

**Grading Permit Policy
City of Athens, TN -- February 19, 2002
Revision 1 – September 17, 2002**



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Grading Permit Policy
City of Athens, TN -- February 19, 2002

1.0 GENERAL

1.1 Purpose/Scope

The intended purpose of this policy is to safeguard life, limb, property and public welfare by regulating clearing, earthwork, excavation, and other land disturbing activity and by requiring temporary and permanent provisions for it's control. It should be used as a planning and engineering implement to facilitate the necessary control of grading and earthwork.

This policy sets forth standards and rules for grading and earthwork and establishes the requirement of a formal permitting procedure. This policy applies to all areas within the City Limits and establishes administrative procedures for the issuance of permits and the enforcement thereof, requires the submission of necessary plans (Site or Conceptual Plans) for such work, and the observation & inspection of grading and/or earthwork operations.

1.2 Authority

This policy is developed, implemented, and recognized as a standard practice for the City of Athens, Tennessee. The City Council has approved this document for the management of Grading and Earthwork Activities within the Athens City Limits. It will be utilized in conjunction with the existing Site Plan Ordinance, Subdivision Regulations, Zoning Ordinance, Stormwater Management Policy, and other such municipal codes and texts.

The City Manager has charged the Community Development and Public Works Departments with the administration and enforcement of this policy in regard to the review and approval of grading, excavation, earthwork, and related activities and such management practices as described herein.

2.0 DEFINITIONS

- **Bedrock** – In-place, solid, and undisturbed rock.
- **Clearing** – The removal from land of trees, shrubs, grass, and/or other varied ground cover and vegetation useful for windbreaks, water retention, and the maintenance of topsoil.
- **Compaction** – The densification of materials by mechanical means.
- **Cut** – See excavation.
- **Earth Material** – Any rock and/or natural soil exclusive of any decomposable matter.
- **Earthwork** – Excavation, fill and back fill, compaction, and grading.

- **Erosion** – The wearing away of the ground surface as a result of movement of wind, water, and/or ice.
 - **Excavation** – The mechanical removal of earth material.
- Definitions** – continued

- **Fill or Backfill** – A deposit of earth by artificial means.
- **Finish or Final Grade** – The grade of the subject site, which conforms to the permitted plan.
- **Grade** – The vertical location of the ground surface to a predetermined elevation datum.
- **Grading** – The operation of raising or lowering the ground surface to a predetermined grade.
- **Grading Permit** – A document allowing or authorizing the initiation of grading, excavation, or related earthwork according to City Policies, Procedures, and Ordinances in conformity to the approved plan(s).
- **Rough Grade** – The stage of construction at which the grade approximately conforms to the permitted plan.
- **Sediment** – Solid material, both material and organic, that is in suspension, is being transported, or has been moved from its origin by air, water, gravity, or ice as a product of erosion.
- **Site** – For purposes of this policy, a specific location on which any of the following activities are underway: excavation, cutting, or filling of earth or related earthwork.
- **Soil** – Naturally occurring surface deposits overlying bedrock.
- **Site Plan** – The graphical plan, usually in map form, prepared pursuant to Title 14, § 14-1, Zoning and Land Use Control, and Chapter 3, § 14-3, Site Plans and Land Development, of the *Athens Municipal Code*; and the *Subdivision Regulations* of the City of Athens.
- **Stormwater** – The waters derived from rain falling or snow melting within a tributary drainage basin, flowing over the surface of the ground or collected in a stormwater drainage system.

3.0 PERMITTING PROCEDURES

Unless otherwise stated, no person(s) shall perform any clearing, excavation, or earthwork within the City of Athens without first having obtained a Grading Permit from the Public Works Department. A separate permit will be required for each and every individual site.

This section explains the procedure for applying for Grading Permits and the process by which the Public Works Department reviews and approves permits.

This policy is applicable but is not limited to the following activities:

- Excavating, cutting, filling, grading, draining, or paving of lots, parcels, or other areas
- Altering, rerouting, deepening, widening, obstructing, or changing in any way an existing drainage system or feature
- Development for: residential (greater than one (1) lot or other subdivisions), commercial, institutional, industrial, utility or other activities

- Commencing any other development or excavation which may: significantly increase or decrease the rate and/or quantity of surface water runoff; degrade the quality of water; adversely affect any sinkhole, water course, or water body

3.1 Exceptions for Grading Permits

The following described activities shall not require a Grading Permit in order to perform clearing, excavation, or related earth work:

- Basement or footer excavations for single or two family (duplex) residential dwellings
- Cemetery graves
- Sanitary landfill or refuse disposal sites controlled by other regulations
- Excavations for wells or tunnels (unless performed on the public right-of way)
- Mining operations controlled by other regulations
- *Temporary* stockpiling or storing of materials provided that such operations do not affect adjacent properties and all drainage and erosion control requirements. *Temporary* stockpiling/storage shall be defined as ninety (90) days or less.
- Exploratory excavations/drilling under the direction and/or supervision of a licensed soils engineer or geologist
- Excavation for any structure(s) located within an approved subdivision for which there exists an approved, current, Grading or Site Plan with which the developer/owner/builder intends to comply
- Accepted agricultural practices such as plowing, cultivation, construction of agricultural structures, nursery operations, tree cutting, logging operations leaving the stump and root mat intact, and cultivated sod operations
- Construction, repair, or rebuilding of rail tracks or related facilities belonging to and located on railroad property
- Installation, repairs, and maintenance of utilities by the utility owner/operator or their contractor or representative.
- Grading associated with general maintenance, landscaping, excavation, or placement of fill so long as 50 cubic yards or less of soil is disturbed on one (1) lot AND the existing contours are not altered in excess of two (2) feet AND all work is in compliance of all requirements for Erosion and Sedimentation Control AND the proposed work does not impact or obstruct a natural drainage course

3.2 Responsibility not Waived

The Grading Permit exceptions listed in Section 3.1 do not relieve the owner, developer, contractor, or other legal representative of the responsibility of installing and properly maintaining the proper erosion/sedimentation control measures or other liability resulting from such activities.

3.3 Site Plan and/or Conceptual Grading Plan Requirements

Title 14, Zoning and Land Use Control, Chapter 3, Site Plans and Land Development, of the *Athens Municipal Code* requires an **approved Site Plan** for the activities listed below unless excepted as described in §14-402 Exceptions.

- Erecting any building or structure
- Enlarging or altering any building or structure

- Disturbing land (Alter the grade of any land as to change the contours in excess of two (2) feet)
- Construction of any streets, alleys, sidewalks, curbs, gutters, retaining walls, drain or sewer, or off street parking lots
- Changing or diverting the flow of stormwater or natural water courses

If the site plan is inadequate in detail for stormwater management, a separate drainage plan will be required. A licensed civil engineer may be required to design stormwater systems and plans. These plans shall contain, as a minimum, the following items or information. (In addition to basic information such as owner name and address, date, scale, north indication, and etc., other information is required aside from drainage requirements. These requirements are listed in § 14-309 of the ordinance.)

- Total land area
- Existing and proposed topography of existing land and impervious areas shown in five (5) foot intervals (two (2) foot intervals may be required)
- Elevations of all existing and proposed streets, alleys, utilities, sanitary and stormwater sewers, and existing buildings and structures
- All existing and proposed impervious areas
- Natural or artificial watercourses
- Limits of flood plains (if applicable)
- Existing and proposed slopes, terraces, or retaining walls
- All existing and proposed stormwater drainage structures or features
- All stormwater structures/features immediately upstream and downstream of the site
- Erosion and siltation control plans
- Drainage calculations when required
- Drainage easements when required

If the proposed grading is for purposes of other than actual building construction, a Conceptual Grading Plan may be submitted. This plan will contain all of the above requirements with the exception of any buildings or paving details.

If the proposed work is for grading only, this should be indicated on the Conceptual Plan. A permit will be issued for “Grading Only”. Any future or additional work to include building construction, paving, etc. will require that a Site Plan be submitted and approved and the necessary permits obtained.

3.4 Plan Submittal, Review, and Approval Process for Grading Permits

Site, Drainage, Conceptual Grading, and Erosion Control Plans for the purpose of obtaining a Grading Permit shall be submitted to the Public Works Department. They are to be submitted in such time that the Public Works Director is to receive the submitted plans no less than five (5) working days prior to the intended date to begin site alterations. These plans can be submitted to the Public Works Director at the Public Works Service Center located at 219 Alford Street.

An Application for a Grading Permit shall be submitted along with the necessary plans.

For all other purposes, the Community Development Department is the central point for receiving preliminary, revised, and final submittals. The issuance of all other permits is based upon approvals of submitted plans.

All Site, Drainage, Conceptual Grading, and Erosion Control Plans and specifications are to be approved by the Public Works Director, the City Engineer, or the City Manager's designee.

A licensed civil engineer may be required to design Site, Drainage, Conceptual Grading, and Erosion Control Plans when required by the Public Works Director, the City Engineer, or the City Manager's designee. Such requirements will be based upon the complexity of the conditions, the adjacent properties, and the site itself.

If an applicant determines that his/her plan has been unjustly disapproved or that the Public Works Director or City staff has made requests that are considered above and beyond this policy, he/she may appeal the decision to the City Manager.

- Once the necessary plans and application have been submitted and approved and the necessary fees have been received, a Grading Permit will be issued.
- The necessary fees can be paid and the permit issued at the Public Works Service Center located at 219 Alford Street.
- The Permit is valid for a period of six (6) months from the date of issue. Extensions will be considered based on the circumstances.
- The Permit and copies of the approved drawings are to be present on site at all times when work is underway. The City's representative may ask to see these at any time.
- A Grading Permit can be suspended or revoked for violation of this or other related policies, procedure, or City Ordinances. A Stop Work Order may be issued if work continues after the Grading Permit has been revoked. Further action can and will be taken if necessary to insure compliance with this policy.

4.0 GRADING PERMIT FEES

The fee for the Grading Permit is intended to assist the City of Athens in recovering some of the expenses associated with the permit process. These costs consist primarily of administration, inspection, and enforcement activities and shall be approved and set by the Athens City Council. Fees are due upon submission of the permit application.

The fee schedule for Grading Permits is as follows:

Grading/Excavation/Earthwork Projects

Areas <= 5 acres	-	\$25.00
Areas > 5 acres	-	\$25.00 per each additional acre

5.0 EROSION & SEDIMENTATION CONTROL

Developers and/or property owners shall use appropriate erosion and sedimentation control measures to ensure that erosion, or adverse conditions caused by erosion or sedimentation, is eliminated or held to an acceptable minimum and does not cross to an adjoining property, R.O.W., street, or stream.

When deemed necessary, the Public Works Director, Community Development Director, City Manager, and /or the Planning Commission may require that a separate, detailed

erosion and sedimentation control plan be submitted along with the Site Plan. Otherwise, control measures should be indicated on the Site Plan.

All control measures will be approved in the field by the appropriate city staff, typically the Public Works Director or his designee, and maintained by the developer.

5.1 Control Measures

The following control measures should be used as a minimum for erosion control:

- The smallest practical area of land should be exposed at any one time during development. Mulching or other protective measures should be used to protect exposed areas.
- Areas that will be exposed for more than three (3) months shall be seeded and mulched or landscaped.
- Temporary furrows, terraces, sediment or debris basins should be installed to prevent washing and erosion during construction.
- In areas where soil may wash onto the roadway or into a drainage basin, the developer will be required to install and maintain a silt fence, hay bales, or both.
- Final vegetation should be installed as soon as practical in the development after the land is exposed.
- A gravel construction entrance shall be constructed prior to any site work. The owner or his/her contractor throughout the construction process will maintain this construction entrance.
- Sediment washed onto roadways or into drainage ditches or basins, and soil tracked onto roadways by construction equipment/vehicles or daily ingress and egress onto the site shall be removed at the end of each working day by the contractor, developer, or property owner.

6.0 RESPONSIBILITY and ENFORCEMENT of POLICY

This policy is adopted by the City Council of the City of Athens and by the Athens Regional Planning Commission.

Inspection and enforcement of the conditions described in this policy are the responsibility of, but not limited to, the Public Works Director, or his designee, or the City Building Inspector, or other person(s) as designated by the City Manager.

Any clearing, earthwork, excavation, and other land disturbing activity not meeting the requirements of this policy will be stopped at the direction of the Public Works Director, his designee, the City Building Inspector, his designee, or the City Manager, or his designee. Such work may not resume until such time that all provisions are adequately met.

Intentional or continued violation of this policy is considered a civil offense, and each separate violation shall be deemed punishable by a civil penalty in accordance with City of Athens Ordinance No. 802, § 5 entitled "Penalty Clause," of the Athens Municipal Code.

6.1 Responsibility for Utilities – Locations and Service Arrangements

Neither the *Grading Permit* nor the *Permit Application* address utility services (public or private). The property owner, developer, excavator, and/or contractor are solely responsible for notifying any applicable utility providers of the intent to excavate or commence new construction.

Tennessee State Law requires that the ***Tennessee One Call*** service be utilized for all excavations. This number is to be called 72 hours prior to the planned excavation. This number is toll free: **800-351-1111**.

The issuance of a Grading Permit by the City of Athens does not in anyway address the provision or availability of utility service to the subject site. The owner, developer, and/or contractor is responsible for making any and all arrangements for requesting utility services *in a timely manner*. In certain circumstances, utility services may not be readily available to the subject site. In such cases, it will be up to the utility provider and the property owner/requestor to make arrangements for the installation of utility services.

7.0 CITY OF ATHENS CONTACTS

Community Development Department

City Hall, 815 N. Jackson St., Athens, TN 37303

Planning Commission, Board of Zoning Appeals, Subdivisions, Development, Zoning, Codes Enforcement, Inspections, Permits, and related areas

Harold Hunter, Community Development Director	-	423/744-2750
Gene McConkey, Building Inspector	-	423/744-2752
Gayle Petitt, Codes Enforcement Officer	-	423/744-2751

Public Works Department

219 Alford Street, P.O. Box 849, Athens, TN 37371-0849

Streets, Sidewalks, Drainage, Traffic Control, Right of Way Maintenance, Sanitation, Animal Control, Fleet Maintenance, and related areas

Calvin Clifton, Public Works Director	-	423/744-2745
Harvel Henry, Street Superintendent	-	423/744-2746
Lee Cook, Street Construction Foreman	-	423/744-2746

Athens Utilities Board

100 New Englewood Road, Athens, TN 37303

Water, Wastewater, Natural Gas, and Electric Services - 423/745-4501

8.0 ORDINANCE Number 894 – Ordinance Defining and Adopting Policy

9.0 REVISIONS

1. September 17, 2002 – Added sections 6.1 and 9.0