

AN ORDINANCE OF THE CITY OF ST. PETERS, MISSOURI, AMENDING THE MUNICIPAL CODE OF THE CITY OF ST. PETERS, MISSOURI BY AMENDING CERTAIN SECTIONS OF CHAPTER 530: GRADING REGULATIONS BY PROVIDING SEDIMENT AND EROSION CONTROL PRACTICES IN THE CITY OF ST. PETERS, MISSOURI.

WHEREAS, the Board of Aldermen of the City of St. Peters, Missouri, deems it to be in the best interest of the City and its citizenry, and in order to promote the health, safety and general welfare of its citizens, that it update and amend the Grading Regulations.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF ST. PETERS, MISSOURI, AS FOLLOWS:

SECTION 1. Chapter 530 of Title V of the St. Peters City Code is hereby amended to read as follows:

SECTION 530.010: DEFINITIONS

For the purposes of this Chapter, the following terms, phrases, words, and their derivations shall have the meanings given herein:

*EXCAVATION:* Any act by which earth, sand, gravel, rock or any other similar material is cut into, dug, uncovered, removed, displaced, relocated or bulldozed, and shall include the conditions resulting therefrom.

*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:* Lot, tract, project or subdivision of a single owner or several owners. (CC 1979 §9.5-1; Ord. No. 1735 §1, 3-28-91)

*STREAM:* Any river, creek, branch, or tributary thereof depicted on the Federal Emergency Management Association (FEMA) Flood Insurance Rate Map (FIRM) for the City of St. Peters to the limits of a study thereon.

SECTION 530.020: PERMIT REQUIRED - PROCEDURE

A. Except as herein provided, no grading activities shall be commenced on any site without obtaining a permit from the City Engineer or his/her designee. A separate permit shall be required for each site, provided however, that one (1) permit may cover both the excavation and fill made from excavated materials. An application for a grading permit shall be in writing and filed with the City Engineer or his/her designee. 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 of sufficient scale; and proposed contours at two (2) foot intervals after completion of the grading and development, based on United States Geological Survey datum, 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 City Engineer or his/her designee, at his/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 site, a description of the type and features of the soil, and details of all structures, walls, cribbing, and surface protection.

3. Site address.
  4. Estimated grading quantity.
  5. Site drainage plan.
  6. Details of site erosion and siltation control, including siltation basins and revegetation, following the practices outlined in the most current edition of the "City of St. Peters, Missouri Standards for Erosion and Sediment Management Practices".
  7. Construction access to site.
  8. Location of temporary off-street parking.
  9. The estimated schedule of operation, including the grading start date, date for the installation of erosion and siltation control, date(s) for re-vegetation, and date for the completion of grading operations.
  10. Location of any sewage disposal system or underground utility line, any part of which is within fifty (50) feet of the proposed excavation, grading or filling area and the location of any gas transmission pipeline, any part of which is within one hundred (100) feet of the proposed excavation, grading or filling area.
  11. Location and present status of any known geotechnical or geological features, which may affect the use of the site (i.e.: ponds, sinkholes, mines).
  12. Details of any interim drainage system, including estimated maintenance schedule, proposed to be installed during grading operations and maintained by the applicant. Such system shall be designed to safely handle surface water, streams or other natural drains.
  13. Location of the 100-year flood plain and floodway based on currently adopted FEMA flood maps.
  14. Density of the proposed fill(s) shall be submitted with the grading permit application for approval by the City Engineer or his/her designee.
- B. Inspection fees for grading permits shall be two percent (2%) of the total cost of grading, sediment and erosion control, and re-vegetation for the proposed project.
- C. No permit shall be issued for a period which exceeds one hundred twenty (120) days unless a phased grading schedule is approved which includes revegetation. (CC 1979 §9.5-3; Ord. No. 1735 §2, 3-28-91)

SECTION 530.030: EXCEPTIONS

A grading permit shall not be required in the following instances:

1. Grading for the foundation or basement of any building, structure or swimming pool for which a building permit has been duly issued.
2. Grading of less than three hundred (300) cubic yards and/or twenty thousand (20,000) square feet provided such grading is clearly incidental to the improvement of the property and does not alter the drainage of adjacent properties.
3. Grading by any public utility for the installation, inspection, repair or replacement of any of its facilities.

4. Grading of property for or by any governmental agency in connection with a public improvement or public work on said property.
5. 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.
6. Grading activities in public right-of-way covered by an appropriate excavation permit.
7. Grading activities in quarries and landfills.
8. Trench excavations covered by an appropriate construction permit. (CC 1979 §9.5-4; Ord. No. 1735 §3, 3-28-91)

SECTION 530.040: ESCROW

- A. 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 establish a satisfactory escrow agreement or lenders agreement insuring or guaranteeing the grading to be performed, in accordance with the provisions contained under Site Plan Review of Title IV of the St. Peters City Code.
  1. To repair any damage to sidewalks, curbs, gutters or the streets, resulting from the grading or other activities.
  2. To pay the cost of removing dirt or mud from sidewalks, curbs, gutters and streets if not promptly removed by the contractor, builder or owner.
  3. To pay the cost of removing paper, refuse, dirt or other waste permitted to spread to other property, public or private, from the premises on which such excavation or reconstruction is being done if not promptly removed by the contractor, owner, or builder.
  4. To pay the cost of installing, restoring, or repairing appropriate control measures, reseeding; or completion or alteration of grading if abandoned or not appropriately performed by contractor, owner, or builder.
- B. Escrows shall not be required for grading permits issued for work to be done on an individual residential lot, unless required by the City Engineer or his/her designee.

SECTION 530.050: STANDARDS-SAFETY PRECAUTION

- A. The City Engineer is authorized to promulgate rules and regulations for erosion and sediment management practices not inconsistent with the grading standards herein contained.
- B. A permit shall be issued and shall remain in force only upon compliance with the following requirements:
  1. *Surface waters-damage.* Adequate provision shall be made to prevent 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 City Engineer or his/her designee 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 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. At a minimum, a setback of 25 feet shall be provided as a buffer to sensitive areas.
6. *Materials.* Materials for fills shall consist of material obtained from excavation of cut areas, borrow pits or other approved source. Material shall be free of vegetable matter and deleterious material and shall not contain rocks in excess of six (6) inches in diameter, where compacted by rollers or other mechanical equipment. Materials for roadways are not covered by this Chapter as per exception in Section 530.030 hereof.
7. *Minimum standards.* Minimum standards of excavations and fills shall be as follows; however, more stringent standards may be required based on site conditions:
  - a. No cut slope shall be made with a cut face steeper in slope than three (3) 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 fill 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.
  - c. Sediment and erosion control plans for sites that exceed twenty thousand (20,000) square feet of grading shall provide for sediment or debris basins, silt traps or filters, staked straw bales or other approved measures, as set forth in the "City of St. Peters, Missouri Standards for Erosion and Sediment Management Practices", to remove sediment from runoff waters. The grading, sediment and erosion control plans and maintenance schedule are to be approved by the City Engineer or his/her designee. Temporary siltation control measures (structure) shall be maintained until vegetative cover is established at a sufficient density to provide erosion control on the site. (Refer to the City of St. Peters, Missouri Standards for Erosion and Sediment Management Practices.)
  - d. Where natural vegetation is removed during grading, vegetation shall be re-established in such a density as to prevent erosion. Permanent type grass must be established as soon as possible or during the next seeding period after grading has been completed. (Refer to the City of St. Peters, Missouri Standards for Erosion and Sediment Management Practices.)
  - e. Temporary re-vegetation, shall be established no later than fourteen (14) calendar days from the completion or suspension of grading operations, to provide erosion control on the site. Temporary re-vegetation shall be provided according to the most current edition of the City of St. Peters, Missouri Standards for Erosion and Sediment Management Practices, or recommendations of the City Engineer or his/her designee. (Refer to the City of St. Peters, Missouri Standards for Erosion and Sediment Management Practices.)

- f. The adjoining ground to development sites (lots) shall be provided with protection from accelerated and increased surface water, silt from erosion, and any other consequences of erosion. Runoff water from developed areas (parking lots, paved sites and buildings) above the area to be developed shall be directed to diversions, detention basins, concrete gutters and/or underground outlet systems. (Refer to the City of St. Peters, Missouri Standards for Erosion and Sediment Management Practice.)
  - g. Development along natural watercourses shall have residential lot lines, commercial or industrial improvements, parking areas or driveways set back a minimum of 25 feet from the top of the existing stream bank. The watercourse shall be maintained and made the responsibility of the subdivision trustees or in the case of a site plan the property owner. Permanent vegetation should be left intact where practical. Variances may include designed streambank erosion control measures and channel realignments and shall be approved by the City Engineer or his/her designee. Federal Emergency Management Agency (FEMA) and U.S. Army Corps of Engineers guidelines shall be followed where applicable regarding site development areas designated as flood plains and wetlands.
  - h. All lots shall be seeded and mulched, or sodded as specified in the City of St. Peters, Missouri Standards for Erosion and Sediment Management Practices before an occupancy permit shall be issued except that a temporary occupancy permit may be issued by the Building Department in cases of undue hardship because of unfavorable ground conditions.
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-1557, unless a lesser percent is recommended to and approved by the City Engineer or his/her designee. Compaction of greater than ninety percent (90%) may be required where special conditions dictate (i.e. large structures, dams). Compaction of fills for buildings or structures must be certified by a registered professional engineer. 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. The requirements of the City Engineer or his/her designee 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 control at intermediate levels, as outlined in the City of St. Peters, Missouri Standards for Erosion and Sediment Management Practices, to slow surface water, prevent rutting and decrease erosion.
  - d. Grading sites will require silting basins as outlined in the City of St. Peters, Missouri Standards for Erosion and Sediment Management Practices or other approved silt control 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. 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 approved methods. Rolling shall be continuous until the desired maximum density is obtained.
- i. Density of the proposed fill(s) shall be submitted with the grading permit application for approval by the City Engineer or his/her designee.
- j. Topsoil disturbed by grading or building operations if stripped and piled for storage shall be stored only in an amount necessary to complete finished grading.

9. *Removal of timber, rubbish, etc.* 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:

Paved areas	2 feet below subgrade
Lawn areas	2 feet below finished grade

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 out-cropping. Burning of material shall fall under compliance of State Department of Natural Resources Regulations. (CC 1979 §9.5-6; Ord. No. 1735 §5, 3-28-91; Ord. No. 1931 §§12, 10-22-92)

SECTION 530.060: INSPECTIONS

Inspections shall be made by the City Engineer or his/her designate during each stage of fill operations and final approval shall be required upon completion of operations. Applicant shall notify the City of the following:

- 1. Commencement of grading.
- 2. Completion of rough grading.
- 3. Completion of finish grading.
- 4. Completion of all reestablishment of ground cover and construction work, which disturb ground cover. (CC 1979 §9.5-7; Ord. No. 1735 §6, 3-28-91)

SECTION 530.070: USE OF STREETS DURING GRADING

A. At least two (2) working days prior to the use of any street in the City by trucks or hauling or grading equipment engaged in operations which require the use of the streets of the City for hauling of excavation and/or fill materials in excess of three hundred (300) cubic yards, the contractor in charge shall make a written report to the City Engineer or his/her designee of this City, specifying the kind and description of trucks or hauling or grading equipment, and the loaded and unloaded weight of trucks and hauling equipment, and the number of each and the length of time they will be required to use the streets of this City. The contractor shall furnish the City Engineer or his/her designee with all other information required by him/her related to such street usage. Before construction actually commences or while the work on the streets is in progress, the City Engineer or his/her designee may require any contractor or subcontractor to post surety bond or insurance with the City to guarantee the City compensation for any damage to streets, curbs, sidewalks or public facilities.

- B. The City Engineer or his/her designee will notify the contractor of the route or routes to be used by such trucks and equipment with the approved permit. The contractor shall be charged with the duty of seeing that the trucks or equipment use only the route or routes designated by the City Engineer or his/her designee. In the event of any emergency requiring a change in route or routes, or if the City Engineer or his/her designee finds or determines that any route or routes so designated are not safe or that excessive damage is being caused to any street or streets in the City by such usage, or if he/she finds the welfare of the City so requires, he/she may, upon notice to the contractor in writing, designate an alternate route or routes, and it shall thereupon be the duty of the contractor to see that the trucks or equipment use only the alternate route or routes so designated by the City Engineer or his/her designee.
- C. *Overweight/Overwidth.* The contractor will be required to follow City ordinance(s) concerning overweight/overwidth vehicles. (CC 1979 §9.5-8; Ord. No. 1735 §7, 3-28-91)

SECTION 530.080: CONSTRUCTION DIRT, DEBRIS AND NOISE

- A. *Barriers At Construction Site.* After new grading 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 prevent washing or spreading of dirt and mud onto other property, sidewalks, curbs, gutters, streets and the space between 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.
- B. *Dirt And Mud From Vehicles.* The owners, contractors, subcontractors and builders, jointly and severally, shall provide and maintain a stabilized construction entrance to minimize the amount of dirt or mud on vehicles which is liable to be dispersed over any public or private street of the City. The stabilized construction entrance shall be designed and constructed in accordance with the most current edition of the City of St. Peters, Missouri Standards for Erosion and Sediment Management Practices.
- C. *Spilling Material On Streets.* The owners, contractors, subcontractors and builders, jointly and severally, who may load dirt, mud or other materials on any vehicle in the City, during construction, grading, 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 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 materials on the streets.
- D. *Cleaning Of Streets And Sidewalks.* At the end of each day, and as required throughout the day, during the course of grading or construction, dirt and mud on the sidewalks, curbs, gutters and streets, and the space between sidewalk and street, resulting from work, must be removed.
- E. Sidewalks, street curbs and gutters shall be protected to prevent breakage or damage to such installations and maintain normal traffic and use. Damage to walks, streets, curbs and gutters shall be repaired by the contractor, or the City Engineer may cause to have them repaired at the contractor's expense.
- F. *Waste Material.* During the course of construction or grading, owners, contractors and builders are required to clean up all paper, refuse, sticks, lumber and other building waste, and all other waste material daily and to prevent the same from blowing or otherwise being scattered over adjacent public or private property.

- G. *Planting Ground.* Vacant property and improved property, after grading and/or construction are completed, shall be sodded, planted, concreted, paved or otherwise surfaced to prevent washing or spreading of dirt and mud into streams or onto other property, sidewalks curbs, gutters, streets and the space between sidewalks and curbs prior to issuing a permanent occupancy permit.
- H. *Grading.* Grading shall be accomplished between dawn to dusk, Monday through Saturday unless in the case of emergency or an extension of hours is specifically granted by the City Engineer or his/her designee.
- I. *Noise.* The permittee shall take appropriate measures to reduce noise to the fullest extent practical in the performance of the grading work. (CC 1979 §9.5-9; Ord. No. 1735 §8, 3-28-91)

SECTION 530.090: CORRECTION OF DEFICIENCIES

- A. All violations shall be corrected within the time limit specified in the issuance of a written notice to correct deficiencies. At times when the permittee, contractor or owner is not present on site, action to correct violations which require immediate action shall be taken upon telephonic notification of the contractor by the City. Written notice shall be issued by the City on the next workday. All persons failing to comply with such notice shall be deemed in violation of this Chapter. When City is unable to contact the permittee, contractor, or owner and immediate action is required to rectify a potentially hazardous situation, the City may cause the condition to be corrected at the expense of the permittee.
- B. Any usage of the permittee's escrow shall be followed by a written explanation by the City Engineer or his/her designee describing the condition corrected and the funds required to complete the corrective action. (CC 1979 §9.5-10; Ord. No. 1735 §9, 3-28-91)

SECTION 530.100: APPEALS

Any party shall have the right to appeal decisions of the City Engineer to the Board of Adjustment of the City. (CC 1979 §9.5-11; Ord. No. 1735 §10, 3-28-91)

SECTION 530.110 PENALTIES

- A. *General.* Violation of the provisions of this Chapter or failure to comply with any of its requirements, including conditions and safeguards established shall constitute a misdemeanor. Each day such violation continues shall be considered a separate offense.
- B. *Corrective Action.* Nothing herein contained shall prevent the City of St. Peters from taking such other lawful action as is necessary to prevent or remedy any violation. All such costs connected therewith shall accrue to the person or persons responsible.

SECTION 2. VALIDITY.

If any Section, Subsection, provision, sentence, clause, phrase, term, condition, or provision of this Ordinance or of The City of St. Peters, Missouri Standards for Erosion and Sediment Management Practices, shall, to any extent, be held to be invalid, unenforceable, or unconstitutional by any court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remainder hereof shall be valid in all other respects and continue to be effective.

SECTION 3. SAVINGS CLAUSE

Nothing contained herein shall in any manner be deemed or construed to alter, modify, supersede, supplement, or otherwise nullify any other ordinances or chapters of the City or requirements thereof, whether or not relating to, or in any manner connected with the subject written hereof, unless expressly provided otherwise herein or hereafter.

SECTION 4. EFFECTIVE DATE

This Ordinance shall take effect and be in force from and after its passage by the Board of Aldermen and its approval by the Mayor of the City of St. Peters.

Read two times, passed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

\_\_\_\_\_  
As Presiding Officer and as Mayor

Attest: \_\_\_\_\_  
City Clerk

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

\_\_\_\_\_  
Mayor

Attest: \_\_\_\_\_  
City Clerk