

Ordinance #315

An ordinance to establish and accept the rules and regulations for grading operations to provide for uniform decisions for the town of Ashland City.

BE IT ORDAINED by the Mayor and Council of the town of Ashland City, Tennessee that the attached Grading Operations be accepted.


See Attached.

This Ordinance shall take effect 20 days after final passage the public welfare requiring it.

1st reading 2-14-04

Public hearing 3-14-04

2nd reading 3-14-04



Gary Norwood, Mayor



Phyllis Schaeffer, City Recorder

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3-201. Establishment and purpose. There are established for the City of Ashland City, Tennessee, the following regulations and requirements for permitting of grading operations:

- (1) This chapter shall be known and may be cited as "The Ashland City Grading Ordinance."
- (2) The purpose of this chapter is to provide minimum standards to safeguard persons, to protect property, and to promote the public welfare by regulating and controlling the design, construction, quality of materials, use, location, and maintenance of grading, excavation, and fill without infringing on the rights of property owners to accomplish minor "yard improvement" measures.

3-202. Definitions. Wherever used in this chapter, the following words shall have the meaning indicated:

- (1) Building permit shall mean a permit issued by the Building Official pursuant to the provisions of the zoning ordinance of Ashland City, Tennessee, for the construction, correction, or alteration of a structure or building.
- (2) Excavation shall mean any act by which topsoil, earth, and gravel, rock, or any similar material is cut into, dug, marred, uncovered, removed, displaced, relocated, or bulldozed and shall include the conditions resulting from such considerations.
- (3) Fill shall mean any act by which topsoil, earth, sand, gravel, rock, or any other material is deposited, placed, pushed, dumped, pulled, transported, or moved to a new location and shall include the conditions resulting from such considerations.
- (4) Existing grade shall mean the elevation of the existing ground surface at the location of any proposed excavation or fill.
- (5) Grading shall mean excavation or fill or any combination thereof and shall include the conditions resulting from any excavation or fill.

- (6) Grading permit shall mean any permit required under this chapter.
- (7) Person shall mean an individual but can also include a partnership, corporation, or any other legally recognized entity.
- (8) Site shall mean a lot, tract, or parcel of land, or a series of lots, tracts, or parcels of land, joined together, where grading work is continuous and performed at the same or different times.
- (9) Topsoil is that upper portion or layer of naturally occurring terrain (2"-10") that is composed of mostly organic matter and has the ability to support vegetation.
- (10) Stripping shall mean the removal, by mechanical means, of the topsoil layer of a proposed excavation.

3-203.

Scope. New grading, excavations, and fills, or changes, additions, repairs, or alterations made to existing excavations and fills shall conform to the provisions of this chapter, except that this chapter shall not apply to:

- (1) **Commercial** operations involving mining, quarrying, excavating, processing, or stockpiling of rock, sand, aggregate, or clay unless such work affects the support of adjacent or contiguous property or structures; and provided such operations are duly permitted by the proper state agencies having jurisdiction over such matters.
- (2) Residential landscaping, top dressing and cosmetic works by private individuals or firms contracted by private individuals.
- (3) Construction which is the implementation of plans for development(s) duly reviewed and approved by the Ashland City Planning Commission.
- (4) Grading or excavation pursuant to a permit for excavation in public streets **for which inspection is provided by the city.**
- (5) Grading in connection with a public improvement or public work for which inspection is provided by the city.
- (6) Grading or excavation by a public utility company in private easements or public rights-of-way **for which inspection is provided by the city.**
- (7) An excavation below finished grade for basements and footings of a building, swimming pool, or underground structure authorized by a valid building permit where the cost of such excavation is included in the building permit valuations. This exception shall not affect the applicability of this chapter to, nor the requirement of a grading permit for, any fill made with the material from such excavation.
- (8) Farming or other accepted agricultural uses, as identified in the Tennessee Right to Farm Act (T.C.A. § 43-26-103)
- (9) The construction of a single residence or addition to an existing single family residence.

Permits will be required for any other grading operation not noted above and covered in one or more of the following situations:

- (1) Topsoil stripping or sod removal having a single or combined area coverage on one site of 2500 square feet (equivalent 50' square).

- (2) Excavation or placement of fill material having a volume of 100 cubic yards or more on one site.
- (3) Areas of excavation or fill having a coverage of 1000 square feet and a maximum cut or fill depth, at any point, of three (3) feet or more on one site.
- (4) An excavation from existing grade three (3) feet or more below a two (horizontal) to one (vertical) descending slope from any property line, or a fill on existing grade three feet or more above a two (horizontal) to one (vertical) ascending slope from any property line.
- (5) A grading operation in preparation for a paving project that will be used for any other purpose than a residential driveway and/or parking area.
- (6) An excavation or fill within a public sewer, water main, storm drain, or power line easement.
- (7) An excavation or fill which will encroach on or alter a natural drainage channel or water course.

No person shall construct, reconstruct, alter, repair or install any structure in any natural water course without a permit from the Building Official.

A separate permit shall be required for each separate non-contiguous site. One permit may cover both an excavation and a fill on the same site made with excavated materials.

3-204. Application. The permit application shall include but not necessarily be limited to the following:

- (1) Basic information:
 - (a) The purpose of the work and a statement as to whether the purpose of the grading is for private or commercial reasons;
 - (b) The nature and amount of material proposed to be excavated and the amount of fill in cubic yards;
 - (c) The street address at the point of access to the property where the work is to be performed;
 - (d) The name and address of the owner of the property on which the work is to be performed;
 - (e) A description of the equipment and methods to be used in performing the work;
 - (f) The name of the firm that will haul excavated material to or from the property where the work is to be performed;
 - (g) The name, address and phone number of the person to have effective control of the work;
 - (h) The estimated dates for starting and completing the work to be done;
 - (i) Report of a soils engineer if required by the Building Official;
 - (j) Such further applicable information as the Building Official may require in order to carry out the purposes of this chapter;
- (2) Detailed information:
 - (a) A sketch by the applicant or his agent showing existing conditions and the proposed work if required by the Building Official ;

- (b) Such further engineering or soils data as may be required by the Building Official to fully assess the scope and consequences of the proposed work;
- (3) Drainage considerations:
 - (a) Adequate provisions shall be made to prevent any surface waters from damaging the cut face of an excavation or the sloping surface of a fill;
 - (b) All drainage provisions shall be of such design as to carry surface waters to the nearest practical street, storm drain or natural water course approved by the Building Official as a safe place to deposit and receive such waters;
 - (c) The Building Official may require such drainage structures or pipes to be constructed or installed which in his opinion are necessary to prevent erosion damage and to satisfactorily carry off surface waters.
 - (d) Will comply With all State agencies and there requirements.

3-205. Duration of permit. As stated in section 2-304(1)(i), the estimated time frame for this work will be submitted with the permit application. The Building Official will, at the time the permit is issued, set a completion schedule. ~~If~~, due to circumstances beyond the control of the applicant, the work takes longer than originally scheduled, an extension of time may be granted. In no case shall the schedule exceed one (1) year after initial date of the issuance of a permit. If however, the work is not completed on time as called for in the permit due to lack of pursuit of the work, the permit will expire and the application process for a new permit must be initiated.

3-206. Denial of permit. An application for work under the provisions of this chapter may be denied for any of the following reasons:

- (1) Insufficient or inadequate information submitted to determine scope of project;
- (2) Proposed work will endanger or be detrimental to adjacent properties or existing features such as streets, utilities, buildings, etc.

3-207. Inspection of work. Monitoring of the work will be accomplished by the Building Official or his representative as follows:

- (1) Before project is commenced;
- (2) Upon completion of the project;
- (3) At any other time(s) the Building Official may deem necessary.

3-208 Surety for permitted work in public rights-of-way. Public Performance Bonds will be posted by the applicant at the time the permit is granted for any and all works and incidental activities to be done within or on public rights-of-way or private property easements. The form and amount of bond will be set by the Building Official at the time of the permit application and will cover the amount deemed necessary to complete the proposed work and/or potential damages to existing public facilities. Bond will be held until satisfactory restoration or replacement of all damaged or impaired public facilities are completed. This includes but is not

limited to roadways, drainage improvements, sanitary sewer lines and water lines. Bonds will be released upon final inspection and approval of the completed work.

3-209. Permit fees. Permit fees will be charged based upon the nature and magnitude of the work. Work to be performed will be categorized as to nature and magnitude at the time of permit application and a fee charged on the following schedule:

- (1) Area coverage of less than 2500 square feet or less than 100 cubic yards of material. \$50.00
- (2) Area coverage of more than 2500 square feet and more than 100 cubic yards of material. \$100.00

3-210. Maintenance. The project site(s) is to be maintained in an orderly and safe condition at all times as noted by the following:

- (1) The project site will at all times during construction, be kept in a condition that is safe to the general public and adjacent properties;
- (2) The project will have sedimentation control incorporated in its work plan and a provision for natural storm water removal so as to pose no threat of danger to life or property;
- (3) Upon completion, the project must be left in and maintained as conceived, and posing no liability whatsoever in regard to slope stabilization, drainage, improved structures, etc.
- (4) Prevent transport of construction debris and/or sediment onto surfaces of adjacent properties or public rights of way.

3-211. Violations and penalties. No person shall construct, enlarge, alter, repair or maintain any grading, excavation, fill or cause the same to be done contrary to or in violation of any provision of this chapter. When written notice of a violation of any of the provisions of this chapter has been served by the Building Official on any person, such violation shall be discontinued immediately. It shall be construed to be a violation of this chapter to solicit public or "at large" dumping of materials on any site by placement of "Dump Dirt and Rock Only", "Dump Here" or any other similar signs. No signs of any nature requesting removal from or placement of material on a site will be allowed unless it meets the requirements of this chapter.

This ordinance shall take effect twenty (20) days after its final passage the public welfare requiring it.

1st reading 2-14-04

Public hearing _____

2nd reading _____

Gary Norwood, Mayor

Phyllis Schaeffer, City Recorder