



**CITY OF BYRNES MILL**  
**141 OSAGE EXECUTIVE CIRCLE**  
**BYRNES MILL, MO 63051**

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**APPLICATION FOR EXCAVATION PERMIT**

APPLICANT: \_\_\_\_\_ EMAIL: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

HOME PHONE: \_\_\_\_\_ CELL PHONE: \_\_\_\_\_

SITE ADDRESS: \_\_\_\_\_

ESTIMATED GRADING QUANTITY: \_\_\_\_\_

DETAILS OF SITE DRAINAGE SYSTEM: \_\_\_\_\_

DETAILS OF SITE EROSION AND SILTATION CONTROL, INCLUDING SILTATION BASINS: \_\_\_\_\_

CONSTRUCTION ACCESS TO SITE: \_\_\_\_\_

AS DESCRIBED IN SECTION 515.050

ESTIMATED SCHEDULE OF OPERATIONS, INCLUDING THE DATES OF STARTING AND COMPLETION OF GRADING WORK:

CONTOURED DEVELOPMENT MAP: \_\_\_\_\_

AS DESCRIBED IN SECTION 515.100 PERMIT, B.1

PLOT PLAN: \_\_\_\_\_

AS DESCRIBED IN SECTION 515.100 PERMIT, B.2

**ATTENTION:** If excavation is done through any City sidewalk or street pavement; backfill shall be accomplished via 1" minus. Backfill must be compacted and inspection is required before pavement placement from the Public Works Supervisor, Bob Schmidt at 636-677-0021. A minimum of 48-hours notice is required before all inspections. Contractor is required to provide (at own expense) and assumes responsibility for maintenance of all necessary barricades, signs, flares, illumination and warning devices as required to adequately protect the public in a safe manner. Coordination of underground facilities is the responsibility of the contractor. Missouri One Call: 1-800-DIG-RITE (1-800-344-7483).

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**FOR OFFICE USE ONLY:**

Acting Building Commissioner: \_\_\_\_\_ Permit Number: \_\_\_\_\_

Date: \_\_\_\_\_

## Chapter 515. Grading and Excavation

### Section 515.010. Definitions.

[R.O. 2011 §515.010; Ord. No. 198-91 §4.21.1, 11-20-1991]

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

#### **EXCAVATION**

Any act by which earth, asphalt, concrete, sand, gravel, rock or any other material in or on the ground is cut into, dug, uncovered, removed, or otherwise displaced, by means of any tools, equipment or explosives, except that the following shall not be deemed excavation:

1. Any de minimis displacement or movement of ground caused by pedestrian or vehicular traffic;
2. The replacement of utility poles and related equipment at the existing general location that does not involve either a street or sidewalk cut; or
3. Any other activity which does not disturb or displace surface conditions of the earth, asphalt, concrete, sand, gravel, rock or any other material in or on the ground.

#### **FILL**

Any act by which earth, sand, gravel, rock or any other similar material is deposited, placed, pushed, pulled or transported to a place other than the place from which it was excavated and shall include the conditions resulting therefrom.

#### **GRADING**

Excavation or fill or any combination thereof and shall include the conditions resulting from any excavation or fill.

#### **SITE**

A lot, tract, project or subdivision or a single owner or several owners.

### Section 515.020. Inspections.

[R.O. 2011 §515.020; Ord. No. 198-91 §4.21.2, 11-20-1991]

- A. Inspections shall be made on behalf of the Public Works Director by the City Inspector during each stage of fill operations and final approval shall be required upon completion of operations. Applicant shall notify the City of the following forty-eight (48) hours prior to initiation and as completed:
  1. Rough grading.
  2. Finish grading before seeding.
  3. All re-establishment and construction work.

### Section 515.040. General Standards — Safety Precaution.

- A. A permit shall be issued under this Chapter and shall remain in force only upon compliance with the following requirements:
1. *Surface waters — damage.* Adequate provision shall be made to prevent any surface waters from damaging the cut face of an excavation or the sloping surface of a hill.
  2. *Retaining walls — cribbing.* Retaining walls or cribbing shall be required whenever necessary to prevent the surface of any excavation or fill from exceeding at any point the maximum allowable slopes as set forth herein.
  3. *Drainage.* All drainage provisions shall be of such design to carry surface waters to the nearest practical storm drain, natural watercourse or street as approved by the Public Works Director as a suitable place to deposit and receive such waters.
  4. *Protection of streets, property.* No excavation shall be made so close to the property line to endanger any adjoining public or private street without supporting and protecting such public or private street or property from settling, cracking or other damage.
  5. *Fill location.* No fill shall be made so as to cause or to allow the same to be deposited upon or to roll, flow or wash upon or over the premises of another without the express written consent of the owner of such premises so affected; or upon or over any public street, walk, place or way; nor so close to the top of a bank of a channel as to create the possibility of bank failure and sliding.
  6. *Materials.* Materials for fills shall consist of material obtained from excavation of banks, borrow pits or other sources approved by the Building Commissioner or Inspector. Material shall be free of vegetable matter or deleterious material and shall not contain large rocks or lumps. Materials for roadways are not covered by this Chapter.
  7. *Minimum standards.* Minimum standards of excavations and fills shall be as follows:
    - a. No excavation shall be made with a cut face steeper in slope than two (2) horizontal to one (1) vertical, unless the material in the excavated face is stable at a steeper slope as determined by experience for similar materials under comparable conditions and so certified by an experienced registered soils engineer.
    - b. No fills shall be made which creates an exposed embankment face steeper in slope than three (3) horizontal to one (1) vertical. The embanked end of the fill shall be uniformly compacted as provided in Subsection (8) hereof and stable under the proposed conditions.

If a steeper slope is proposed, its stability shall be certified by an experienced registered soils engineer.
  8. *Compaction.* All fills intended to support buildings or structures or sewers and conduits shall be compacted to a minimum of ninety percent (90%) compaction as determined by Modified Proctor, ASTM D-1775. Compaction of fills for these uses must be certified by a registered professional soils engineer. Frequency of compaction tests is to be determined by the City Inspector. Compaction of other fills shall be required where necessary as a safety measure to aid in preventing the saturation, slipping or erosion of the fill. Certified copies of the Soils Reports are to be forwarded to the Public Works Director when requested. The requirements of the Public Works Director for the compaction of fills shall include, but shall not be limited to, the following:
    - a. Areas to be graded by cutting or filling shall be rough graded to within two-tenths (2/10) of a foot of accepted elevation after allowance has been made for thickness of topsoil, paved areas and other installations.
    - b. The natural ground surface shall be prepared by removing topsoil and vegetation and by compacting the fill upon a series of terraces. Hillside or slope fills shall require plowing or

scarification of original ground.

- c. Grading on slopes will require silt fencing at intermediate levels to slow surface water, prevent rutting and decrease erosion.
  - d. Grading sites will require silting basins to prevent mud from washing onto adjacent properties.
  - e. If fill material moisture content is below the requirement for compacting to maximum practical density, water in the proper amount shall be added. If moisture content is too great, fill material shall be aerated by blading or other satisfactory methods to reduce moisture content.
  - f. Frozen materials or soft, mucky, friable, easily compressible materials shall not be incorporated in fills intended to support buildings, structures, sewers or conduits, or in the embanked ends of fills. In heavy rain, interrupted work shall not be resumed until moisture content is satisfactory. Fill material shall not be placed, spread or rolled while the ground is frozen or thawing.
  - g. The maximum uncompacted thickness of layers of the fill to be compacted shall not exceed eight (8) inches.
  - h. Compaction shall be by tamping, sheeps foot, rollers, multiple wheel pneumatic or other type rollers. Rolling shall be continuous until the desired maximum density is obtained.
  - i. Density of the completed fill shall depend upon the location and use of the fill as required by the City Inspector.
  - j. Topsoil disturbed by grading or building operations shall be stripped and piled for storage in an amount necessary to complete finished grading only.
9. *Removal of timber, rubbish, etc.*
- a. Timber, logs, trees, brush, vegetable matter and rubbish of any description shall be removed and disposed of so as to leave the disturbed area with a neat and finished appearance. Tree stumps, masonry and other obstructions shall be removed to the following depths:
    - 1. Paved areas, one (1) foot below subgrade.
    - 2. Lawn area, two (2) feet below finished grade.
  - b. Solid rock, shale or similar materials shall be removed to a depth of fifteen (15) inches below subgrade for paved area and two (2) feet below finish grade for lawn area except where it is impractical because of rock outcropping.

## Section 515.090. Construction Dirt, Debris, and Noise.

[R.O. 2011 §515.090; Ord. No. 198-91 §4.21.9, 11-20-1991]

- A. *Barriers At Construction Site.* After new excavation or construction is commenced, on any lot or tract of land in the City, and until sodding, planting, concreting, paving or other final surfacing which will avoid washing or spreading of dirt and mud unto other property, sidewalks, curbs, ditches, gutters, streets and the space between the sidewalks and curbs, the owner of the property, or the contractor or builder in charge of work, shall erect and maintain temporary walls or other approved barriers to prevent such washing or spreading of mud or dirt. At the end of each day, and as required through the day, during the course of excavating or construction, dirt and mud on the sidewalks, curbs, ditches, gutters and streets, and space between the sidewalk and street resulting from the work, must be removed.

- B. *Removing Mud From Vehicle Wheels.* The owners, contractors, subcontractors and builders, jointly and severally, shall provide his or her personnel with shovels or other equipment as necessary to remove dirt from the wheels of all vehicles leaving any property where mud may have accumulated on the wheels, before such vehicles enter any public or private street of the City. It shall be unlawful for any owner, contractor, subcontractor or builder to permit any vehicle to leave any such place with mud on the wheels which is liable to be dispersed over any public or private street of the City, and it shall be unlawful for any driver of a vehicle to enter upon the public or private streets of the City without having removed or had mud removed from the wheels prior to such entry. Each occurrence shall be a separate offense.
- C. *Spilling Materials On Streets.* The owners, contractors, subcontracts and builders, jointly and severally, who may load dirt, mud or other materials on any vehicle in the City, during construction or otherwise, shall so load the same that no portion thereof shall be spilled or be liable to be spilled on the streets of the City. It shall be unlawful for any such person to permit any vehicle to enter upon the streets of the City loaded in violation of this provision, and it shall be unlawful for any driver to operate a vehicle on the streets of the City which is loaded in such manner that it spills or is liable to spill mud, dirt, or other material on the streets.
- D. *Boards Over Sidewalks.* Boards, tracks or other protection must be laid over sidewalks, curbs or gutters to avoid dirt and mud therein as completely as possible and to prevent breakage or damage to such installations, of whatever material constructed. Damage to walks, curbs and gutters or ditches will be repaired by the contractor, or the City Inspector may cause to have them repaired at the contractor's expense.
- E. *Waste Material.* During the course of construction or excavation, owners, contractors and builders are required to clean up all paper, refuse, sticks, lumber and other building waste, and all other waster material daily and to prevent the same from blowing or otherwise being scattered over adjacent public or private property.
- F. *Planting Ground.* Vacant property and improved property, after excavation and construction is completed, shall be sodded, planted concreted, paved or otherwise surface to avoid washing or spreading of dirt and mud onto other property, sidewalks, curbs, gutters, streets and the space between sidewalks and curbs prior to issuing an occupancy permit.
- G. *Grading.* Grading shall be accomplished between the hours of 7:00 A.M. and sunset excluding weekends and holidays when grading cannot begin until 10:00 A.M., unless in the case of emergency or an extension of hours is specifically granted by the Board of Alderpersons.
- H. *Noise.* The permittee shall take appropriate measures to reduce noise to the fullest extent practical in the performance of the grading work.

## Section 515.100. Permit.

[R.O. 2011 §515.100; Ord. No. 198-91 §4.21.10, 11-20-1991]

### A. *Required.*

1. Except as otherwise provided, no grading activities shall be commenced on any site without a permit from the Building Commission. A separate permit shall be required for each site; provided however, that one (1) permit may cover both excavation and fill made from excavated materials.
2. A grading permit shall not be required in the following instances:
  - a. Grading for the foundation or basement of any building, structure or swimming pool for which a permit has been duly issued.
  - b. Grading of less than fifteen (15) cubic yards for sites of twenty-two thousand (22,000) square feet or less than thirty (30) cubic yards for sites in excess of twenty-two thousand

(22,000) square feet provided such grading is clearly incidental to the improvement of the property.

- c. Grading by any public utility for the installation, inspection, repair or replacement of any of its facilities. Grading by contractors for any public utility will not be covered by this Section of this Chapter and contractors will be required to obtain a grading permit.
  - d. Grading of property for or by any governmental agency in connection with a public improvement or public work on said property. Grading by contractors for any governmental agency will not be covered by this Section of this Chapter and contractors will be required to obtain a grading permit.
  - e. Grading of land for farming, nurseries or gardening or similar agricultural or horticultural use whenever there is substantial compliance with recommendations or standards of the local soil conservation authority, and the conditions contained in this Chapter.
  - f. Grading activities in public rights-of-way covered by an appropriate special-use permit.
  - g. Grading activities in quarries and landfills.
- B. *Application.* An application for a grading permit shall be in writing and filed with the Building Commissioner. The application shall be accompanied by duplicate copies of the following documents and information:
- 1. Contoured development map showing existing contours of the site and adjoining strips of non-site property and proposed contours after completion of the proposed grading development, based on United States Geological Survey data, with established elevations at buildings, walks, drives, street and roads; and information on necessary clearing and grubbing, removal of existing structures, excavating, filling, spreading and compacting. The Building Commissioner, at his or her discretion, may require the development map to be prepared and sealed by a licensed professional engineer or land surveyor.
  - 2. An accurate plot plan showing the location of the grading site, a description of the type and features of the soil and details of all structures, walls, cribbing and surface protection.
  - 3. Name and address of owner.
  - 4. Site address.
  - 5. Estimated grading quantity.
  - 6. Details of site drainage system.
  - 7. Details of site erosion and siltation control, including siltation basins.
  - 8. Construction access to site (see Section **515.050**).
  - 9. Location of temporary off-street parking.
  - 10. The estimated schedule of operations, including the dates of starting and completion of grading work.
- C. *Deposit — Bond.*
- 1. To ensure compliance with the provisions of this Chapter, each owner, contractor, builder or other person applying for a grading permit shall be required to deposit a sum for each grading site as may be determined by the Public Works Director. The money so deposited with the Building Commission and shall be available for and be used by the City:
    - a. To repair any damage to sidewalks, curbs, ditches, gutters or the streets, resulting from grading activities, regardless of by whom caused.

- b. To pay the cost of removing dirt or mud from sidewalks, curbs, ditches, gutters and streets if not promptly removed by the contractor, builder or owner.
  - c. To pay as liquidated damage to the City and not as a penalty the sum of one hundred dollars (\$100.00) for each day that paper, refuse and other dirt or waste is permitted to spread to other property, public or private, from the premises on which such excavation or reconstruction is being done, and for each day that dirt or mud is permitted to accumulate or remain on sidewalks, streets, curbs or gutters and spaces between sidewalks and streets without being clearing at the end of the day.
  - d. To pay the cost of sodding or removing mud, dirt, refuse or other waste.
2. In lieu of a cash deposit a surety bond for not less than one thousand dollars (\$1,000.00) for each grading site, subject to all the terms and conditions of this Chapter, may be provided, subject to the approval of the City attorney. The provisions of the Subsection shall be mandatory in the case of owners, contractors or builders, who have previously violated the subject and provisions of this Section, and the amount of the cash deposit shall in such case be based on such previous experience; the provisions of this Subsection may be enforced in the case of owners, contractors or builders who have had no previous experience or record in the City. The Building Commissioner or his or her designee is hereby authorized to revoke or suspend building permits for violations of this Section whether or not deposit or bond has been made hereunder, and in such case, the permit shall not be reinstated or renewed until the violation has been abated.
3. Any portion of the deposit not expended or retained by the City hereunder shall be refunded when the grading operation completed and soil conditions are stabilized to the satisfaction of the City.