

TOWN OF DE BEQUE ORDINANCE NO. 526

**AN ORDINANCE ADOPTING THE 2018 INTERNATIONAL BUILDING CODE,
APPENDIX J, PERTAINING TO GRADING PERMITS**

The following describes the intent and purpose of this resolution.

- a. The Town of De Beque adopted the 2018 International Building Code (the IBC), which is codified at Chapter 12.12 of the Town ordinances.
- b. The Town previously has not adopted Appendix J of the IBC, which requires a grading permit for site disturbance activities.
- c. Grading activities prior to the commencement of construction work can and do create a risk of off-site impacts, including dust, noise, drainage problems, erosion, and deposit of sediment.
- d. In some cases individuals undertake grading prior to securing a building permit. It is therefore appropriate that building officials have the authority to mitigate off-site impacts. A grading permit process under the IBC would allow an opportunity for those impacts to be mitigated.

THEREFORE, the Town enacts as follows:

Subsection 12.12.010(B) of the De Beque Municipal Code is amended to provide (underlining reflects new text):

The following Chapters of the Appendix of the International Building Code, 2018 Edition are adopted:

Chapter C, Group U-Agricultural Buildings

Appendix J, Grading

Chapter I, Patio Covers

No other Chapters of the Appendix are adopted.

This ordinance shall take effect immediately upon adoption.

TOWN OF DE BEQUE

Shanelle Hansen

Shanelle Hansen, Mayor

11-22-22

Date

ATTEST:

Lisa Rogers

Lisa Rogers, Town Clerk

11-22-2022

Date

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APPENDIX J GRADING

SECTION J101 GENERAL

J101.1 Scope.

The provisions of this chapter apply to grading, excavation and earthwork construction, including fills and embankments. Where conflicts occur between the technical requirements of this chapter and the geotechnical report, the geotechnical report shall govern.

J101.2 Flood hazard areas.

Unless the applicant has submitted an engineering analysis, prepared in accordance with standard engineering practice by a *registered design professional*, that demonstrates the proposed work will not result in any increase in the level of the base flood, grading, excavation and earthwork construction, including fills and embankments, shall not be permitted in *floodways* that are in *flood hazard areas* established in [Section 1612.3](#) or in *flood hazard areas* where design flood elevations are specified but *floodways* have not been designated.

APPENDIX J GRADING

SECTION J102 DEFINITIONS

J102.1 Definitions.

The following words and terms shall, for the purposes of this appendix, have the meanings shown herein. Refer to [Chapter 2](#) of this code for general definitions.

BENCH. A relatively level step excavated into earth material on which fill is to be placed.

COMPACTION. The densification of a fill by mechanical means.

CUT. See "Excavation."

DOWN DRAIN. A device for collecting water from a swale or ditch located on or above a slope, and safely delivering it to an approved drainage facility.

EROSION. The wearing away of the ground surface as a result of the movement of wind, water or ice.

EXCAVATION. The removal of earth material by artificial means, also referred to as a cut.

FILL. Deposition of earth materials by artificial means.

GRADE. The vertical location of the ground surface.

GRADE, EXISTING. The grade prior to grading.

GRADE, FINISHED. The grade of the site at the conclusion of all grading efforts.

GRADING. An excavation or fill or combination thereof.

KEY. A compacted fill placed in a trench excavated in earth material beneath the toe of a slope.

SLOPE. An inclined surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

TERRACE. A relatively level step constructed in the face of a graded slope for drainage and maintenance purposes.

APPENDIX J GRADING
SECTION J103
PERMITS REQUIRED

J103.1 Permits required.

Except as exempted in [Section J103.2](#), grading shall not be performed without first having obtained a *permit* therefor from the *building official*. A *grading permit* does not include the construction of retaining walls or other structures.

J103.2 Exemptions.

A *grading permit* shall not be required for the following:

1. Grading in an isolated, self-contained area, provided that the public is not endangered and that such grading will not adversely affect adjoining properties.
2. Excavation for construction of a structure permitted under this code.
3. Cemetery graves.
4. Refuse disposal sites controlled by other regulations.
5. Excavations for wells, or trenches for utilities.
6. Mining, quarrying, excavating, processing or stockpiling rock, sand, gravel, aggregate or clay controlled by other regulations, provided that such operations do not affect the lateral support of, or significantly increase stresses in, soil on adjoining properties.
7. Exploratory excavations performed under the direction of a registered design professional.

Exemption from the *permit* requirements of this appendix shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

APPENDIX J GRADING

SECTION J104 PERMIT APPLICATION AND SUBMITTALS

J104.1 Submittal requirements.

In addition to the provisions of [Section 105.3](#), the applicant shall state the estimated quantities of excavation and fill.

J104.2 Site plan requirements.

In addition to the provisions of [Section 107](#), a grading plan shall show the existing grade and finished grade in contour intervals of sufficient clarity to indicate the nature and extent of the work and show in detail that it complies with the requirements of this code. The plans shall show the existing grade on adjoining properties in sufficient detail to identify how grade changes will conform to the requirements of this code.

J104.3 Geotechnical report.

A geotechnical report prepared by a *registered design professional* shall be provided. The report shall contain not less than the following:

1. The nature and distribution of existing soils.
2. Conclusions and recommendations for grading procedures.
3. Soil design criteria for any structures or embankments required to accomplish the proposed grading.
4. Where necessary, slope stability studies, and recommendations and conclusions regarding site geology.

Exception: A geotechnical report is not required where the *building official* determines that the nature of the work applied for is such that a report is not necessary.

J104.4 Liquefaction study.

For sites with mapped maximum considered earthquake spectral response accelerations at short periods (S_s) greater than 0.5g as determined by [Section 1613](#), a study of the liquefaction potential of the site shall be provided and the recommendations incorporated in the plans.

Exception: A liquefaction study is not required where the *building official* determines from established local data that the liquefaction potential is low.

APPENDIX J GRADING

SECTION J105 INSPECTIONS

J105.1 General.

Inspections shall be governed by [Section 110](#) of this code.

J105.2 Special inspections.

The *special inspection* requirements of [Section 1705.6](#) shall apply to work performed under a grading permit where required by the *building official*.

APPENDIX J GRADING

SECTION J106 EXCAVATIONS

J106.1 Maximum slope.

The slope of cut surfaces shall be not steeper than is safe for the intended use, and shall be not more than one unit vertical in two units horizontal (50-percent slope) unless the owner or the owner's authorized agent furnishes a geotechnical report justifying a steeper slope.

Exceptions:

1. A cut surface shall be permitted to be at a slope of 1.5 units horizontal to one unit vertical (67-percent slope) provided that all of the following are met:
 - 1.1 It is not intended to support structures or surcharges.
 - 1.2 It is adequately protected against erosion.
 - 1.3 It is not more than 8 feet (2438 mm) in height.
 - 1.4 It is approved by the building code official.
 - 1.5 Ground water is not encountered.
2. A cut surface in bedrock shall be permitted to be at a slope of one unit horizontal to one unit vertical (100-percent slope).

APPENDIX J GRADING

SECTION J107 FILLS

J107.1 General.

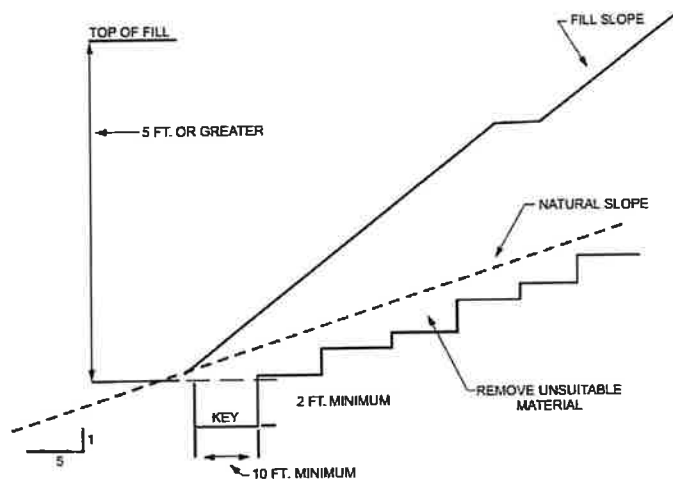
Unless otherwise recommended in the geotechnical report, fills shall comply with the provisions of this section.

J107.2 Surface preparation.

The ground surface shall be prepared to receive fill by removing vegetation, topsoil and other unsuitable materials, and scarifying the ground to provide a bond with the fill material.

J107.3 Benching.

Where existing grade is at a slope steeper than one unit vertical in five units horizontal (20-percent slope) and the depth of the fill exceeds 5 feet (1524 mm) benching shall be provided in accordance with [Figure J107.3](#). A key shall be provided that is not less than 10 feet (3048 mm) in width and 2 feet (610 mm) in depth.



For SI: 1 foot = 304.8 mm.

**FIGURE J107.3
BENCHING DETAILS**

J107.4 Fill material.

Fill material shall not include organic, frozen or other deleterious materials. Rock or similar irreducible material greater than 12 inches (305 mm) in any dimension shall not be included in fills.

J107.5 Compaction.

All fill material shall be compacted to 90 percent of maximum density as determined by [ASTM D1557](#), Modified Proctor, in lifts not exceeding 12 inches (305 mm) in depth.

J107.6 Maximum slope.

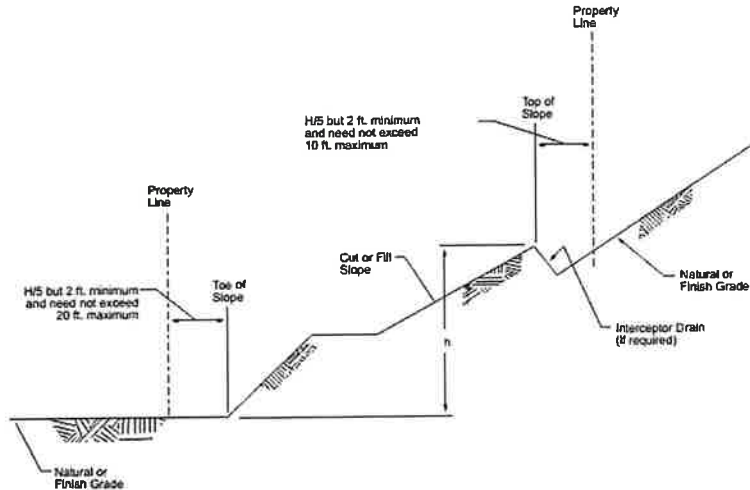
The slope of fill surfaces shall be not steeper than is safe for the intended use. Fill slopes steeper than one unit vertical in two units horizontal (50-percent slope) shall be justified by a geotechnical report or engineering data.

APPENDIX J GRADING

SECTION J108 SETBACKS

J108.1 General.

Cut and fill slopes shall be set back from the property lines in accordance with this section. Setback dimensions shall be measured perpendicular to the property line and shall be as shown in Figure J108.1, unless substantiating data is submitted justifying reduced setbacks.



For SI: 1 foot = 304.8 mm.

**FIGURE J108.1
DRAINAGE DIMENSIONS**

J108.2 Top of slope.

The setback at the top of a cut slope shall be not less than that shown in Figure J108.1, or than is required to accommodate any required interceptor drains, whichever is greater.

J108.3 Slope protection.

Where required to protect adjacent properties at the toe of a slope from adverse effects of the grading, additional protection, approved by the building official, shall be included. Examples of such protection include but are not be limited to:

1. Setbacks greater than those required by Figure J108.1.
2. Provisions for retaining walls or similar construction.
3. Erosion protection of the fill slopes.
4. Provision for the control of surface waters.

APPENDIX J GRADING
SECTION J109
DRAINAGE AND TERRACING

J109.1 General.

Unless otherwise recommended by a *registered design professional*, drainage facilities and terracing shall be provided in accordance with the requirements of this section.

Exception: Drainage facilities and terracing need not be provided where the ground slope is not steeper than one unit vertical in three units horizontal (33-percent slope).

J109.2 Terraces.

Terraces not less than 6 feet (1829 mm) in width shall be established at not more than 30-foot (9144 mm) vertical intervals on all cut or fill slopes to control surface drainage and debris. Suitable access shall be provided to allow for cleaning and maintenance.

Where more than two terraces are required, one terrace, located at approximately mid-height, shall be not less than 12 feet (3658 mm) in width.

Swales or ditches shall be provided on terraces. They shall have a minimum gradient of one unit vertical in 20 units horizontal (5-percent slope) and shall be paved with concrete not less than 3 inches (76 mm) in thickness, or with other materials suitable to the application. They shall have a depth not less than 12 inches (305 mm) and a width not less than 5 feet (1524 mm).

A single run of swale or ditch shall not collect runoff from a tributary area exceeding 13,500 square feet (1256 m²) (projected) without discharging into a down drain.

J109.3 Interceptor drains.

Interceptor drains shall be installed along the top of cut slopes receiving drainage from a tributary width greater than 40 feet (12 192 mm), measured horizontally. They shall have a minimum depth of 1 foot (305 mm) and a minimum width of 3 feet (915 mm). The slope shall be *approved* by the *building official*, but shall be not less than one unit vertical in 50 units horizontal (2-percent slope). The drain shall be paved with concrete not less than 3 inches (76 mm) in thickness, or by other materials suitable to the application. Discharge from the drain shall be accomplished in a manner to prevent erosion and shall be approved by the *building official*.

J109.4 Drainage across property lines.

Drainage across property lines shall not exceed that which existed prior to grading. Excess or concentrated drainage shall be contained on site or directed to an approved drainage facility. Erosion of the ground in the area of discharge shall be prevented by installation of nonerosive down drains or other devices.

APPENDIX J GRADING

SECTION J110 EROSION CONTROL

J110.1 General.

The faces of cut and fill slopes shall be prepared and maintained to control erosion. This control shall be permitted to consist of effective planting.

Exception: Erosion control measures need not be provided on cut slopes not subject to erosion due to the erosion-resistant character of the materials.

Erosion control for the slopes shall be installed as soon as practicable and prior to calling for final inspection.

J110.2 Other devices.

Where necessary, check dams, cribbing, riprap or other devices or methods shall be employed to control erosion and provide safety.

APPENDIX J GRADING

SECTION J111
REFERENCED STANDARDS

ASTM D1557-12	Test Method for Laboratory Compaction Characteristics of Soil Using Modified Effort [56,000 ft-lb/ft ³ (2,700 kN-m/m ³)].	J107.5
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