

CHAPTER 149

EROSION AND SEDIMENT CONTROL FOR DEVELOPMENT SITES

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149.01 PURPOSE. Soil erosion from development sites contributes to the impairment of drainage ways, increased road and storm sewer maintenance costs, and destruction and obstruction to traveled roadways, creating a potential hazard for vehicular traffic, degradation of land surfaces and streams, flooding and dusty conditions. Requirements are established by this chapter in an effort to control erosion and sediment transport from development sites. Except as exempted in this chapter, a Soil Erosion and Sediment Control Plan will be required as part of any proposed land disturbing activity. No land shall be disturbed without approval of an Erosion and Sediment Control Plan unless exempted in this chapter.

149.02 DEFINITIONS.

1. “Building Inspector” means the appointed City official primarily responsible for the administration and enforcement of this chapter.
2. “Certified professional erosion and sediment control specialist” means a specialist in the area of soil erosion and sediment control certified by the Soil and Water Conservation Society and the International Erosion Control Association.
3. “Civil engineer” means a professional licensed in the State of Iowa to practice in the field of civil works.
4. “Clearing” means the act of removing unwanted growth, in the form of trees, wood, shrubs, brush, or items from a lot, tract, or parcel of land.
5. “Design professional” means a civil engineer, landscape architect, or certified professional erosion and sediment control specialist.
6. “Design Standards Manual” means the latest edition of the *Evansdale Metropolitan Area Engineering Design Standards* as approved by the City Council.
7. “Development” means the improvement of land from its existing state.
8. “Drainage way” means a natural or manmade channel, which collects and intermittently or continuously conveys storm water runoff.
9. “Erosion” means the wearing away of the land surface by running water, wind, ice, gravity, or other geological, natural agents, or manmade agents.
10. “Erosion and Sediment Control Plan” means a plan of a lot, tract, or parcel of land upon which land disturbing activities are proposed to take place. Said plan will indicate materials, construction phasing, grading activities, and methods used to control erosion and sediment transport as set forth in the Design Standards Manual and shall be certified by a design professional.

11. "Land disturbing activity" means the act of clearing, grading, excavating, filling, or other construction activities which involve the removal of protective cover and established vegetation on a lot, tract, or parcel of land.

12. "Landscape architect" means a professional landscape architect, registered in the State of Iowa to practice in the field of landscape architecture.

13. "Sediment" means solid material, both mineral and organic, that is in suspension, has been transported, or has been moved from its origin by air, water, gravity, or ice and has been deposited by the action of water or wind.

14. "Site" means a lot, parcel, or tract of land, or portion thereof, where land disturbing activities take place, and may or may not require additional permits.

149.03 EROSION AND SEDIMENT CONTROL PLAN REQUIRED.

1. The following activities are exempt from the requirements of this chapter:

A. Agricultural use of land.

B. Gardening activities.

C. Cemetery graves.

D. Emergencies posing an immediate danger to life or property, or substantial flood or fire hazards.

2. Except as provided in this chapter, no person shall engage in land disturbing activities upon any site located within the City unless an Erosion and Sediment Control Plan has been approved by the Building Inspector.

3. Development sites shall fall into one of two categories as determined by the Building Inspector upon review of the area of disturbance for the project:

A. Sites with a disturbed area less than one acre (43,560 square feet) shall not require review and approval of an Erosion and Sediment Control Plan. However, a property owner of a site is required to plan and implement erosion control measures as described in the brochure entitled *Erosion Control for Small Site Development*. The brochure is available in the office of the Building Inspector. The Building Inspector may require submittal and approval of an Erosion and Sediment Control Plan for sites with a disturbed area less than one acre in cases warranted by site conditions.

B. Sites with a disturbed area greater than or equal to one acre (43,560 square feet) shall require review and approval of an Erosion and Sediment Control Plan certified by an appropriate design professional.

4. All Erosion and Sediment Control Plans shall be reviewed and approved by the Building Inspector prior to commencing land disturbing activities.

5. The property owner shall allow access by the City to the site for the purposes of plan review and observations during land disturbing activities.

6. The property owner shall give the Building Inspector written notice of completion of erosion and sediment control practices within 30 days after completion.

149.04 REVIEW AND APPROVAL PROCEDURE. To obtain approval of an Erosion and Sediment Control Plan, the applicant shall submit an Erosion and Sediment Control Plan for the site, meeting the requirements established in the Design Standards Manual, to the Building Inspector for review and approval as follows:

1. The Building Inspector shall review the submittal for compliance with the requirements of an Erosion and Sediment Control Plan as set forth in the Design Standards Manual. Following the review, the Building Inspector shall return comments to the design professional.
2. Following receipt of comments from the Building Inspector, the applicant shall provide a revised submittal to the Building Inspector in accordance with any requested revisions and the requirements as set forth in the Design Standards Manual.
3. If the submittal is complete and meets the requirements as set forth herein, the Building Inspector shall approve the plan.

149.05 LAND DISTURBING ACTIVITIES REQUIREMENTS.

1. Land disturbing activities shall be conducted in compliance with the approved Erosion and Sediment Control Plan for the site.
2. The City may inspect sites to determine compliance with these regulations. Upon determination a site is not in compliance with these regulations, the Building Inspector may issue an order to comply to the property owner. The order shall describe the problem and specify a date whereby the work must be completed, and indicate the penalties to be assessed for further noncompliance.

149.06 FEES ESTABLISHED. The Council may establish fees by resolution for the review and processing of documents necessitated by this chapter. If and when such fees are established, a submittal shall not be considered unless the appropriate fee has been submitted to the Building Inspector.

149.07 PENALTIES. Any person who engages in land disturbing activities upon any site within the area of jurisdiction of this chapter before meeting the requirements of this chapter shall be subject to one or more of the following:

1. The provisions of Chapter 4 (Municipal Infractions) of this Code of Ordinances.
2. The actual cost to the City for removing sediment from public facilities as determined by the Building Inspector.
3. No foundation permits or building permits for the site shall be issued until the violations are corrected. Current foundation permits or building permits for the site may be rescinded.
4. No permanent certificates of occupancy shall be issued for property until the violations are corrected. An existing certificate of occupancy may be rescinded.

Nothing contained herein shall limit the right of the City to any other remedies available to the City for the enforcement of this chapter, including the use of municipal infractions. Enforcement of this section shall be the responsibility of the Building Inspector.