

BILL NO. 494

ORDINANCE NO. 475

INTRODUCED BY: Trustees Slama, Fortune, Graves, Whitmore and Eisenhauer

**AN ORDINANCE AMENDING CHAPTER 515 RELATING TO  
EXCAVATIONS, GRADING AND FILL AND AMENDING SECTION  
400.255 RELATING TO DRIVEWAY REQUIREMENTS**

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**BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF TWIN  
OAKS, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:**

**Section 1.** The Board of Trustees hereby amends Chapter 515 pertaining to site work such as excavations, grading and fill by repealing the entire Chapter 515 and in its place adopting a new Chapter 515 to read as follows:

**Chapter 515. Excavation, Grading and Fill**

**Article I. General Provisions**

**Section 515.010. Intent; Land Disturbance Code, when applicable.**

The provisions contained in Article III (Private Property Site Work) of this Chapter 515 shall apply when the Building Commissioner determines that an application for an excavation, fill or grading permit (collectively, a "Site Work Permit") properly falls within the provision of Article III rather than Article II (Right-of-Way and Underground Utilities) or Section 407.020 of this Code (Land Disturbance Code).

**Section 515.020. Definitions.**

Definitions. For purposes of this Chapter, the following terms shall have the meanings set forth below.

**EXCAVATION.** Any act by which existing topography or terrain, whether natural or improved, is cut or dug into, or earth or similar material is dug, uncovered, removed, displaced, relocated by machinery or similar means and shall include the conditions resulting therefrom. Excavation shall include (1) the installation or construction of a new driveway, (2) the expansion or enlargement of an existing driveway, or (3) the replacement of an existing driveway when the existing driveway material is removed.

**FILL.** Any act by which earth, sand, gravel, rock or any similar material is deposited, placed or transported to any location other than from the place from which excavated and shall include the conditions resulting therefrom.

**GRADING.** Excavation, fill or other similar site disturbance which alters existing surface drainage or topography and shall include conditions resulting from any excavation or fill.

**SITE WORK.** Excavation, Fill or Grading activities or a combination thereof.

**Section 515.030. Protection of Public.**

The construction, maintenance or existence of any unprotected, unbarricaded, open or dangerous excavation, hole or pit is hereby prohibited. All excavations shall be performed pursuant to a permit issued by the Building Commissioner as provided herein or pursuant to Section 407.020 of this Code (Land Disturbance Code) and shall be properly protected with warning signs, fencing or other protections installed in such manner as may be prescribed by the Building Commissioner.

**Article II. Public Utility Excavation or other Work Within Public Right-Of-Way**

**Section 515.040. Permit Application, Inspection Fee, Deposit Required.**

No person shall make or cause to be made, or help, aid or assist therein, any excavation, fill or grading on any public street, highway, alley or other public place, or any public easement or right-of-way for the purpose of installing utility poles, underground electric or telephone cable, sewer or water lines or other underground facilities, without first having made application to the Building Commissioner for a permit for such excavation and receiving from the Building Commissioner a written permit therefor. Before such permit shall be granted, the applicant shall deposit with the Village Administrator/Clerk such sum as in the judgement of the Building Commissioner may be sufficient to restore the street, highway, alley or other public place, public easement or right-of-way, in as good condition as it was before the excavation was made, and in accordance with the conditions provided in this Chapter, and to pay a permit and inspection fee of one hundred dollars (\$100.00), provided however, that no deposit shall be required of right-of-way utility users otherwise exempted by State law. The permit shall be signed by applicant and the Building Commissioner or designate, and shall state that applicant agrees to be liable for costs of restoration beyond the deposit amount applicable. The excavation permit shall be prominently displayed at the excavation site at all times. Emergency excavations deemed necessary for the protection of the public health or welfare may proceed without a permit but application shall be made within twenty-four (24) hours following said emergency excavation.

**Section 515.050. Refund of Deposit.**

A required deposit shall be returned to the depositor not later than six (6) months after the work is completed and the public place restored to its original condition and in accordance with the provisions of this Chapter; and if not so restored, the Building Commissioner or his/her designate, may cause the public place to be so restored and the deposit forfeited by the depositor. If the deposit is not sufficient to pay the entire costs thereof, the depositor shall be required to pay the balance thereof.

**Section 515.060. Safety Precautions.**

Every person who shall cause to be made any excavation in or adjoining any public street, highway, alley or public place, or on any public easement or right-of-way shall cause the same to be adequately protected so as to prevent persons, animals or vehicles from falling into the excavation, and shall cause barricades and warning lights or similar protections to be maintained about such excavation, and keep the same lighted from sunset to sunrise. Whenever any person shall excavate the sidewalk of any street, it shall be his/her duty to place a strong and suitable footbridge over such excavation in the line of the sidewalk at least four (4) feet wide, and securely anchored at each end.

**Section 515.070. General Method of Backfilling and Resurfacing.**

A. Excavations in any surfaced street or alley, whether a permanent or temporary surfacing exists on the street or alley at the time the excavation is made, shall be cut in straight neat lines on all sides, and all materials removed from the excavation as made, and the remaining backfill shall be completed to the original surface with crushed limestone having a maximum size of one and one-half (1 ½) inch minus; and process of backfilling shall be inundated with water for a period of not less than ten (10) minutes or the backfill shall be compacted every six (6) inches with a vibratory compactor.

B. The resurfacing shall match the existing surface and be of comparable material and quality. It shall extend a minimum of one (1) foot on all sides of the excavated area. It shall meet the existing surface at the same elevation and along a neat and straight line.

**Article III. Private Property Site Work**

**Section 515.080. Site Work Permit Required.**

A. No person shall fill, grade or excavate any portion of any lot, parcel, tract or right-of-way without first obtaining a Site Work Permit from the Village Building Commissioner or that person's designee; provided that a permit under this paragraph shall not be required for:

1. Grading for the foundation or basement of any building, structure or swimming pool for which a building permit has been properly issued by the Code Official; and

2. Grading in connection with a subdivision which grading has been duly approved by the Board of Trustees in accordance with the subdivision regulations of the Village of Twin Oaks.

3. Where a permit is required under Article II (Right-of-Way and Underground Utilities) or Section 407.020 of this Code (Land Disturbance Code).

B. No person shall make or cause to be made, or help, aid or assist therein, any grading on private property including a private easement for the purpose of installing utility poles, underground electric or telephone cable, sewer or water lines or other underground facilities, without first having made application to the Building Commissioner for a permit for such excavation and receiving from the Building Commissioner a written permit hereunder.

C. Work under a Site Work Permit for a driveway shall meet the additional requirements of Section 400.255 (Driveway Setback, Property Line and Construction Requirements) of this Code and shall require submittal of such information with the permit application as to sufficiently depict the proposed location, property line, materials, grading limits and dimensions of the driveway (or work thereon).

D. Work under a Site Work Permit for a sewer lateral replacement shall meet the additional requirements of Chapter 520 (Sewer Lateral Program) of this Code and shall require submittal of such information with the permit application as to sufficiently depict the proposed location, property line, materials, grading limits and dimensions of the driveway (or work thereon).

E. Application for a permit shall be in writing filed with the Village Clerk and shall include the following information:

a. Accurate plot plan depicting location of the grading or excavation site, description of soil features and details of all structures, walls, cribbing and surface protection; and

b. Proposed schedule of operations and dates of start and completion.

F. Applicants using construction equipment shall make provisions for the protection and preservation of Village streets and right-of-way. The Village reserves the right to require a performance bond or cash deposit for any work in, upon or immediately adjacent to the right-of-way in such amount as may be necessary to place the Village in an assured position that the work will be completed and any damage to public property repaired at the cost of the permittee.

**Section 515.090. Application; Permit Fee.**

Application for a Site Work permit shall be on forms provided by the Village and accompanied by a twenty-five dollar (\$25.00) application fee; provided that where application for grading permit is made contemporaneously with any other permit related to the activity and issued by the Village, a single application fee shall apply which shall be the greater of the amounts of the individual permits. The permit fee hereunder shall be paid in anticipation of the Village's expenses incurred in processing the application or submission at issue, including, but not limited to, administrative and clerical costs, inspections, surveys, legal, engineering and plan review, and other investigations deemed necessary by the Village. Processing and all other actions related to the application or submittal shall not proceed until the applicable fee is paid in full. In the event the fee or deposit is insufficient to pay all such expenses incurred by the Village, the Village Clerk may document additional costs incurred by the Village in relation to inspecting or enforcing the permit provisions and request payment of same within thirty (30) days.

**Section 515.100. Violation — Penalty.**

Any person failing to apply for and be granted a permit, properly display the excavation permit or who shall violate any other provision of this Chapter shall be subject to a fine of up to one thousand dollars (\$1,000.00) and to imprisonment for up to ninety (90) days, or to both such fine and imprisonment, in addition to civil damages. Each day of such non-compliance is considered a separate violation.

**Section 2.** Section 400.255 pertaining to Driveway Setback, Property Line and Construction requirements is hereby amended to add a new subsection M to read as follows:

M. Installation of a new driveway or repair, replacement, improvement or enlargement of an existing driveway shall require a permit under Section 407.020 (Land Disturbance Code) or Section 515.080 (Site Work Permit).

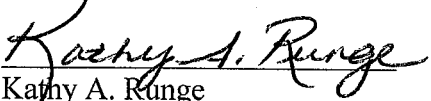
**Section 3.** This ordinance having been read by title or in full two times prior to passage, shall be in full force and effect from and after its passage and after being duly signed by the Chairman of the Board of Trustees and attested by the Village Clerk.

PASSED and APPROVED this 3<sup>rd</sup> day of Feb., 2016.

  
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Ray Slama, Chairman

Board of Trustees

ATTEST:

  
Kathy A. Runge  
Administrator/Clerk

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_