

CHAPTER 32

SOIL EROSION CODE

ARTICLE I – FINDINGS AND PURPOSE

32-1-1 **FINDINGS.** The Village Board hereby finds that:

(A) The soil types found in the Village are susceptible to erosion and if left unprotected could cause severe loss of soil with resultant damage to property, and

(B) The topography of the Village contains areas with steep slopes upon which, if clearing of trees and/or inappropriate construction takes place, could result in severe erosion and slope stability problems which could result in damage to property.

Excessive quantities of soil may erode from areas undergoing development for certain non-agricultural uses including but not limited to the construction of dwelling units, commercial buildings and industrial plants, the building of roads and highways, the modification of stream channels and drainageways, and the creation of recreational facilities;

The washing, blowing, and falling of eroded soil across and upon roadways endangers the health and safety of users thereof, by decreasing vision and reducing traction of road vehicles;

Soil erosion necessitates the costly repairing of gullies, washed-out fills, and embankments;

Sediment from soil erosion tends to clog sewers and ditches and to pollute and silt rivers, streams, lakes, wetlands, and reservoirs;

Sediment limits the use of water and waterways for most beneficial purposes, promotes the growth of undesirable aquatic weeds, destroys fish and other desirable aquatic life, and is costly and difficult to remove; and

Sediment reduces the channel capacity of waterways and the storage capacity of flood plains and natural depressions, resulting in increased chances of flooding at risk to public health and safety.

32-1-2 **PURPOSE.** The Village Board therefore declares that the purpose of this Code is to safeguard persons, protect property, prevent damage to the environment, and promote the public welfare by guiding, regulating and controlling the design, construction, use and maintenance of any development or other activity which disturbs or breaks the topsoil or otherwise results in the movement of earth on land situated in the Village. It is the intention of this Code that the delivery of sediment from sites affected by land disturbing activities be limited, as closely as practicable, to that which would have occurred if the land had been left in its natural undisturbed state.

ARTICLE II - DEFINITIONS

32-2-1 **DEFINITIONS.** For the purpose of this Code terms used herein are defined as set forth below:

Building Permit: A permit issued by the Village for the construction, erection or alteration of a structure or building.

Certify or Certification: Formally attesting that the specific inspections and tests where required have been performed, and that such tests comply with the applicable requirements of this Code.

Clearing: Any activity which removes vegetative ground cover.

Cubic Yards: The amount of material in excavation and/or fill measured by the method of "average end areas".

Excavation: Any act by which organic matter, earth, sand, gravel, rock or any other similar material, is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the conditions resulting therefrom.

Existing Grade: The vertical location of the existing ground surface prior to excavation or filling.

Fill: Any act by which earth, sand, gravel, rock or any other material, is deposited, placed, replaced, pushed, dumped, pulled, transported or moved by man to a new location and shall include the conditions resulting therefrom.

Final Grade: The vertical location of the ground or pavement surface after the grading work is completed in accordance with the site development plan.

Grading: Excavation or fill or any combination thereof and shall include the conditions resulting from any excavation or fill.

Lot: An individual platted lot in an approved subdivision.

Natural Drainage: Channels formed in the existing surface topography of the earth prior to changes made by unnatural causes.

Parcel: All contiguous land in one ownership.

Permittee: Any person to whom a site development permit is issued.

Person: Any individual, firm or corporation, public or private, the State of Illinois and its agencies or political subdivisions, and the United States of America, its agencies and instrumentalities, and any agent, servant, officer or employee of any of the foregoing.

Removal: Cutting vegetation to the ground or stumps, complete extraction, or killing by spraying.

Site: A parcel of land, or a contiguous combination thereof, where grading work is performed as a single unified operation.

Site Development: Altering terrain and/or vegetation and constructing improvements.

Site Development Permit: A permit issued by the Village for the construction or alteration of ground improvements and structures for the control of erosion, runoff and grading.

Slope Disturbance Line: The line as shown on Village plats which delineates relatively level building areas and sloped areas where slopes exceed **twenty percent (20%)** and where special precautions must be taken.

Stream: Any river, creek, brook, branch, flowage, ravine, or natural or man-made drainageway which has a definite bed and banks or shoreline, in or into which surface or groundwater flows, either perennially or intermittently.

Stripping: Any activity which removes the vegetative surface cover including tree removal, clearing, and storage or removal of top soil.

Vacant: Land on which there are no structures or only structures which are secondary to the use or maintenance of the land itself.

Village: The Village of Evansville, Randolph County, Illinois.

Wetlands: Areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

ARTICLE III - GENERAL PRINCIPLES

32-3-1 **OBJECTIVE.** It is the objective of this Code to control soil erosion and sedimentation caused by development activities, including clearing, grading, stripping, excavating, and filling of land, in the Village. Measures taken to control soil erosion and off-site sediment runoff should be adequate to assure that sediment is not transported from the site by a storm event of ten-year frequency or less. The following principles shall apply to all development activities within the Village and to the preparation of the submissions required under **Article IV** of this Code.

(A) Development should be related to the topography and soils of the site so as to create the least potential for erosion. Areas of steep slopes greater than **twenty percent (20%)** where high cuts and fills may be required are to be avoided wherever possible, and natural contours should be followed as closely as possible.

(B) Natural vegetation should be retained and protected wherever possible. Areas immediately adjacent to natural watercourses, lakes, ponds, and wetlands are to be left undisturbed wherever possible. Temporary crossings of watercourses, when permitted, must include appropriate stabilization measures.

(C) Special precautions should be taken to prevent damages resultant from any necessary development activity within or adjacent to any stream, lake, pond, or wetland. Preventive measures should reflect the sensitivity of these areas to erosion and sedimentation.

(D) The smallest practical area of land should be exposed for the shortest practical time during development.

(E) Sediment basins or traps, filter barriers, diversions, and any other appropriate sediment or runoff control measures shall be installed prior to site clearing and grading and maintained to remove sediment from run-off waters from land undergoing development.

(F) The selection of erosion and sedimentation control measures shall be based on assessment of the probable frequency of climatic and other events likely to contribute to erosion, and on evaluation of the risks, costs, and benefits involved.

(G) In the design of erosion control facilities and practices, aesthetics and the requirements of continuing maintenance must be considered.

(H) Provision shall be made to accommodate the increased run-off caused by changed soil and surface conditions during and after development. Drainageways should be designed so that their final gradients and the resultant velocities and rates of discharge will not create additional erosion on-site or downstream.

(I) Permanent vegetation and structures should be installed and functional as soon as practical during development.

(J) Those areas being converted from agricultural purposes to other land uses should be vegetated with an appropriate protective cover prior to development.

(K) All waste generated as a result of site development activity should be properly disposed of and should be prevented from being carried off the site by either wind or water.

(L) All construction sites should provide measures to prevent sediment from being tracked onto public or private roadways.

ARTICLE IV - SITE DEVELOPMENT PERMIT

32-4-1 PERMIT REQUIRED. Except as otherwise provided in this Code, no person shall commence or perform any clearing, grading, stripping, excavating, or filling of land which meets the following provisions without having first obtained a site development permit from the Building and Zoning Administrator of the Village.

(A) Any land disturbing activity (i.e., clearing, grading, stripping, excavation, fill, or any combination thereof) that will affect an area in excess of **two thousand five hundred (2,500) square feet**;

(B) Any land disturbing activity that will affect an area in excess of **five hundred (500) square feet** if the activity is within **twenty-five (25) feet** of a lake, pond, stream, or wetland; or

(C) Excavation, fill, or any combination thereof that will exceed **one hundred (100) cubic yards**.

(D) Any land disturbing activity on the sloping side of the slope-disturbance line.

(E) Any tree cutting where tree is in excess of **four (4) inches** in diameter or any clearing activity within **five (5) feet** of the slope disturbance line.

32-4-2 EXCEPTIONS. A permit shall not be required for any of the following provided that the person responsible for any such development shall implement necessary soil erosion and sediment control measures to satisfy the principles set forth in **Section 32-3-1** of this Code:

(A) Agricultural use of land, including the implementation of conservation measures included in a farm conservation plan approved by the Soil and Water Conservation District, and including the construction of agricultural structures.

32-4-3 APPLICATION FOR PERMIT. Application for a site development permit shall be made by the owner of the property or his authorized agent to the Building and Zoning Administrator on a form furnished for that purpose. Each application shall bear the name(s) and address(es) of the owner or developer of the site, the contractor(s) 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 of **Ten Dollars (\$10.00)**. Each application shall include certification that any land clearing, construction, or development involving the movement of earth shall be in accordance with the plans approved upon issuance of the permit.

32-4-4 SUBMISSIONS.

(A) **Single Lot Development Permit.** Each application for a single lot development permit shall be accompanied by the following information:

- (1) A plat of the lot indicating lot lines, dimensions, building setback lines, the slope disturbance line (if any), and the location of any proposed structures.
- (2) The location and description of erosion and runoff control measures to be employed during construction.
- (3) For any disturbance of the slope and/or structures proposed to be located on the slope side of the slope disturbance line--a site development plan prepared by a registered professional engineer. Site plan shall include the following:
 - (a) Limits of disturbance including existing vegetation and tree removal.
 - (b) Runoff control measures during construction.
 - (c) Cross section view of any cut or fill proposed on the site.
 - (d) Erosion control measures during construction.
 - (e) Details of method(s) proposed for providing slope stability.
 - (f) Permanent measures to be employed for runoff control.

- (g) Permanent measures to be employed for erosion control.
 - (h) A slope stability analysis may be required if deemed necessary.
- (B) **Site Development Permit.** Each application for a Site Development Permit shall be accompanied by the following information:
- (1) A vicinity map at a minimum scale of **one (1) inch equals one hundred (100) feet** to enable easy location in the field of the site for which the permit is sought, and including the boundary line and approximate acreage of the site, existing zoning, and a legend and scale.
 - (2) A development plan of the site showing:
 - (a) Existing topography of the site and adjacent land within approximately **one hundred (100) feet** of the boundaries, drawn at no greater than **two (2) foot** contour intervals and clearly portraying the conformation and drainage pattern of the area.
 - (b) The location of existing buildings, structures, utilities, streams, lakes, flood plains, wetlands and depressions, drainage facilities, vegetative cover, paved areas, and other significant natural or man-made features on the site and adjacent land within **one hundred (100) feet** of the boundary.
 - (c) A general description of the predominant soil types on the site, their location, and their limitations for the proposed use.
 - (d) Proposed use of the site, including present development and planned utilization; areas of clearing, stripping, grading, excavation and filling; proposed contours, finished grades, and street profiles; provision for storm drainage, including storm sewers, swales, detention basins and any other measures to control the rate of runoff, with a drainage area map, indications of flow directions, and computations; kinds and locations of utilities; and areas and acreages proposed to be paved, covered, sodded or seeded, vegetatively stabilized, or left undisturbed. This shall include plans to mitigate for any site limitations which may exist.
 - (3) An erosion and sediment control plan showing all measures necessary to meet the objectives of this Code throughout all phases of construction and permanently after completion of development of the site, including:
 - (a) Location and description, including standard details, of all sediment control measures and design specifics of sediment basins and traps, including outlets details.
 - (b) Location and description of all soil stabilization and erosion control measures, including seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilizer application, kind and quantity of mulching for both temporary and permanent vegetative control measures, and types of non-vegetative stabilization measures.
 - (c) Location and description of all runoff control measures, including diversions, waterways, and outlets.
 - (d) Location and description of methods to prevent tracking of sediment off-site, including construction entrance details, as appropriate.
 - (e) Description of dust and traffic control measures.
 - (f) Locations of stockpiles and description of stabilization methods.
 - (g) Description of off-site fill or borrow volumes, locations, and methods of stabilization.
 - (h) Provisions for maintenance of control measures, including type and frequency of maintenance, easements, and estimates of the cost of maintenance.

- (i) Identification (name, address, and telephone) of the person(s) or entity which will have legal responsibility for maintenance of erosion control structures and measures during development and after development is completed.
- (4) The proposed phasing of development of the site, including stripping and clearing, rough grading and construction, and final grading and landscaping. Phasing should identify the expected date on which clearing will begin, the estimated duration of exposure of cleared area, and the sequence of installation of temporary sediment control measures (including perimeter controls), clearing and grading, installation of temporary soil stabilization measures, installation of storm drainage, paving streets and parking areas, final grading and the establishment of permanent vegetative cover, and the removal of temporary measures. It shall be the responsibility of the applicant to notify the Building and Zoning Administrator of any significant changes which occur in the site development schedule after the initial erosion and sediment control plan has been approved.

These submissions shall be prepared in accordance with the requirements of this Code and the standards and requirements contained in "**Standards and Specifications for Soil Erosion and Sediment Control**" (the Yellow Book) published by the Illinois Environmental Protection Agency and the "**Illinois Procedures and Standards for Urban Soil Erosion and Sedimentation Control**" (the Green Book) prepared by the Northeastern Illinois Soil Erosion and Sedimentation Control Steering Committee and adopted by the Randolph County Soil and Water Conservation District, which standards and requirements are hereby incorporated into this Code by reference.

The Building and Zoning Administrator may waive specific requirements for the content of submission upon finding that the information submitted is sufficient to show that the work will comply with the objectives and principles of this Code.

32-4-5 BONDS. The applicant for a site development permit is required to file with the Village a faithful performance bond or bonds, letter of credit, or other improvement security satisfactory to the Village Attorney in an amount deemed sufficient by the Building and Zoning Administrator to cover all costs of improvements, landscaping, maintenance of improvements and landscaping, and soil erosion and sediment control measures for such period as specified by the Village, and engineering and inspection costs to cover the cost of failure or repair of improvements installed on the site.

32-4-6 REVIEW AND APPROVAL. Each application for a site development permit shall be reviewed and acted upon according to the following procedures:

(A) The Building and Zoning Administrator will review each application for a development permit to determine its conformance with the provisions of this Code. The Officer may also refer any application to the Randolph County Soil and Water Conservation District and/or any other local government or public agency within whose jurisdiction the site is located for review and comment. Within **thirty (30) days** after receiving an application, the Building and Zoning Administrator shall in writing:

- (1) Approve the permit application if it is found to be in conformance with the provisions of this Code, and issue the permit;
- (2) Approve the permit application subject to such reasonable conditions as may be necessary to secure substantially the objectives of this Code, and issue the permit subject to these conditions; or
- (3) Disapprove the permit application, indicating the deficiencies and the procedure for submitting a revised application and/or submission.

(B) No site development permit shall be issued for an intended development site unless:

- (1) the development, including but not limited to subdivisions and planned unit development, has been approved by the Village where applicable, or

- (2) such permit is accompanied by or combined with a valid building permit issued by the Village, or
- (3) the proposed earth moving is coordinated with any overall development program previously approved by the Village for the area in which the site is situated; and
- (4) all relevant federal and state permits (i.e., for flood plains and wetlands) have been received for the portion of the site subject to soil disturbance.

(C) Failure of the Building and Zoning Administrator to act on an original or revised application within **thirty (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 Building and Zoning Administrator and the applicant. Pending preparation and approval of a revised plan, development activities shall be allowed to proceed in accordance with conditions established by the Building and Zoning Administrator.

32-4-7 **EXPIRATION OF PERMIT.** Every site development permit shall expire and become null and void if the work authorized by such permit has not been commenced within **one hundred and eighty (180) days**, or if not completed by a date which shall be specified in the permit; except that the Building and Zoning Administrator may, if the permittee presents satisfactory evidence that unusual difficulties have prevented work being commenced or completed within the specified time limits, grant a reasonable extension of time if written application is made before the expiration date of the permit. The Building and Zoning Administrator may require modification of the erosion control plan to prevent any increase in erosion or off-site sediment runoff resulting from any extension.

32-4-8 **APPEALS.** The applicant, or any person or agency which received notice of the filing of the application, may appeal the decision of the Building and Zoning Administrator as provided in **Section 32-4-6**, to the Board of Appeals. Upon receipt of an appeal, the Board of Appeals shall schedule and hold a public hearing, after giving **fifteen (15) days** notice thereof. The Board shall render a decision within **thirty (30) days** after the hearing. Factors to be considered on review shall include, but need not be limited to, the effects of the proposed development activities on the surface water flow to tributary and downstream lands, any comprehensive watershed management plans, or the use of any retention facilities; possible saturation of fill and unsupported cuts by water, both natural and domestic; runoff surface waters that produce erosion and silting of drainageways; nature and type of soil or rock which when disturbed by the proposed development activities may create earth movement and produce slopes that cannot be landscaped; and excessive and unnecessary scarring of the natural landscape through grading or removal of vegetation.

32-4-9 **RETENTION OF PLANS.** Plans, specifications, and reports for all site developments shall be retained in original form or on microfilm by the Building and Zoning Administrator.

ARTICLE V - DESIGN AND OPERATION STANDARDS AND REQUIREMENTS

32-5-1 **APPLICABILITY.** All clearing, grading, stripping, excavating, and filling which is subject to the permit requirements of this Code shall be subject to the application standards and requirements set forth in this Article.

32-5-2 **RESPONSIBILITY.** The permittee shall not be relieved of responsibility for damage to persons or property otherwise imposed by law, and the Village or its officers or agents will not be made liable for such damage, by:

- (A) the issuance of a permit under this Code,
- (B) compliance with the provisions of that permit or with conditions attached to it by the Building and Zoning Administrator,
- (C) failure of Village officials to observe or recognize hazardous or unsightly conditions,
- (D) failure of Village officials to recommend denial or to deny a permit, or
- (E) exemptions from a permit requirements of this Code.

32-5-3 **SINGLE LOT SITE DESIGN REQUIREMENTS.**

(A) On-site sediment control measures shall be constructed and functional prior to initiating clearing, grading, stripping, excavating or fill activities on the site.

(B) Control measures shall be constructed to control runoff from the property to such an extent possible that sediment is retained on-site. The applicant may select one or more of the control measures as shown in Appendix.

(1) For minimally sloping lots [slopes less than **eight percent (8%)**] or areas with limited disturbance must select control measures as shown in Category A in the Appendix.

(2) For moderately sloping lots (slopes between **eight percent (8%)** and **twenty percent (20%)**) select control measures both in Category A and B as shown in the Appendix.

(C) Disturbed areas shall be stabilized with temporary or permanent measures within **seven (7) calendar days** following the end of active disturbance, or re-disturbance consistent with the following criteria:

(1) Appropriate temporary or permanent stabilization measures shall include seeding, mulching, sodding, and/or non-vegetative measures.

(2) Areas having slopes greater than **twelve percent (12%)** shall be stabilized with sod, mat, or blanket in combination with seeding or equivalent.

(D) All temporary and permanent erosion and sediment control practices must be maintained and repaired as needed to assure effective performance of their intended function.

(E) All temporary erosion and sediment control measures shall be disposed of within **thirty (30) days** after final site stabilization is achieved with permanent soil stabilization measures. Trapped sediment and other disturbed soils resulting from the disposition of temporary measures should be permanently stabilized to prevent further erosion and sedimentation.

(F) Site development design requirements - On-site sediment control measures, as specified by the following criteria, shall be constructed and functional prior to initiating clearing, grading, stripping, excavating or fill activities on the site.

(1) For disturbed areas draining less than **one (1) acre**, filter barriers (including filter fences, straw bales, or equivalent control measures) shall be constructed to control all off-site runoff as specified in referenced handbooks. Vegetated filter strips, with a minimum width of **twenty-five (25) feet**, may be used as an alternative only where runoff in sheet flow is expected.

- (2) For disturbed areas draining more than **one (1)** but less than **five (5) acres**, a sediment trap or equivalent control measure shall be constructed at the downslope point of the disturbed area.
- (3) For disturbed areas draining more than **five (5) acres**, a sediment basin or equivalent control measure shall be constructed at the downslope point of the disturbed area.
- (4) Sediment basins and sediment traps designs shall provide for both detention storage and sediment storage. The detention storage shall be composed of equal volumes of "wet" detention storage and "dry" detention storage and each shall be sized for the **two (2) year, twenty-four (24) hour** runoff from the site under maximum runoff conditions during construction. The release rate of the basin shall be that rate required to achieve minimum detention times of at least **ten (10) hours**. The elevation of the outlet structure shall be placed such that it only drains the dry detention storage.
- (5) The sediment storage shall be sized to store the estimated sediment load generated from the site over the duration of the construction period with a minimum storage equivalent to the volume or sediment generated in **one (1) year**. For construction periods exceeding **one (1) year**, the **one (1) year** sediment load and a sediment removal schedule may be substituted.

(G) Stormwater conveyance channels, including ditches, swales, and diversions, and the outlets of all channels and pipes shall be designed and constructed to withstand the expected flow velocity from the 10-year frequency storm without erosion. All constructed or modified channels shall be stabilized within **forty-eight (48) hours**, consistent with the following standards:

- (1) For grades up to **four percent (4%)**, seeding in combination with mulch, erosion blanket, or an equivalent control measure shall be applied. Sod or erosion blanket or mat shall be applied to the bottom of the channel.
- (2) For grades of **four percent (4%)** to **eight percent (8%)**, sod or an equivalent control measure shall be applied in the channel.
- (3) For grades greater than **eight percent (8%)**, rock, riprap, or an equivalent control measure shall be applied over filter fabric or other type of soil protection, or the grade shall be effectively reduced using drop structures.

(H) Disturbed areas shall be stabilized with temporary or permanent measures within **seven (7) calendar days** following the end of active disturbance, or re-disturbance, consistent with the following criteria:

- (1) Appropriate temporary or permanent stabilization measures shall include seeding, mulching, sodding, and/or non-vegetative measures.
- (2) Areas having slopes greater than **twelve percent (12%)** shall be stabilized with sod, mat, or blanket in combination with seeding, or equivalent.

(I) Land disturbance activities in stream channels shall be avoided, where possible. If disturbance activities are unavoidable, the following requirements shall be met.

- (1) Construction vehicles shall be kept out of the stream channel to the maximum extent practicable. Where construction crossings are necessary, temporary crossings shall be constructed of non-erosive material, such as riprap or gravel.
- (2) The time and area of disturbance of stream channels shall be kept to a minimum. The stream channel, including bed and banks, shall be stabilized within **forty-eight (48) hours** after channel disturbance is completed, interrupted, or stopped.
- (3) Whenever channel relocation is necessary, the new channel shall be constructed in the dry and fully stabilized before flow is diverted.

(J) Storm sewer inlets and culverts shall be protected by sediment traps or filter barriers meeting accepted design standards and specifications.

(K) Soil storage piles containing more than **ten (10) cubic yards** of material shall not be located with a downslope drainage length of less than **twenty-five (25) feet** to a roadway or drainage channel. Filter barriers, including straw bales, filter fence, or equivalent, shall be installed immediately on the downslope side of the piles.

(L) If dewatering devices are used, discharge locations shall be protected from erosion. All pumped discharges shall be routed through appropriately designed sediment traps or basins, or equivalent.

(M) Each site shall have graveled (or equivalent) entrance roads, access drives, and parking areas of sufficient length and width to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public or private road shall be removed by shoveling or street cleaning (not flushing) before the end of each workday and transported to a controlled sediment disposal area.

(N) All temporary and permanent erosion and sediment control practices must be maintained and repaired as needed to assure effective performance of their intended function.

(O) All temporary erosion and sediment control measures shall be disposed of within **thirty (30) days** after final site stabilization is achieved with permanent soil stabilization measures. Trapped sediment and other disturbed soils resulting from the disposition of temporary measures should be permanently stabilized to prevent further erosion and sedimentation.

32-5-4 HANDBOOKS ADOPTED BY REFERENCE. The standards and specifications contained in "**Standards and Specifications for Soil Erosion and Sediment Control**" (the Yellow Book) and the "**Illinois Procedures and Standards for Urban Soil Erosion and Sedimentation Control**" (the Green Book) cited in **Article IV**, are hereby incorporated into **Article V** and made a part hereof by reference for the purpose of delineating procedures and methods of operation under site development and erosion and sedimentation control plans approved under **Article IV**. In the event of conflict between provisions of said manuals and of this Code, the Code shall govern.

32-5-5 MAINTENANCE OF CONTROL MEASURES. All soil erosion and sediment control measures necessary to meet the requirements of this Code shall be maintained periodically by the applicant or subsequent land owner during the period of land disturbance and development of the site in a satisfactory manner to ensure adequate performance.

32-5-6 INSPECTION. The Building and Zoning Administrator shall make inspections as hereinafter required and shall either approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the site development or erosion and sedimentation control plan as approved. Plans for grading, stripping, excavating, and filling work bearing the stamp of approval of the Building and Zoning Administrator shall be maintained at the site during progress of the work. In order to obtain inspections and to ensure compliance with the approved erosion and sediment control plan, the grading or building permit, and this Code, the permittee shall notify the Building and Zoning Administrator within **two (2) working days** of the completion of the construction stages specified below:

(A) Upon completion of installation of sediment and runoff control measures (including perimeter controls and diversions), prior to proceeding with any other earth disturbance with any other earth disturbance or grading,

(B) After stripping and clearing,

(C) After rough grading,

(D) After final grading,

(E) After seeding and landscaping deadlines, and

(F) After final stabilization and landscaping, prior to removal of sediment controls.

If stripping, clearing, grading and/or landscaping are to be done in phases or areas, the permittee shall give notice and request inspection at the completion of each of the above work stages in each phase or area. If an inspection is not made and notification of the results given within **five (5) working days** after notice is received by the Village from the permittee, the permittee may continue work at his/her own risk, without presuming acceptance by the Village. Notification of the results of the inspection shall be given in writing at the site.

32-5-7 SPECIAL PRECAUTIONS.

(A) If at any stage of the grading of any development site the Building and Zoning Administrator determines by inspection that the nature of the site is such that further work authorized by an existing permit is likely to imperil any property, public way, stream, lake, wetland, or drainage structure, the Building and Zoning Administrator may require, as a condition of allowing the work to be done, that such reasonable special precautions to be taken as is considered advisable to avoid the likelihood of such peril. "Special precautions" may include, but shall not be limited to, a more level exposed slope, construction of additional drainage facilities, berms, terracing, compaction, or cribbing, installation of plant materials for erosion control, and recommendations of a registered soils engineer and/or engineering geologist which may be made requirements for further work.

(B) Where it appears that storm damage may result because the grading on any development site is not complete, work may be stopped and the permittee required to install temporary structures or take such other measures as may be required to protect adjoining property or the public safety. On large developments or where unusual site conditions prevail, the Building and Zoning Administrator may specify the time of starting grading and time of completion or may require that the operations be conducted in specific stages so as to ensure completion of protective measures or devices prior to the advent of seasonal rains.

32-5-8 AMENDMENTS OF PLANS. Major amendments of the site development or erosion and sedimentation control plans shall be submitted to the Building and Zoning Administrator and shall be processed and approved or disapproved in the same manner as the original plans. Field modifications of a minor nature may be authorized by the Building and Zoning Administrator by written authorization to the permittee.

ARTICLE VI - ENFORCEMENT

32-6-1 **EXCEPTIONS.** The Board of Appeals may, in accordance with the following procedures, authorize exceptions to any of the requirements and regulations set forth in this Code:

(A) Application for any exception shall be made by a verified petition of the applicant for a site development permit, stating fully the grounds of the petition and the facts relied upon by the applicant. Such petition shall be filed with the site development permit application. In order for the petition to be granted, it shall be necessary that the Board of Appeals find all of the following facts with respect to the land referred to in the petition:

- (1) That the land is of such shape or size or is affected by such physical conditions or is subject to such title limitations or record, that it is impossible or impractical for the applicant to comply with all of the requirements of this Code;
- (2) That the exception is necessary for the preservation and enjoyment of a substantial property right of the applicant; and
- (3) That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the vicinity of the subject property.

(B) Each application for an exception shall be referred to the Building and Zoning Administrator for review. The Officer shall transmit its recommendations to the Board of Appeals, which shall review such recommendations prior to granting or denying the exception.

(C) The Board of Appeals shall hold a public hearing on each application for exception, within **thirty (30) days** after receiving application, in the manner provided with respect to appeals. After public hearing, the Board may approve the site development permit application with the exceptions and conditions it deems necessary or it may disapprove such site development permit application and exception application or it may take such other action as appropriate.

32-6-2 **STOP-WORK ORDER; REVOCATION OF PERMIT.** In the event any person holding a site development permit pursuant to this Code violates the terms of the permit, or carries on-site development in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood of the development site or so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the Building and Zoning Administrator may suspend or revoke the site development permit.

(A) Suspension of a permit shall be by a written stop-work order issued by the Building and Zoning Administrator and delivered to the permittee or his agent or the person performing the work. The stop-work order shall be effective immediately, shall state the specific violations cited, and shall state the conditions under which work may be resumed. A stop-work order shall remain in effect until the next regularly scheduled meeting of the Board of Appeals at which the conditions of **Section 32-6-2(B)** below can be met.

(B) No site development permit shall be permanently suspended or revoked until a hearing is held by the Board of Appeals. Written notice of such hearing shall be served on the permittee, either personally or by registered mail, and shall state:

- (1) the grounds for complaint or reasons for suspension or revocation, in clear and concise language; and
- (2) the time when and place where such hearing will be held.

Such notice shall be served on the permittee at least **five (5) days** prior to the date set for the hearing. At such hearing, the permittee shall be given an opportunity to be heard and may call witnesses and present evidence on his behalf. At the conclusion of the hearing the Board of Appeals shall determine whether the permit shall be suspended or revoked.

32-6-3 **VIOLATIONS 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 Code. Any person violating any of the provisions of this Code shall be deemed guilty of a

misdemeanor, and each day during which any violation of any of the provisions of this Code 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 **Seven Hundred Fifty Dollars (\$750)** 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 Code shall be required to restore the site to the condition existing prior to commission of the violation, or to bear the expense of such restoration.

32-6-4 **SEPARABILITY.** The provisions and sections of this Code shall be deemed to be separable, and the invalidity of any portion of this Code shall not affect the validity of the remainder.

(Ord. No. 480; 02-13-95)