

ORDINANCE 74-2

AN ORDINANCE REGULATING SCHOOL AREAS

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF DAGGETT,

STATE OF UTAH, ORDAINS AS FOLLOWS:

Section 1: Unlawful acts in or about schools.

A. It shall be unlawful for any person to annoy, disturb, or otherwise prevent the orderly conduct of the activities, administration, or classes of any school.

B. It shall be unlawful for any person to annoy, disturb, assault, or molest any student or employee of any school while in any such school, or on the grounds thereof.

C. It shall be unlawful for any person to loiter, idle, wander, stroll, play, or drive in, about or on any school grounds, or building either on foot, or in, or on, any vehicle, without having some lawful business therein, or thereabout, or in connection with such school, or the employees thereof.

D. It shall be unlawful for any person to conduct himself or herself, in a lewd, wanton, or lascivious manner in speech or behavior in, about, or on any school building or grounds.

E. It shall be unlawful for any person to park or move a vehicle in the immediate vicinity of, or on the grounds of any school, for purpose of annoying or molesting the students or employees thereof.

Section 2: Any person violating any provisions of this ordinance shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$299.00 or by imprisonment in the county jail for not more than 6 months or by both such fine and imprisonment.

Section 3: In the opinion of the Board of County Commissioners of Daggett County, Utah this ordinance is necessary for the best health, safety, and welfare of the inhabitants of Daggett County, and it shall take effect immediately upon its publication.

Passed by the Board of County Commissioners of Daggett County, Utah, this 20th day of February, 1974.

BOARD OF COUNTY COMMISSIONERS

/s/ Albert H. Neff VOTING AYE

ATTEST:

/s/ Milton Beck VOTING AYE

/s/ Gene Briggs  
County Clerk

/s/ Carl S. Collett VOTING AYE

ORDINANCE 74-2-1

Section 1-1-1. All excavation operations conducted or carried on, on county right-of-ways are subject to the following limitations, restrictions and controls:

(1) 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, vibrations, 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.

(2) 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.

(3) 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 which might be related to the excavation operation shall not be permitted except as otherwise provided in the County ordinances.

(4) The washing of sand and gravel shall be done so as to prevent the discharge of waste water directly into adjacent natural water courses or onto any public or private roads or any private property without the consent of the owner.

(5) Excavation operations shall not begin before 7:00 a.m. and shall not continue after the hours of 6:00 p.m. and no operation shall take place on Sunday or legal holidays. During period of

national or unusual emergency, time and hours of operation may be altered at the discretion of the county Commissioners.

(6) Where backfilling is required, the excavation shall be graded or back-filled with non-toxious, non-flammable, non-combustible 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.

(7) The graded or back-filled area shall not collect and permit stagnant water to remain thereon.

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

(9) In any rehabilitation procedure which takes place in sand and gravel pits or on other sites where the material is loose or of friable nature, no slope shall be left which is steeper than a ratio of one and one-half horizontal to one vertical. In no case, shall any slope exceed the normal angle of repose of the material involved.

(10) 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.

Section 1-1-2. REHABILITATION REQUIREMENTS. In order to insure that the area of excavation operation shall be rehabilitated, the owner or operator shall, prior to the commencement of excavation, submit to the County Commission a written plan for such

rehabilitation 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 which 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 three hundred feet on all sides.

(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.

(5) An initial bond written by a licensed surety company in the State of Utah or a cashier's check made out in favor of Daggett County in an amount to be determined by the County Commission after adequate and thorough investigation of the proposed operation.

In the event of the applicant's failure to perform the conditions of the rehabilitation agreement, such bond or bonds, check or checks shall be subject to forfeiture as follows:

(a) In the event of failure applicant shall be given ten (10) days' notice of a forfeiture hearing.

(b) In the event applicant at such hearing is not able to show cause why the forfeiture should not occur, the bond or the check shall be forfeited, in such amount up to the whole thereof, as is necessary to complete rehabilitation.

(6) Rehabilitation shall proceed as soon as practicable after termination of the excavation operations. The owner or operator may, however, at his option, submit a plan for progressive rehabilitation as the excavation operation is carried on. The required bond in such case may cover progressive stages of the rehabilitation.

(7) 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.

(8) The rehabilitation plan and all data and information pertaining thereto shall be referred to the County Commission within fifteen (15) days after its receipt for the report and recommendation. If approved, the County Commission shall, after consideration of the recommendations of the County Surveyor, and within thirty (30) days, express its written approval, with whatever conditions are attached, by returning one copy of the rehabilitation plan signed by the chairman of the board of County Commissioners for delivery to the owner or operator. If the plan is disapproved, the County Commission shall, in the same manner and within thirty (30) days, indicate its disapproval in writing and the reasons therefore.

Section 1-1-3. INSURANCE REQUIREMENTS. In order to protect Daggett County from liability arising out of excavation and other type of operations, the owner or operator shall submit to the County Commission a policy of liability insurance in which the County is the named insured in the minimum amounts as provided for in 63-30-1, et. sec., U.C.A., 1953, as amended. Said carrier of insurance to be approved by the Daggett County Commission.

Passed and adopted and ordered published by the Board of County Commissioners of Daggett County, Utah, on the third day of April, 1974.

Commissioner Albert Neff voting Yes.

Commissioner Milton Beck voting Yes.

Commissioner Carl Collett voting Yes.

/s/ Albert H. Neff

Chairman, Board of County Commissioners  
of Daggett County

Attest:

/s/ Gene Briggs

Daggett County Clerk