
SECTION 9 – PERMITS

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9.1 GENERAL

The purpose of this section is to provide guidance on required permits, plan review requirements and fees associated with design sections in the City of Fairfax Public Facilities Manual.

9.1.1 CONSTRUCTION COMMENCEMENT

- A. Prior to commencing construction, all approvals including plan approval and all permits and easements shall be obtained and all required bonds posted. (Site grading only may be performed upon issuance of a land-disturbing permit from the City of Fairfax.) All other construction must await the issuance of all remaining permits. A preconstruction conference is required prior to commencing any construction. A set of plans signed and approved by the City shall be maintained onsite at all times.
- B. Prior to the issuance of a certificate of occupancy for any dwelling, the applicable requirements of paragraph 4.2.3 C, Acceptance of Water and Sewer Mains of Water and Sewer Acceptance for Maintenance must be met.
- C. Prior to commencing construction, any permit required by the Virginia Uniform Statewide Building Code shall be obtained and any applicable fees shall be paid.

9.1.2 VDOT PERMITS

The following Virginia Department of Transportation (VDOT) permits (if required) will need to be approved and submitted to the City of Fairfax prior to commencement of construction activity:

9.1.2.1 DRIVEWAY PERMIT

A VDOT driveway permit will be required for residential driveway, commercial driveway, and street connections/entrances to a subdivision and to a commercial or industrial park, which ties into an existing street that is owned and maintained by VDOT. A copy of the approved permit will need to be forwarded to the City of Fairfax prior to the commencement of construction activity. If the street being connected to is private, no permit is necessary.

9.1.2.2 ENCROACHMENT PERMIT

Any construction that is proposed within the VDOT right-of-way will require an encroachment permit to be issued and approved by VDOT. The appropriate encroachment permit shall be used for the project and a copy of the approved permit must be forwarded to the City of Fairfax prior to the commencement of construction activity.

9.1.3 DEQ PERMITS

If the proposed construction activity will produce pollution, has the potential to be hazardous, involves filling of waterways or includes surface water or ground water withdrawal, the activity may require a permit from the Department of Environmental Quality (DEQ). The Design Engineer/Developer shall obtain the proper permits from DEQ for the construction activity. The following permits are issued from DEQ:

- Air Permit
- Water Permit
- Wastewater Permit
- Virginia Marine Resources Commission (VMRC) Permit

Forward a copy of the approved permit(s) to the City of Fairfax prior to the commencement of construction activity.

9.1.4 RIGHT-OF-WAY PERMIT

No person shall excavate within the right-of-way of any street, sidewalk, alley or any other public right-of-way or thoroughfare in the City, for any purpose whatsoever, without first obtaining a permit to do so.

- A. A permit will be required for any utility company, Contractor, or Developer wishing to excavate or place utilities in VDOT rights-of-ways. Pavement cuts on VDOT System roads shall, unless otherwise allowed by the Public Works Director, conform to paragraph B, below.
- B. A right-of-way permit will be required for any utility company wishing to excavate or place utilities in City right-of-way. Pavement cuts in streets made

by private utilities or City forces shall be repaired in accordance with specification Section 2.3 – *Trenching, Backfilling & Compaction of Utilities*, as well as **Standard Details 401.07 and 401.08**, as applicable.

9.1.5 LAND DISTURBING PERMIT

Approval of plan required before commencement of land disturbing

activity: No person shall engage in any land disturbing activity and no permit for such activity shall be issued until the plan-approving authority approves a soil erosion and sediment control plan for the land disturbing activity prepared and certified by an engineer or land surveyor unless the proposed activity is specifically exempt. This plan may be contained on a separate sheet or included with the drainage or grading plan.

The Design Engineer/Developer shall be responsible for obtaining the proper erosion control permit from either the City of Fairfax, the Local ESC program for the area (outside of the City of Fairfax limits) or the State ESC program should the land-disturbing activity take place on State land. The approved permit (if outside of the City of Fairfax jurisdiction) is required to be forwarded to the City of Fairfax prior to commencement of construction activity.

9.1.6 US ARMY CORPS OF ENGINEERS PERMIT

Existing ponds, streams, ditches, etc. that are depicted on current soils maps and wetlands are potentially monitored and controlled by the United States Army Corps of Engineers (USACE). The Design Engineer/Developer will be required to provide proper notification and submittal of application for permitting (if required) prior to disturbance of these features. If a permit is required from the USACE, forward a copy of the approved permit to the City. If the features are present and a permit is not required, forward a letter stating the exemption and acceptance by the USACE that the disturbance is an exempted activity and a permit is not required. In either situation, the permit or letter will need to be submitted to the City of Fairfax prior to the commencement of construction activity.

9.1.7 WETLANDS, WATERSHEDS, BUFFERS

All stream impacts by crossings, pipe placement, excavation, regrading, clearing, maintenance, etc. shall be subject to the applicable USACE 404 and DEQ permit requirements in affect at the time of the permit application as well as the applicable provisions for development in the Chesapeake Bay Preservation areas, Virginia Erosion & Sedimentation Regulations and the provisions of the Virginia Stormwater Management Regulations. Construction within jurisdictional wetlands and buffers shall conform to the applicable permit requirements of the issuing agency.

9.2 STREET DESIGN

[City to identify additional permits in Street Design Section and pull here.]

1. Prior to commencing construction, all approvals including plan approval and all permits and encroachments shall be obtained. Site grading only may be performed upon issuance of a Construction Permit, Right-of-Way/Easement Permit and a Sediment and Erosion Control permit, if applicable. All other construction must await the issuance of all remaining permits.
2. Prior to the issuance of a certificate of occupancy for any dwelling, an Engineer's certification must be received by the City for both water and sewer extensions. Additionally, as-built drawings must be in hand and the gravity sewer lines confirmed to be within the permitted tolerances.

9.2.1 DRIVEWAY PERMIT

Any person desiring to cross the sidewalks or curbs or street right-of-way lines with any such vehicle or machinery to enter any private premises or private road or alley, shall make application to the Public Works Director for a permit to construct a driveway across City property to enter any such private premises or private road or alley on his premises, and when such permit is granted therefore, the persons securing such permit shall construct such crossing at their own expense of such material as may be specified by the Public Works Director and shall cause the curbing, if any, to be removed for the required width of the driveway in accordance with the latest City of Fairfax Public Facilities Manual specifications and details applicable thereto.

9.2.2 PLAN REVIEW AND OBSERVATION FEES

[City to identify references to plan review and observation fees.]

9.3 SANITARY SEWER

9.3.1 REQUIRED PERMITS

- A. **Plan approvals, Sewer Permits:** Prior to commencing construction, all plan approvals and sewer permits shall be obtained. A preconstruction conference with the City Inspector must also be held prior to commencing any construction.
- B. **Right-of-Way Permits:** A right-of-way permit will be required from any Contractor or Developer wishing to excavate or place utilities on VDOT right-of-ways.
- C. **Pavement Cuts:** Pavement cuts in streets shall be repaired in accordance with the specific requirements of public agency on whose street or roadway the utility is being placed, as well as any other applicable requirements dictated in the approved right-of-way permit. Open cut or bored crossings shall otherwise adhere, as applicable, to specification Section 2.3 – *Trenching, Backfilling & Compaction of Utilities* as well as **Standard Details 401.07 and 401.08**, as applicable.

- D. Developer must obtain all other Federal, State, and Local permits, as applicable (Air Quality, Wetland, DEQ, Chesapeake Bay Preservation, Zoning, Virginia Pollutant Discharge Elimination System [VPDES], etc.)
- E. **Plan Review and Observation Fees:** All plan review and observation fees must be paid prior to acceptance of project. Refer to the current City fee schedule for applicable fees.

9.3.2 RULES AND REGULATIONS GOVERNING SEWER EXTENSIONS WITHIN SPECIFIED AREAS

General: Under special contract agreements, the Department may permit (a) an extension of its sewage system to be installed within a specified area, or (b) the installation of a local sewerage system within a specified area, said local system to be eventually connected to and served by the sewers of the integrated sewerage system of the Department. In either case, the installation shall be in accordance with the standards and specification presented in the City Public Facilities Manual herein, shall be made by and at the expense of the Applicant desiring to secure sewer services for said area, and, upon acceptance by the Department, shall be dedicated to the Public Works Department for ownership, operation, and maintenance. No such installation shall be made until a written application for a permit and detailed plans and specifications have been filed with the Public Works Department and written permit therefore, including approval of said plans and specifications, have been obtained from the City, all as hereinafter provided.

Application: Application for such installation shall be made in writing and submitted in duplicate in accordance with the following instructions:

- A. The application shall state the location and size of the area to be served; shall state in detail the number, nature, and location of connections to be served (including dwelling units, schools and other public buildings, and commercial and industrial establishments); and shall be accompanied by 2 copies of a preliminary plat (measuring 24 inches by 36 inches) drawn to scale and showing the following information:
 - 1) The upper half of the drawing shall show the sewer location in plan and the lower half shall show the profile of the sewer and of the ground surface.
 - 2) All manholes shall be located in plan and on the profile.
 - 3) In addition to the sewers, the plan shall show the location of existing structures, houses, etc., en route, plus location of proposed or existing underground utilities, curbs, property lines, railroad crossings, culverts, bridges, etc. crossing the sewer line.
 - 4) The horizontal scale for profiles shall be the same as that used for the plan, which shall in no case be smaller than 100 feet to the inch. The vertical scale shall in no case be smaller than 10 feet to the inch.

- 5) Sewer sizes, manhole numbers, and stationing shall be shown on the plan and repeated on the profile.
 - 6) Sewer grade, invert elevations at manholes, elevation of top of manhole casting, type of pipe, location of cradle, etc., maximum level or flood stage at manholes, and existing and proposed street grades shall be shown on the profile.
 - 7) A vicinity map at a scale not smaller than 4,000 feet to the inch shall be used a cover sheet for all plans where the proposed installation is on more than one (1) street.
 - 8) The following note shall be placed on the cover sheet for all plans: “Sanitary sewers shall be constructed in strict compliance with Section 5, Design of the Public Facilities Manual, latest edition.”
- B. The application shall include such other pertinent information, as the Department may require, and shall include in full detail the manner in which the Applicant proposes to meet the standards set forth in Section 5 of the Public Facilities Manual herein. Said plat shall be prepared and certified by an engineer dully authorized by the State of Virginia to perform such work.

Review of Application: In making its review of the application and accompanying preliminary plat, the Department reserves the right to require such changes, including changes in pipe sizes, as it may consider necessary in order (1) to meet the requirements of the standard presented in the Public Facilities Manual herein and (2) to permit future extensions where circumstances so indicate.

Plans, Specification and Cost Estimates: In case the Department finds the proposed installation to be practicable from both the engineering and economic standpoints and to be in accordance with the standards presented in said Public Facilities Manual herein, the applicant shall submit to the Department, in triplicate, complete plans and specifications for the project, together with an estimate of cost, all prepared and certified by an engineer duly authorized by the State of Virginia to perform such work. Said plans and specifications shall be complete conformity with the design and construction standards presented in Section 5 of the Public Facilities Manual herein.

Certification: After the Department has approved said plans and specifications, and before a permit can be issued, the Applicant shall certify as follows:

- A. That the installation shall conform to said plans and specifications and shall be subject to inspection by the Department at any time as work progresses.
- B. That the location of all existing utilities has been confirmed. Where actual locations differ from the plans, conflicts shall be resolved prior to starting the work.

- C. That construction of the installation shall be undertaken not later than a specified date and carried through to completion in an expeditious and proper manner.
- D. That where the project or any part thereof is being installed on private property or in a private street, the owner thereof shall provide, free of cost to the Department, an easement and a free unobstructed and uninterrupted right-of-way for inspection, operation, maintenance, enlargement, replacement, alteration and extension of the installation.
- E. That in the event the construction work is to be done by contract, the Applicant shall, upon letting such contract or contracts, advise the Department as to the total cost thereof.
- F. That the Applicant shall be responsible for all damages, loss or injury to persons or property that may arise or be incurred in or during the progress of the work incident to said project without regard to whether or not the Applicant, his agents, employees or contractors have been negligent, and that the Department shall be by the Applicant held and kept free and discharged of and from any and all responsibility and liability thereof of any sort or kind; that the Applicant shall assume all responsibility for risks or casualties of every description; that the Applicant shall make good any damages that may occur in consequence of the work or any part thereof, and shall assume all blame, loss and responsibility of whatsoever nature by reason of neglect or violation of any Federal, State, County or local laws, regulations and ordinances.
- G. That the Applicant will not commence work on this project until he has obtained all insurance required and approved by the Department and that the Applicant will not allow any contractor or subcontractor to commence work on this project until a similar insurance has been obtained and approved.
- H. That this contract agreement shall continue in full force and effect until the project has been completed and turned over to and accepted by the Department.
- I. That ownership of the completed installation shall, upon acceptance by the Department, be in the Department, its successors and assigns.
- J. That all materials and/or equipment and work performed are guaranteed to be free of defects in material and workmanship, and further agrees to provide all maintenance, repairs or reconstruction of defective construction, materials, and/or workmanship, including all shrinkage or settlement or other faults arising therefrom at his own expense, promptly when notified in writing to do so by the Department and to the satisfaction of the Department for a term of 1 year from date of acceptance by the Department. The guarantee shall be secured by a bond of a surety company acceptable to the Department, in the amount of 5% of the estimated construction cost of work, for faithful performance of the guarantee.

Performance Bond: Simultaneously with his delivery of the executed contract agreement, the Applicant shall deliver to the Department an executed performance bond in the amount of 100% of the estimated cost of the project, including a contingency item, the amount of said bond to be satisfactory to the Department, conditioned upon the fulfillment of the contract agreement and upon

payment of all persons supplying labor and furnishing materials on the construction of the work, and having as surety thereon such surety company or companies approved by the Department. In event the Applicant has the work done by contract and the contract price is greater than the estimated cost of the project, the amount of the performance bond shall be increased accordingly.

Issuance of Permit: Upon delivery to the Department by the Applicant of the certification and performance bond, as hereinbefore provided, the Department will issue the official permit for the installation of the project. The Applicant is hereby placed on notice that any installation work he may do on the project prior to the issuance of said permit is done entirely at his own risk.

Notice of Construction: The holder of a permit hereunder shall notify the Department of the actual installation of any sewer or other facilities covered by said permit at least 48 hours prior to the covering up of such sewer or facility in order to permit inspection and testing thereof.

As-Built Drawings:

- A. As-built drawings, original or reproducible, showing the facilities as actually built and deed book references of sanitary sewer easements prepared by a surveyor or engineer duly authorized by the State to prepare same, shall be submitted to the Department as a condition precedent to the use of the facilities. In addition, the as-built drawings shall be provided to the Department in electronic format, compatible with the AutoCAD drawing file format.
- B. Drawings shall meet all requirements of these standards. Any branches and dead ends which may require location at a future date, shall be located by references and dimensions.
- C. When the As-built information differs from the approved construction plans, a Design Analysis for the existing condition may be required.

Extension of Sewerage System by Department: Nothing contained herein shall be construed as limiting or preventing the Department from extending its sewage system whenever and wherever it may determine that circumstances so warrant.

Resident Supervision of Construction: Installation of all sewer mains, laterals, manholes, and appurtenances shall be under the direct supervision of a Resident Engineer. The Resident Engineer shall be (1) a registered professional engineer duly authorized in the State of Virginia to perform such work, (2) approved by the Department, (3) employed by the Applicant.

Resident Engineer shall be specifically authorized to inspect or cause to be inspected by his subordinates all phases of construction and installation included in the permit issued by the Department, for compliance to these standards, approved specifications and plans, and the terms of any contract or agreement between the Department and Applicant.

Resident Engineer shall report in writing daily to the Department on progress of work and any problems as to compliance. He shall have the Department to stop work of any contractor or subcontractor failing to comply with requirements, withhold payments until corrections are made to satisfaction of Department, and/or to require discharge of any employee not producing satisfactory workmanship.

Resident Engineer shall be free of intimidation, coercion or pressure to lower his professional standards or to not perform his duties as provided herein.

Resident Engineer shall serve to the satisfaction of the Department and shall be replaced within 30 days of written notice by the Department that approval of said Resident Engineer is terminated.

9.4 STORM DRAINAGE PERMITS

- A. Plan approvals, Permits: Prior to commencing construction, all plan approvals and applicable permits shall be obtained. A preconstruction conference with the City Inspector must also be held prior to commencing any construction.
- B. Right-of-Way Permits: A right-of-way permit will be required from any Contractor or Developer wishing to excavate or place storm drainage structures on either a VDOT or Municipal public right-of-way.
- C. Pavement Cuts: Pavement cuts in streets shall be repaired in accordance with the specific requirements of public agency on whose street or roadway the utility is being placed, as well as any other applicable requirements dictated in the approved right-of-way permit. Open cut crossings shall otherwise adhere, as applicable, to specification Section 2.3 – *Trenching, Backfilling & Compaction of Utilities* and with **Standard Details 401.07** and **401.08**, as applicable.
- D. Developer must obtain all other State and Local permits, as applicable (Air Quality, Erosion, and Sedimentation Control, Zoning, etc.).
- E. Plan Review and Inspection Fees: All plan review and observation fees must be paid prior to approval of project. Refer to the current City fee schedule for applicable fees.

9.4.1 EROSION AND SEDIMENTATION CONTROL AND VPDES MONITORING, CONTROLS, AND LIMITATIONS FOR PERMITTED DISCHARGES

The Project Engineer shall submit a sedimentation and erosion control plan to the appropriate authority and obtain all necessary construction permits. The Contractor shall follow all local and state requirements regarding sedimentation and erosion control. Construction methods shall minimize sedimentation and erosion. It is the Contractor's responsibility to periodically monitor the Stormwater Discharge Outfall points at the specified frequency and maintain reports as specified in the VPDES program.

END OF SECTION 9

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