set forth in  
192 this Chapter.
- 193 iii. A description of equipment and methods to be employed in the  
194 grading process.
- 195 p. Any information reasonably deemed necessary by the Town Engineer.
- 196 4. Proof of land ownership in the form of a recorded deed or grant, recorded  
197 plat, or title insurance policy not older than sixty (60) days at the time of  
198 application.
- 199 5. Proof of payment of required fees, as set forth in the Approval Procedure and  
200 the Town's adopted fee schedule.

201  
202 G. APPROVAL PROCEDURE: The Community Development Director, or Town Designee,  
203 upon receiving a complete application (including payment of all applicable plan  
204 review and permit fees in accordance with the Town's adopted fee schedule), shall  
205 coordinate review of the application with the Town Engineer and applicable public and  
206 private utility providers to determine compliance with the approval standards of this  
207 section. No review shall commence until the application is deemed complete.  
208

209 Technical review by utility providers and other agencies shall be advisory in nature and  
210 intended to identify potential conflicts or deficiencies in the proposed grading plan.  
211 Such reviewers shall not act as approval authorities for the Town.  
212

213 Following completion of the review process, the Community Development Director, or  
214 Town Designee, shall provide the applicant one of the following responses in writing:

- 215 1. Approval of the permit application.
- 216 2. Approval of the permit application, subject to such reasonable conditions as  
217 may be necessary to substantially secure the objectives of this Title, and issue  
218 the permit subject to these conditions.
- 219 3. Denial of the permit application, indicating the reason(s) for the denial.  
220

221 H. PERMIT DURATION: A grading permit shall expire and become null and void if  
222 substantial work authorized by such permit has not commenced within 60 calendar  
223 days of issuance. A grading permit shall also become null and void if the project is not  
224 completed within twelve (12) months from the date of issuance. For purposes of this  
225 section, "project" means all grading, excavation, filling, drainage improvements, and  
226 erosion-control measures shown on the approved grading plan. One extension may  
227 be granted by the Community Development Director, or Town Designee, for a period  
228 not to exceed twelve (12) additional months, provided that the applicant is in  
229 compliance with this section, substantial work has been completed on the site, and  
230 the reclamation bond is renewed and updated as may be required by the Town  
231 Engineer. No additional extensions shall be permitted.  
232

233 I. INSPECTIONS:  
234

- 235 1. Inspection Schedule: The Town shall establish and maintain a grading  
236 inspection schedule specifying the types, timing, and sequence of inspections  
237 required for grading permits issued under this chapter. The inspection schedule  
238 shall be adopted by the Town and may be updated administratively to reflect  
239 current best practices in engineering, erosion control, and site safety.  
240

241 All required inspections shall be conducted in accordance with the most  
242 current inspection schedule on file with the Town at the time the inspections  
243 occur. Fees for required inspections shall be assessed in accordance with the  
244 Virgin Town Consolidated Fee Schedule, as amended.

- 245
- 246 2. Preconstruction Meeting and Notice to Proceed: The applicant must notify the  
247 Town in advance of the commencement of grading to schedule a  
248 preconstruction meeting. No work under any grading permit may be  
249 commenced until the Town has issued a Notice to Proceed. The Town may  
250 inspect the work at any time to verify compliance with the approved plans, the  
251 inspection schedule, and this chapter.

- 252
- 253 3. Failure to Comply: Failure to comply with the approved plans, permit  
254 conditions, or inspection requirements shall subject the property owner,  
255 contractor, and applicant to stop work orders, civil damages, and any other  
256 recourse or penalties available under Town, state, or federal law.

- 257
- 258 J. RECLAMATION BONDS: Once the permit is issued, but before the preconstruction  
259 meeting, the project proponent shall furnish a reclamation bond in an amount of not  
260 less than one hundred percent (100%) of the work that the Town may use to mitigate  
261 any potential hazards or disruptions caused by the grading work. The reclamation  
262 bond shall be either a cash bond or an irrevocable letter of credit in a form approved  
263 by the Town Attorney. The Town Engineer may require recalculation and adjustment of  
264 the bond amount if the scope of work changes materially during the course of  
265 grading.

- 266
- 267 K. APPROVAL STANDARDS: No grading permit shall be issued unless it meets the  
268 following standards:

- 269 1. A complete application and payment of fees.  
270 2. Verification that no increase in stormwater drainage will occur on neighboring  
271 properties.  
272 3. Verification that sediment will be adequately retained and erosion adequately  
273 controlled.  
274 4. Verification that weeds will be adequately controlled.  
275 5. Verification that dust, noise, vibration, smoke, and odor created on the site  
276 during grading operations and during idle times will be controlled and limited  
277 to prevent nuisance to neighboring properties, to comply with Utah  
278 Administrative Code R-307-205, applicable Town ordinances, and any other  
279 applicable statute or regulation.

- 280 6. Verification by the Town Engineer that the overall extent of the grading shown  
281 in the plans matches the amount used to calculate the reclamation bond.  
282 7. Verification that the property has legal vehicular access from a public street or  
283 recorded easement sufficient for the intended grading activity, as determined  
284 by the Town.  
285

286 L. GRADING OPERATIONS

- 287 1. Hours of operation shall not begin before seven (7:00) AM, and shall not  
288 continue after the hour of seven (7:00) PM. No operations shall take place on  
289 Sunday or holidays recognized by the State of Utah. Upon request, the  
290 Community Development Director or Town Designee may approve  
291 modifications to the date and hours of operation.  
292 2. All grading shall comply with the standards engineering specifications for slope  
293 stabilization in accordance with the geotechnical recommendations included  
294 with the application, and all other applicable Town ordinances. Slopes shall be  
295 maintained in a manner that will prevent erosion damage on adjacent  
296 properties.  
297 3. The grading operation shall not exceed the boundary of the approved  
298 standard grading permit or the engineered grading permit (as applicable). No  
299 grading may occur on any site where there is no approved standard grading  
300 permit, an engineered grading permit, or a qualified exemption.  
301

302 M. ENFORCEMENT

- 303 1. Violations: It is unlawful for any person to violate any provision of this chapter,  
304 any condition of an approved grading permit, or to perform any grading,  
305 excavation, filling, or clearing for which a grading permit is required without  
306 first obtaining such permit. Each day during which a violation continues shall  
307 constitute a separate violation.  
308 2. Stop-Work Orders; Permit Actions: The Community Development Director, or  
309 Town Designee, may issue a stop-work order, suspend or revoke a grading  
310 permit, or require the submission and approval of a new grading permit or any  
311 component thereof prior to resuming work.  
312 3. Use of Reclamation Bond: The Town may call upon or forfeit the reclamation  
313 bond to complete stabilization, restoration, or reclamation of the site if the  
314 permittee fails to comply with this chapter or the conditions of the grading  
315 permit.  
316 4. Abatement: The Town may require the owner or permittee to abate any  
317 violation of this chapter. If the owner or permittee fails to abate the violation  
318 after notice, the Town may perform the abatement and recover its costs.



319 5. Penalty: Any person violating the provisions of this chapter shall be guilty of an  
320 infraction and shall be required to pay a fine of not more than seven hundred  
321 fifty dollars (\$750.00), plus restitution if applicable. Each day that a violation  
322 continues shall be considered a separate violation.  
323

324 **SECTION 2. REPEALER.** All Virgin Town ordinances or resolutions or parts thereof,  
325 which are in conflict herewith, are hereby repealed.

326 **SECTION 3. SEVERABILITY.** Should any part or provision of this Ordinance be  
327 declared by the courts to be unconstitutional or invalid, such decision shall not affect the  
328 validity of the Ordinance as a whole or any part thereof other than the part so declared  
329 to be unconstitutional or invalid.

330 **SECTION 4. EFFECTIVE DATE.** This ordinance shall take effect immediately upon  
331 adoption and posting as required by law.

332 PASSED AND ADOPTED BY THE TOWN COUNCIL OF VIRGIN TOWN, STATE OF UTAH,  
333 ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

334  Attest:  
335 \_\_\_\_\_  
336 Jean Krause, Mayor, Virgin Town Krystal Percival, Recorder, Virgin Town

337 VIRGIN TOWN COUNCIL

338 Vote as recorded:	AYE	NAY	ABSENT	
339 Councilmember Luwe	___	___	___	
340 Councilmember Baird	___	___	___	
341 Councilmember Wenz	___	___	___	SEAL
342 Councilmember McKeon	___	___	___	
343 Mayor Krause	___	___	___	

344 RECORDED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

345 PUBLISHED OR POSTED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

346 **CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING**

347 In accordance with Utah Code Annotated §63G-30-102 as amended, I, the Town  
348 Clerk/Recorder of Virgin, Utah, hereby certifies that the foregoing Ordinance was duly  
349 passed and published or posted via Class A Notice at:

- 350 1) *Utah Public Notice website*  
351 2) *Virgin Town website, [www.virgin.utah.gov](http://www.virgin.utah.gov)*  
352 3) *Virgin Town Hall*

353

354 \_\_\_\_\_

355 Krystal Percival, Town Clerk/Recorder

356 Virgin Town, Utah

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