

**APPLE VALLEY
ORDINANCE O-2022-17**

NOW THEREFORE, be it ordained by the Council of the Apple Valley, in the State of Utah, as follows:

SECTION 1: **AMENDMENT** “10.28.200 Dumping Or Disposal” of the Apple Valley Land Use is hereby *amended* as follows:

BEFORE AMENDMENT

10.28.200 Dumping Or Disposal

- A. The use of land for the dumping or disposal of scrap iron, junk, rubbish or other refuse, or of ashes or other industrial waste or byproduct, shall be prohibited in every zoning district unless otherwise provided in this title.
- B. The dumping of dirt, sand, rock, or other material excavated from the earth shall be permitted in any district; provided, that the surface of such dumped material is graded, leaving the ground surface in a condition suitable for other use permitted in the district; and provided further, that such fill does not increase the susceptibility of the ground to erosion, landslide, flooding, or other dangerous condition. Concrete may be dumped as fill in excavations where it will be buried and not remain on the land surface.
- C. No person, firm, or corporation shall strip, excavate or otherwise remove topsoil for sale or for use other than on the premises from which the same shall be taken, except in connection with the construction or alteration of a building on those premises or where an excavation permit has been issued by the town.
- D. No yard or other open space surrounding an existing building in a residential zone, or which is hereinafter provided around any building in any residential zone, shall be used for the storage of junk, debris or junk cars, except as specifically permitted herein or as provided and regulated in any other applicable ordinance.

AFTER AMENDMENT

10.28.200 Dumping, Storing Or Disposal

- A. The use of land for the dumping, storing, or disposal of scrap iron, junk, rubbish or other refuse, old or junk cars, trucks or trailers, building materials, shipping containers, ~~or of ashes or other~~ industrial waste or byproduct, shall be prohibited in every zoning district unless otherwise provided in this title.
- B. Subject to Section 15:32, ~~T~~the dumping of dirt, sand, rock, or other material excavated from the earth shall be permitted in any district; provided, that the surface of such dumped material is graded, leaving the ground surface in a condition suitable for other use permitted in the district; and provided further, that such fill does not increase the susceptibility of the ground to erosion, landslide, flooding, or other dangerous

condition. Concrete may be dumped as fill in excavations where it will be buried and not remain on the land surface.

- C. No person, firm, or corporation shall strip, excavate or otherwise remove topsoil for sale or for use other than on the premises from which the same shall be taken, except in connection with the construction or alteration of a building on those premises or where an excavation permit has been issued by the town. (See also Section 15:32 of this title)
- D. No yard or other open space surrounding an existing building in ~~a residential~~any zone, or which is hereinafter provided around any building in any ~~residential~~-zone, shall be used for the storage of personal property, junk, or other unsightly items, such items must be stored inside approved garages, sheds or accessory buildings, unless specifically approved for such use. ~~debris or junk cars, except as specifically permitted herein or as provided and regulated in any other applicable ordinance.~~

SECTION 2: REPEALER CLAUSE All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 3: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

PASSED AND ADOPTED BY THE APPLE VALLEY COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Mayor Frank Lindhardt	_____	_____	_____	_____
Council Member Andy McGinnis	_____	_____	_____	_____
Council Member Barratt Nielson	_____	_____	_____	_____
Council Member Kevin Sair	_____	_____	_____	_____
Council Member Robin Whitmore	_____	_____	_____	_____

Attest

Presiding Officer

Jenna Vizcardo, Town Clerk, Apple Valley

Frank Lindhardt, Mayor, Apple Valley