

CHAPTER 931
Grading and Surface Water Drainage

931.01	Definitions.	931.09	Topographic map required.
931.02	Developer's duty to grade within a subdivision.	931.10	Grade deposits for commercial developments.
931.03	Grade deposits for individual lots for one- or two-family dwellings.	931.11	Grades where no grade plan provided.
931.04	Owner's duty to grade to adjoining lot grade.	931.12	Maintaining grade lines established by City.
931.05	Finished grade at sidewalk, curb, or street, etc.	931.13	Failure to comply.
931.06	Drainage protection to adjoining lots.	931.14	Notice; City charges for work performed.
931.07	Drainage of hard-surfaced areas.	931.15	Private storm water drainage systems.
931.08	Water accumulation.	931.16	State and federal requirements prevail.
		931.99	Penalty.

CROSS REFERENCES

Improper drainage - see GEN. OFF. 521.05
Ditch drain pipes - see BLDG. 1337.01
Removal of soil - see BLDG. Ch. 1343

931.01 DEFINITIONS.

For the purposes of this chapter, the following terms, phrases, words and their derivatives shall have the meanings given in this section:

- (a) "Natural grade" means the elevation of the undisturbed surface of the ground before the start of construction.
- (b) "Finished grade" means the new final elevation of the ground surface.
- (c) "Established grade" means the finished grade as shown on an improvement plan or grading plan approved by the City Engineer.
- (d) "City Engineer", wherever used, means the Engineer employed by the City and under the supervision of the Director of Planning and Development.
(Ord. 2013-46. Passed 6-4-13.)

931.02 DEVELOPER'S DUTY TO GRADE WITHIN A SUBDIVISION.

The developer shall submit to the City, at the same time as presenting the improvement plans, a grading plan of the area to be developed. The developer shall do the grading in accordance with the plans approved by the City and shall not deviate from that plan except upon the written permission from the City Engineer, after the City Engineer has obtained approval of the changes from Council. Upon completion of the work, and with the approval of the City Engineer, for all changes, the developer shall furnish the City with "as-built" plans of the improvement. (Ord. 2013-46. Passed 6-4-13.)

931.03 GRADE DEPOSITS FOR INDIVIDUAL LOTS FOR ONE- OR TWO-FAMILY DWELLINGS.

Building permits shall not be issued for an individual dwelling or building on an individual lot for one- or two-family dwellings until plans are approved by the City Engineer. No building permit shall be issued for such dwelling or building on an individual lot unless the lot is served by a dedicated street. At the time of application for permit, the builder shall deposit one thousand five hundred dollars (\$1,500) for each lot.

- (a) This deposit shall be used for plan review, the establishing of finished ground grades, the inspection of all grades to see if they conform to the approved plans; and if necessary, to perform an "as-built survey" or to grade the site in accordance with the approved grading plan. Costs shall be calculated on the basis of the actual time expended at the current hourly rate as established by and on file in the Engineering Division.
- (b) If the grading account of an individual builder diminishes below fifty percent (50%) of the required deposit, the builder shall be required to deposit additional funds to bring his account up to the required deposit. The City Engineer may issue a stop work order if additional funds are not deposited within seven days of the notice to make such a deposit. When a builder has completed all work on a building and final grading has been inspected and approved by the City, the builder shall be refunded whatever balance may be remaining in his grading account. (Ord. 2016-39. Passed 5-3-16.)

931.04 OWNER'S DUTY TO GRADE TO ADJOINING LOT GRADE.

When a lot or section of ground is graded, it shall be incumbent upon the owner of such lot to provide that the lot is graded to the natural grade of the lots adjoining such lot, on both sides, and to the lot in the rear of such lot and, in such a manner, that surface water does not drain onto the aforesaid adjoining lots or lands. (Ord. 2013-46. Passed 6-4-13.)

931.05 FINISHED GRADE AT SIDEWALK, CURB OR STREET, ETC.

When a lot or plat of ground is graded, it shall be graded so as to meet the street line, curb line, sidewalk or alley, at grade. (Ord. 2013-46. Passed 6-4-13.)

931.06 DRAINAGE PROTECTION TO ADJOINING LOTS.

When it is found necessary to grade a lot higher or lower finished grade than the natural grade of adjoining property on the sides and to the rear of such lot, it shall be incumbent upon the owner of the lot to get permission from the City Engineer to change to a higher or lower finished grade. It shall be further incumbent upon the owner of the lot to provide suitable retaining walls or other approved protection on his property to protect the adjacent property from the draining of surface waters and further to protect the adjacent property from caving of earth and to assist in the maintaining of the existing natural grade of such adjacent property. (Ord. 2013-46. Passed 6-4-13.)

931.07 DRAINAGE OF HARD-SURFACED AREAS.

Whenever the surface of a lot or plat is excavated, filled, graded or hard-surfaced with impervious material, positive drainage shall be provided so that a nuisance will not be created. Catch basins properly connected to storm sewers or other approved provisions, such as underdrains, shall be made where water may pocket to preclude the accumulation of surface water. Surface water shall not be drained onto adjacent properties not in the same ownership without written permission from the owner of the adjacent property, and existing natural ground drainage of the ground area surrounding the lot or plat excavated, filled or graded, shall not be impeded. (Ord. 2013-46. Passed 6-4-13.)

931.08 WATER ACCUMULATION.

No condition shall be created nor any existing condition maintained whereby there will be upon any lot or plot excavations, depressions, pits, holes, gullies or similar depressions which may accumulate and retain surface water and which may become a public hazard or nuisance. (Ord. 2013-46. Passed 6-4-13.)

931.09 TOPOGRAPHIC MAP REQUIRED.

(a) No building permit shall be issued until the topographic map for the parcel has been approved by the City Engineer. The map or plan shall conform to the standards set by the City Engineer.

(b) Construction shall conform to the approved topographic map for the lot. No significant deviation from the approved topographic plan shall be permitted without the submittal of a revised topographic plan to the City Engineer for his review and approval prior to construction of the deviation or revision.

(c) The builder shall submit to the City Engineer written verification that the purchaser of the lot has reviewed the approved topographic plan for the lot prior to the issuance of the building permit. In the event that there is no purchase contract at the time the building permit is issued, the builder shall submit such verification within ten days of the date of the signing of a contract to build a building on the lot. The verification shall be required to be submitted any time that the City Engineer requires the submittal of a revised topographic plan.

(d) The builder shall submit to the City Engineer an "as-built" topographic plan for the lot within thirty days of completion of the work, unless the City Engineer grants an extension due to weather conditions. The City Engineer may also require submittal within thirty days of notification of the builder of an "as-built" topographic plan for the lot if construction is not completed but no substantial effort is made by the builder to complete the construction, in accordance with the approved topographic plan, for a period of not less than ninety days.

(e) In the event that a builder does not submit an "as-built" topographic plan for a lot as required in subsection (d) above, then the City may obtain the services of a registered surveyor to perform a topographic survey and furnish the City Engineer with an "as-built" topographic plan of the lot. The cost of such survey and plan shall be deducted from the moneys deposited by the builder as required by this section. (Ord. 2013-46. Passed 6-4-13.)

931.10 GRADE DEPOSITS FOR COMMERCIAL DEVELOPMENTS.

Building permits requiring engineering review shall not be issued for commercial (including multi-family housing) developments until plans are approved by the City Engineer. At the time of application for permit, the builder shall make a deposit in accordance with the provisions of this section.

- (a) The required deposit shall be the City's estimated costs for engineering and inspection time using the rates set forth in subsection (b) below, based on the size of the commercial development, and calculated by the City Engineer as follows:
 - (1) For developments up to 20,000 square feet (SF) of proposed structure(s), engineering time of twenty (20) hours + two (2) hours for every 1,000 SF, and inspection time of twenty (20) hours + five (5) hours for every 1,000 SF; and
 - (2) For developments greater than 20,000 square feet (SF) of proposed structure(s), engineering time of sixty (60) hours + one (1) hour per every 1000 SF over 20,000 SF, and inspection time of one hundred twenty (120) hours + one (1) hour per every 1,000 SF over 20,000 SF.
- (b) This deposit shall be used for plan review, the establishing of finished ground grades, the inspection of all grades to see if they conform to the approved plans, and if necessary to perform an "as built" survey or to grade the site in accordance with the approved grading plan. Costs shall be calculated on the basis of the actual time expended at the current hourly rates as established by and on file in the Engineering Division.
- (c) If the grading account of an individual builder diminishes below fifty percent (50%) of the required deposit, the builder shall be required to deposit additional funds to bring his account up to the required deposit. The City Engineer may issue a stop work order if additional funds are not deposited within seven days of the notice to make such deposit. When a builder has completed all work on a building and final grading has been inspected and approved by the City, the builder shall be refunded whatever the remaining balance may be remaining in his grading account.
- (d) If corrective work ordered by the City Engineer is not done within thirty days from the time of the sending of written notice by the City, the City may do the work, and the aforesaid cash deposit shall be applied to the cost of the City doing the aforesaid grading. Any funds which are in excess of the City's cost of grading shall be returned to the individual making the deposit as aforesaid; and further, any deficiency in funds between the deposit and the cost of the City doing the grading shall become a lien upon the lands and shall be certified to the Auditor of the County for entering upon the tax duplicate and collection as other taxes and shall be returned by the Auditor of the County to the City for deposit in the General Fund of the City. (Ord. 2016-39. Passed 5-3-16.)

931.11 GRADES WHERE NO GRADE PLAN PROVIDED.

When the City Engineer is not provided a grade plan for approval as provided for in Sections 931.02 through 931.10, the City Engineer shall be charged with the duty of checking all natural and finished grade lines of all lots, plots or lands located within the municipal boundaries of the City and shall establish grade lines for all streets, sidewalks, sanitary and storm sewers and structures of every kind and description. The City Engineer, prior to issuing any permit pursuant to the provisions of Section 931.12 below, shall, in addition to the permit provisions of said section, check all natural and finished grade lines of the parcel, lot or land concerned, and establish and/or approve a grade plan for said parcel, lot or land which is in conformance with the provisions of this chapter. (Ord. 2013-46. Passed 6-4-13.)

931.12 MAINTAINING GRADE LINES ESTABLISHED BY CITY.

(a) When the City Engineer, under any section of this chapter, has set, finally determined and/or established the natural and/or finished grade lines of any parcel of real estate, lot or land within the City, thus providing for the drainage of surface water therefrom, the owner, occupant or any other person in charge of such premises shall continue to maintain and adhere to said grade lines of the premises and shall further keep all drains, ditches, swales or other surface water conductors open and free and clear of any and all obstructions.

(b) Any builder, contractor, landscaper or owner doing any grading, regrading, landscaping, sodding or performing any other work affecting drainage of any parcel of land in the City shall, prior to doing any such work, and in addition to obtaining any other permit required by this chapter, obtain from the City Engineer a landscaping permit to perform such work. Such person or persons shall furnish a landscaping plan of the parcel of land upon which the work is to be performed. The plan shall show all data necessary to determine the extent and character of the work to be done and its effect upon drainage. Said plan shall also include landscaping of all areas on the site in which the soil is not already covered with approved ground cover, buildings or paved areas. Approved ground cover shall mean grass seeding, sodding or other landscape plants in which the soil is stabilized against erosion into the City's drainage system or onto another property. In addition, if no approved grading plan for said parcel is on file with the Engineering Division, then such person or persons shall also furnish a grade plan for the parcel of land, prepared and certified by a registered surveyor. The landscaping permit shall be applied for and obtained prior to the issuance of any conditional or permanent occupancy permit for the house, building, addition, or other structure, or part of structure, upon said property for which an occupancy permit is required. All work shown upon the landscaping plan for which a landscaping permit has been issued must be completed within six months from the date of issuance of the landscaping permit, unless an extension of time is granted to the permit holder by the City Engineer based upon demonstrable hardship.

(c) As a condition for issuance of a permit for grading, regrading, landscaping, sodding and other such work affecting drainage of any parcel of land in the City, the person or persons performing such work shall pay a permit fee of thirty dollars (\$30.00) and make a deposit with the City Engineer in the sum of seventy-five dollars (\$75.00) per 10,000 square feet or fraction thereof of parcel area.

- (1) This deposit shall be used for checking of plans, establishing finished grades, where necessary, and inspection and/or surveys. Costs shall be calculated on the basis of the actual time expended at the current hourly rate as established by and on file in the Engineering Division.
- (2) If work does not conform to the approved plans and the deficiencies are not corrected within fifteen days after the request by the City Engineer, the City Engineer shall cause the deficiencies to be corrected as provided under Section 931.13 and 931.14.

When the work has been completed, inspected and approved by the City Engineer, whatever balance remaining in the deposit may be refunded.
(Ord. 2013-46. Passed 6-4-13.)

931.13 FAILURE TO COMPLY.

In the event the owner, occupant or any other person in charge of such premises fails to comply with the requirements of this chapter, the City may enter upon such premises and remove any and all obstructions from any drains, ditches, swales, or other surface water conductors, and regrade the surface of such premises to the finished grade line heretofore established. (Ord. 2013-46. Passed 6-4-13.)

931.14 NOTICE; CITY CHARGES FOR WORK PERFORMED.

In the event the City deems it necessary to enter such premises to perform the work described in Section 931.13, the City shall first give written notice by certified mail to the owner, occupant or other person in charge of such premises, or by posting a copy of the notice on the premises to comply with the requirements of this chapter within the time specified in such notice.

In case of failure or refusal of such owner, occupant or other person in charge of such premises to comply with the notice and the requirements of this chapter, the work required thereby may be done at the expense of the City. The City shall determine the amount paid for such work and shall ascertain the description of the property on which the work was done. The amount paid for such work and the description of the property shall be certified to the Auditor and shall be entered upon the tax duplicate, become a lien upon such lands from the date of entry, and shall be collected as other taxes and returned to the City for deposit in the General Fund. In the alternative, the City may recover the amount of money so expended for such work from the owner, occupant or other person in charge of the premises before any court of competent jurisdiction. (Ord. 2013-46. Passed 6-4-13.)

931.15 PRIVATE STORM WATER DRAINAGE SYSTEMS.

Catch basins located on private property and designed to handle surface water shall be considered an integral part of the drainage system, and all the provisions of the drainage ordinances shall apply to these catch basins and the pipes which connect them to the storm sewers.

On single-family residential lots, these catch basins shall consist of twelve inch by four inch wyes or tees, and their connecting pipe shall meet one of the following specifications: PVC pipe conforming to ASTM D3033, D3034, or D2729; C-200 vitrified pipe; other rigid pipe for which written approval has been obtained from the City Engineer.

All catch basins on single-family residential lots shall be designed to handle flow rates of sixty gallons per minute, or greater, with the water level below the rim of the basin. At the City's option, these catch basins may be tested for flow capacity. Basins which do not handle the required flow rate shall be repaired by the builder. (Ord. 2013-46. Passed 6-4-13.)

931.16 STATE AND FEDERAL REQUIREMENTS PREVAIL.

Grading and drainage requirements of state and federal agencies shall prevail when in conflict, as determined by the City Engineer or Law Director, with local ordinances pertaining to the grading and drainage of any parcel of land in the City. (Ord. 2013-46. Passed 6-4-13.)

931.99 PENALTY.

Whoever violates any provision of this chapter is guilty of a misdemeanor of the fourth degree. Each day of violation shall constitute a separate offense. (Ord. 2013-46. Passed 6-4-13.)