

Sec. 17-27. - Safety regulations for gravel, dirt, or earth excavations.

- (a) *Title.* This section shall be named the Mallory Bush, Jillian Bush, and Jessica Bush Pit Safety Ordinance.
- (b) *Standards for owners.* Any person or corporation who operates a gravel, dirt or earth excavation operation or is the owner of property on which exists an excavated area that is or has been utilized for gravel, dirt, or earth excavation operations shall comply with the following:
 - (1) All sides of the excavated area shall have a slope no steeper than one foot vertical for each one foot horizontal.
 - (2) The excavated area shall not retain water in excess of two feet in depth for more than a 12-hour period.
 - (3) If the above-referenced standards cannot be met, the following shall be provided:
 - a. A continuous perimeter fence with a minimum height of five feet shall be installed and maintained. All fence wire strands or components shall be no greater than six inches apart.
 - b. A gate shall be utilized for access, which shall be locked at all times when operations are not conducted. When closed, the gate shall become a part of and provide a continuous five-foot fence. The fence and gate must be maintained in a manner that provides an effective barrier.
 - (4) "No trespassing" signs shall be posted every 250 feet of fence length or pit perimeter.
 - (5) *Waiver of sloping requirements.* The provisions of subsection (b)(1) may be waived by the board of county commissioners upon application by the property owner. The board of county commissioners may grant such waiver if sufficient evidence is submitted establishing that the walls of the excavated area are not subject to unsafe erosion or collapse.

An example would be walls, which are stabilized and protected by vegetation. Any waiver which is granted shall be subject to the conditions contained in said waiver. The waiver and conditions shall be issued in writing by Santa Rosa County. A waiver will terminate if the excavated area is altered so as to negatively impact the stability or safety of the walls of the excavated area.

(c)

Applicability; compliance. This section shall apply to property located in the unincorporated area of the county. All property subject to this section shall be brought into compliance within 90 days of September 10, 1998.

- (d) *Penalty.* Any person who shall violate any of the provisions of this section or amendments thereto [and] who shall fail, neglect, or refuse to comply with order or notice or in pursuance and by authority of this section shall be guilty of a misdemeanor of the second degree and subject to punishment as prescribed by state law. For purposes of this section, a separate offense shall be deemed committed for each day a violation of this section exists. The county may also seek civil injunctive relief to enforce compliance with this section.

(Ord. No. 98-13, §§ 1—4, 9-10-98; Ord. No. 99-04, § 1, 3-11-99; Ord. No. 99-23, § 1, 12-9-99)

Editor's note— Ordinance No. 98-13, adopted September 10, 1998, did not specifically amend the Code; hence, codification of §§ 1—4 as § 17-27 was at the discretion of the editor.