

## **Chapter 938**

### **Erosion and Sediment Control**

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#### **938.01 PURPOSE**

This ordinance will promote the public welfare by guiding, regulating, and controlling the design, construction, use, and maintenance of any development or other activity that disturbs or breaks the topsoil or results in the movement of earth on land in the City of Marysville.

#### **938.02 DEFINITIONS**

For definitions see 937.01

#### **938.03 PERMITS**

- a) No person shall be granted a Zoning permit for land-disturbing activity that would require the uncovering of *10,000 or more square feet* without an Erosion and Sediment Control Plan approved by the City of Marysville.
- b) No Zoning permit is required for the following activities:
  - 1) Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.
  - 2) Existing nursery and agricultural operations conducted as a permitted main or accessory use.
- c) Each application shall bear the name(s) and address(es) of the owner or developer of the site, and of any consulting firm retained by the applicant together with the name of the applicant's principal contact at such firm and shall be accompanied by a filing fee.
- d) Each application shall include a statement that any land clearing, construction, or development involving the movement of earth shall be in accordance with the Erosion and Sediment Control Plan. A supervisor for the contractor, knowledgeable in the Erosion and Sediment Control Plan, shall be on site on all days when construction or grading activity takes place.
- e) Permit reviews shall be conducted as set forth in 937.12 of this code.

#### **938.04 PLAN REQUIREMENTS**

- a) The Erosion and Sediment Control Plan shall include the following:
  - 1) A natural resources map identifying soils, forest cover, and resources protected under other chapters of this code. Scale of the map shall be no smaller than 1"=100', unless otherwise directed by the City Engineer.

- 2) A sequence of construction of the development site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.
  - 3) All erosion and sediment control measures necessary to meet the objectives of this local regulation throughout all phases of construction and after completion of development of the site. Depending upon the complexity of the project, the drafting of intermediate plans may be required at the close of each season.
  - 4) Seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilizer application, and kind and quantity of mulching for both temporary and permanent vegetative control measures.
  - 5) Provisions for maintenance of control facilities, including easements and estimates of the cost of maintenance.
- b) Modifications to the plan shall be processed and approved or disapproved by the City Engineer in written authorization to the permittee, and shall include:
- 1) Major amendments of the erosion and sediment control plan submitted to the City Engineer
  - 2) Field modifications of a minor nature

#### **938.05 DESIGN REQUIREMENTS**

- a) Grading, erosion control practices, sediment control practices, and waterway crossings shall meet the design criteria set forth in the Construction and Material Specifications. The design shall be adequate to prevent transportation of sediment from the site to the satisfaction of City Engineer. Cut and fill slopes shall be *no greater than 3:1*, except as approved by City Engineer to meet other community or environmental objectives.
- b) Clearing, except that necessary to establish sediment control devices, shall not begin until all sediment control devices have been installed and have been stabilized.
- c) Phasing shall be required on all sites disturbing greater than 30 acres, with the size of each phase to be established at plan review and as approved by City Engineer.
- d) Erosion control requirements shall include the following:
  - 1) Soil stabilization shall be completed within *five days* of clearing or inactivity in construction.
  - 2) If seeding or another vegetative erosion control method is used, it shall become established within *two weeks* or the City Engineer may require the site to be reseeded or a non-vegetative option employed.
  - 3) Special techniques that meet the design criteria outlined in the Construction and Material Specifications on steep slopes or in drainage ways shall be used to ensure stabilization.
  - 4) Soil stockpiles must be stabilized or covered within 7 days if they will be dormant for more than 21 days but less than one year, and not

within surface waters of the State.

- 5) The entire site must be stabilized, using a heavy mulch layer or another method that does not require germination to control erosion, at the close of the construction season.
  - 6) Techniques shall be employed to prevent the blowing of dust or sediment from the site.
  - 7) Techniques that divert upland runoff past disturbed slopes shall be employed.
- e) Sediment controls requirements shall include
- 1) Settling basins, sediment traps, or tanks and perimeter controls.
  - 2) Settling basins that are designed in a manner that allows adaptation to provide long term stormwater management, if required by the City Engineer.
  - 3) Protection for adjacent properties by the use of a vegetated buffer strip in combination with perimeter controls
- f) Waterway and watercourse protection requirements shall include:
- 1) If a stream will be crossed regularly during construction, the temporary stream crossing shall be approved by the City Engineer and installation must comply with the Construction and Material Specifications.
  - 2) Stabilization of the watercourse channel before, during, and after any in-channel work until final acceptance by the City Engineer.
  - 3) All on-site stormwater conveyance channels designed according to the criteria outlined in Construction and Material Specifications.
  - 4) Stabilization adequate to prevent erosion located at the outlets of all pipes and paved channels
- g) Construction site access requirements shall include:
- 1) A temporary access road provided at all sites
  - 2) other measures required by City Engineer in order to ensure that sediment is not tracked onto public streets by construction vehicles or washed into storm drains

#### **938.06 INSPECTION**

- a) City Engineer shall make inspections as hereinafter required and either shall approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the Erosion and Sediment Control Plan as approved. Plans for grading, stripping, excavating, and filling work bearing the approval of the City Engineer shall be maintained at the site during the progress of the work. To obtain inspections, the permittee shall notify City Engineer at least three business days before the following:
- 1) Start of construction, including installation of sediment and erosion control measures.
  - 2) Completion of site clearing
  - 3) Completion of rough grading
  - 4) Completion of final grading
  - 5) Close of the construction season
  - 6) Completion of final landscaping

- b) The permittee or his/her designee shall make regular inspections of all control measures in accordance with the inspection schedule outlined on the approved Erosion and Sediment Control Plan(s). The purpose of such inspections will be to determine the overall effectiveness of the control plan and the need for additional control measures. All inspections shall be documented in written form, and made available upon request of the City Engineer.
- c) City Engineer shall enter the property of the applicant as deemed necessary to make regular inspections to ensure the validity of the reports filed under Section B.

### **938.07 PERFORMANCE**

- a) **Stop-Work Order; Revocation of Permit**

In the event that any person holding a Zoning Permit pursuant to this ordinance violates the terms of the permit or implements site development in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood or development site so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, City Engineer may suspend or revoke the Zoning Permit.

- b) **Violation**

No person shall construct, enlarge, alter, repair, or maintain any grading, excavation, or fill, or cause the same to be done, contrary to or in violation of any terms of this ordinance.

### **938.99 PENALTY**

Any person being the owner, agent, or having control of the premises, architect, engineer, contractor, builder, subcontractor, foreman, mechanic, employee, or any other person who pleads guilty or is convicted of a violation of the provisions of this Code, or of any certificate, order, or permit issued thereunder, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than five hundred dollars (\$500.00). Each and every day on which such person continues to violate the provisions of this Code, after having once been notified of such violation, shall be deemed to be a separate offense.

The imposition of any fine or penalty pursuant to this policy shall not preclude the City Attorney from instituting any appropriate legal proceeding and pursuing any and all available legal remedies in a Court of proper jurisdiction to correct or abate a violation, require compliance with this policy or other applicable chapters, ordinances, regulations or rules of the City or State of Ohio as determined to be appropriate by the City Attorney.

Fines or penalties delinquent for more than thirty (30) days after the final notice shall be forwarded to the County Auditor who shall place such amount on the tax duplicate and collect such charges and penalties in the same manner as other taxes are collected.