

Ordinance No. 2024-19

AN ORDINANCE AMENDING TITLE 11, BUILDING AND BUILDING REGULATIONS, CHAPTER 15, PARK CITY LANDSCAPING AND MAINTENANCE OF SOIL COVER, OF THE MUNICIPAL CODE OF PARK CITY

WHEREAS, the presence of residential soils impacted with heavy metal constituents originating from historic mine tailings have been a cause for study and testing in regard to public health and environment; and

WHEREAS, the City, Environmental Protection Agency (EPA), and Utah Department of Environmental Quality (UDEQ) developed a series of scientific studies that focused on air, water, and health resulting with two EPA letters written in 1988 giving qualified approval of PCMC proposal for a local ordinance and the subsequent reenacting of the ordinance; and

WHEREAS, the EPA has identified the existence of mine tailings with heavy metal constituents in Park City and has made specific recommendations for mitigating any potential public health and environmental concerns; and

WHEREAS, the City Council of Park City, Utah desires to take every reasonable and practical step to protect the health of its residents by implementing the EPA's recommendations to assure the continued health, safety, and welfare of the residents within Park City.

BE IT ORDAINED BY THE CITY COUNCIL OF PARK CITY, UTAH, THAT:

Amendment Title 11, Chapter 15 of the Municipal Code of Park City is hereby amended as follows in Exhibits A. This Ordinance shall become effective upon publication.

PASSED AND ADOPTED this 24th day of October 2024

PARK CITY MUNICIPAL CORPORATION

Signed by:
Nann Worel
57775BCB46414F6

Mayor Nann Worel

Attest:



DocuSigned by:
Michelle Kellogg
E5F905BB533F431...

Michelle Kellogg, City Recorder
Approved as to form:

Signed by:

Margaret Plane

11B5B6F4ACF34C7...

City Attorney's Office

11-15-2 Minimum Coverage ~~With with~~ Topsoil or Other Acceptable Media

- A. All real property within the Soils Ordinance Boundary must be covered and maintained with a minimum cover of six inches (6") of approved topsoil or acceptable cover described in Section 11-15-3 ~~over soils exceeding the lead levels specified in Section 11-15-7~~, except where such real property is covered by asphalt, concrete, permanent structures or paving materials.
- B. As used in this Chapter, "approved topsoil" is soil that does not exceed 200 mg/Kg (~~†~~Total) lead, representatively sampled and analyzed under method SW-846 6010.
- C. Parking of vehicles or recreational equipment shall be contained on impervious surfaces and not areas that have been capped with ~~acceptable media~~approved topsoil.

HISTORY

Amended by Ord. 03-50 on 12/11/2003

Amended by Ord. 05-02 on 1/13/2005

Amended by Ord. 2023-27 on 6/1/2023

11-15-3 Acceptable Cover

- A. All areas within the Soils Ordinance Boundary where real property is covered with six inches (6") or more of "approved topsoil" defined in Section 11-15-2 (B) must be vegetated with grass or other suitable vegetation to prevent erosion of the 6" topsoil layer as determined by the Building Department.
- B. Real pProperty Owners who practice Water Wise Landscaping are allowed to employ a weed barrier fabric if the barrier fabric is covered with six inches (6") of rock or bark and maintained to prevent soil break through.
- C. As used in this Chapter, "soil break through" is defined as soil migrating through the fabric and cover in a manner that exposes the public and shall be deemed in violation of this Chapter.
- D. As used in this Chapter, Water Wise Landscaping - as defined in the Land Management Code 15-15 - within the Soils Ordinance Boundary remains subject to the regulations within this Chapter.

HISTORY

Amended by Ord. 03-50 on 12/11/2003

Amended by Ord. 2019-30 on 5/30/2019

Amended by Ord. 2023-27 on 6/1/2023

11-15-4 Additional Landscaping Requirements

In addition to the minimum coverage requirements set forth in Section 11-15-2 and the vegetation requirements set forth in Section 11-15-3, the following additional requirements shall apply:

- A. **FLOWER OR VEGETABLE PLANTING BED AT GRADE**. All flower or vegetable planting beds at grade shall be clearly defined with edging material to prevent edge

drift and shall have a minimum depth of twenty-four inches (24") of approved topsoil so that mine and mill tailings are not mixed with the soil through normal tilling procedures. Such approved topsoil shall extend twelve inches (12") beyond the edge of the flower or vegetable planting bed.

- B. **FLOWER OR VEGETABLE PLANTING BED ABOVE GRADE.** All flower or vegetable planting beds above grade shall extend a minimum of sixteen inches (16") above the grade of the six inches (6") of approved topsoil cover and shall contain only approved topsoil.
- C. **SHRUBS AND TREES.** All shrubs planted after the passage of this Chapter shall be surrounded by approved topsoil for an area, which is three times bigger than the rootball and extends six inches (6") below the lowest root of the shrub at planting. All trees planted after the passage of this Chapter shall have a minimum of eighteen inches (18") of approved topsoil around the rootball with a minimum of twelve inches (12") of approved topsoil below the lowest root of the tree.

HISTORY

Amended by Ord. 03-50 on 12/11/2003

Amended by Ord. 2023-27 on 6/1/2023

11-15-5 Management Of Area Soil

A. Following any work causing the disturbance of soils within the Soils Ordinance Boundary, such as digging, landscaping, and tilling soils, all disturbed soils must be either collected and reintroduced onsite ~~by either onsite soil capping with approved topsoil or acceptable media~~ specified in Sections 11-15-2 and 11-15-3 or reused or relocated off-site as required by:

- a) this Chapter; ~~or~~
- b) Sstate law; or
- c) fFederal law.

~~A.B.~~ "Off-site" means an area outside the Soils Ordinance Boundary. "Onsite" means an area within the Soils Ordinance Boundary.

~~B.~~ All soil generated from the Soils Ordinance Boundary that cannot be reintroduced within the Soils Ordinance Boundary and are destined off-site must be sampled and characterized with representative sampling and tested at a State Certified Laboratory in accordance with the requirements of the facility accepting such soils.

~~C.~~ Soils exhibiting a hazardous characteristic exceeding the following Toxic Characteristic Leaching Procedure (TCLP) standards, must be managed as a hazardous waste and disposed of within a Utah Department of Environmental Quality _____ permitted _____ facility:

Arsenic _____ 5.0 _____ mg/L _____ (TCLP) _____ Method _____ 6010 _____ B

Lead — 5.0 mg/L (TCLP) Method 6010-B

- ~~a) Soils not failing the TCLP standards may be disposed within a non-hazardous landfill facility upon providing evidence to the Building Department of acceptance issued by the disposal facility.~~
- ~~D. No soils generated within the Soils Ordinance Boundary are allowed to be exported for use as fill outside the Soils Ordinance Boundary.~~
- ~~E.C. Except as prohibited by state or federal law, rReuse of generated soils within the Soils Ordinance Boundary is acceptable provided if the receiving property issuethe soils meet the standards for approved topsoil under Section 11-15-2 or are covered with six inches (6") of approved topsoil clean topsoil or covered with an acceptable media, i.e., asphalt, concrete, permanent structures or paving materials, vegetation, bark, rock, as required by this Chapter.~~
- ~~F.D. Soils that are relocated within the Soils Ordinance Boundary must be pre-approved by the Building Department before being relocated and reused.~~

HISTORY

Amended by Ord. 03-50 on 12/11/2003

Amended by Ord. 2023-27 on 6/1/2023

11-15-6 Dust Control

Contractor or the real property owner is responsible for controlling dust during the time between beginning of construction activity and the establishment of plant growth sufficient to control the emissions of dust from any site within the Soils Ordinance Boundary. Due care shall be taken by the contractor or the real property owner, to protect workers while working within the site and neighboring properties and the public from exposure to dust emissions during construction activity by controlling dust, providing suitable breathing apparatus, or other appropriate control.

HISTORY

Amended by Ord. 2023-27 on 6/1/2023

11-15-7 Certificate Of Compliance

Upon application by the real property owner of record or agent to the Park City Building Department and payment of the fee established by the department, the Park City Building Department shall inspect the applicant's property for compliance ~~with this Chapter~~. When the property inspected complies with the soil cover requirements of Sections 11-15-2, 11-15-3, and 11-15-4 of this Chapter, a Certificate of Compliance shall be issued to the real property owner by the Park City Building Department.

- ~~1. Verifying cover meets the requirements of Sections 11-15-2, 11-15-3, or 11-15-4 or representative soil sample results that are equal to or below the following standards will result in full compliance and eligibility for the certificate:~~

~~Occupied Property — Lead 200 mg/Kg (Total) Method SW-846-6010~~

~~Vacant Property — Lead 1000 mg/Kg (Total) Method SW-846-6010~~

HISTORY

Amended by Ord. 03-50 on 12/11/2003

Amended by Ord. 2023-27 on 6/1/2023

11-15-8 Transit Center Disturbance

All construction activity, utility modification, and landscaping that results in the breach of the installed protective cap or the generation of soils with Assessor Parcel No. MTC-A must be conducted in accordance ~~to~~with the implemented Site Management Plan, which is retained within the Building Department.

HISTORY

Amended by Ord. 02-32 on 8/22/2002

Amended by Ord. 03-50 on 12/11/2003

Amended by Ord. 2023-27 on 6/1/2023

11-15-9 Repealed By Ord 2023-27

HISTORY

Amended by Ord. 03-50 on 12/11/2003

Repealed by Ord. 2023-27 on 6/1/2023

11-15-10 Wells

All wells for culinary irrigation or stock watering use are prohibited in the Soils Ordinance Boundary.

11-15-11 Repealed By Ord 2023-27

HISTORY

Repealed by Ord. 2023-27 on 6/1/2023

11-15-12 Failure To Comply With Chapter

1. ~~After the property has been sampled, lots exceeding the lead levels within~~The owner of any real property sampled and found to be out of compliance with this Chapter Section 11-15-27 are is required to comply with this Chapter within ~~a 12-months period.~~ following such sampling.
2. Any person failing to comply with the provisions of this Chapter shall be guilty of ~~an~~ a ~~Class B misdemeanor~~infraction. Any person failing to comply with the provisions of this Chapter may be found to have caused a public nuisance ~~as determined by the City Council of Park City,~~ and appropriate legal action may be taken against that person.

HISTORY

Amended by Ord. 03-50 on 12/11/2003

Amended by Ord. 2023-27 on 6/1/2023