

ORDINANCE-3858

AN ORDINANCE TO AMEND CITY CODE SECTION
33-19 PERTAINING TO HAULING OF SAND,
GRAVEL, TOPSOIL, FILL, OR OTHER EXCAVATED
MATERIAL OFF AN EXCAVATION SITE

SECTION AMENDED: § 33-19

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VIRGINIA BEACH,
VIRGINIA:

That Section 33-19 of the Code of the City of Virginia Beach, Virginia, is hereby
amended and reordained to read as follows:

**Sec. 33-19. Hauling of sand, gravel, topsoil, fill, or other excavated material off an
excavation site.**

(a) It shall be unlawful for any person to haul more than three hundred thirty-seven (337)
in situ cubic yards of sand, gravel, topsoil, fill, or other excavated material from an
excavation site by vehicle upon any street in the City of Virginia Beach without a
hauling permit from the department of planning in accordance with the provisions of
this section.

(1) If the hauling project is associated with a Site Plan or Subdivision Construction
Plan, the hauling plan shall be reviewed, approved, and permitted as part of that
plan. The hauling work will be covered as part of the project right of way permit,
and will not need a separate hauling permit. The \$50 application fee and annual
renewal fee will not be required. All other requirements outlined below shall
apply.

(b) Application for a permit required by this section shall be filed with the department of
planning on forms supplied by the city. The application fee shall be fifty dollars
(\$50.00). The application shall be signed by the property owner, hauler and operator
and shall include the following information:

- (1) The names and addresses of all haulers;
- (2) If the hauler is a corporation, the name and address of its corporate offices and
registered agent;
- (3) The name and address of the excavator and/or operator;
- (4) The names and addresses of owners of all property from which the fill material
is to be hauled. If the hauled material is to be deposited within the limits of the
City of Virginia Beach, provide proof of current VPDES or VESMP permit
coverage for the disposal site;
- (5) The proposed date on which the hauling operation will commence and the
proposed date on which the operation will be completed;

- (6) The total number of cubic yards of material to be hauled;
- (7) The number, type, carrying capacity, and weight of vehicles to be used in the hauling operation on a daily basis;
- (8) The location of all haul roads leading to public streets and highways within the hauling area;
- (9) A statement listing the public streets to be used as haul routes to access an arterial or major street or highway;
- (10) A statement of the methods to be used to maintain or repair any public street or highway to be used for hauling purposes;
- (11) A site plan or survey of the excavation site, with a location map, showing the locations of the area to be excavated, the on-site haul road, the point at which the haul road intersects the public right-of-way, the nearest street intersections in all directions leaving the excavation site and all existing and proposed entrances on both sides of the public street within five hundred (500) feet of the proposed entrance;
- (12) A detailed description of the on-site haul road and the entrance to the public right-of-way, including width, radii, composition of surface material and length of improved surface;
- (13) Erosion and sediment control measures to be employed at the haul road entrance and all access points;
- (14) The method by which dirt and dust will be controlled on the public streets and in the air;
- (15) A traffic maintenance/control plan, including, but not limited to, sign type, size, color, lettering size and locations;
- (16) Location and description of public structures and improvements immediately adjacent to and under the haul road entrance; and
- (17) A description or plan of all proposed improvements to mitigate the traffic impacts associated with the hauling activity including, but not limited to, turn lanes, signalization, striping and other traffic control measures.

In the event any changes in the above-required information are needed, the applicant shall submit such changes to the planning department for review and approval prior to the commencement thereof.

- (c) The director of the department of planning or his designee shall determine the acceptability of the hauling methods and routes proposed by the applicant, and shall grant the hauling permit unless:
 - (1) Under accepted engineering standards, it is determined that the public streets and highways to be used in the proposed hauling route cannot sustain the weight or frequency of the hauling vehicles without substantial damage thereto; or
 - (2) The proposed hauling operation would render the streets and highways affected by the hauling unsafe for public travel; or
 - (3) The noise or dust generated by the hauling operation is of such character, intensity and duration as to be detrimental to the life or health of persons of reasonable sensitivity, or to disturb or annoy the quiet, comfort or repose of reasonable persons who reside in close proximity to the hauling operation-; or

92 (4) Any of the information required under this subsection is incomplete, incorrect, or
93 false.
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Adopted by the Council of the City of Virginia Beach, Virginia, on the 16th day of
June, 2026.