

**A BILL FOR AN EMERGENCY ORDINANCE REGULATING THE GRADING,  
EROSION AND SEDIMENT CONTROL (GESC) FOR EXISTING  
LOTS/TRACTS**

WHEREAS, the Board of Trustees of the Town of Foxfield has determined it necessary to adopt grading, erosion, and sediment control measures based on a continuing and imminent need for such measures within the Town; and

WHEREAS, the Board of Trustees finds and determines there is an immediate need to preserve of the health, safety and welfare of the Town of Foxfield because of the need to facilitate erosion control and seeding during the upcoming fall season.

**BE IT ORDAINED BY THE BOARD OF TRUSTEES OF FOXFIELD, COLORADO:**

Section 1. The Board of Trustees hereby enacts regulations regarding Grading, Erosion, and Sediment Control as follows:

**GRADING, EROSION AND SEDIMENT CONTROL FOR EXISTING LOTS**

A. Purpose. The purpose of this Ordinance is to provide regulations to monitor and control the high rates of erosion and sedimentation due to land disturbance caused by grading (cut or fill). This Ordinance is further intended to ensure the protection of existing drainageways as well as private and/or public property adjacent to any disturbed area regulated by this Ordinance.

B. Grading defined. For purposes of this Ordinance, grading is any change to the native contours of the surface of the property. This includes grading associated with building permits, the placement of fill material, cutting or reshaping a slope, berms, landscaping, or revising the area (square footage) and/or the point of discharge of surface drainage to adjacent property.

C. Overlot grading permit required. An Overlot Grading Permit is required if any one of the following conditions occurs:

1. The area of grading is greater than ten thousand (10,000) square feet;
2. More than 100 cubic yards of fill material is imported or placed from on site cut;
3. The proposed grading increases or changes the historical flow of surface water to adjacent lots or the Town rights-of-way; or

4. The disturbed area is within 75 feet of an existing drainageway, floodplain, or wetlands as determined by the Town Engineer.

D. Overlot grading permit applications required.

1. Project of Less than One (1) Acre. For any proposed project which requires disturbing an area less than one (1) acre, the following information shall be provided in addition to the Overlot Grading Permit application for approval by the Town Engineer:

- a. A sketch of the entire property showing existing improvements (i.e. boundary lines, buildings, driveways, fences, etc.);
- b. North arrow and scale of the drawing;
- c. The limits of the work area shall be indicated on the sketch with the area square footage and the amount of cut/fill in cubic yards labeled;
- d. All surface water hydrologic features within 100 feet of the proposed work area (i.e. drainageways, floodplains, wetlands);
- e. Directional flow arrows indicating stormwater runoff;
- f. Temporary and, if applicable, permanent Erosion and Sediment Control BMP's in accordance with the Town's standards and specifications; and
- g. If the existing driveway access to the area is not to be used for the construction access, then a temporary construction access from the Town's paved roadway to the applicant's property must be approved by the Town Engineer.

2. Project of One (1) Acre or More. For any site disturbing an area of one (1) acre or more, a Grading, Erosion and Sediment Control (GESC) Report and Plan shall be prepared, stamped and sealed by a registered engineer in accordance with Arapahoe County's GESC Manual, as adopted by the Town, along with the Overlot Grading Permit application for approval by the Town Engineer.

E. Fee for overlot grading permit applications.

1. Project of Less than One (1) Acre The minimum fee charged by the Town for an Overlot Grading Permit for a disturbance of less than one (1) acre as set forth above will be Three Hundred Seventy Dollars (\$370.00) for review of the permit application and a site inspection by the Town Engineer.

2. Project of One (1) Acre or More. The minimum deposit charged by the Town for an Overlot Grading Permit for a disturbance of one (1) acre or more will be Seven Hundred Forty Dollars (\$740.00) for review of the permit application and site inspections by the Town Engineer. An

additional deposit amount may be required depending on the complexity of an application, and the review required by the Town Engineer.

3. All inspection fees incurred pursuant to this Ordinance are to reimburse the Town for actual costs associated with the review of the permit application and any necessary inspections as determined by the Town Engineer.

F. Penalty. It shall be unlawful for any person to violate the provisions of this Ordinance. Any person convicted of violating any provision of this Ordinance shall, upon conviction, be punished by a fine of not more than Four Hundred Ninety-Nine Dollars (\$499.00) per day for each separate offense. Each day a violation of this Ordinance continues shall constitute a separate offense. The Town may also seek upon a finding of a violation of this Ordinance an injunction, abatement, restitution, or any other remedy to prevent, enjoin, abate or remove the violation. A person convicted of violating the provisions of this Ordinance shall also be liable for the actual cost of rehabilitating the property.

Section 2. Emergency Clause. The Board of Trustees hereby finds, determines and declares that this Ordinance is necessary for the immediate preservation of the health, safety and welfare of the Town of Foxfield because of the need to facilitate erosion control and seeding during the upcoming fall season, and the failure to address such an immediate need would constitute an immediate safety hazard to residents of the Town.

Section 3. The Town Board of Trustees hereby finds, determines, and declares that this ordinance is promulgated under the general police powers of the Town of Foxfield, that it is promulgated for the health, safety, and welfare of the public, and that this ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that the ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 4. If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Adopted as Ordinance No. \_\_\_\_\_ Series of 2007, by the Board of Trustees of Foxfield, Colorado, and signed and approved by its Mayor or presiding officers this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 2007.

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Stephen J. Sullivan, Mayor

ATTEST:

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Becky Catterall, Town Clerk

Town Seal

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Corey Y. Hoffmann, Town Attorney  
(Approved as to Form)