ORDINANCE NO. 6639

AN ORDINANCE TO AMEND TITLE 13 BUILDINGS AND CONSTRUCTION BY AMENDING CHAPTER 13.33 "GRADING AND EXCAVATION" OF THE 2020 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY AMENDING SECTION 13.33.050 "GRADING PERMIT REQUIREMENTS".

BE IT ORDAINED
BY THE CITY COUNCIL
OF THE
CITY OF COUNCIL BLUFFS, IOWA

SECTION 1. That Title 13 Buildings and Construction is hereby amended by amending Chapter 13.33 "Grading and Excavation" of the 2020 Municipal Code of Council Bluffs, Iowa, by amending Section 13.33.050 "Grading Permit Requirements" to read as follows:

13.33.050 Grading Permit Requirements

A. Permits Required. As provided in CBMC 13.33.040, no person shall do any grading without first obtaining permit from the building official. A separate permit shall be required for each site and may cover both excavations and fills.

B. Application for Permit. The provisions of the building code, as amended, are applicable to grading and shall state an estimate of the cubic yards of earth material to be graded and area in the amount of acres of land disturbing activity.

C. Plans and Specifications. Each application for a grading permit, whether regular grading or engineered grading, shall be accompanied by two sets of plans and specifications. Supporting data consisting of a soils report and geology report shall be submitted when required by the building official. When engineered grading is required pursuant to paragraph D of this section, the plans and specifications shall be prepared and signed by a civil engineer.

D. Grading Designation. All grading of five thousand (5,000) cubic yards or more shall be performed in accordance with the approved grading plan prepared by a civil engineer and shall be designated as "engineered grading." Grading involving less than five thousand (5,000) cubic yards shall be designated "regular grading" unless the permittee, with the approval of the building official, chooses to have the grading performed as "engineered grading" or the building official requires "engineered grading" pursuant to paragraph G of this section.

E. Information on Plans and Specifications.

    1. Plans shall be drawn to scale upon stable, reproducible media and shall be of sufficient clarity to indicate the nature and extent of the work proposed. The plans shall also show, in detail, that the grading activities will conform to the provisions of the building code, as amended, and all relevant laws, ordinances, rules and regulations. The first sheet of each set of plans shall give the location of the proposed grading work, the name and address of the person by whom they were prepared and the name and address of the property owner or of the responsible party for the property.

2. The plans shall include the following information:

    a. General vicinity of the proposed site.

    b. Names and addresses of adjacent property owners.

    c. Property limits and accurate topographic map of the existing terrain with contour intervals of five feet or less and details of area drainage.

    d. Limiting dimensions, elevations of finish contours to be achieved by the grading and proposed drainage channels and related construction.

    e. Detailed plans of all surface and subsurface drainage devices, including walls, cribbing, dams and other protective devices to be constructed with, or as part of, the proposed grading work, together with a map showing the drainage areas and the estimated runoff for a five-year return and a one hundred (100) year flood event of the area served by any drains to be installed.

    f. Location of any buildings or structures on the property where the proposed grading is to be performed, together with any buildings or structures on property adjacent to the proposed grading to the extent the buildings or structures are within fifteen (15) feet of the proposed grading. In addition, location of any property which may be substantially and materially affected by the proposed grading shall also be noted and shown on the plans.

    g. Existing trees that are to be retained pursuant to CBMC 13.33.100. Specifications shall contain information covering construction and material requirements.

    h. Plans and proposed methods for the prevention and control of soil erosion for the proposed work. See paragraph M of this section.

F. Engineered Grading Requirements.

1. For engineered grading, it shall be the responsibility of the civil engineer to design the grading plan using sound engineering practices and to incorporate all recommendations from the soils and geology reports into the grading plan. The civil engineer shall also be responsible for the professional inspection during the grading process and final approval of the grading when completed. This responsibility includes, but need not be limited to, inspection and approval as to the establishment of line, grade and drainage of the grading area. The civil engineer is the coordinating agent between any responsible party doing the actual grading work and the building official. Further, the civil engineer shall be responsible for the preparation of revised plans and the submission of an updated grading plan upon completion of the work. Finally, the civil engineer shall submit a statement of compliance pursuant to CBMC 13.33.140 Paragraph A.

2. Soils and geology reports shall be required as specified in paragraphs H and I of this section. During grading, the civil engineer shall submit all necessary reports, compaction data and soils and geology recommendations to the building official.

3. The civil engineer's inspection and approval concerning the adequacy and preparation of ground for the proposed grading operations shall include, but need not be limited to, the adequacy of the ground to receive fill, testing for required compaction, stability of all finish slopes, the design of buttress fills, where required, the stability of cut slopes with respect to geological matters and the need for subdrains or other ground water drainage devices.

4. The building official shall review the grading project at the various stages of the work in order to monitor compliance with the approved plans.

G. Regular Grading Requirements.

1. The building official may require inspection and testing by an approved testing agency of any proposed or approved grading operation. Any such required inspection or testing shall be carried out at the building official's direction.

2. When the building official has cause to believe that geologic factors may be involved in the proposed or regular grading activities, the grading operation will be required to conform to "engineered grading" requirements as defined in this chapter.

H. Soils Report.

1. The soils report required by paragraph C of this section shall include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures and design criteria for corrective measures, including buttress fills, if needed.

2. Recommendations included in the report shall be incorporated in the grading plans or specifications unless the building official has waived all or some of the recommendations or has approved revised recommendations.

I. Geology Report.

1. The geology report required by paragraph C of this section shall include an adequate description of the geology of the site and conclusions and recommendations regarding the effect of geologic conditions on the proposed development.

2. Recommendations included in the report shall be incorporated in the grading plans or specifications unless the building official has waived all or some of the recommendations or has approved revised recommendations.

J. Issuance. The provisions of the building code, as amended, are applicable to grading permits. The building official may require that the grading operations and project designs be modified if delays occur which result from weather-generated problems not considered at the time the permit was issued.

K. Fees. All fees associated with each required permit shall be paid to the city as established by the city council. The fee schedule shall be as per CBMC 2.08.

L. All insurance required under this Chapter shall be kept in accordance with CBMC 13.45.

M. Stormwater Pollution Prevention Plan and NPDES Permit. All applicants doing grading of one acre or more shall submit a stormwater pollution prevention plan and a copy of their NPDES permit. Plan submittal shall be completed in similar fashion to grading plan submittal and contain the following in detail:

Location and dimension of all proposed land development and land disturbing activities. Location and dimensions of all temporary soil or dirt stockpiles.

Schedule of anticipated starting and completion date of each land development or land disturbing activity, including the installation of best management practices; provision for maintenance of best management practices during construction; and description of vegetation and other materials to be used to stabilize the site, including a schedule for installation and maintenance.

(Ord. 5848 § 1, 2005)

SECTION 2. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 4. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its final passage and publication, as by law provided.

PASSED
AND March 24, 2025.
APPROVED

_____
MATTHEW J. WALSH Mayor

Attest: _____
JODI QUAKENBUSH City Clerk

First Consideration: 3-10-25
Second Consideration: 3-24-25
Public Hearing: N/A
Third Consideration: _____