

# **Erosion & Sedimentation Control**

**City of Steubenville - Public Works**

**CHAPTER 1339**  
**Site Stabilization; Soil Erosion and Sedimentation Control**

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**CROSS REFERENCES**

Liability for damage – see Ohio R.C. 723.49 et seq.  
 Urban Sediment Pollution Abatement Rules – see OAC Ch. 1501:15-1

**1339.01 PURPOSE AND TITLE.**

The purpose of these regulations are:

- (a) To provide for proper excavation, cutting, filling and grading which minimizes danger to public health and safety, and damages to property;
- (b) To maintain the stability of slopes and reduce danger to life and property due to landslides and mass earth movement;
- (c) To reduce pollution of streams caused by soil erosion and sedimentation;

- (d) To preserve and restore the flood carrying capacity of streams;
- (e) To protect to the maximum extent possible the existing natural drainage system;
- (f) To prevent the blocking or destruction of storm water runoff facilities due to excessive soil erosion and sedimentation; and
- (g) To provide for proper installation and maintenance of soil erosion and sedimentation control facilities.

This chapter shall be known as and may be cited as the Site Stabilization and Soil Erosion and Sedimentation Control Regulations of the City.  
(Ord. 1991-122. Passed 11-18-91.)

#### 1339.02 APPLICATION OF REGULATIONS; PERMITS REQUIRED.

(a) No person, the owner of any property or in possession or control of any property, shall cause, permit or allow any earth disturbance activity to be undertaken on such property unless an earth disturbance permit has been issued by the Building Inspector, provided however that in order to prevent undue hardship, no permit shall be required for:

- (1) Normal cemetery operations including the opening or closing of graves or the construction of mausoleums;
- (2) The construction of a single-family dwelling or two-family dwelling, or structures accessory thereto on a lot of record;
- (3) Minor subdivisions containing no more than five lots, not including any new streets or easements of access and not requiring the extension of public water or sanitary sewer lines;
- (4) Public highways, transportation and drainage improvements or maintenance thereof undertaken by a governmental agency provided that its standard soil erosion and sedimentation control policies have been approved by the City Engineer or the Chief of the Division of Soil and Water Conservation of the Department of Natural Resources and provided further that such practices are no less restrictive than these regulations;
- (5) Landscaping activities on existing developed lots of record; and
- (6) Exploratory excavations under the direction of a professional engineer.

(b) No earth disturbance activity initiated pursuant to subsections (a)(1) through (6) hereof shall cause any slope to become unstable; impose loads which may affect the safety of structures or slopes; interfere with adequate drainage for the site or the drainage area of the land tributary to the site; impede or obstruct the flow of any watercourse; interfere with designated wetland areas; obstruct, damage or adversely affect lawfully existing sewerage or drainage, public or private; cause a stagnant pond of water to form; or cause accelerated soil erosion or sedimentation. The submittal of specific information or documentation may be required to determine compliance.

(Ord. 1991-122. Passed 11-18-91.)

1992 Replacement

## 1339.03 DEFINITIONS.

For the purpose of this chapter, the words and phrases defined herein shall have the meanings therein respectively ascribed to them unless a different meaning is clearly indicated by the context.

- (a) "Borrow" means earth material acquired from an off-site location for use in grading on the site.
- (b) "Building Inspector" includes authorized employees appointed to perform specific duties of the Division of Engineering and Building Inspection, in the enforcement of the provisions of this chapter.
- (c) "Channel" means the area between definite banks of a natural or man-made watercourse which confine and conduct the permanent or intermittent flow of water.
- (d) "City Engineer" means a professional engineer employed by the City or any consultant designated by the City to perform the duties of the City Engineer.
- (e) "Cut" means that portion of the land surface or area from which earth material or any other material has been removed by excavation. The difference in elevation between a point on the original ground and a designated point of lower elevation on the final grade.
- (f) "Detention basin" means a storage area for storm water runoff that stores water for a short period and releases it at a controlled rate.
- (g) "Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, streets and other paving, utilities, cutting or filling, grading, excavating and the subdivision of land.
- (h) "Ditch" means an excavation either dug or natural for the purpose of drainage.
- (i) "Diversion" means a channel across a hillside used to protect bottomland from storm water runoff or to divert water away from buildings or into other storm water management facilities.
- (j) "Drainage" means the flow of water and the methods of directing such flow.
- (k) "Drainageway" means an area of concentrated water flow other than a stream, ditch or grassed waterway.
- (l) "Earth disturbance activity" means any cutting, filling, grading, excavating or other alteration of the earth's surface where natural or man-made ground cover is removed or destroyed and which may result in or contribute to soil erosion and sediment pollution.
- (m) "Earth disturbance permit" means the permit required prior to the initiation of any earth disturbance activity pursuant to the provisions of this chapter.
- (n) "Earth material" means soil, sediment, rock, sand, gravel and organic material or residue associated with or attached to the soil.

- (o) "Erosion" means the wearing away of the land surface by the action of water, wind, ice or other geologic agents, including such processes as gravitational creep. Erosion includes the following:
- (1) "Accelerated erosion" means erosion more rapid than normal, natural or geologic erosion, primarily as a result of the influence of the activities of man.
  - (2) "Floodplain erosion" means abrading and wearing away of the nearly level land on either side of a channel due to overflow flooding.
  - (3) "Gully erosion" means the erosion process whereby water accumulates in narrow channels during and immediately after rainfall or snow or ice melt and actively removes the soil from this narrow area to considerable depths such that the channel would not be obliterated by normal smoothing or tillage operations.
  - (4) "Natural (geologic) erosion" means the wearing away of the earth's surface by water, ice or other natural environmental conditions of climate, vegetation, etc., undisturbed by man.
  - (5) "Normal erosion" means the gradual erosion of land used by man which does not greatly exceed natural erosion.
  - (6) "Rill erosion" means an erosion process in which numerous small channels only several inches deep are formed; occurs mainly on recently disturbed soils.
  - (7) "Sheet erosion" means the removal of a fairly uniform layer of soil from the land surface by wind or water runoff.
- (p) "Excavation" means any artificial or mechanical act by which earth material, or any other material is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed and includes the condition resulting therefrom.
- (q) "Fill" means any artificial or mechanical act by which earth material or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the original ground surface or on top of the stripped surface and includes the conditions resulting therefrom. The difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade. The material used to make a fill.
- (r) "Flood" means a general and temporary condition of partial or complete inundation of normally dry land areas from:
- (1) The overflow of inland or tidal waters; and/or
  - (2) The unusual and rapid accumulation or runoff of surface waters from any source.
- (s) "Floodplain" means a normally dry land area adjacent to a stream channel that is susceptible to being inundated by overbank stream flows. For regulatory purposes, see the floodplain regulations in the City Zoning Code.
- (t) "Grading" means any artificial or mechanical stripping, cutting, filling, stockpiling or any combination thereof and includes the land in its cut or filled condition.

- (u) "Grassed waterway" means a broad or shallow natural course or constructed channel covered with erosion-resistant grasses or similar approved vegetative cover and used to conduct surface water. Commonly referred to as a "swale".
- (v) "High delay vegetative strip" means an area covered with erosion-resistant grasses or similar approved vegetative cover designed to delay storm water runoff and increase infiltration.
- (w) "Landslide" means the rapid downward and outward movement of earth material under the influence of gravity in which the movement of the earth material occurs along an interior surface of sliding.
- (x) "Obstruction" means any structure or assembly of materials including fill above or below the surface of the land or water, any activity which might impede, retard or change flood flows.
- (y) "Professional engineer" means a person duly licensed as a professional engineer by the State of Ohio.
- (z) "Professional surveyor" means a person duly licensed as a professional surveyor by the State of Ohio.
- (aa) "Retention basin" means a storage area for storm water runoff that maintains a planned permanent level of water even after storm runoff has ceased.
- (bb) "Sediment" means solid material both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by water, wind, gravity or ice, and has come to rest on the earth's surface above or below sea level.
- (cc) "Sediment basin" means a barrier, impoundment or other suitable detention facility built across an area of waterflow to settle and retain sediment carried by runoff waters.
- (dd) "Sediment pollution (sedimentation)" means that which occurs as a result of the failure to use soil erosion and sedimentation control practices to abate water or wind erosion of the soil or to abate the degradation of watercourses by soil sediment in conjunction with grading, excavating, cutting, filling or other earth disturbance activities.
- (ee) "Site" means any lot or parcel of land or contiguous combination thereof.
- (ff) "Site Stabilization Plan" means the required plan providing for the maintenance of slopes and the prevention of landslides or mass earth movement caused by or related to earth disturbance activities.
- (gg) "Soil Erosion and Sedimentation Control Plan" means the required plan providing for the control of sediment pollution from accelerated erosion on a development site which occurs as a result of earth disturbance activities.
- (hh) "Soil stabilization" means the chemical or structural treatment of a mass of soil to increase or maintain its stability or otherwise improve its engineering properties.
- (ii) "Storm water runoff" means drainage runoff from the surface of the land resulting from precipitation or snow or ice melt.
- (jj) "Stream" means a body of water running or flowing on the earth's surface or channel in which such flow occurs.

- (kk) "Subdivision" as defined by Ohio R.C. 711.001(B) means:
- (1) The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two or more parcels, sites or lots, any one of which is less than five acres for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the division or partition of land into parcels of more than five acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be exempted; or
  - (2) The improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street or streets, except private streets serving industrial structures; the division or allocation of land as open spaces for common use by owners, occupants or lease holders or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities.
- (ll) "Topsoil" means surface and upper surface soils which presumably are darker colored, fertile soil materials, ordinarily rich in organic matter or humus debris.
- (mm) "Watercourse" means any channel or conveyance of surface water having a defined bed and banks, whether natural or man-made, whether with permanent or intermittent flow.
- (nn) "Wetlands" means marsh, swamp, bog or other lands containing high levels of soil moisture and related species of plant or animal life, and designated as "wetlands" by a State or Federal agency charged with making such determination.  
(Ord. 1991-122. Passed 11-18-91.)

#### 1339.04 CORRECTION OF HAZARDOUS CONDITIONS.

Whenever the Building Inspector determines that any existing earth disturbance activity has become a hazard, or endangers the public health and safety or any public or private property or adversely affects the safety, usability or stability of any public right-of-way, watercourse or channel, he shall order the owner or person in control of the property on which such earth disturbance activity exists to correct the condition. The owner or person in control of the property, upon receipt of the order of the Building Inspector, shall within ten days, apply for and obtain an earth disturbance permit and promptly proceed to correct the condition creating such hazard in accordance with the provisions of this chapter.  
(Ord. 1991-122. Passed 11-18-91.)

#### 1339.05 PLANS AND SPECIFICATIONS.

(a) Soil Erosion and Sedimentation Control Plan. The Building Inspector shall issue an earth disturbance permit for earth disturbance activity only on the basis of plans and specifications submitted to and approved by him. A separate permit shall be required for each site. Unless waived or modified pursuant to Section 1339.07 the Soil Erosion and Sedimentation Control Plan, which shall be prepared by a professional surveyor or professional engineer and submitted with the permit application, shall include:

- (1) The property owner's name and address and the names and addresses of abutting property owners;
- (2) A plot plan, drawn to a scale of one inch equals fifty feet, with tract boundaries showing accurate bearings and distances, and including a location map sufficient to denote the location of the proposed work;
- (3) Northpoint for the site;
- (4) Municipal corporation and township lines;
- (5) A contour map of the affected area showing existing and proposed topographic contours at vertical intervals of two feet for lands with a slope of less than fifteen percent (15%) and five feet for lands with a slope of fifteen percent (15%) or greater. Contour elevations shall be tied to the latest U.S. Geological Survey datum;
- (6) The location of the top and toe of each proposed excavation, cut, fill or grade;
- (7) The proposed amount of excavation, cut, fill or grading in cubic yards;
- (8) The location of any existing or proposed streets, easements, rights-of-way, walks, access drives and parking areas;
- (9) The location of any existing and proposed buildings or structures on the site;
- (10) The location of existing watercourses and the general location of wetlands, tree masses and other significant natural features on the site;
- (11) The location of utilities, including water lines, sewer lines, storm sewers, natural gas lines, electric lines and telephone lines on the site;
- (12) The location of any borrow sites;
- (13) The location of any proposed disposal site for any contemplated excess materials;
- (14) The methods planned to control soil erosion and sedimentation during and after earth disturbance and construction, including but not limited to, diversions, detention or retention basins, sediment basins, grassed waterways, straw bales, silt fences, high delay vegetative strips and other related soil erosion and sedimentation controls; and
- (15) Additional information as may reasonably be required by the Building Inspector.

(b) Site Stabilization Plan. Unless waived or modified pursuant to Section 1339.07 the Site Stabilization Plan, which shall be prepared by a professional engineer, shall include, in addition to the requirements of subsection (a) hereof:

- (1) A report showing the results of surface and subsurface exploration, conditions of the land and procedures for performing the operations;
- (2) A description of the borrow materials, and the methods to be used for and the degree of its proposed compaction;
- (3) The proposed preparation of the existing ground surface to receive fill;

- (4) Proposed subsurface drainage if necessary for stability;
- (5) Plans for all temporary and permanent retaining walls, fences and other protective measures to be constructed in connection with, or as a part of the proposed work;
- (6) An estimate of the cost of protection, relocation or modification of water, sanitary sewer or storm sewer lines or watercourses, if applicable; and
- (7) A timing schedule and sequence indicating the anticipated starting and completion dates of the development sequence, stripping and/or clearing, cutting, filling, rough grading and construction, final grading, landscaping and vegetative establishment, and maintenance, and the time of exposure of each area prior to the completion of the site stabilization/soil erosion and sedimentation control measures.  
(Ord. 1991-122. Passed 11-18-91.)

#### 1339.06 SUPERVISION BY PROFESSIONAL ENGINEER.

Unless waived pursuant to Section 1339.07, earth disturbance activities in the field shall be supervised by a professional engineer or his representative. The professional engineer shall submit a summary report to the Building Inspector upon completion of operations.

(Ord. 1991-122. Passed 11-18-91.)

#### 1339.07 WAIVER OR MODIFICATION OF SUBMISSION OF PLANS AND SPECIFICATIONS.

The Building Inspector may waive or modify the requirements of this chapter for Site Stabilization or Soil Erosion and Sedimentation Control Plans, and field supervision if the application for the earth disturbance permit contains a statement with the seal and signature of a professional engineer, certifying in writing, to the satisfaction of the Building Inspector that the proposed earth disturbance activity shall not:

- (a) Obstruct, damage or adversely affect water lines, sewer lines, storm sewers and other utilities;
- (b) Create slope stability problems, landslide or earth movement problems on the site or adjacent property;
- (c) Cause accelerated erosion or sediment pollution;
- (d) Affect or involve work in or adjacent to wetlands or watercourses; and
- (e) Cause stagnant ponds of water to form.

(Ord. 1991-122. Passed 11-18-91.)

#### 1339.08 PROHIBITION OF CERTAIN EXCAVATIONS, FILLS OR GRADES.

No earth disturbance permit shall be issued for excavation, cutting, filling or grading to be made with a face steeper than three to one, except that the Building Inspector may permit excavation, cut, fill or grading to be made with steeper face if an applicant demonstrates satisfactorily by means of appropriate soil exploration and analysis and the written certification of a professional engineer that the materials are capable of standing on a steeper slope without creating any of the hazards described in Sections 1339.02 and 1339.04.

(Ord. 1991-122. Passed 11-18-91.)

**1339.09 PROTECTION AGAINST SOIL EROSION AND SEDIMENTATION.**

All earth disturbance activities shall be performed so as to minimize erosion and sedimentation. All Site Stabilization and Soil Erosion and Sedimentation Control Plans shall, as a minimum, be in accordance with the standards and specifications as set forth in the U.S. Department of Agriculture, Soil Conservation Service Publication, "Water Management and Sediment Control for Urbanizing Areas", latest edition, and the following standards. This Manual in its entirety is hereby adopted by reference as the official Soil Erosion and Sedimentation Control Manual of the City.

- (a) Timing of Sediment-Trapping Practices.
  - (1) Sediment control practices shall be functional throughout earth disturbance activity.
  - (2) Settling facilities, perimeter controls, and other practices intended to trap sediment shall be implemented as the first step of grading and within seven days from the start of grubbing. They shall continue to function until the upslope development area is re-stabilized.
- (b) Stabilization of Denuded Areas. Denuded areas shall have soil stabilization applied within seven days if they are to remain dormant for more than thirty days. Permanent or temporary soil stabilization shall be applied to denuded areas within seven days after final grade is reached on any portion of the site, and shall also be applied within seven days to denuded areas which may not be at final grade, but shall remain dormant (undisturbed) for longer than thirty days.
- (c) Settling Facilities.
  - (1) Concentrated storm water runoff from denuded areas shall pass through a sediment basin.
  - (2) The basin's storage capacity shall be sixty-seven cubic yards per acre of drainage area.
- (d) Sediment Barriers.
  - (1) Sheet flow runoff from denuded areas shall be filtered or diverted to a sediment basin.
  - (2) Sediment barriers such as sediment fence or diversions to sediment basins shall protect adjacent properties and watercourses from sediment pollution.
- (e) Storm Sewer Inlet Protection. All storm sewer inlets which accept storm water runoff from the development area shall be protected so that sediment-laden water shall not enter the storm sewer system without first being filtered or otherwise treated to remove sediment.
- (f) Construction Access Routes. Measures shall be taken to prevent soil transport onto highways or surfaces where runoff is not checked by soil erosion and sediment controls.
- (g) Sloughing and Dumping.
  - (1) No soil, rock, debris or any other material shall be dumped or placed into watercourses or wetlands or into such proximity that it may readily slough, slip or erode into a watercourse or wetland unless such dumping or placement is authorized by the Building Inspector, and where applicable, the U.S. Army Corps of Engineers.
  - (2) Unstable soils prone to slipping or landsliding shall not be graded, cut, filled or have loads imposed upon them except in accord with Section 1339.08.

- (h) Stabilization of Outfalls and Channels. Outfalls and constructed or modified channels shall be designed and constructed to withstand the expected velocity of flow from the ten-year, post-development storm without eroding.
- (i) Establishment of Permanent Vegetation.
- (1) A permanent vegetative cover shall be established on denuded areas not otherwise permanently stabilized.
  - (2) Permanent vegetation shall not be considered established until ground cover is achieved which, in the opinion of the Building Inspector, provides adequate cover and is mature enough to control soil erosion and sedimentation satisfactorily and to survive adverse weather conditions.
- (j) Disposition of Temporary Practices. All temporary soil erosion and sedimentation control practices shall be removed within thirty days after final site stabilization is achieved or after the temporary practices are no longer needed, unless otherwise authorized by the Building Inspector. Trapped sediment shall be permanently stabilized to prevent further erosion.  
(Ord. 1991-122. Passed 11-18-91.)

#### 1339.10 REVIEW BY CONSERVATION DISTRICT.

A copy of all applications for earth disturbance permits and accompanying Site Stabilization and Soil Erosion and Sedimentation Control Plans shall be transmitted upon receipt by the Building Inspector to the Jefferson Soil and Water Conservation District for review and comment prior to the issuance of a permit. The recommendations of the Conservation District shall be considered for possible incorporation into the proposed plans and specifications.  
(Ord. 1991-122. Passed 11-18-91.)

#### 1339.11 PROTECTION AND RELOCATION OF WATER AND SEWER LINES.

If, in the opinion of the City Engineer, it is necessary to adjust, relocate, add to or otherwise modify the existing water, sanitary sewer or storm sewer system serving the area affected by the earth disturbance activity, or watercourse providing drainage of the affected area, or to protect such facilities from damage, the Building Inspector shall approve the application for an earth disturbance permit in accordance with this chapter only if the applicant for the permit agrees to provide, relocate or modify the water, sanitary sewer or storm sewer system or watercourse for the affected area at no expense to the City.  
(Ord. 1991-122. Passed 11-18-91.)

#### 1339.12 PROTECTION OF WATERCOURSES AND WETLANDS.

(a) Special provisions may be required by the Building Inspector for the prevention of erosion and stabilization of stream bank areas. Any earth disturbance activity in or adjacent to a watercourse or wetland areas shall take every precaution to minimize erosion and sediment pollution in accordance with City standards, and when applicable, the standards of the U.S. Army Corps of Engineers.

(b) Construction equipment shall not be permitted to work within or cross a watercourse or wetland area unless a temporary stream crossing is provided in accordance with City standards and with the approval of the Building Inspector, and when applicable, the U.S. Army Corps of Engineers.  
(Ord. 1991-122. Passed 11-18-91.)

#### 1339.13 GUARANTEE OF COMPLETION.

Pursuant to Section 1339.11, where an earth disturbance activity necessitates protection, relocation or modification of a water, sanitary sewer or storm sewer line or watercourse; or where an earth disturbance activity would create an actual or potential hazard to the public, the Building Inspector shall not approve the application for the permit until the owner or person in control posts financial security with a bonding or lending institution of his choice, provided such institution is authorized to conduct business in the State of Ohio (either a Federal or State chartered lending institution). The acceptable types of financial security are as follows:

- (a) Performance bond or Corporate bond with an acceptable surety, and of form satisfactory to the City;
- (b) Certified check payable to the City; or
- (c) Irrevocable letter of credit provided by a qualified lending institution which guarantees payment to the City should the owner or person in control fail to complete facilities satisfactorily.

Financial security in an amount approved by the City Engineer equal to one hundred percent (100%) of the cost of replacement of the water, sanitary sewer or storm sewer line or watercourse; or restoration of the affected land, shall be posted by the owner or person in control. Additional bond in an amount approved by the City Engineer to secure the structural integrity of such facilities or restoration for a term not to exceed five years from the date of acceptance and approval by the City Engineer shall be required. The amount of such bond shall not exceed ten percent (10%) of the actual cost of replacement or restoration.  
(Ord. 1991-122. Passed 11-18-91.)

#### 1339.14 PROCEDURES FOR SUBDIVISIONS.

Any person, the owner of property or in possession or control of any property involved in developing a subdivision within the City or within the City's three-mile jurisdictional area, shall be required to comply with the provisions of these regulations or when applicable, County sediment control regulations, as well as the City's Subdivision Regulations.  
(Ord. 1991-122. Passed 11-18-91.)

#### 1339.15 SCHEDULE OF FEES.

Before issuing an earth disturbance permit, the Building Inspector or his designee shall collect a fee, the amount of which shall be based upon the total disturbed site area, which shall be fifty dollars (\$50.00) for the first 5,000 square feet or fraction thereof, plus one dollar (\$1.00) for each 1,000 square feet or fraction thereof, in excess of 5,000 square feet of disturbed area, to cover the cost of all necessary reviews, except that no fee shall be charged for work performed by a governmental agency.  
(Ord. 1991-122. Passed 11-18-91.)

**1339.16 EXPIRATION OF PERMIT.**

Earth disturbance permits shall be valid for six months, provided that any permit may be renewed without cost for one additional six month period at the direction of the Building Inspector.  
(Ord. 1991-122. Passed 11-18-91.)

**1339.17 RIGHT OF APPEAL TO THE BOARD OF BUILDING APPEALS.**

Any person, the owner of property or in possession or control of any property who has a bona fide controversy with the Building Inspector and whose rights have been materially affected by any decision of the Building Inspector in the issuance or denial of an earth disturbance permit as provided herein or in the administration of the provisions of this chapter, shall within thirty days from the issuance or denial of the permit, be permitted to file with the Building Inspector an appeal in writing to the Board of Engineering and Building Appeals as hereinafter provided.

The appeal shall be based upon one or both of the following grounds, to wit:

- (a) That the action of the Building Inspector constituted an erroneous application of the provisions of this chapter, related laws and ordinances, or was otherwise contrary to law; and/or
- (b) That the action of the Building Inspector imposes an undue hardship on the complainant, and a modified application or alternative arrangement is available and feasible, whereby the hardship can be relieved without defeating the purpose and intent of this chapter.

The complainant shall set forth in his petition on appeal the interpretation, ruling or order appealed from, and the provisions of this chapter and related laws and ordinances involved, and shall state wherein the interpretation, ruling or order is erroneous. If the appeal is based on the grounds of hardship, the petition shall show the nature of the hardship and point out what kind of modified application or alternative arrangement can be put into effect which shall relieve the hardship without defeating the purposes and intent of the provisions of this chapter.

No appeal shall be accepted for filing, unless the complainant at the time of filing the appeal, deposits with the Building Inspector the nonrefundable sum of two hundred and fifty dollars (\$250.00) which shall be submitted to the Director of Finance, to compensate the City for the costs and expenditures incurred by the City as a result of such appeal.

(Ord. 1991-122. Passed 11-18-91.)

**1339.18 SUSPENSION OF OPERATIONS.**

The Building Inspector shall order operations under an earth disturbance permit suspended for a period not to exceed ninety days whenever he determines that such operations shall, if performed during such temporary period, endanger public health or safety. The Building Inspector may renew such suspensions. The Building Inspector shall have the authority to order stopped any operations contrary to the terms and conditions of an earth disturbance permit or these regulations as provided for under this chapter.

(Ord. 1991-122. Passed 11-18-91.)

1339.19 LIABILITY OF CITY.

Failure of the Building Inspector or any official or public employee of the City to observe or recognize hazardous conditions or to recommend corrective measures shall not relieve the owner or person in control of property from liability for the condition or for injury to persons or property resulting therefrom. The issuance or denial of an earth disturbance permit or any action by the City under this chapter shall not create in the City, its officers, agents or employees any liability or responsibility for injury to persons or property caused by or related to such action. Nothing in this chapter shall be construed to relieve the owner or person in control of property from liability for injury to persons or property. (Ord. 1991-122. Passed 11-18-91.)

1339.20 ISSUANCE OF PERMITS; SUBDIVISION APPROVAL.

The Building Inspector shall withhold the issuance of any permit under his authority and the Planning and Zoning Commission shall withhold final approval of any subdivision plat until the owner or person in control has complied with the provisions of this chapter. (Ord. 1991-122. Passed 11-18-91.)

1339.21 CORRELATION WITH OTHER CITY OR COUNTY PERMITS.

No department, board, official or public employee of the City or County vested with the duty or authority to issue permits, certificates or licenses for any development or subdivision of land shall issue the same if such development or subdivision of land would be in conflict with any of the provisions of these regulations, and if so issued the same shall be void. (Ord. 1991-122. Passed 11-18-91.)

1339.22 CHANGES IN PLANS AFTER APPROVAL.

No change or revision shall be made to any approved Site Stabilization or Soil Erosion and Sedimentation Control Plan unless authorization for such has been granted in writing by the Building Inspector. (Ord. 1991-122. Passed 11-18-91.)

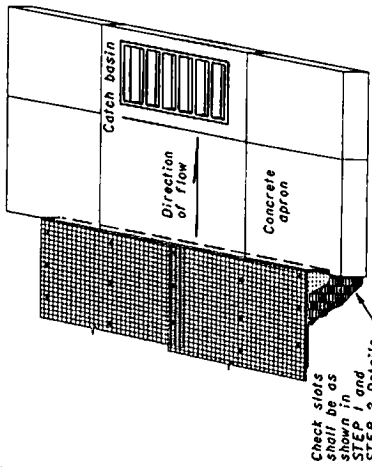
1339.23 DUTIES OF BUILDING INSPECTOR; CITY ENGINEERS; LAW DIRECTOR.

It shall be the duty of the Building Inspector to administer and enforce the provisions of these regulations. The Building Inspector shall consult with the City Engineer for technical assistance in the administration and enforcement of these regulations. The Law Director shall, immediately upon a violation of these regulations having been called to his attention, institute appropriate legal action. (Ord. 1991-122. Passed 11-18-91.)

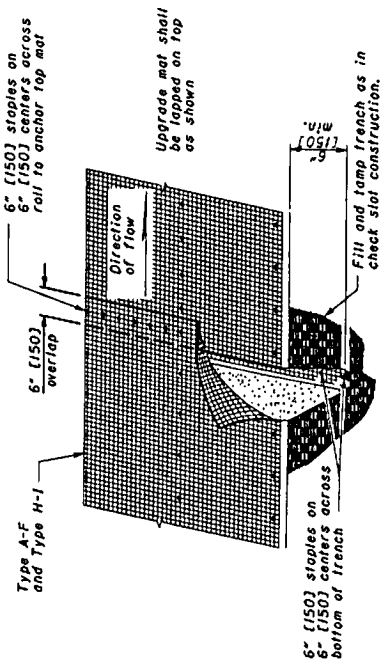
1339.99 PENALTY.

Any person, the owner of property or in possession or control of any property who violates any terms or provisions of this chapter shall be deemed to be guilty of a misdemeanor of the first degree. Each day's violation shall be deemed to be a separate offense. (Ord. 1991-122. Passed 11-18-91.)

# EROSION CONTROL MAT TYPE A-F AND TYPE H-I INSTALLATION

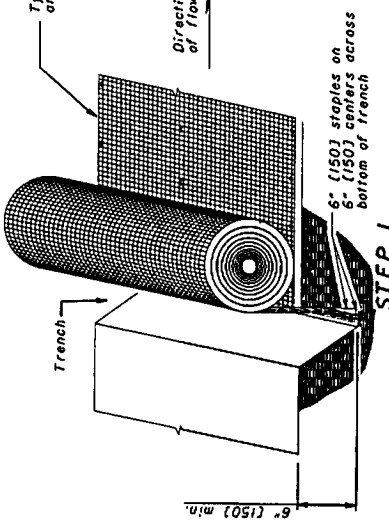


## CHECK SLOT AT STRUCTURES

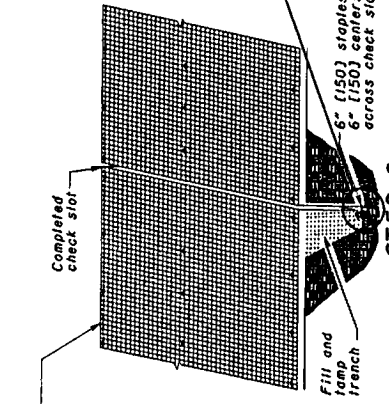


## END OF ROLL OVERLAP

Apply the mat on steep slopes by backing up the slope with the edge overlapping adjacent material by 2' [600]. On short gradual slopes, the matting may be applied horizontally.

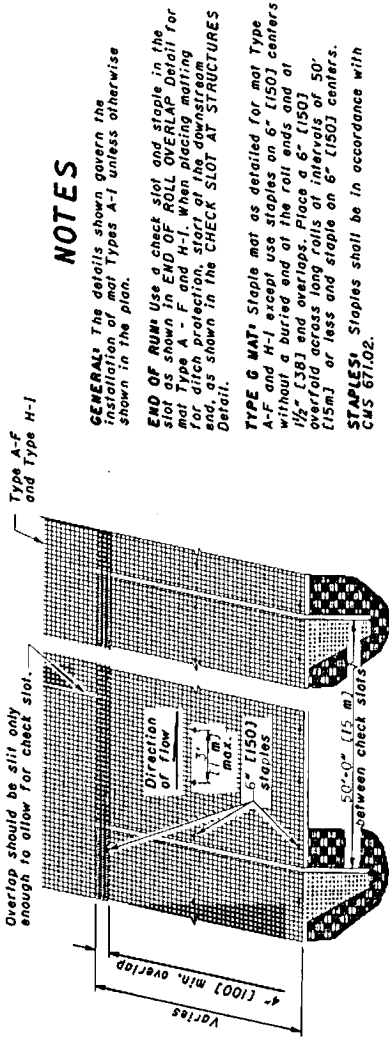


## STEP 1



## STEP 2

## CHECK SLOT CONSTRUCTION DETAILS



## NOTES

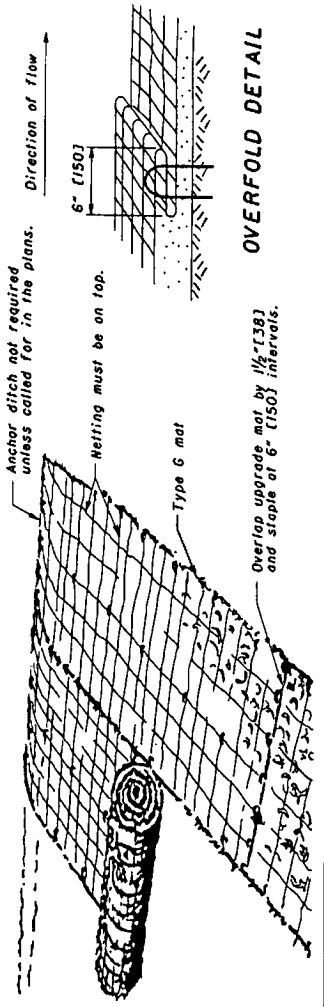
**GENERAL:** The details shown govern the installation of mat Types A-I unless otherwise shown in the plan.

**END OF ROLL:** Use a check slot and staple in the mat as shown in END OF ROLL OVERLAP Detail for for ditch protection. Start placing matting at end, as shown in the CHECK SLOT AT STRUCTURES Detail.

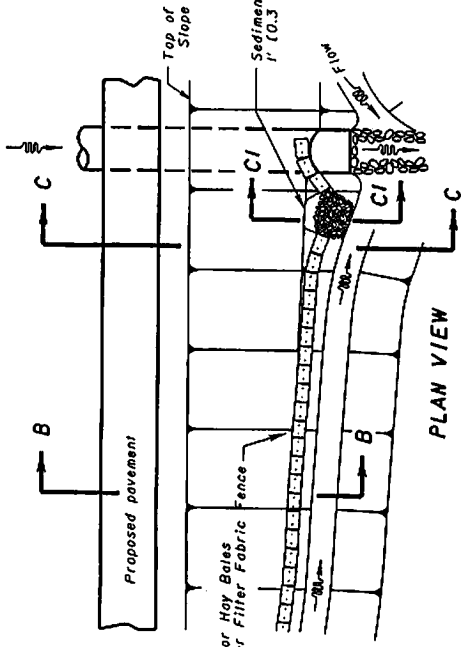
**TYPE G MAT:** Staple mat as detailed for mat Type A-F and H-I except use staples on 6" [150] centers without a buried end of the roll ends and at 1/2" [38] end overlaps. Place a 6" [150] overfold across long rolls at intervals of 50' [15m] or less and staple on 6" [150] centers.

**STAPLES:** Staples shall be in accordance with CMS 671.02.

## TYPICAL INSTALLATION

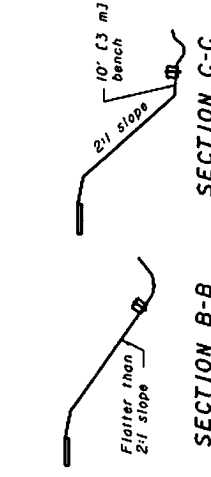


## EROSION CONTROL MAT TYPE G INSTALLATION

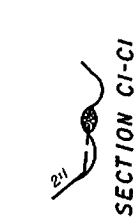


Use Straw or Hay Bales or Perimeter Filter Fabric Fence

PLAN VIEW



SECTION B-B



SECTION C-C



SECTION C-I

BALE FILTER DIKE

NOTES

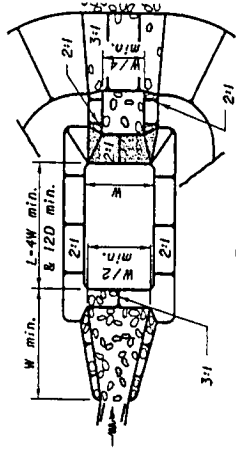
**MATERIAL:** Furnish straw or hay bales. Use 30" (0.8 m) long 2"x2" (50x50) wooden stakes, reinforcing bars or filter fabric fence in lieu of straw or hay bales will be allowed. Furnish 30" (0.8 m) wide filter fabric with sound wood supports with maximum on-center spacing of 10' (3.0 m). Use filter fabric conforming to 712.09 Type C.

Use sand and gravel for the sediment pit filter material. **CONSTRUCTION:** Trench the filter fabric fence as detailed for perimeter filter fabric fence. (see DM-4.4)

When straw or hay bales are used conform to the following: Tightly place each bale adjacent to the perimeter. Carrench 2" (50) to 3" (75) into the ground prior to starting. Firmly stake each bale with at least two stakes. Use loose hay or straw to fill the voids under and between the bales.

Construct a 3'x3'x1' (1 m x 1 m x 0.3 m) pit for the sediment pit filter material. Fill with filter material 1' (0.3 m) above ground level.

**PAYMENT:** The Department will pay for the accepted quantities at the contract prices in feet (meters) as follows: Item 207 - Bale Filter Dike.



PLAN

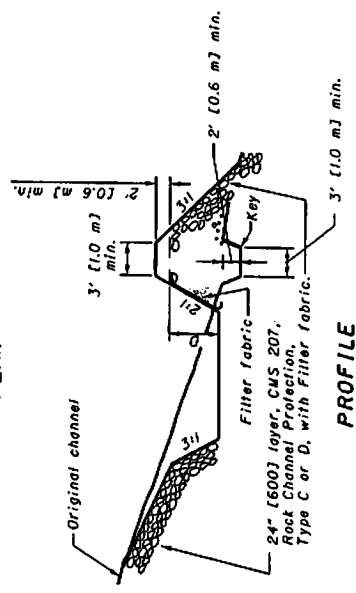
NOTES

**MATERIAL:** Furnish materials conforming to Item 203 Embankment and Item 601 Rock Channel Protection, Type C or D with filter. Furnish construction fence consisting of 4'-0" (1.3 m) high plastic fence with 6' (2 m) long metal fence posts.

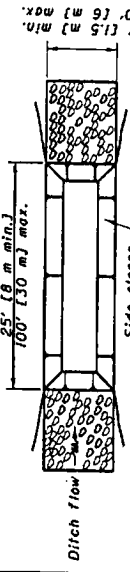
**CONSTRUCTION:** Construct the Basin and Dams as detailed. Construct the construction fence in urban areas or in high pedestrian traffic areas. Construct the fence to completely surround the sediment basin or dam. Place the fence post on 8' (2.6 m) centers 2' (0.6 m) deep. Securely attach the plastic construction fence to the fence post.

**PAYMENTS:** The Department will pay for the accepted quantities at the contract prices as follows:

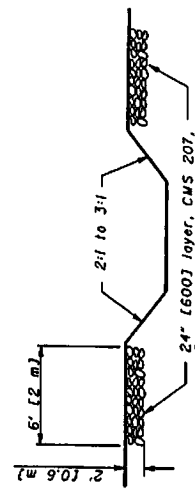
- Item 207 - Sediment Basins and Dams in cubic yards (cubic meters)
- Item 207 - Rock Channel Protection Type C or D with filter in cubic yards (cubic meters)
- Item 207 - Construction Fence per foot (meter)



PROFILE  
SEDIMENT DAM

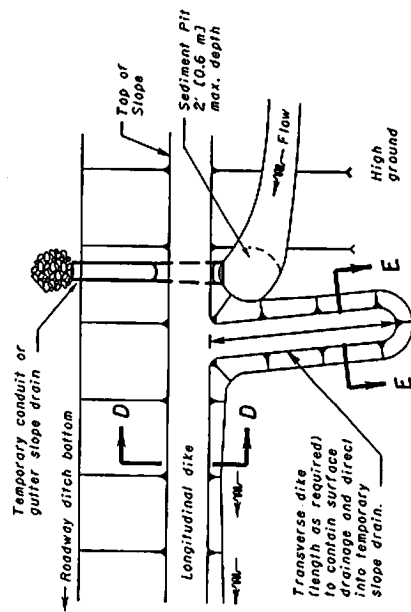


PLAN

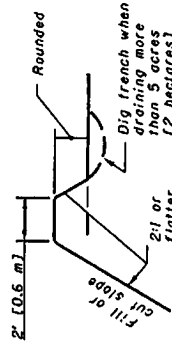


PROFILE  
SEDIMENT BASIN

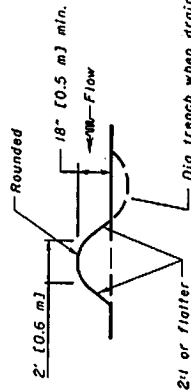
# DIKES AND SLOPE PROTECTION



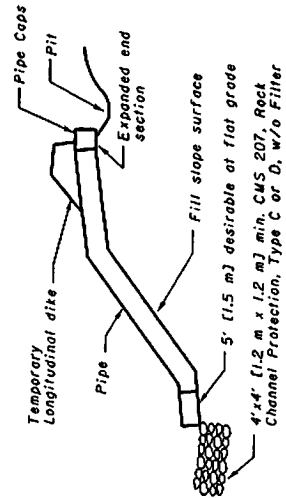
PLAN VIEW



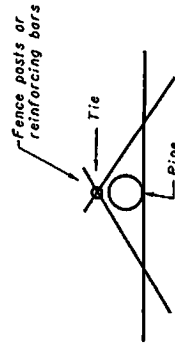
SECTION D-D



SECTION E-E



CONDUIT SLOPE DRAIN



TIE-DOWN SLOPE DRAIN

## NOTES

**MATERIAL:** Furnish materials conforming to Item 203 Embankment and Item 601 Rect Channel Protection, Type C or D, without filter.

Furnish the following for the slope drains: corrugated steel pipe, corrugated or smooth cast pipe, pipe caps with holes that comprise at least 30% of the cross sectional area of the cap and specifically designed to connect to the pipe, reinforcing bars or fence posts and sand and gravel for the sediment pit filter material.

**CONSTRUCTION:** Construct as detailed. Compact the dike to 85% of the maximum density as determined by Supplement 1015.

Use reinforcing bars or fence posts to tie down the slope drains and to keep the pipe from moving.

Construct a 3'x3'x2' (1 m x 1 m x 0.6 m) pit for the sediment pit filter material. Fill with filter material to the ground level.

**BASIS OF PAYMENT:** The Department will pay for the accepted quantities at the contract prices as follows:

Item 207 - Dikes in cubic yards (cubic meters)

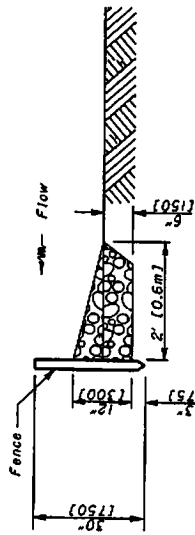
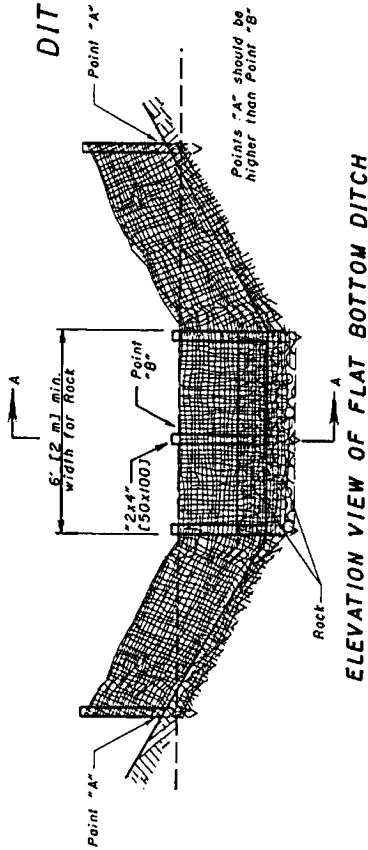
Item 207 - Slope Drains in feet (meters)

Item 207 - Rect Channel Protection Type C or D without filter in cubic yards (cubic meters)

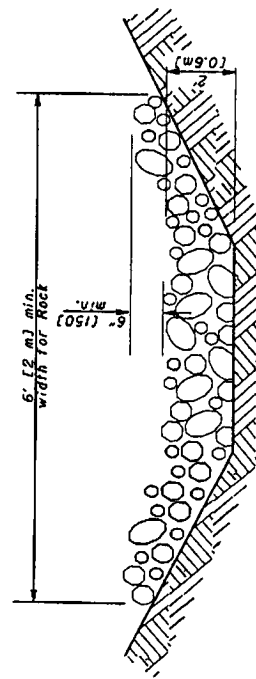
### TEMPORARY SLOPE DRAINS RECOMMENDED SIZES

AREA in acres (hectares)	PIPE SIZES	
	Smooth	Corrugated
0-4 (0-1.6)	6" (150)	6" (150)
4-8 (1.6-3.2)	8" (200)	12" (300)
8-12 (3.2-4.9)	10" (250)	15" (375)

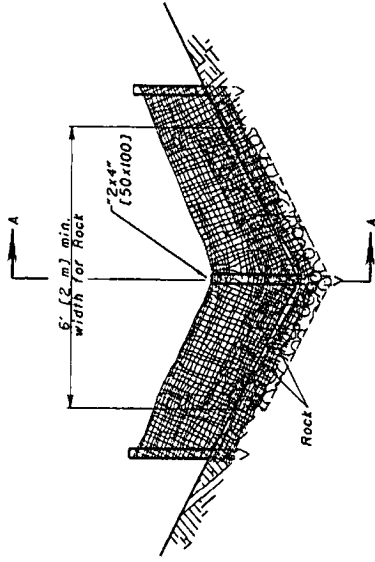
### DITCH CHECKS



### SIDE VIEW OF FLAT BOTTOM AND V DITCH SECTION A-A



Minimum dimensions: 2' (0.6 m) high x 6' (2 m) wide x 3' (0.9 m) long



### NOTES

#### FILTER FABRIC DITCH CHECKS:

**MATERIALS:** Furnish filter fabric ditch checks consisting of the following materials:

1. 30" (0.8 m) wide filter fabric with sound wood supports with maximum on-center spacing of 10' (3.0 m). Use filter fabric conforming to 712.09 Type C.
2. A vertically driven "2x4" (50x100) stake in the center of the ditch
3. Gravel or limestone material conforming to one of the following gradations No. 1 through No. 4 on Table 703.01-1.

**CONSTRUCTION:** Trench the filter fabric fence as detailed for PERIMETER FILTER FABRIC FENCE. (See Sheet 2/2) Place a vertical "2x4" (50x100) stake in the center of the ditch with the top level to the top of the fence and at least 6" (150) below the bottom of the ditch. Excavate for and place the gravel or limestone on the upstream side of the ditch check.

**PAYMENT:** The Department will pay for the accepted quantities at the contract prices in feet (meters) as follows: Item 207 - Filter Fabric Ditch Check.

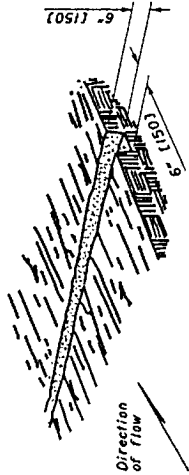
#### ROCK CHECKS:

**MATERIALS:** Furnish material conforming to Item 601 Rock Channel Protection Type C or D without filter.

**CONSTRUCTION:** Place the rock outside the traffic clear zone in the ditch.

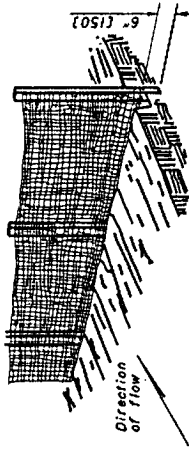
**PAYMENT:** The Department will pay for the accepted quantities at the contract prices in cubic yards (cubic meters) as follows: Item 207 - Rock Channel Protection Type C or D without filter.

# PERIMETER FILTER FABRIC FENCE



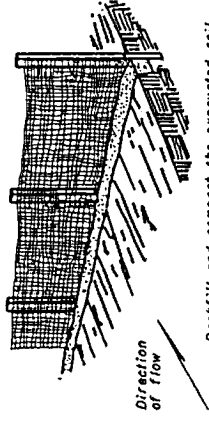
Excavate a 6'-x6' [150x150] trench along the proposed fence line.

## STEP 1



Place fabric and support stakes and extend fabric into the trench.

## STEP 2



Backfill and compact the excavated soil.

## STEP 3

### NOTES

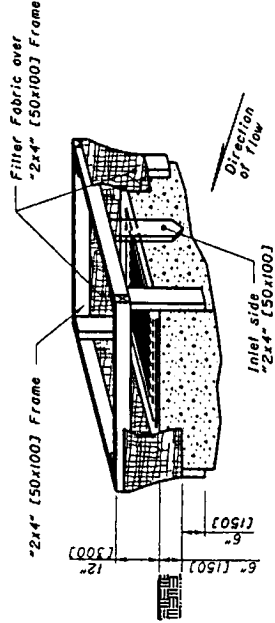
**MATERIALS:** Furnish 30" [0.8 m] wide filter fabric with sound wood supports with maximum on-center spacing of 10' [3.0 m]. Use filter fabric conforming to 712.09 Type C. The Contractor may elect to use straw or hay bales. Use 30" [750] long 2"x2" [50x50] wooden stakes, reinforcing bars or fence posts for the straw or hay bales.

**CONSTRUCTION:** Trench the filter fabric fence as detailed. The Contractor may elect to trench the fence detailed on steps 1 through 3 in one plowing operation.

When straw or hay bales are used conform to the following: Tightly place each bale adjacent to one another. Enfranch 2" [50] to 3" [75] into the ground prior to staking. Firmly stake each bale with at least two stakes. Use loose hay or straw to fill the voids under or between the bales.

**PAYMENT:** The Department will pay for the accepted quantities at the contract prices in feet [meters] as follows: **Item 207 - Perimeter Filter Fabric Fence.**

# INLET PROTECTION



## INLET PROTECTION

### NOTES

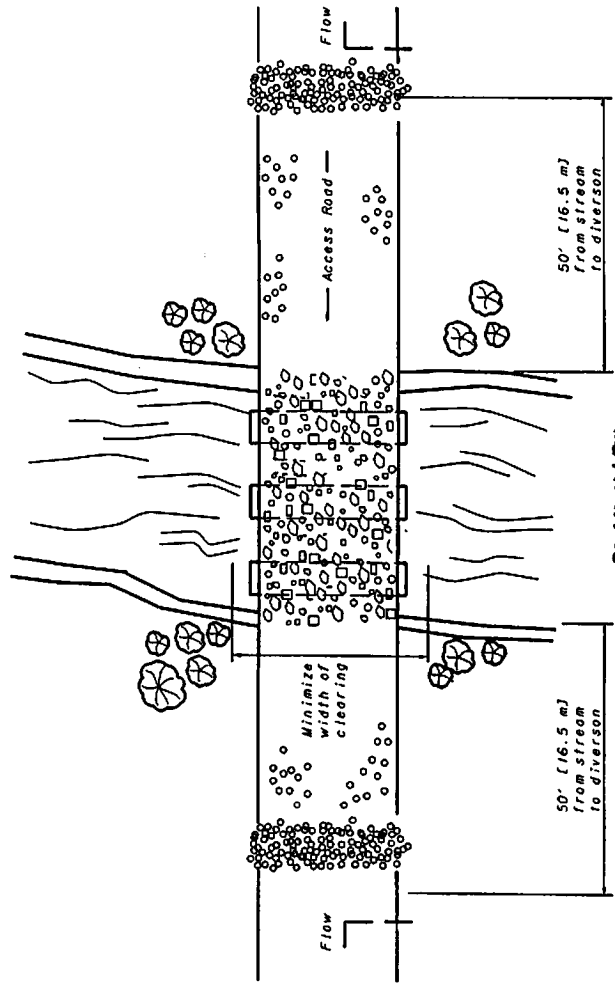
**MATERIALS:** Furnish inlet protection consisting of 18" [0.5 m] wide filler fabric fence supported with a storm drain inlet or catch basin with a securely nailed 2"x4" [50x100] wood frame. Excavate a 6" [150] trench around the inlet, and drive support posts 6" [150] below the excavated trench bottom. Stretch the fabric around the frame. Secure it tightly ensuring that 6" [150] of fabric is in the trench. Overlap the fabric on one side of the inlet so that the fabric ends are not attached to the same post. Backfill and compact the excavated soil tightly onto the fabric. Place a vertical 2"x4" [50x100] in the center of the inlet so that the top is at the top of the fence and the bottom is at least 6" [150] below the bottom of the ditch.

**CONSTRUCTION:** Construct an 18" [0.5 m] wide filler fabric fence supported around a storm drain inlet or catch basin with a securely nailed 2"x4" [50x100] wood frame. Excavate a 6" [150] trench around the inlet, and drive support posts 6" [150] below the excavated trench bottom. Stretch the fabric around the frame. Secure it tightly ensuring that 6" [150] of fabric is in the trench. Overlap the fabric on one side of the inlet so that the fabric ends are not attached to the same post. Backfill and compact the excavated soil tightly onto the fabric. Place a vertical 2"x4" [50x100] in the center of the inlet so that the top is at the top of the fence and the bottom is at least 6" [150] below the bottom of the ditch.

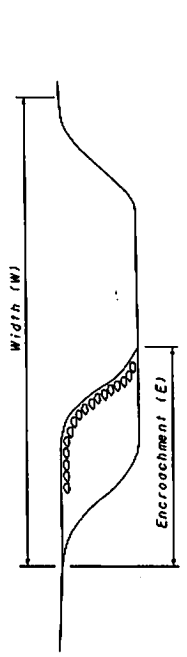
**PAYMENT:** The Department will pay for the accepted quantities at the contract prices in feet [meters] as follows: **Item 207 - Inlet Protection.**

**NOTES**

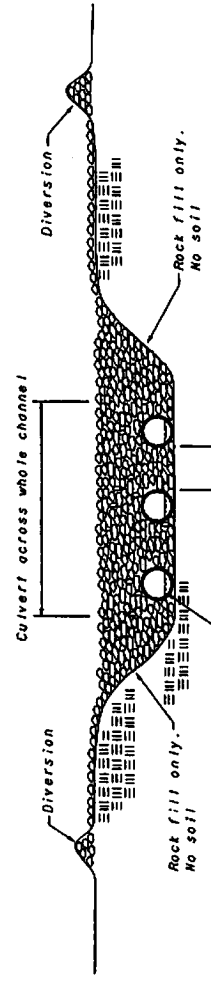
**MATERIAL:** Furnish dumped rock fill conforming to CMS 703.19.B, Type B, C, or D.  
**CONSTRUCTION:** Comply with CMS 107.19 and construct as per CMS 207.03.B.8.b.  
 The number of culverts needed will vary with the width of the crossing and the size of the culverts.  
**PAYMENT:** As per CMS 207.07, the Department will not pay for Stream Crossing Work.



**PLAN VIEW**



When the channel encroachment is less than 1/3 of the channel width then no pipe is required. ( $E < 1/3 W$ )



**SECTION**

Furnish culverts with a minimum diameter at least two times the depth of normal stream flow measured at the crossing centerline or 18" (450), whichever is greater.

\*Place culverts so as not to back up water.