

Grading and Excavation Code

DIVISION 1. GENERALLY

Section 1. **Penalty for violations.**

(a) In this section "violation of this Code" means:

(1) Doing an act that is prohibited or made or declared unlawful, an offense or a misdemeanor by ordinance or by rule or regulation authorized by ordinance;

(2) Failure to perform an act that is required to be performed by ordinance or by rule or regulation authorized by ordinance; or

(3) Failure to perform an act if the failure is declared a misdemeanor or an offense or unlawful by ordinance or by rule or regulation authorized by ordinance.

(b) In this section "violation of this Code" does not include the failure of a city officer or city employee to perform an official duty unless it is provided that failure to perform the duty is to be punished as provided in this section.

(c) Except as otherwise provided, a person convicted of a violation of this Code shall be punished by a fine not exceeding five hundred dollars (\$500.00), or double such sum for each repetition thereof. If the violation is, in its nature, continuous in respect to time, the penalty for allowing the continuance thereof is a fine not to exceed two hundred fifty dollars (\$250.00) for each day that the same is unlawfully continued.

(d) If a violation of this Code is also a misdemeanor under state law, the penalty for the violation shall be as prescribed by state law for the state offense.

(e) The imposition of a penalty does not prevent revocation or suspension of a license, permit or franchise.

(f) Violations of this Code that are continuous with respect to time are a public nuisance and may be abated by injunctive or other equitable relief. The imposition of a "penalty" however does not prevent the simultaneous granting of equitable relief in appropriate cases.

Section 2. **Findings.**

The city has experienced development activity causing the displacement of large amounts of earth and tree cover. Significant problems resulting from such development include flooding, soil erosion and sedimentation, unstable slopes, and impaired quality of life. These problems are a concern because of their negative effects on the safety and general welfare of the community.

Section 3. **Purpose.**

The purposes of this Code are to:

(1) Prohibit the indiscriminate clearing of property.

(2) Prevent excessive grading, clearing, filling, cutting or similar activities.

(3) Substantially reduce flooding, erosion and sediment damage within the city.

- (5) Safeguard the safety and welfare of citizens.
- (6) Establish reasonable standards and procedures for development which prevent potential flooding, erosion and sediment damage.
- (7) Prevent the pollution of streams, ponds and other watercourses by sediment.
- (8) Minimize the danger of flood loss and property loss due to unstable slopes.
- (9) Preserve natural vegetation which enhances the quality of life of the community.
- (10) To conceal hillside scars.
- (11) To preserve the contours of the natural landscape and land forms.

Section 4. General requirements.

Persons engaged in land alteration activities regulated by this Code shall take measures to protect neighboring public and private properties from damage by such activities. The requirements of this Code, however, are not intended to prevent the reasonable use of properties as permitted by Ordinance 729.

Section 5. Violation, enforcement and penalties.

- (a) Violations of any provisions of this Code shall be punishable as provided in section 1 of this Code, except that the continuing violation provisions of subsection 1(c) shall not apply unless:
 - (1) An approved plan for correction of the violation(s) has not been implemented by the responsible party within the time specified in the plan, or
 - (2) The responsible party fails to submit a required plan within the time specified.
- (b) The responsible party shall be liable for all fines levied and remedial action required under this Code. Each tree removed or improperly preserved or any other activity proscribed by this Code shall be a separate violation. Each violation shall be considered a separate offense.
- (c) Any person who engages in land alteration activities regulated by this Code without obtaining a grading permit shall be required to restore the land to the maximum extent practicable to its original condition in accordance with section 30.
- (d) When a violation of this Code is determined to exist, the city official shall issue written notice of violation to the responsible party. The notice shall specify those sections of this Code which are determined to be violated and shall include the time and conditions under which the violation(s) shall be corrected. If it is determined that the restoration is not feasible due to imminent construction, (1) a citation may be issued and fines may be levied; (2) the site shall be graded to obtain positive drainage; and (3) the site shall be stabilized with vegetation and the addition of erosion controls. If the responsible party has been issued either a notice of violation or stop work order within the previous twelve-month period, the notice may require the violation(s) to be corrected within twenty-four (24) hours.
- (e) The responsible party shall have a maximum of ten (10) calendar days from the date of the written notice to appeal the finding of the violation(s) to the planning commission as provided in section 7.
- (f) If the responsible party fails to comply with the written notice of violation the city official may issue a stop-work order, citation and revoke all permits including the grading

permit, building permit, and certificate of occupancy. Additionally, when the city official determines that trees to be protected are in the process of being removed or damaged or other emergencies exist, a stop work order to immediately cease and desist may be issued.

(g) The permit applicant shall have on the project site at all times an agent who is a competent superintendent capable of reading and thoroughly understanding the plans, specifications and requirements for areas of tree protection for the type of work being performed. The superintendent shall have full authority to issue orders or direction to employees working on site, without delay and to promptly supply such materials, labor, equipment, tools, and incidentals as may be required to complete the work in a proper manner. If no superintendent is on site, the city official may issue the notice of violation and stop work order to the person conducting the violation.

(h) Removal of trees with a diameter of twelve (12) inches or greater measured four and one-half (4.5) feet above the ground that have been removed without a grading permit or trees required in an approved plan that have been removed or which die shall be considered a violation.

(i) If a land alteration activity causes damage to off-site property or water, the responsible party shall be required to mitigate the damage and install such additional erosion controls, as approved by the city official, to prevent further damage.

(j) Damage to private or public property due to hauling operations or operation of construction related equipment from a nearby construction site shall be repaired by the responsible party prior to issuance of a certificate of occupancy.

Section 6. Conflicts.

Where provisions of this Code conflict with any other ordinance, regulation, or resolution of the city, the most stringent provision shall be enforced. The provisions of this Code are considered minimum requirements.

Section 7. Hearing before planning commission.

Appeals of a notice of violation as provided for in subsection 5(e), a grading and drainage plan decision, or a restoration plan requirement as provided in section 30 shall be heard by the planning commission provided an appeal is filed by the applicant within ten (10) calendar days after the date of the notice of violation, fee(s) are paid, and proper public notice is given. Any hearing before the planning commission regarding such appeal will be conducted in the following manner:

(a) The appellant shall submit an application and fee as provided in section 27 to the Permits and Planning Department within the time limits provided for in subsection 5(e). The appellant shall provide (1) a cover letter that clearly sets forth the provisions of the article that are being appealed and (2) a copy of all pertinent graphic materials or correspondence. Appealable issues are as follows:

1. For a notice of violation, appealable issues are the determination that a violation has occurred, the time frame for correcting the violation, and the corrective action to be required.

2. For a grading and drainage plan decision, appealable issues are the denial of a grading permit and the terms of a grading permit.

3. For a restoration plan, appealable issues are any requirements of section 30.

(b) Certified-mail notice of all appeals shall be given by the applicant to adjacent property owners, including those across a street or alley from the subject property, at least ten (10) days prior to the planning commission meeting at which the appeal is to be considered. At least three (3) business days prior to the hearing, the appellant shall provide proof of notice to the Permits and Planning Department. Failure to provide the required notice will cause the appeal to the planning commission to be dismissed, although minor irregularities in the giving of notice may be waived by the commission.

(c) At the conclusion of questioning and statements, the chairman will call the appeal to a vote as follows:

1. For an appeal of the finding of a violation, either to affirm or overturn the finding of violation; upon affirmation of a finding of violation, a citation may be issued to the appellant;

2. For an appeal of the time to correct the violation, either to affirm the time or determine a new time;

3. For an appeal of the corrective action, either to affirm, determine a new corrective action, or decide that a corrective action is not feasible. A finding that a corrective action is not feasible or appellant's refusal to comply with the commission's decision may result in a citation being issued to the appellant.

4. For an appeal of a grading and drainage plan decision, either affirm or overturn the decision to deny a grading permit, either affirm the permit term or establish a new permit term.

5. For an appeal of a restoration plan or plan provision, either to affirm, determine a new provision or provisions, or decide that restoration is not feasible. A citation may be issued after finding that restoration is not feasible or upon appellant's refusal to fully comply with the restoration measures required by the planning commission.

(d) Decisions by the commission shall be final and are not appealable to the Mayor or City Council Alderman.

Sections 8-19. **Reserved.**

DIVISION 2. GRADING PERMIT AND GRADING AND DRAINAGE PLAN

Section 20. Grading permit required.

(a) Any person proposing to engage in clearing, filling, cutting, harvesting, quarrying, construction or similar activities regulated by this Code shall apply by means of a grading permit application obtained from the city for a grading permit as specified in this Code. The city shall have a maximum five (5) working days to review the grading permit application before a permit is issued. Grading permits shall not be issued while applications are incomplete. A landscape permit as required in Ordinance 1492 shall be obtained from the city before Constructing or expanding a vehicular use area. Additionally, a permit is required when expanding or rehabilitating a building and landscaping is required under this Code. Except as otherwise provided in Ordinance

1492, the responsible party shall not allow the removal of more than seven (7) trees within any given twelve-month period without first obtaining a grading permit. No land shall be altered or cleared to the extent regulated in this Code unless approved by a permit.

(b) No land alteration shall be permitted until all necessary city approval of all plans and permits, except building permit, have been issued and construction is imminent. Clearing and grading for streets and drainage improvements may be done on residential subdivisions provided the preliminary plat has been approved. In those cases where filling or cutting in areas with seven (7) or fewer trees is to be done, the area is to be graded suitable for mowing and shall be revegetated within thirty (30) calendar days of grading completion. If building construction has not commenced and been diligently pursued within eight (8) months of grading permit issuance, then all disturbed areas must be restored in accordance with section 30 and landscaping and tree requirements in the buffers shall be installed, unless the city official determines that the existing buffers on the site meet the landscape planting and zoning requirements.

(c) A grading permit is required for land alteration activities specified in this section. All construction work shall include appropriate drainage and erosion control measures to protect neighboring properties. All land alteration on properties within the designated floodplain requires a grading permit without exception.

(d) Grading permits, which may be obtained as part of a building permit, shall be required for any of the following activities:

(1) A top of hill or hillside cuts or fills greater than ten (10) feet vertical.

(2) Any construction activity where the total volume of cut or fill is equal to or greater than one thousand (1,000) cubic yards.

(3) Clearing or cutting of trees on property in the city except for:

i. Areas with bona fide agriculture and forestry activities;

ii. Areas with bona fide mining activities; and

iii. Properties abutting on a collector street of two (2) acres or less zoned single- or two-family districts R1, R2, R3, R4, or PRD, and residentially zoned properties of five (5) acres or less fronting on a residential street.

(e) Prior to issuance of a grading permit, a grading and drainage plan shall be submitted to and approved by the city for activities specified in subsections (d)(1), (2) and (3).

(f) When the application is for a planned zoning district, conditional use permit, site plan review, subdivision, or multiple building site approval, a sketch grading and drainage plan shall be required in the application to the planning commission only if any of the activities specified in subsection (d) are involved.

(g) Utility organizations may obtain a one-time approval from the city for all routine tree trimming and installation, maintenance, replacement and repair of fence and sign posts, telephone poles and other kinds of posts or poles and overhead or underground electric, water, sewer, natural gas, telephone or cable facilities. The approval will include a utility organization and its contractors, agents or assigns and will be permanent in nature as long as the original approved procedures are followed. However, large-scale utility projects involving clearing of areas over twenty-five (25) feet in width shall not be authorized by one-time approval of all projects. In such cases, a separate grading permit must be obtained for each project.

(h) One-time approval may be obtained by public or private entities for the stockpiling

of construction spoil material and concrete and asphalt rubble at particular locations for a limited time period, not to exceed six (6) months. Grading and replanting of grassed areas and trees is required upon removal of stockpile.

Section 21. Exemptions and variances.

(a) A grading permit shall not be required for:

(1) Construction on properties in the city (i) uses for bona fide agriculture, forestry or mining activities; (ii) properties abutting on a collector street of two (2) acres or less zoned single- or two-family districts R1, R2, R3, R4 or R7A, and residentially zoned property five (5) acres or less fronting on a residential street.

(2) Emergency work or repairs to protect health, safety and welfare of the public. Removal of damaged or diseased trees will be allowed; and

(3) Mining and mining operations because these activities are covered by the Arkansas Open Cut Land Reclamation Act [A.C.A. Section 15-57-301 as amended], which is regulated by the state Department of Environmental Quality.

(b) The planning commission may grant variances from the standards set forth in this article provided that a variance request is filed by the applicant, fee(s) are paid, and proper public notice is given. The applicant shall submit a variance request application and fee as provided in section 27 to the Permits and Planning Department. As part of the application, the applicant shall provide:

(1) A cover letter that clearly sets forth the provisions of the code from which a variance is requested and

(2) A copy of all pertinent graphic materials or correspondence.

(c) Certified-mail notice of all variance requests shall be given by the applicant to adjacent property owners, including those across a street or alley from the subject property, at least ten (10) days prior to the planning commission meeting at which the variance is to be considered. At least three (3) business days prior to the hearing, the applicant shall provide proof of proper notice to the Permits and Planning Department. Failure to provide the required notice will cause the variance request to the planning commission to be dismissed, although minor irregularities in the giving of notice may be waived by the commission.

(d) Appeals from the variance decision of the planning commission shall be filed with the appropriate court of jurisdiction within thirty (30) calendar days of the decision of the planning commission.

(e) Variances may be granted, to the extent that the change will not be contrary to the purposes set forth in section 3:

(1) To clear and grade a multilot or multiphase development where construction is not imminent on all phases of the development;

(2) To harvest timber on land not otherwise allowed under this section in accordance with a reasonable staff-approved forestry-management plan which is determined to be reasonable and prepared by a registered forester or certified arborist using best management practice guidelines for silviculture in urban areas, that complies with the purposes and requirements of this article; however, clear cutting or total harvests shall not be allowed;

(3) To exceed the cut, fill, and slope requirements of section 24;

(4) From the restoration requirements of section 30.

The planning commission may impose conditions on the approval of variances. Where variances are granted, applicants shall otherwise comply with all other provisions of the ordinance including, but not limited to, obtaining a grading permit prior to construction or tree removal, meeting the standards for grading, drainage, tree removal, maintaining buffer zones, erosion controls, and establishing of vegetative cover following grading activities.

Section 22. Contents of grading and drainage plans.

(a) The sketch grading and drainage plan shall identify the following:

- (1) Acreage of the proposed project.
 - (2) Land areas to be disturbed.
 - (3) Stages of grading showing the limits of sections to be graded and indicating the approximate order of development.
 - (4) The height and slope of cuts and fills. Cross sections may be required every fifty (50) feet on property where the depth of excavation or fill exceeds ten (10) feet, showing original and final grades and will include visual aids to show how the final development, including planting, and landscaping will look.
 - (5) Provisions for collecting and discharging surface water.
 - (6) Erosion and sediment measures, including structural and vegetative measures for permanent slopes and bank stability.
 - (7) Seal and signature of a registered engineer, surveyor, architect, or landscape architect, qualified under state regulations to certify that the sketch grading and drainage plan complies with this Code. However, plans for less than two (2) acres fronting on a collector street, or residentially zoned areas less than five (5) acres fronting on a residential street, where cuts or fills are not greater than ten (10) feet in height or where only tree clearing activities are to be undertaken, may be required by the City Engineer to be prepared by a contractor or the property owner.
- (b) A final grading and drainage plan shall include the following information prior to issuance of grading and special flood hazard development permits:
- (1) Seal of a registered engineer, surveyor, architect or landscape architect qualified under state regulations to certify that the grading and drainage plan complies with this Code.
 - (2) A vicinity drawing showing location of property lines, location and names of all existing or platted streets or other public ways within or immediately adjacent to the tract.
 - (3) Location of all known existing sewers, water mains, culverts and underground utilities within the tract and immediately adjacent thereto; location of existing permanent buildings on or immediately adjacent to the site if right of entry can be obtained to locate the utilities.
 - (4) Identification of rights-of-way or easements affecting the property.
 - (5) Soil-loss calculations as estimated by the universal soil-loss equation. Allowable soil loss shall not exceed five (5) tons per acre per year. Examples of soil-loss calculations will be provided by the City Engineer's Office.
 - (6) A plan of the site at a minimum scale of one (1) inch equals one hundred (100) feet.
 - (7) Such other information required by city officials, including, but not limited to:

- a. Address and telephone number of owner, permit applicant and the designated agent responsible for maintenance of erosion and sediment control measures.
 - b. The approximate location and width of existing and proposed streets.
 - c. The locations and dimensions of all proposed or existing lots.
 - d. The locations and dimensions of all parcels of land proposed to be set aside for parks, playgrounds, natural condition perimeters, public use, or for the use of property owners in the proposed development.
 - e. Existing and proposed topography at a maximum of five-foot contour intervals for steep terrain; two-foot contour intervals for ten (10) percent or less grade terrain.
 - f. An approximate timing schedule, indicating the anticipated starting and completion dates of the development; a timing schedule for the sequence of grading and application of erosion and sediment control measures as well as restoration of vegetation.
 - g. Acreage of the proposed project.
 - h. Identification of unusual material or soils in land areas to be disturbed. If any surface indications of unusual materials or soils that would cause street or lot instability, such as nonvertical tree growth, old slides, seepage, or depressions in the soil are visible before grading, they should be noted and accompanied by the engineer's, architect's, landscape architect's, or contractor's recommendation for correcting such problem areas.
 - i. Identification of suitable material to be used for fills shall be accomplished before actual filling begins. If there are any surface indications that local material is not suitable for fills, those areas to be filled with outside material should be identified and the type and source of the fill noted.
 - j. Specification of measures to control runoff, erosion and sedimentation during the process of construction, noting those areas where control of runoff will be required during construction and indicating what will be used, such as straw bales, sediment basins, silt dams, brush check dams, lateral hillside ditches, catch basins, etc.
 - k. Measures to protect neighboring built-up areas and city property during process of construction, noting work to be performed, such as cleaning existing ditches, storm culverts and catch basins or raising existing curbs in neighboring areas.
 - l. Provisions to stabilize soils and slopes after completion of streets, sewers and other improvements, noting on the grading plan when and where ground cover will be planted, also noting any other means to be used such as placement of reinforced turf, staked sod, stone embankments, and riprap or construction of retaining walls.
- (8) The grading and drainage plan shall include areas of tree protection, erosion and sediment control provisions meeting standards established by the city in the stormwater management and drainage manual. Tree lines and individual trees may be required to be shown.

Section 23. Issuance procedure.

- (a) The following procedure shall be implemented for the issuance of a grading permit.
 - (1) The city official shall approve, disapprove or recommend modification of the grading and drainage plan in writing within five (5) working days after the date of submittal of a complete application.
 - (2) Applications for which planning commission approval is required shall be placed on the next available planning commission agenda following city staff review.

(3) Except for residential subdivision work, the approval of a sketch grading and drainage plan shall not eliminate the need to submit and have approved a final grading and drainage plan prior to issuance of a building permit or the initiation of land alteration activities.

(4) For residential subdivision work, only a sketch grading and drainage plan shall be required, and clearing and grading work may proceed upon approval of the preliminary plat and issuance of a grading permit. The sketch plan for residential subdivisions shall indicate how runoff, erosion, and sedimentation will be controlled.

(b) Upon approval of the final plan, the city shall issue a grading permit. A superintendent capable of understanding the plans and with authority to issue orders to employees performing the land alteration shall properly supervise the land alteration activities.

(c) The city official may issue a stop work order if, upon inspection, it is determined that the work is not progressing in accordance with the approved plan.

(d) Groups of trees and individual trees that are not to be removed or that can be preserved with reasonable effort in site design or are located within required undisturbed buffer areas shall be protected during construction by protective fencing. The buffer and any preservation areas shall not be used for material storage or for any other purpose. The fencing shall be placed and maintained by the owner until all exterior construction except landscaping has been completed. Individual trees or groups of trees to be preserved outside the buffer area shall be fenced at no less than seventy-five (75) percent of the area within the drip line of the critical root zone and shall be flagged with bright orange vinyl tape wrapped around the main trunk at a height of four (4) feet or more such that the tape is clearly visible to workers on foot or operating equipment.

(e) The city official may allow minor modifications of the plan to alleviate particular problems during the process of construction. In reviewing a request for modifications, the city official may require from the applicant's engineer, architect, or landscape architect appropriate reports and data sufficient to make a decision on the request.

(f) Major changes to plans approved by the planning commission either in sketch or final form shall only be permitted by the planning commission. Examples of major changes are those that substantially increase the height of cuts or the area of clearing or grading, or substantially impact neighboring properties. More than twenty (20) percent increase in height, area or impact will normally be considered a major change. Examples of increased impact include reductions in buffer area, increased runoff onto adjacent properties, and increased site area that is visible from adjacent properties or public streets.

Section 24. Grading and drainage plan requirements.

Preparation of grading and drainage plans shall follow the Best Management Practices (BMP) for stormwater or city regulations and shall be designed on the basis of the following considerations:

(1) A maximum of thirty (30) vertical feet of fill or excavation (such as three (3) ten-foot vertical terraces or two (2) fifteen-foot vertical terraces) is permitted, however additional development areas may be constructed a minimum of one hundred fifty (150) feet in width and at a slope of no more than eight (8) percent. The maximum of thirty

(30) feet of fill or excavation may again be utilized.

- a. The depth of fill or excavation shall be measured from the finish grade elevation to the original ground line elevation.
 - b. No more than two hundred (200) feet of terrace can be in a straight line and a minimum of a ten (10) feet curved section, jog, or offset is required for each additional two hundred (200) feet of terrace.
 - c. For excavations or fills constructed with slopes flatter than 3:1 (three horizontal to one vertical), terraces are not required nor is there a limit on the height of cut or fill. Planting requirements on these 3:1 slopes shall be the same as required for terraces and shall be spaced uniformly over the slope.
 - d. Cuts or fills shall be limited to ten (10) feet in height or to fifteen (15) feet if architectural stone is included to protect the vertical face. A series of smaller cuts or fills with terraces, preserving portions of natural vegetation and providing areas for planting, shall be used in situations where more than ten (10) feet of cut or fill is needed.
 - e. Terracing width shall be at a ratio of at least one (1) foot of horizontal terrace for every one (1) foot of vertical height, up to a maximum of ten (10) feet. Terraces shall be landscaped with dense evergreen plantings sufficient to screen the cut or fill slope. The terrace may be sloped to drain up to one (1) foot in ten (10) feet of width.
 - f. If the slope of the cut or fill is faced with an architectural stone wall, the terrace plantings shall be a minimum of two (2) rows of trees four (4) feet between the rows, staggered not more than thirty (30) feet on centers.
 - g. Shrubs and ground cover shall be required in accordance with Ordinance 1492.
 - h. Slopes steeper than 3:1 may be allowed for street improvements in the right-of-way due to rock outcropping or extreme slope intercepts if approved by the City Engineer.
- (2) Development shall be planned to fit topography, soils, geology, hydrology, and other existing site conditions.
 - (3) Provisions shall be made for safety against unstable slopes or slopes subject to erosion and deterioration. The city official may require certified geotechnical analysis for sliding and global stability safety. New cuts and fills forming channel banks may require permanent provisions for erosion control upon determination by the city official.
 - (4) Grading shall complement natural landforms.
 - (5) After grading, all paving, seeding, sodding, or mulching shall be performed in accordance with a reasonable schedule approved by the city official.
 - (6) Open areas not planned for immediate use shall be seeded or sodded. Soil which is exposed for more than thirty (30) days with no construction activity shall be seeded, mulched or revegetated in accordance with this code.
 - (7) Areas not well suited to development, as evidenced by existing competent soils, geology, hydrology investigations and reports, should be allocated to open space and recreational uses.
 - (8) The potential for soil loss shall be minimized by retaining natural vegetation wherever possible.
 - (9) Appropriate provisions shall be used to accommodate stormwater runoff and soil loss occasioned by changed soil and surface conditions during and after development, including the use of vegetation and limitations on soil exposure. If staff determines upon visual inspection that excessive silt from the construction has migrated on or offsite, additional measures to reduce erosion may be required.

(10) Permanent improvements such as streets, storm sewers, curb and gutters, and other features for control of storm runoff shall be scheduled as soon as economically and physically feasible before removing vegetation cover from the area, so that large areas are not left bare and exposed for long periods of time beyond the capacity of temporary control measures.

(11) A temporary or permanent sediment basin, debris basin, desilting basin or silt trap shall be installed and maintained to substantially reduce sediment from water runoff upon determination by the city official. The volume of the sediment basin shall be three thousand six hundred (3,600) cubic feet per acre for property with average slope steeper than five (5) percent, or one thousand eight hundred (1,800) cubic feet per acre for property with an average slope five (5) percent or flatter. A properly sized sediment basin is required for each separate drainage area within the property being developed.

(12) Construction access shall be limited to locations as approved by the city official. Construction access points shall be paved in uniformly graded stone without fines for a minimum length of twenty (20) percent of the lot depth or fifty (50) feet, whichever is greater, up to a maximum of one hundred (100) feet to prevent tracking onto the city street.

(13) Appropriate provisions such as the addition of water or dust retardants shall be utilized to prevent excessive particulate matter from becoming airborne.

(14) A perimeter buffer strip shall be temporarily maintained around disturbed areas for erosion control purposes and shall be kept undisturbed except for reasonable access for maintenance. The width of the strip shall be six (6) percent of the lot width and depth. The minimum width shall be twenty-five (25) feet and the maximum shall be forty (40) feet. In no event shall these temporary strips be less than the width of the permanent buffers required for the development.

(15) A minimum strip twenty-five (25) feet wide, undisturbed except for reasonable access, shall be provided along each side of streams having a ten-year storm of greater than one hundred fifty (150) cubic feet per second. The twenty-five-foot strip shall be measured from the top of the bank. An exception to this requirement is allowed where the only work being done on the site is public street construction.

(16) Care shall be exercised to minimize the risk of damage from or to pedestrian and vehicular traffic in the vicinity of a cut or fill by placement of handrails, guardrails, fencing or landscaping.

(17) Additional landscape treatment shall be provided in accordance with Ordinance 1492.

Section 25. Unified plan and permit.

One (1) plan may be submitted incorporating all provisions for compliance with the applicable city zoning, landscaping, drainage detention, grading, clearing, filling, cutting, quarrying, and construction requirements.

Section 26. Reserved.

Section 27. Fees.

A fee for each grading permit shall be paid to the city as follows:
 TABLE INSET:

Total Project Area	Fee
Less than one (1) acre.....	\$30.00
Greater than 1 acre.....	\$30.00 for first acre, \$30.00 for each additional acre, up to a maximum of ten acres, not to exceed \$300.00.

Fees for each grading permit will double if the grading permit is issued after a notice of violation(s) has been issued for violation(s) of the land alteration regulations that have occurred on the subject property.

A fee for each appeal and variance shall be paid to the city as Flat Fee . . . \$50.00

Section 28. Inspection and compliance.

- (a) The inspector designated by the City Engineer shall be responsible for determining whether construction is proceeding according to the approved grading and drainage plan.
- (b) City officials shall perform inspections of the development site. In applying for a grading permit, the applicant shall be deemed to have consented to such inspections.
- (c) The city official, through such periodic inspections, shall ensure that all erosion control measures are implemented within one (1) week after cessation or completion of all or portions of authorized work. The city official may where necessary, order remedial work or issue a stop work order in accordance with this Code.

Section 29. Reserved.

Section 30. Land restoration requirements.

All land restoration corrective action activities resulting from land alteration violations shall comply with following conditions:

- (1) Submit site restoration and erosion control plans to the Permits and Planning Department for approval prior to beginning restoration work.
- (2) All restoration work must be begin within ten (10) calendar days of plans approval and conclude within thirty (30) calendar days of commencement unless otherwise provided by the approved plan or other uncontrollable conditions.
- (3) Prior to commencing restoration activities, erosion controls such as silt fence, hay bales, and rock check dams shall be installed and shall remain in place until restoration activities are complete.
- (4) Return all ground surface contours to those in existence prior to land alteration violation while maintaining positive drainage. All slopes must be 3:1 or flatter. Terraces are prohibited.
- (5) All spoil materials and debris including tree debris must be removed from the

property.

(6) Replant one (1) tree for every one thousand (1000) square feet of the area of violation, as determined by the city official, with an average linear spacing of not less than thirty (30) feet with at least two-inch caliper nursery- or farm-grown trees of the same species as those cleared, harvested, removed or damaged. Planting specifications shall be provided on the plan including soil preparation, staking and other necessary measures to ensure trees thrive. If the city official determines the current season of the year is not conducive to sustaining life for trees, the time compliance with these provisions may be extended for not more than one hundred eighty (180) days.

(7) Establish a permanent vegetative cover of perennial grasses with the addition of fertilizer mixes conducive to site conditions.

(8) It is the responsibility of the land owner to maintain restoration of vegetation, shrubs or trees in a manner that it does not constitute a public hazard or nuisance. The land owner shall maintain the vegetation, shrubs or trees in a manner that will allow the plants to grow and live.

(9) Final inspection and approval is required following completion of required restoration activities. All incomplete items or additional work identified during the final inspection must be completed within seven (7) calendar days following the final inspection.

(10) All restoration work is to be guaranteed by the responsible party in the form of cash or letter of credit for two (2) years following its installation and approval by the Permits and Planning Department.

(11) All permits and approvals must be obtained from all federal, state, and local agencies prior to commencing work.

(12) All restoration work shall be required as stated above unless approved otherwise by the city official.