



Permit No. _____

CITY OF JENKS EARTH CHANGE PERMIT APPLICATION

- Any applicable State or Federal permits must be attached to this application or must be applied for with copies attached to this application if this permit is to be valid upon approval.
- A \$20.00 non-refundable application fee is required at submittal EXCEPT when the application is processed concurrently with a building permit on the same tract having a fee in excess of \$20.00 (total fees not to be less than \$20.00).
- A separate permit is required for each separate, non-contiguous tract.

(APPLICATION MUST INCLUDE ALL CHECKLIST INFORMATION/DATA AND BE COMPLETE.
AN INCOMPLETE APPLICATION MAY DELAY ACTION)

1. **Name of Owner/Applicant:** _____
Print or Type
2. **Business Telephone:** _____ 3. **Other Telephone:** _____
4. **Address of Owner/Applicant:** _____
5. **Legal Description of Property:** _____

6. **Street Address of Property:** _____
7. **Location Map of property provided:** _____ (Include area within 300 feet of property)

8. **TYPE OF EARTH CHANGE:** (Check all applicable)
- 8a. EXCAVATING 8b. GRADING 8c. FILLING 8d. RE-GRADING
- 8e. BERMING 8f. DIKING 8g. PAVING
- 8h. RE-ALIGN/RELOCATE DRAINAGE ROUTE(S)

9. **Name of Contractor:** _____
10. **Business Telephone:** _____ 11. **Other Telephone:** _____
12. **Address of Contractor:** _____
13. **Proposed Start Date of Work:** _____
14. **Projected End Date of Work:** _____
15. **Total area to be disturbed:** _____ acres
16. **Does the lot or tract of record contain any natural or man-made water course?** YES NO
If yes, specify: _____
17. **Is lot or tract in floodplain area?** YES NO
If yes, specify FEMA Map Code: _____ Panel No.: _____
18. **Name of Watershed:** _____
19. **Drainage Area of Project:** _____ acres
20. **Estimate of Site Discharge:** _____ cfs
21. **Owner's/Applicant's Professional Engineer:**
Name: _____
Address: _____
Telephone: _____

Earth Change Permit Conditions

Permit No. _____

Name of Project: _____

Location: _____

1. Earth Change Permit is for the referenced project/development only.
2. Should the owner/developer choose to proceed with earth change excavation and/or construction, all work is performed at risk and may be subject to modification prior to final plan review. The City of Jenks assumes no liability or responsibility for any conditions deemed necessary in the future by the City of Jenks, Planning Commission, and/or Technical Advisory Committee.
3. All areas downstream of all excavation and earth fill activities associated with the Earth Change permit shall have erosion control measures in place prior to the start of any excavation that comply with the City of Jenks and Oklahoma Department of Environmental Quality (ODEQ) standards.
4. The project shall be designed and constructed to minimize the potential for soil erosion that fits the topography and soils of the site. Deep cuts and fills in areas with steep slopes shall be avoided, wherever possible. Natural contours shall be followed as closely as possible. Drainage channels and swales shall be designed, constructed and adequately protected so that their final gradients and resultant velocities will not cause erosion in the receiving channel or at the outlet.
5. All construction activities shall be conducted in such a manner as to minimize erosion and prevent the discharge of rock, sand, and soil from the site. These activities shall be conducted in a logical sequence so that the smallest practical area of land will be exposed for the shortest practical period of time.
6. Existing natural vegetation shall be retained and protected, wherever possible. Areas immediately adjacent to watercourses, lakes, and ponds (within 35-feet of top of bank) shall be left undisturbed wherever possible.
7. Unvegetated areas or vegetated areas with less than 70% cover that are scheduled or likely to be left inactive for 15-days or more must be temporarily or permanently stabilized using measures appropriate for the season to reduce erosion potential.
8. Persons conducting the construction shall implement and maintain adequate structural and/or nonstructural stormwater control best management practices as outlined in the Stormwater Pollution Prevention Plan (SWP3). Best management practices shall include, but not be limited to, seeding, sodding, sprigging, silt fences, straw bale dikes, earthen dikes or swales, temporary stream crossings, storm sewer inlet protection, temporary sediment basins, and stabilized construction entrances.
9. All physical erosion control measures used are to be maintained so that that they are working properly at all times throughout the duration of the project.
10. At all times, public or private roadways, alleys or sidewalks shall be kept cleared of accumulated sediment that is a result of runoff or tracking from the site.
11. Appropriate measures shall be implemented to prevent removed vegetation or waste materials (including, but not limited to, garbage, debris, fuels and petroleum products) from being carried from the project site by stormwater runoff or wind. Trash containers or enclosures of sufficient size shall be located on the project site.

12. The adequacy of any Best Management Practice shall be based upon the fulfillment of each of the following requirements:
 - a. The discharge of stormwater from the site shall not result in a violation of the City of Jenks Stormwater Phase II NPDES permit;
 - b. The discharge of stormwater from the site shall not cause contamination of surface water, stormwater or groundwater within the City of Jenks; and
 - c. The discharge of stormwater from the site shall not transport sediment into the City of Jenks stormwater collection, conveyance and/or detention facilities.
13. The Earth Change Permit does not provide permission to construct any infrastructure without written pre-approval by the City of Jenks.
14. All Earth Change activities are allowed so long as they do not impose any adverse affects upon adjacent properties (private and public), the community at-large, and/or existing drainageways. No silt or debris is allowed to flow off of the property onto adjacent properties (public or private).
15. At any time during construction, at the discretion of the City Engineer, should it be determined that additional sediment and erosion control measures are needed, the Developer shall be required to immediately take whatever action(s) are required to correct and/or prevent further impact on adjacent or downstream drainageways or properties.
16. If the total disturbed area exceeds one (1.0) acres, it is the responsibility of the owner/developer to:
 - File with the Oklahoma Department of Environmental Quality a "DEQ Notice of Intent (NOI) for Storm Water Discharges (SWD) Associated with Construction Activity" (DEQ Form 605-002A). Prior to the start of any earth change activities a copy of this form is to be furnished to the City Engineer for the City of Jenks records; and
 - Prepare a Storm Water Pollution Prevention Plan (SWP3) that will be available on-site at all times for inspection. Prior to the start of any earth change activities a copy of this plan is to be furnished to the City Engineer for the City of Jenks records.

Checklist For Earth Change Permit Application Submittals

Each Earth Change Permit Application shall provide the following information as required by City of Jenks Ordinance 773 (dated April 4, 1983), unless specifically waived by the City Engineer:

Permit Fee

___ \$20.00 fee attached

Ownership information:

___ Name and address of the legal owner of the tract

___ Legal description of the tract

Mapping requirements (provide two (2) sets of 11"x17" scale drawings):

___ Location Map of the site (including area within 300-feet of the property)

___ Boundary line survey

___ Existing and proposed contours at one (1) foot intervals

___ Location of any existing and/or proposed structure or natural features on the site

___ Location of any structures or natural features on the tract(s) adjacent to the site and within 50-feet of the tract boundary

___ Plans of all drainage provisions, retaining walls, cribbing, planting and erosion control measures to be constructed in connection with or as part of the proposed work

___ Map showing the drainage area of the lands tributary to the site

___ 100-year and 500-year floodplain boundaries with floodplain elevation and/or water course location(s)

Schedules:

___ Schedule indicating the starting and anticipated completion date of the project

___ Schedule indicating the project construction sequencing and the time of exposure of each area prior to completion of effective erosion and sediment control measures

Hydraulic and Hydrologic Analyses:

___ Hydraulic and hydrologic analysis for runoff and/or detention facilities (if on-site detention is deemed necessary)

___ Hydraulic and hydrologic analysis for any alterations within the flood hazard area or for the alteration of any water course

Excavation and backfill:

___ Estimate of the quantity of excavation and fill involved, with drawings indicating each separate excavation or fill

Sediment and erosion control:

___ Plans for control of on-site and off-site sedimentation for the prevention of deposits of sediment from the tract upon any other off-site public or private property or water course during all phases of the project construction (provide copy of Stormwater Pollution Prevention Plan and Notice of Intent (NOI)).

Additional certifications:

___ A summary statement concerning the effect(s) the propose project will have on the existing and future drainage system(s) of the area

___ Owner's statement and signature certifying that the approved plans will be implemented under the direct supervision of a registered professional engineer

ORDINANCE NO. 773

AN ORDINANCE AMENDING CHAPTER 4 OF THE JENKS CITY CODE BY ADDING A NEW ARTICLE THERETO ENTITLED "REGULATION OF EARTH CHANGES"; PROVIDING REQUIREMENTS FOR SECURING EARTH CHANGE PERMITS; PROVIDING FOR EXEMPTIONS; PROVIDING FOR APPEAL PROCEDURES; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR CODIFICATION; AND DECLARING AN EMERGENCY.

WHEREAS, on April 4, 1983, the City Council of the City of Jenks adopted the Jenks City Code of 1983, and

WHEREAS, there exists a need to regulate earth changes related to excavating, grading, regrading, filling, paving, berming and diking of land in order to reduce the hazards of flooding and inadequate or improper drainage.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Jenks, Oklahoma, that the Jenks City Code be amended by the addition of an Article 16 entitled "Regulation of Earth Changes" to Chapter 4 of the Jenks City Code to read as follows, to-wit:

Article 16 Regulation of Earth Changes

4-16-1. PURPOSE AND SCOPE

- (A) This Article is enacted for the purposes of protecting the general health, safety and welfare of the citizens of the City of Jenks from the hazards and danger of flooding and inadequate or improper drainage by imposing standards and conditions upon the excavating, grading, regrading, filling, paving, berming and diking of land within the City of Jenks.
- (B) The provisions of this Article shall apply to and be binding upon every person, firm or corporation, and the City of Jenks, who seeks to re-align or relocate drainage routes or to develop, redevelop, grade, regrade, pave, excavate, fill, berm or dike land within the City of Jenks in a commercial, multi-family, office, or industrial zoning district; and the City's design criteria shall be incorporated by reference. Nothing in this Article shall limit other provisions of law relating to earth changes imposed by subdivision regulations or regulations of the U.S. Federal Emergency Management Agency.

4-16-2. DEFINITIONS

- (A) Unless specifically defined below, words or phrases used in this Article shall be interpreted to give them the meaning they have in common usage and to give this Article its most reasonable application.
1. Earth Change Excavating, grading, regrading, paving, filling, berming or diking of land within the City of Jenks.
 2. Earth Change Permit A permit issued by the City of Jenks authorizing excavation, grading, regrading, paving, filling, berming or diking of property.
 3. Tract Any parcel of land subject to the provisions of this Article

4-16-3. GENERAL PROVISIONS

- (A) LANDS TO WHICH THIS ARTICLE APPLIES

This Article shall apply to all lands within the jurisdiction of the City of Jenks, Oklahoma in a commercial, multi-family, office, or industrial zoning district; and to residential properties as the City Engineer may direct where the proposed change to the single-family residential properties has significant physical consequences to other properties.

- (B) COMPLIANCE

No land shall hereafter be developed, redeveloped, graded, regraded, paved, excavated, filled, bermed or diked or drainage routes realigned or relocated without full compliance with the terms of this Article and other applicable regulations.

- (C) ABROGATION AND GREATER RESTRICTIONS

It is not intended by this Article to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this Article imposes greater restrictions, the provisions of this Article shall prevail. All other Articles inconsistent with this Article are hereby repealed to the extent of their inconsistency only.

likely to create a public nuisance. Such conditions may include, but are not limited to: submission of a drainage plan, specified finished grade land contours, installation of retaining walls, drains, detention facilities or other drainage facilities, specified erosion control measures, furnishing any necessary public easements and a specified method for performing the work thereby authorized. The City of Jenks Design Criteria incorporated by reference and the provisions of same shall be determinative as the City Engineer may require.

(D) INTERPRETATION

In the interpretation and application, the provisions of this Article shall be (1) considered as minimum requirements as determined by the City Engineer; and (2) deemed neither to limit or repeal any of the other powers granted under State statutes.

(E) WARNING AND DISCLAIMER OF LIABILITY

The degree of protection required by this Article is considered reasonable for regulatory purposes and is based on engineering methods of study and computations. This Article does not imply that land uses permitted will be free from hydraulic or wind erosion, or flooding. This Article, its application or enforcement shall not create liability on the part of the City or any officer or employee thereof for any damages that result from reliance on this Article or any administrative decision lawfully made thereunder.

(F) SEVERABILITY

If any section, clause, provision or portion of this Article is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Article shall not be affected thereby.

4-16-4. PERMIT PROVISIONS

(A) EARTH CHANGE PERMIT

- (1) Unless specifically exempted, an earth change permit, as defined and regulated by this Article, shall be obtained from the City Engineer prior to the commencement of placing any fill, excavating, grading, regrading, paving, filling, berming or diking of any tract or the realignment or relocation of drainage routes within the City.
- (2) A separate permit shall be required for each separate, non-contiguous tract, and no permit shall be transferable without the prior written consent of the City Manager.
- (3) The City Engineer shall review all earth change permits and shall attach such conditions thereto as may be determined necessary and reasonable to prevent hazard to life or property, or otherwise

- (4) The City Engineer shall designate an expiration date of the earth change permit based on the construction schedule, as submitted by the applicant.
- (5) The City Building Inspector shall inspect construction activity under the permit and shall cause construction to cease for non-compliance with same. The City Engineer shall be notified and may cause the permit to be revoked, notifying the permittee in writing.

(B) APPLICATION FOR EARTH CHANGE PERMIT

- (1) General Requirements. Unless excepted by the provisions of this Article, any person desiring to effect an earth change shall file a written application for an earth change permit with the City Engineer. Applications shall be in such form and content as the City Engineer shall establish and shall be accompanied by the payment of a permit fee of \$20 unless a building permit is processed on the same tract concurrently having a fee in excess of \$20.00 (total fees not to be less than \$20.00). The site plan and design standards established by the applicant and approved by the City Engineer, shall become conditions upon the issuance of the earth change permit. No changes in an approved plan shall be made without prior written approval of the City Engineer.
- (2) Contents of Permit Applications. Each earth change permit shall contain the following information unless specifically waived by the City Engineer.

- (a) The name and address of the legal owner of the tract.
- (b) A vicinity sketch of the site, including a legal description of such tract, and a boundary line survey as may be required by the City Engineer.
- (c) Existing and proposed contours at one (1) foot or greater intervals, if required by the City Engineer.
- (d) Location of any structure or natural features on site.
- (e) Location of any proposed additional structures or developments on site.
- (f) Location of any structures or natural features on the tract(s) adjacent to the site and within 50 feet of the tract boundary line.
- (g) Plans of all drainage provisions, retaining walls, cribbing, planting and erosion control measures to be constructed in connection with or as a part of the proposed work, together with a map showing the drainage area of lands tributary to the site, estimated runoff of the area served by any drains, and floodplains boundaries with floodplain elevation and/or water course location(s).
- (h) A schedule indicating the anticipated completion date of the project, starting and completion dates of the project construction sequence and the time of exposure of each area prior to the completion of the effective erosion and sediment control measures.
- (i) Owner's statement and signature certifying that the approved plans will be implemented under the direct supervision of a registered professional engineer, if required by the City Engineer.
- (j) Hydraulic and hydrologic analysis for runoff and/or detention facility/facilities, if on-site detention is deemed necessary.

- (k) Hydraulic and hydrologic analysis for any alterations within the flood hazard area, or for the alteration of any water course.
- (l) Estimate of the quantity of excavation and fill involved with drawings indicating each separate excavation or fill.
- (m) Plans for control of on-site and off-site sedimentation for the prevention of deposits of sediment from the tract upon any other off-site public or private property or water course during all phases of the project construction.
- (n) A summary statement concerning the effect(s) the proposed project will have on the existing and future drainage system(s) of the area.
- (o) Three (3) sets of scale drawings at a scale approved by the City Engineer.

- (3) Provided, however, if the City Engineer is unable to determine from the application submitted that it meets the policies and standards governing the issuance of the requested permit, the City Engineer shall request the applicant, in writing, to furnish such additional information as may be essential to such determination.
- (4) Duplication of Information. Any documents, drawings, or other information, which were submitted by the applicant in conjunction with the processing of any drainage plan previously approved by the City shall not be required to be resubmitted with the earth change permit application except at the request of the City Engineer.

(C) EARTH CHANGE POLICIES AND STANDARDS

- (1) Policies. Issuance of the earth change permits shall be governed by the following policies of the City.
 - (a) No earth change shall be permitted which creates a public hazard upon any property within the City through the obstruction, impairment, sedimentation, blockage or

alteration of any storm sewer drain or any existing surface water course.

- (b) No earth change shall be permitted which will channelize, obstruct or impede any water course in a manner which is inconsistent with accepted engineering practices and/or the adopted Engineering Design Standards of the City.
 - (c) All earth changes shall be designed, constructed and completed in a manner which minimize the time of exposure of bare earth to the elements.
 - (d) Construction activity on individual tracts shall be conducted only if appropriate sedimentation facilities are installed and maintained throughout the construction period to minimize sediment from any such tract being deposited upon any off-site public or private property or water course during all phases of project construction.
 - (e) The requirements and conditions of an approved drainage plan shall be incorporated as a condition upon the issuance of any earth change permit, where applicable.
- (2) Standards Established. The policies governing earth changes shall be implemented by the adopted City Engineering Design Standards which shall specifically regulate the following considerations:
- (a) The adopted City Engineering Design Standards shall regulate the design, installation and utilization of all detention and drainage facilities and structures.
 - (b) The adopted City Engineering Design Standards shall regulate the design, installation, maintenance and removal of sedimentation and erosion control procedures, facilities and structures and shall establish acceptable methods and practices for controlling soil sedimentation and erosion.

4-16-5. EXEMPTIONS

(A) EARTH CHANGE EXEMPTIONS

An earth change permit shall not be required for the following activities:

- (1) Bona fide agriculture and farming operations which constitute the principal use of a tract of ground in the City and which meets the requirements of the Zoning Code of the City.
- (2) Customary and incidental routine grounds maintenance, landscaping, and home gardening which does not require a zoning use exception, a minor zoning variance, or a building permit, which does not affect natural drainage, and which does not affect storm water drainage on entering and leaving any public easement and/or right-of-way. Upon complaint to the City or identification of a significant impact by the City, the City Engineer may require an earth change permit.
- (3) All zoning districts where a plat has been filed with the City and the provisions of this Article have been met through provisions of the subdivision regulations.
- (4) Individual new home construction building permits unless required by the City Engineer upon recommendation of the Building Inspector or Public Works Director.
- (5) Emergency repairs of a temporary nature made on public or private property which are necessary for the preservation of life, health, or property, and which are made under such circumstances where it would be impossible or impracticable to obtain an earth change permit. Notification of such emergency repairs shall be made in writing to the City Engineer within seventy-two (72) hours.
- (6) Temporary excavation for the purpose of maintaining or repairing any public street, public utility, or any service lines related thereto.
- (7) Flood hazard areas regulated by provisions of the Jenks Flood Damage Prevention Article. Any City, governmental, franchised, or utility work which

has been otherwise reviewed and approved by the City Engineer in compliance with the Article.

4-16-6. ADMINISTRATIVE PROCEDURE

(A) PROCESSING BY THE CITY ENGINEER

After receipt of an earth change permit application, the City Engineer shall review the application and determine if the application is consistent with the policies and standards established by this Article. The City Engineer shall notify the applicant of any additional requirements upon review of the application. After receipt of such additional information as may have been required by the City Engineer, or as may have been determined to be necessary during a conference with an applicant, a final decision shall be made by the City Engineer who shall cause the permit to be issued after the permit fee has been remitted to the City Clerk. If the permit is denied, the City Engineer shall inform the applicant in writing stating a reason for denial. The applicant may appeal the denial to the City Manager who shall render a decision within seven (7) business days.

If disapproved by the City Manager, the applicant may appeal to City Council which shall consider the appeal within 30 calendar days from making the appeal to City Council.

(B) CITY COUNCIL ACTION UPON APPEAL

The City Council shall review the recommendations of the City Engineer and City Manager and approve, approve per the City Engineer's conditions, approve with additional conditions, deny, or require further review of the application.

Upon approval the City Council will direct the City Manager or designee to issue the earth change permit.

4-16-7. ENFORCEMENT AND PENALTIES

(A) NOTIFICATION OF NONCOMPLIANCE

If at any time the work being performed in accordance with an earth change permit does not conform to the approved permit, including conditions and approved modifications thereof, a written notice to comply shall be given to the permit holder by the City Inspector or designee stating the nature and location of the alleged noncompliance. The permit holder shall have such time

as may be allowed in writing by the City Inspector or designee to correct all noted deficiencies. The time allowed shall be reasonable and shall be determined by the nature of the deficiency and whether or not it creates a nuisance or hazard.

(B) TEMPORARY SUSPENSION OF EARTH CHANGE PERMIT

An earth change permit may be temporarily suspended by the City Engineer or designee upon the existence of any conditions or the doing of any act constituting or creating a condition which endangers human life or may cause severe property damage to others. The City Engineer or designee may issue an immediate stop work order as provided under Section 7.3 of this Article. The City Engineer or designee shall, upon issuance of a temporary suspension, give the permit holder written notice specifying the grounds for such temporary suspension.

(C) SUSPENSION OR REVOCATION OF EARTH CHANGE PERMIT

1. An earth change permit may be suspended or revoked upon the occurrence of any one of the following events:

- (A) Violation of any material condition of the permit.
- (B) Violation of any provision of this Article or any other applicable law, rule or regulation pertaining to the earth change permit.
- (C) Existence of any condition or the doing of any act constituting or creating a nuisance, hazard, or endangering human life or property of others.

2. Upon the suspension or revocation of an earth change permit by the City Engineer or designee there shall be issued a stop work order on all construction activity on the permit holder's tract which may be directly or indirectly related to site drainage and which is being performed pursuant to any permits, licenses, franchises or contracts issued or approved by the City; such order may order a work stoppage on all construction activity on buildings or structures and all appurtenances thereto, including building, electrical, plumbing, mechanical, and street work, storm sewers, sanitary sewers, and all utilities including gas, electric, telephone and cable television. Notices and orders required by this subsection shall be served upon the

parties concerned either personally or by certified mail, addressed to the individual contracting party(ies) or permit holder at the address given on the permit application filed with the City.

D. FINE IMPOSED

Any person, firm or corporation, or other legal entity, violating the requirements of this Article shall be guilty of a misdemeanor and, upon conviction, shall be fined not more than One Hundred Dollars (\$100.00) plus court costs, for each and every violation, and each day's violation thereof shall constitute a separate offense.

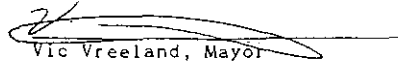
E. FINE NOT EXCLUSIVE PENALTY

In addition to fine or imprisonment, the City may institute appropriate actions or proceedings at law or equity for the enforcement of the provisions of this Article or adopted City Engineering Design Standards or to correct violations thereof, and, if applicable and appropriate, the City may institute appropriate actions or proceedings at law or equity against any surety company, escrow holder, or any third party who has affirmatively acted as surety or guarantor for the faithful performance of the permit holder's work.

That an emergency exists for the preservation of the public health, peace, and safety and by virtue thereof, this Article shall become effective immediately upon its passage and approval.

APPROVED this 6th day of April, 1992.

EMERGENCY CLAUSE VOTED ON SEPARATELY AND APPROVED this 6th day of April, 1992.


Vic Vreeland, Mayor

(SEAL)

ATTEST:


Cheryl S. Powell, City Clerk