

Erosion and Sediment Control Draft Ordinance
City of Roxboro NC
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Section I. Introduction/Purpose

During the construction process, soil is highly vulnerable to erosion by wind and water. Eroded soil endangers water resources by reducing water quality and causing the siltation of aquatic habitat for fish and other desirable species. Eroded soil also necessitates repair of sewers and ditches and the dredging of lakes. In addition, clearing and grading during construction cause the loss of native vegetation necessary for terrestrial and aquatic habitat.

Section II. Definitions

Clearing	Any activity that removes the vegetative surface cover
Drainage Way	Any channel that conveys surface runoff throughout the site
Erosion Control	A measure that prevents erosion
Erosion and Sediment Control Plan	A set of plans prepared by or under the direction of a licensed professional engineer
Control Plan	Indicates the specific measures and sequencing to be used to control sediment and erosion on a development site during and after construction.
Grading	Excavation or fill of material, including the resulting conditions thereof
Perimeter Control	A barrier that prevents sediment from leaving a site by filtering sediment-laden runoff or diverting it to a sediment trap or basin
Phasing	Clearing a parcel of land in distinct phases, with the stabilization of each phase completed before the clearing of the next
Sediment Control	Measures that prevent eroded sediment from leaving the site

Site	A parcel of land or a contiguous combination thereof, where grading work is performed as a single unified operation. Small Site shall be less than one disturbed acre Large Site shall be greater than or equal to one disturbed acre
Site Development	A permit issued by the municipality for the construction or alteration of ground
Permit	improvements and structures for the control of erosion, runoff, and grading
Stabilization	The use of practices that prevent exposed soil from eroding
Start of Construction	The first land-disturbing activity associated with a development, including land preparation such as clearing, grading, and filling; installation of streets and walkways; excavation for basements, footings, piers, or foundations; erection of temporary forms; and installation of accessory buildings such as garages.
Watercourse	Any body of water, including, but not limited to lakes, ponds, rivers, streams, and bodies of water delineated by City of Roxboro NC.
Waterway	A channel that directs surface runoff to a watercourse or to the public storm drain.

Section III. Permits

- A) No person shall be granted a site development permit for land-disturbing activity that would require the uncovering of 10,000 or more square feet without the approval of an Erosion and Sediment Control Plan.
- B) No site development 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 agriculture 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 applicant shall include a statement that any land clearing, construction, or movement of earth shall be in accordance with the Erosion and Sediment Control Plan. Each application shall include a statement that during any land clearing, construction, or development, a representative of the permittee, shall be on site all days when construction or grading activity takes place.
- E) The applicant will be required to file with City of Roxboro (areas less than one acre) a faithful performance bond, letter of credit, or other improvement security in an amount deemed sufficient by Public Services Director to cover all costs of improvements, landscaping, maintenance of improvements for such period as specified by City of Roxboro and engineering and inspection costs to cover the cost of failure or repair of improvements installed on the site.
- F) For sites equal to or greater than one acre, the permit application shall be submitted to the North Carolina Division of Land Resources-Land Quality Section and a copy of the approved application submitted to the City of Roxboro for record only.

Section IV. Review and approval

- 1) For sites less than one acre, the City of Roxboro Public Services Director will review each application for a site development permit to determine its conformance with the provisions of this regulation. Within 30 days after receiving an application, Public Services Director shall, in writing:
 - 1) Approve the permit applications;
 - 2) Approve the permit application subject to such reasonable conditions as may be necessary to secure substantially the objectives of this regulation, and issue the permit subject to these conditions; or
 - 3) Disapprove the permit application, indicating the reason(s) and procedure for submitting a revised application and/or submission.
- 2) Failure of the Public Services Director to act on an original or revised application within 30 days of receipt shall authorize the applicant to proceed in accordance with the plans as filed unless such time is extended by agreement between the applicant and City of Roxboro. Pending preparation and approval of a revised plan, development activities shall be allowed to proceed in accordance with conditions established by City of Roxboro.

Section V. Erosion and Sediment Control Plan

- 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.
 - 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 session.
 - 4) Seeding mixtures and rates, types of sod, method 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 in the same manner as Section IV of this regulation, may be authorized by Public Services Director by written authorization to the permittee.

Section VI. Design Requirements

Grading, erosion control practices, sediment control practices, and waterway crossings shall meet the design criteria set forth in the most recent version of State of North Carolina Erosion and Sediment Control Planning and Design Manual, and shall be adequate to prevent transportation of sediment from the site to the satisfaction of Public Services Director.

- A) **Clearing and Grading**
Clearing and grading of natural resources, such as forests and wetlands, shall not be permitted, except when in compliance with all other chapters of this Code. Clearing techniques that retain natural vegetation and drainage patterns, as described in State of North Carolina Erosion and Sediment Control Planning and Design Manual shall be used to the satisfaction of Public Services Director.

Clearing, except that necessary to establish sediment control devices, shall not begin until all sediment control devices have been installed and have been stabilized.

- B) Erosion control requirements shall include the following:
 - 1) Soil stabilization shall be completed within *fifteen calendar 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 may require the site to be reseeded or a nonvegetative option employed.
 - 3) Special techniques that meet the design criteria outlined in State of North Carolina Erosion and Sediment Control Planning and Design Manual on steep slopes or in drainage ways shall be used to ensure stabilization.
 - 4) Soil stockpiles must be stabilized or covered at the end of each workday.
 - 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.
- C) Sediment controls requirements shall include
 - a. Settling basins, sediment traps, or tanks and perimeter controls in accordance with City of Roxboro standards for sites less than one acre and State of North Carolina Division of Land Quality Section standards and design specifications for greater than or equal to one acre.
 - b. Protection for adjacent properties by the use of a vegetated buffer strip in combination with perimeter controls
- D) Waterway and watercourse protection requirements shall include
 - 1) A temporary stream crossing installed and approved by State of North Carolina Division of Land Quality Section.
 - 2) Stabilization of the watercourse channel before, during, and after any in-channel work.
 - 3) All on-site storm water conveyance channels designed according to the criteria outlined in State of North Carolina Erosion and Sediment Control Planning and Design Manual
 - 4) Stabilization adequate to prevent erosion located at the outlets of all pipes and paved channels
- E) Construction site access requirements shall include
 - 1 a temporary access road provided at all sites

- 2 other measures required by City of Roxboro and State of North Carolina in order to ensure that sediment is not tracked onto public streets by construction vehicles or washed into storm drains.

Section VII. Inspection

- A) Public Services Director or designated agent 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 stamp of approval shall be maintained at the site during the progress of the work. To obtain inspections, the permittee shall notify Public Services Director at least three working days before the following:
 - 1) Start of construction
 - 2) Installation of sediment and erosion measures
 - 3) Completion of site clearing
 - 4) Completion of rough grading
 - 5) Completion of final grading
 - 6) Close of the construction season
 - 7) Completion of final landscaping
- B) Public Services Director or its designated agent shall enter the property of the applicant as deemed necessary to make regular inspections to ensure the validity of the reports filed.

Section VIII. Enforcement

- 1) Stop-Work Order; Revocation of Permit
In the event that any person holding a site development 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 determined to the public welfare or injurious to property or improvements in the neighborhood, City of Roxboro or State of North Carolina Division of Land Quality may suspend or revoke the site development permit.
- 2) Violation and Penalties
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. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and each day during which any violation of any of the provisions of this ordinance is committed, continued, or

permitted, shall constitute a separate offense. Upon conviction of any such violation, such person, partnership, or corporation shall be punished by a fine of not more than \$500.00 for each offense. In addition to any other penalty authorized by this section, any person, partnership, or corporation convicted of violating any of the provisions of this ordinance shall be required to bear the expense of such restoration.

Section IX. Separability

The provisions and sections of this ordinance shall be deemed to be separable, and the invalidity of any portion of this ordinance shall not affect the validity of the remainder.