



CHAPTER 9: BUILDING REGULATIONS

ARTICLE 2: GRADING, EXCAVATION, AND FILL PERMITS

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See Ord. #10-2011 Adopted May 23, 2011

CHAPTER 9: BUILDING REGULATIONS

ARTICLE 2: GRADING, EXCAVATION, AND FILL PERMITS

9-2-1 Permit Required

Except as specified in this Article, no person shall do any grading, excavation, or fill in excess of twenty (20) cubic yards or two feet (2') in vertical dimension without first obtaining a grading permit from the Town of Grand Lake. A separate permit shall be obtained for each site and may cover both excavation and fill of that site.

- (A) Any provisions to the contrary notwithstanding, no Grading Permit shall be issued for construction within the Town of Grand Lake unless and until the applicant (its constituents or members) are current with the Town and all Town enterprises for all fees, assessments, charges, taxes or amounts due of any type.

9-2-2 Exempted Work

(A) A grading permit is not required for the following:

1. An excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from this excavation.
2. Cemetery graves.
3. Refuse disposal sites controlled by other regulations.
4. Excavations for wells or utilities.
5. Mining, quarrying, excavating, processing or stockpiling of rock, sand, gravel, aggregate or clay where established and provided for by law, provided such operations do not affect the lateral support or increase the stresses in or pressure upon any adjacent or contiguous property.
6. Exploratory excavation under the direction of soil engineers or engineering geologists.
7. A fill less than twenty (20) cubic yards on any one lot or lots providing that the fill does not obstruct a drainage course, encroach on a floodway or floodplain, or exceed two feet (2') in vertical dimension.
8. An excavation or fill less than two feet (2') in depth with side slopes not steeper than three feet (3') horizontal to every one foot (1') in vertical dimension.

(B) Exemption from the permit requirements of this article shall not be deemed to grant authorization for any work to be done in any manner in violation of other federal, state, or municipal laws or ordinances.

9-2-3 Application for a Grading Permit

The application for a grading permit shall be made for either a general grading permit or an engineered grading permit.

(A) A general grading permit shall be required in the following instances:



1. if the excavation or fill exceeds twenty (20) cubic yards but is less than two thousand five hundred (2500) cubic yards and has a maximum vertical dimension of less than two feet (2'); or
2. if the excavation or fill is less than twenty (20) cubic yards and the maximum vertical dimension exceeds two feet (2').

(B) An engineered grading permit shall be required:

1. whenever the excavation or fill exceeds two thousand five hundred (2500) cubic yards; or
2. if the fill or excavation exceeds two feet (2') in vertical dimension.

9-2-4 General Grading Permit

(A) Each general grading application shall be accompanied by a plan in sufficient clarity to indicate the nature and extent of the work. The plan shall include the following information:

1. General vicinity of the proposed site.
2. Limiting dimensions and depth of the cut and/or fill.
3. Location of any building or structure within fifteen feet (15') of the proposed grading.
4. Location, size and depth of all existing utilities and easements on the proposed site.
5. Location of all natural features, such as watercourses, on the proposed site or within one hundred feet (100') of the "graded area."
6. A re-vegetation plan.
7. Location and type of any erosion control measures.
8. The proposed timetable for completion of the grading and re-vegetation.

(B) The general grading permit shall be issued by the Grand Lake Public Works Director or his designee within two (2) weeks of the submittal of a complete application and plan, and may have conditions placed upon it. The applicant may challenge these conditions by requesting, in writing, a public hearing before the Board of Trustees.

1. If the general grading permit is not issued within that two (2) week period, the permit shall be considered denied.

(a) The applicant may appeal the denial of the permit by requesting a public hearing before the Board of Trustees.

(b) Said hearing must be requested in writing by the applicant within two (2) weeks of the Town's decision and shall be held within sixty (60) days of receipt of the written request for hearing.

(c) A separate fee shall be imposed for the appeal process.

9-2-5 Engineered Grading Permit

(A) Each engineered grading application shall be accompanied by two (2) sets of plans and specifications and supporting data. The plans shall contain the following information:



1. General vicinity of the proposed site.
2. Property limits and accurate contours of existing ground and details of terrain and area drainage.
3. Limiting dimensions, elevation or finish contours to be achieved by the grading, and proposed drainage channels and related construction.
4. Location of any building or structures on the property where the work is to be performed and the location of any buildings or structure on the land of adjacent owners that are within fifteen feet (15') of the property or that may be affected by the proposed grading operations.
5. Recommendations included in the required soils engineering report shall be incorporated in the grading plans and specifications.
6. Location, size and depth of all existing utilities and easements on the proposed site.
7. Location of all natural features, such as watercourses, on the proposed site or within one hundred feet (100') of the disturbed graded area.
8. A Soils Engineering report: The soils engineering report required shall include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures and design criteria for corrective measures, including buttress fills, when necessary, and opinion on adequacy for the intended use of sites to be developed by the proposed grading as affected by soils engineering factors, including the stability of slopes.
9. A re-vegetation plan.
10. Location and type of any erosion control measures.
11. The proposed timetable for completion of the grading and re-vegetation.

(B) The engineered grading permit shall be issued by the Grand Lake Public Works Director or his designee within thirty (30) days of the submittal of a complete application and plan, and may have conditions placed upon it. The applicant may challenge these conditions by requesting, in writing, a public hearing before the Board of Trustees.

1. If the engineered grading permit is not issued within that thirty (30) day period, the permit shall be considered denied.
 - (a) The applicant may appeal the denial of the permit by requesting a public hearing before the Board of Trustees.
 - (b) Said hearing must be requested in writing by the applicant within two (2) weeks of the Town's decision and shall be held within sixty (60) days of receipt of the written request for hearing.
 - (c) A separate fee shall be imposed for the appeal process.

9-2-6 Hazards

Whenever the Town determines that any existing excavation or embankment or fill has become a hazard to life or limb, or endangers property, or adversely affects the safety, use or stability of a public way or drainage channel, the owner or occupant of the property upon which the excavation or fill is located, or any other person or agent in control of said property, upon receipt of notice in writing from the Town, shall within the period specified therein repair or eliminate such excavation or embankment to eliminate the hazard and to



be in conformance with the requirements of this Code.

9-2-7 Environmental Hazards

- (A) Off-site fill material shall be free of environmental hazardous materials.
- (B) The source of fill material shall be identified at the time of the submittal of the application for a grading permit.
- (C) If directed by the Town, the applicant shall have testing performed on a representative sample or samples of the fill material to determine if environmentally hazardous materials are present in the fill.

9-2-8 Fill Material

- (A) Detrimental amounts of organic material shall not be permitted in fill.
- (B) No rock or similar irreducible material with a maximum dimension greater than twelve inches (12") shall be buried or placed in fills unless included and approved as part of an engineered grading permit.

9-2-9 Erosion and Sedimentation Control

The applicant conducting the grading activity shall install and maintain temporary and/or permanent erosion and sedimentation control measures as required by the Town.

9-2-10 Permit and Appeals Fee

- (A) Applicants for a permit and persons requesting an appeal hearing under this Article shall pay the required and necessary fee to the Town before the issuance of such permit or the appeal hearing date.
- (B) The fees for such permit or appeal hearing shall be established and amended from time to time by Resolution by the Grand Lake Board of Trustees.
- (C) Failure to obtain a Grading Permit prior to beginning any grading, excavating, or filling which requires a permit shall cause the Grading Permit fee to be Two Hundred and Fifty Dollars (\$250.00)

9-2-11 Valid Period

- (A) All grading permits shall be valid for six (6) months from the date the permit is issued provided that the approved application and the conditions of its approval have not changed.
- (B) 2. Upon demonstration by a permittee of unusual or exceptional circumstances, the Town Public Works Director or Engineer may extend the permit period for not more than one additional six (6) month period.



9-2-12 Display of Permit

Each permit issued under this Article shall be kept at the grading site while the work is in progress and shall be exhibited upon request to any employee of the Town.

9-2-13 Bonds

The Town may require bonds in such forms and amounts as may be deemed necessary to ensure that the work, if not completed in accordance with the approved plan and specifications, will be corrected.



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