

**ORDINANCE NO. 9098**

**AN ORDINANCE CREATING CHAPTER 170  
OF THE CITY CODE PERTAINING TO EROSION AND SEDIMENT CONTROL**

WHEREAS, in conjunction with regulations governing stormwater management, the City must enact regulations concerning erosion and sediment control; and,

WHEREAS, the regulations will assist the City in meeting the requirements placed upon it for stormwater management.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Danville, Illinois as follows:

SECTION 1: There is hereby created Chapter 170 of the City Code as follows:

**Chapter 170: Erosion and Sediment Control**

**170.01 TITLE, PURPOSE**

(A) Title. This chapter shall be known, cited, and referred to as the "Erosion and Sediment Control Chapter of the City of Danville, Vermilion County, Illinois."

(B) Purpose

These regulations are adopted in order to accomplish the following specific purposes:

- (1) To safeguard persons and protect property from the hazards and negative impacts of soil erosion created by land disturbing activities.
- (2) To preserve and enhance water quality by preventing silt laden water from reaching creeks, channels, streams, wetlands, and other public waterways.
- (3) To prevent storm water flooding caused by silt clogging storm water management infrastructure, such as storm sewers, inlets and receiving channels or streams.
- (4) To promote public welfare by guiding, regulating and controlling the design, construction, use and maintenance of any development or other activity that disturbs soil on land situated within the city.
- (5) To uphold the applicable requirements of the NPDES MS4 permit, and IL40 permit.
- (6) To conserve, preserve and enhance the natural resources of the City including its soils, waters, vegetation, fish, and wildlife.

**170.02 DEFINITIONS**

Any term not specifically defined herein shall be as defined in Chapter 162.

"AASHTO." American Association of State Highway and Transportation Officials.

"ADMINISTRATOR." The Director of Urban Services or his/her designee.

"AGRICULTURAL." Uses commonly classed as agricultural or horticultural, including forestry, crop farming, truck gardening, wholesale nursery operations, animal husbandry, the operation of any machinery or vehicles

incidental to said uses, and the construction of a single-family dwelling and other farm structures incidental to and typically associated with said uses.

"APPLICANT." Any person, firm, corporation, or agency that submits an application for a stormwater permit. The applicant is the current owner of the property or a representative for the owner.

"CITY." The City of Danville, Vermilion County, Illinois.

"CLEARING AND GRUBBING." The activity of cutting and removal of trees, shrubs, bushes, windfalls, and other vegetation, including removal of stumps, roots, and other remains in the designated areas.

"CONTRACTOR." A person who contracts with the permittee, landowner, developer, or another contractor (i.e., subcontractor) to undertake any or all the land disturbing activities covered by this article.

"CONTRACTOR'S CERTIFICATION STATEMENT." A signed statement required by the IEPA as part of the ILR-10 construction site activity permit.

"CONTROL STRUCTURE." A facility constructed to regulate the volume of stormwater that is released during a specific length of time.

"CPESC." Certified Professional in Erosion and Sediment Control.

"DISTURBED AREA." The part of the project site that will be hydrologically disturbed during the construction or demolition of any facility. The disturbed area shall include all area required for site access, equipment storage and movement and the limits of the facility itself.

"DEMOLITION." Any act or process of wrecking or destroying a building or structure.

"EROSION." The general process whereby soils are moved by water, wind, ice, or gravity.

"EROSION AND SEDIMENT CONTROL PLAN (ESCP)." A written plan (including drawing or other graphic representations) that is designed to minimize the accelerated erosion and sediment runoff at a site during construction activities.

"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 resulting conditions.

"EXEMPTION." Land development activities that are not subject to the land disturbance permit requirements contained in this ordinance.

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

"FINAL STABILIZATION." Soil disturbing activities at the site have been completed and either of the two following criteria are met:

- A. A uniform perennial vegetative cover has been established on all unpaved areas and areas not covered by permanent structures. The density of the vegetative cover must be at least 70 percent.

- B. Equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed.

"GRADE." The inclination or slope of a channel, canal, conduit, etc., or natural ground surface, usually expressed in terms of percentage the vertical rise (or fall) bears to the corresponding horizontal distance.

- (A) "EXISTING GRADE." The grade prior to land disturbing activities.
- (B) "ROUGH GRADE." The stage at which the grade approximately conforms to the approved plan.
- (C) "FINAL GRADE." The final grade of the site which conforms to the approved plan.

"IEPA." Illinois Environmental Protection Agency.

"ILR-10." The Illinois Environmental Protection Agency's ILR10 General National Pollutant Discharge Elimination System (NPDES) construction storm water permit covering anyone conducting a land disturbing activity which disturbs one (1) or more acres of total land area.

"ILR-40." The Illinois Environmental Protection Agency's ILR40 General National Pollutant Discharge Elimination System (NPDES) permit for discharge from small municipal separate storm sewer systems (MS4).

"INCIDENT OF NONCOMPLIANCE." A document required by the IEPA as part of the ILR-10 construction site activity permit. This document reports violations of the ILR-10 permit.

"LAND DISTURBING ACTIVITY." Any land change that may result in soil erosion from wind, water and/or ice and the movement of sediments into or upon waters, lands, or rights-of-way within the City, including but not limited to building demolition, clearing and grubbing, grading, excavating, transporting and filling of land. Land disturbing activities do not include the following:

- (A) Traditional Agriculture.
- (B) Minor land disturbing activities including, but not limited to, underground utility repairs, home gardens, minor repairs.
- (C) Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles.
- (D) Emergency work to protect life, limb, or property and emergency repairs. For emergency work that would have required a land disturbance permit, the disturbed land shall be shaped and stabilized in accordance with this Chapter.

"MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)." The conveyances owned or operated by the municipality for the collection and transportation of stormwater, including the roads and streets and their drainage systems, catch basins, curbs, gutters, ditches, man-made channels, and storm drains.

"NOTICE OF INTENT (NOI)." The completed permit form submitted to the Illinois Environmental Protection Agency in accordance with its rules and regulations for the authorization to discharge stormwater from a construction site.

"NOTICE OF TERMINATION (NOT)." The completed form submitted to the Illinois Environmental Protection Agency in accordance with its rules and regulations where a construction site has been finally stabilized and all stormwater discharges from the construction site authorized under a Notice of Intent are eliminated.

"NPDES." National Pollutant Discharge Elimination System.

“OWNER.” The record title holder or a beneficiary of a land trust, singular or plural; if the owner is other than an individual, the term includes beneficiaries, agents, shareholders, officers and directors, partnerships, associations, firms, trusts, clubs, companies, or corporations.

“PROFESSIONAL ENGINEER (P.E.)” A licensed professional engineer in the State of Illinois.

“PERSON.” An individual, public or private corporation, government, partnership, or unincorporated association.

“QUALIFIED PERSON.” A Professional Engineer licensed by state of Illinois (P.E.), Illinois registered architect, a Certified Professional in Erosion and Sediment Control (CPESC) as certified through Envirocert International, Certified Erosion, Sediment and Stormwater Inspector (CESSWI) as certified by EnviroCert International, or approved equivalent.

“SCALE.” The ratio of the linear dimensions of an object represented on a drawing to the actual dimensions of the object.

“STOP WORK ORDER.” A document issued by the administrator that directs work to stop on a construction site if land disturbance activities are in violation of this article.

“STORMWATER POLLUTION PREVENTION PLAN (SWPPP).” A site specific, written document that identifies potential sources of stormwater pollution at the construction site, describes practices to reduce pollutants in stormwater discharges from the construction site (reduction of pollutants is often achieved by controlling the volume of stormwater runoff), and identifies procedures the operator will implement to comply with the terms and conditions of a construction general permit.

“STRIPPING.” Any activity which removes the vegetative surface cover including tree removal, clearing, or removal of top soil.

“TOPSOIL.” The upper layer of soil.

“USEPA.” U.S. Environmental Protection Agency

“WASHOUT FACILITY.” The location where construction waste such as concrete, asphalt or similar material can be temporarily stored until final disposal of the material. Washout facilities shall be designated by the permit holder before work begins and shall be located in an appropriate area where the waste resulting from the washout cannot enter sewer systems or local waterways. Waste from the washout facilities shall be disposed of in an approved manner according to state laws.

“WATER QUALITY.” The biological, chemical, and physical conditions of water. It is a measure of water’s ability to support beneficial uses. The United State Environmental Protection Agency sets water quality standards for all contaminants in surface waters.

### **170.03 AUTHORITY**

- (A) The administration and enforcement of this chapter shall be the responsibility of the administrator.
- (B) One of the primary duties of the administrator shall be to review all land disturbance applications and issue permits for projects that are in compliance with the provisions of this ordinance. The administrator shall be responsible for the administration and enforcement of this ordinance.
- (C) In carrying out the responsibilities of administering this chapter, the administrator may establish rules and procedures to assist in his/her efforts, provided said rules and procedures conform to the intent and purpose of this chapter.
- (D) If, as part of his/her responsibilities of administering this chapter, the administrator identifies ambiguities relative to the provisions of this chapter, the administrator may independently, or after consultation with others, issue a written interpretation clarifying the meaning of any ambiguous provision. Said written interpretation shall guide future administrative activities by the administrator.

### **170.04 GENERAL PROVISIONS AND JURISDICTION**

#### 170.04.01 APPLICABILITY

The requirements of this Chapter shall apply to:

- (A) Land disturbing activity that disturbs greater than 2,000 square feet in area.
- (B) Land disturbing activity that disturbs less than 2,000 square feet in area that, at the discretion of the administrator, such activity poses a unique threat to water quality or public safety.
- (C) The creation and use of borrow pits or stockpiles greater than fifty (50) cubic yards in volume.

#### 170.04.02 EXEMPTIONS

The following activities shall be exempt from the requirements of this Chapter:

- (A) Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.
- (B) Underground Utility Repairs
- (C) Home Gardens
- (D) Minor Home Repairs
- (E) Fence, Sign, Telephone, and Electrical Pole Installation
- (F) Lawn Maintenance Activities that disturb less than 10,000 square feet
- (G) Any Land Disturbance Activity less than 2,000 square feet in area, which does not otherwise meet the requirements of Section 170.04.01 of this chapter.
- (H) Home Improvement Projects that add less than 2,000 square feet of building area
- (I) Agricultural or Farming Activities
- (J) Industrial activities having separate NPDES stormwater permits that are current and for which they are in compliance.

## 170.05 EROSION AND SEDIMENT CONTROL STANDARDS

- (A) The following soil erosion and sediment control-related requirements shall be met for all regulated land disturbing activities as defined in 170.04 of this Chapter:
- (1) All erosion control measures, construction and post construction storm water runoff shall meet the current minimum departmental and Illinois EPA standards and requirements at the time of installation.
  - (2) Construction site operators shall control or prohibit non-storm water discharges from any site. This includes concrete and wastewater from washout of concrete (unless managed by an appropriate control), drywall compound, wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials, fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance, soaps, solvents, or detergents, toxic or hazardous substances from a spill or other release, or any other pollutant that could cause or tend to cause water pollution.
  - (3) Erosion control measures must be in place and approved prior to all land disturbances.
  - (4) Soil disturbance shall be conducted in such a manner as to minimize erosion. Areas of the development site that are not to be graded shall be protected from construction traffic or other disturbance until final seeding is performed. Soil stabilization measures shall consider the time of year, site conditions, and the use of temporary or permanent measures.
  - (5) Properties and channels adjoining development sites shall be protected from erosion and sedimentation. At points where concentrated flow leaves a development site, energy dissipation devices shall be placed at discharge locations and along the length of any outfall channel as necessary to provide a non-erosive velocity of flow from the structure to the watercourse so that the natural physical and biological characteristics and functions are maintained and protected.
  - (6) Soil erosion and sediment control features shall be constructed prior to the commencement of hydrologic disturbance of upland areas.
  - (7) Disturbed areas shall be stabilized with temporary or permanent measures within 14 calendar days following the end of active hydrologic disturbance, or redistribution, consistent with the following criteria or using an appropriate measure as approved by the Administrator.
    - (a) Appropriate temporary or permanent stabilization measures shall include seeding, mulching, sodding, and/or non-vegetative measures.
    - (b) Areas of embankments having slopes greater than or equal to 3H:1V shall be stabilized with staked-in-place sod, mat, or blanket in combination with seeding.
    - (c) Erosion control blankets shall be required on all interior detention basin side slopes between the normal water level and high water level.
    - (d) The 14-day stabilization requirement may be precluded by snow cover or where construction activity will resume within 21 days from when the active hydrologic disturbance ceased, then stabilization measures do not have to be initiated on that portion of the site by the 14th day after construction activity temporarily ceased, given that portion of the site has appropriate soil erosion and sediment controls.

- (8) Land disturbance activities in streams shall be avoided, where possible. If disturbance activities are unavoidable, the following requirements shall be met:
- (a) Where stream construction crossings are necessary, temporary crossings shall be constructed of non-erosive material.
  - (b) The time and area of disturbance of a stream shall be kept to a minimum. The stream, including bed and banks, shall be restabilized within 48 hours after channel disturbance is completed or interrupted.
  - (c) Any applicable Federal and State permits that have been approved shall be provided to the Administrator.
- (9) Soil erosion and sediment control measures shall be appropriate with regard to the amount of tributary drainage area as follows:
- (a) Disturbed areas draining less than 1-acre shall, at a minimum, be protected by a filter barrier (including filter fences, which at a minimum, meet the applicable sections of the AASHTO Standard Specification 288-00, or equivalent control measures) to control all off-site runoff. Vegetated filter strips, with a minimum width of 25-feet, in the direction of flow, may be used as an alternative only where runoff in sheet flow is expected.
  - (b) Disturbed areas draining more than 1 but fewer than 5 acres shall, at a minimum, be protected by a sediment trap or equivalent control measure at a point downslope of the disturbed area.
  - (c) Disturbed areas draining 5 acres or more, shall, at a minimum, be protected by a sediment basin with a perforated filtered riser pipe or equivalent control measures at a point downslope of the disturbed area.
  - (d) Sediment basins shall have both a permanent pool (dead storage) and additional volume (live storage) with each volume equal to the runoff amount of a 2-year, 24-hour event over the onsite hydrologically disturbed tributary drainage area to the sediment basin. The available sediment volume below normal water level, in addition to the dead storage volume shall be sized to store the estimated sediment load generated from the site over the duration of the construction period. For construction periods exceeding 1 year, the 1-year sediment load and a sediment removal schedule may be submitted. If the detention basin for the proposed development condition of the site is used for the sediment basin, the above volume requirements will be explicitly met. Until the site is finally stabilized, the basin permanent pool of water shall meet the above volume requirements and have a filtered perforated riser protecting the outflow pipe.
  - (e) To calculate the sediment load, applicants can use FLOWSED as developed by the USEPA and other design guidelines by USEPA.
- (10) All storm sewers that are or will be functioning during construction shall be protected by an appropriate sediment control measure and cleaned at any point during construction as needed and once the site has been stabilized.
- (11) If dewatering services are used, adjoining properties and discharge locations shall be protected from erosion. Discharges shall be routed through an effective sediment control measure (e.g., sediment

trap, sediment basin, or other appropriate measures).

- (12) All temporary soil erosion and sediment control measures shall be removed within 30 days after final site stabilization is achieved or after the temporary measures are no longer needed. Trapped sediment and other disturbed soil areas, including areas disturbed while removing temporary measures, shall be permanently stabilized.
- (13) A stabilized construction entrance, consisting of a stabilized mat of sufficiently sized aggregate underlain with filter cloth (or other appropriate measures) shall be located at any point where traffic will be entering or leaving a construction site of a major development to or from a public right-of-way, street, alley, or parking area. Any sediment or soil reaching an improved public right-of-way, street, alley, or parking area shall be removed by scraping or street cleaning. Sediment or soil shall at a minimum, be removed daily and more frequently as accumulations warrant. Removed sediment or soil shall be transported to a controlled sediment disposal area. The administrator may require additional stabilized construction entrance methods.
- (14) Earthen embankments shall be constructed with side slopes no steeper than 3H: 1V. Steeper slopes may be constructed with appropriate stabilization as approved by the administrator.
- (15) Stormwater conveyance channels, including ditches, swales, and diversions, and the outlet 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 48 hours.
- (16) Temporary diversions shall be constructed, as necessary, to direct all runoff from hydrologically disturbed areas to the appropriate sediment trap or basin.
- (17) Soil stockpiles shall not be located in a flood-prone area or a designated buffer protecting Waters of the United States. Soil stockpiles are defined as having greater than 50 cubic yards of soil and will remain in place for more than 7 days. Soil stockpile locations shall be shown on the soil erosion and sediment control plan and shall have the appropriate measures to prevent erosion of the stockpile.
- (18) Handbooks: Standards and specifications contained in the Illinois Urban Manual, as amended, and the planning procedures sections of the Illinois Procedures and Standards for Urban Soil Erosion and Sedimentation Control, as amended, are referenced in this ordinance as guidance for presenting soil erosion and sediment control plan specifications and delineating procedures and methods of operation under site development for soil erosion and sediment control. In the event of conflict between provisions of said manuals and this ordinance, this ordinance shall govern.
- (19) The applicant shall provide adequate receptacles for the deposition of all construction material debris generated during the development process. The applicant shall not cause or permit the dumping, depositing, dropping, throwing, discarding, or leaving of construction material debris upon or into any development site, channel, or Waters of the U.S. The applicant shall maintain the development site free of construction material debris.
- (20) All regulated construction sites shall have a SWPPP that meets the requirements of Part IV of NPDES Permit No. ILR10.

**170.06 Land Disturbance Permit**

170.06.01 Application for Land Disturbance Permit

- (A) Land Disturbance Permits will be classified as follows:
  - (1) Class 1 – For all land disturbing activities that required an IEPA ILR-10 permit for one (1) acre or more of land disturbance.
  - (2) Class 2 – For all land disturbing activities that disturbed more than 2,000 square feet but less than one (1) acre.
- (B) The application for Land Disturbance Permit shall be submitted at the same time of the Stormwater Management Permit and the zoning permit or building permit applications, as applicable.
- (C) An application for the review and approval of a Land Disturbance Permit shall be provided by the administrator.
- (D) Each application shall include the following:
  - (1) Name, address, and telephone number of the applicant
  - (2) Name, address, telephone number and license information for the design professional of the development.
  - (3) The address and legal description of the development.
  - (4) Description of land disturbing activity.
  - (5) Submittal of an Erosion and Sediment Control Plan in accordance with Section 170.07 of this Chapter.

170.06.02 Land Disturbance Permit Application Fee

- (A) Class 1 Land Disturbance Permit Fee
  - (1) Plans for 1 to 5 acres of land disturbance..... \$100
  - (2) Plans for greater than 5 acres of land disturbance..... \$200
- (B) Class 2 Land Disturbance Permit Fee
  - (1) Plans prepared by Qualified Person for land disturbance under 1 acre..... \$20
  - (2) All other Plans under 1 acre of land disturbance..... \$200

**170.07 Erosion and Sediment Control Plans**

170.07.01 EROSION AND SEDIMENT CONTROL PLANS FOR CLASS 1 LAND DISTURBANCE

Application for permits shall include the following:

- (A) Project Narrative Description, including:
  - (1) Description of the proposed development, including stages of development as applicable.
  - (2) Past, present, and proposed land uses of proposed development and adjacent properties
  - (3) Total area to be disturbed
  - (4) Identification of use and volume of excess material or borrow material.

(B) Vicinity Map

- (1) 250 feet around site
- (2) Location map with outline of project area
- (3) Scale indicated on map
- (4) Streets and significant structures properly labeled
- (5) Watercourses, water bodies, wetlands, and other significant geographic features in the vicinity of the project area properly identified and labeled on the maps

(C) Site Drawings

- (1) The Plan shall be prepared and sealed by a Qualified Person
- (2) Existing and proposed contours shown and labeled, 100 feet around site
- (3) Property lines shown and labeled
- (4) Scale, legend, and north arrow shown and labeled
- (5) 100-year flood elevation and floodplain delineation shown and labeled
- (6) Delineation of any wetlands, natural or artificial water storage detention areas. And drainage ditches on the site
- (7) Delineation of any storm drainage systems including quantities of flow and site conditions around all points of surface water discharge from the site
- (8) Delineation of any areas of vegetation or trees to be preserved
- (9) Delineation of any grading or land disturbance activity including specific limits of disturbance and stockpile locations
- (10) Stabilized construction entrance provisions shown and labeled
- (11) Perimeter erosion control provisions shown and labeled
  - (a) Silt fence
  - (b) Grass buffer strip
  - (c) Super Silt fence for sensitive areas
  - (d) Others upon approval
- (12) Inlet protection provisions shown and labeled
  - (a) Stone bags
  - (b) Welded wire inlet protectors
  - (c) Approved Manufacturers product
  - (d) Others upon approval
- (13) Concentrated flow provisions shown and labeled
  - (a) Diversion Berms

- (b) Erosion Control Blanket
- (c) Turf Reinforcement mat
- (d) Stone ditch check dam
- (e) Others upon approval

(14) Vegetative restoration provisions shown and labeled

- (a) Seed
- (b) Erosion control blanket
- (c) Sod
- (d) Others upon approval

(15) Sediment traps or basins shown and labeled

(16) Any other erosion and sediment controls used and not already mentioned.

(17) Plan note on the ESCP stating:

“Following initial soil disturbance or re-disturbance, permanent or temporary stabilization shall be completed within seven (7) calendar days on all perimeter dikes, swales, ditches, perimeter slopes, and all slopes greater than 3 horizontal to 1 vertical (3:1); embankments of ponds, basins, and traps; and within fourteen (14) days on all other disturbed or graded areas. The requirements of this section do not apply to those areas which are shown on the plan and are currently being used for material storage or for those areas on which actual construction activities are currently being performed.”

(18) A plan note on the ESCP stating:

“All Erosion and Sediment controls shall be properly maintained in good working condition.”

(19) Erosion control provision details shown within the plans

(20) Contractor Certification Statement signed by contractor or owner on the E&S Plan stating:

“I certify under penalty of law that I understand the terms of the Permit No. ILR-10 that authorizes the storm water discharges associated with construction activity from the site identified as part of this certification.

In addition, I have read and understand all of the information and requirements stated in the SWPPP for the above mentioned project; I have received copies of all appropriate maintenance procedures; and, I have provided all documentation required to be in compliance with the Permit ILR10 and the SWPPP and will provide timely updates to these documents as necessary.”

(D) Chronological Construction Schedule and Time Frame including the following

- (1) Clearing and grubbing those areas necessary for installation of perimeter erosion control device(s)
- (2) Construction of perimeter erosion control devices
- (3) Remaining interior site clearing and grubbing
- (4) Installation of permanent and temporary stabilization measures
- (5) Road grading
- (6) Grading for remainder of the site

- (7) Building, parking lot, and site construction
- (8) Final grading, landscaping, or stabilization
- (9) Implementation and maintenance of final erosion control structures
- (10) Removal of temporary erosion control devices
- (11) Stabilization of any ground disturbed during removal of temporary devices

(E) Specifications

- (1) Sediment retention structure specifications
- (2) Surface runoff and erosion control device specifications

(F) Vegetative Measures

- (1) Description of vegetative measures
- (2) Proposed vegetative conditions of the site on the 15th of each month between and including the months of April through October

(G) Concrete Washout Facilities

- (1) Location of Concrete Washout Facility shown on Site Plan
- (2) Details of Concrete Washout Facility
- (3) Maintenance plan of Concrete Washout Facility

(H) A copy of the Storm Water Pollution Prevention Plan approved by the Illinois EPA and an Illinois Notice of Intent shall be submitted with the Erosion Control Plan.

(I) Any and all other State and Federal permits that are required for the proposed development shall be submitted at the time of application.

170.07.02 EROSION AND SEDIMENT CONTROL PLANS FOR CLASS 2 LAND DISTURBANCE

Applications for permits shall include the following, as applicable:

- (a) North Arrow, scale, legend
- (b) Dimensions to significant features, refer to Appendix B for drawing example
- (c) Edges of pavement shown and street names
- (d) Edges of sidewalk
- (e) Property lines
- (f) Building location and address
- (g) Building pad, finished floor, and site corner elevations, if available
- (h) Surface water runoff flow arrows
- (i) Backyard or side yard swales if applicable
- (j) Silt fence or landscape buffer locations
- (k) Stabilized construction entrance, if needed
- (l) Inlet protection locations shown or noted, if applicable
- (m) Description of proposed work

## **170.08 MAINTENANCE**

All temporary and permanent erosion and sediment control measures must be maintained in an effective working condition as identified by required inspections. This includes, but is not limited to, the following:

- (A) Repair, replace, or maintain erosion and sediment control structures after a singular or cumulative rainfall event(s) of 0.5 inches or more over a 24-hour period.
- (B) Make adjustments to the sedimentation and erosion control plan and methods, as needed, to accomplish the intended purpose.

## **170.09 INSPECTIONS**

- (A) Plans for upgrading, stripping, excavating, and filling work bearing the stamp of approval of the administrator shall be maintained at the site during the progress of the work.

The permittee shall inspect and maintain on-site records of such inspections using the form provided in Appendix A of this Chapter, or an alternate inspection form that has been approved by the administrator. Any necessary repairs to soil erosion and sediment control measures shall be made and reported in the on-site inspection records. Reports shall be made accessible to the administrator throughout the duration of the project. Inspections shall occur at the intervals specified below.

- (1) Upon completion of installation of sediment and runoff control measures (including perimeter controls and diversions), prior to proceeding with any other earth disturbance or grading;
  - (2) After rough grading;
  - (3) After final grading; and
  - (4) At least once every seven calendar days and within 24 hours of the end of a storm or by the end of the following business or work day where the rain accumulation is 0.5 inches or greater. (Only required for Class 1 permits.)
- (B) Any permits shall be on display at the site throughout the duration of the project.
  - (C) An electronic copy of the inspection reports and a copy of the As-Built document shall be submitted to the administrator upon completion of the project. A Certificate of Occupancy will not be provided until such reports and as-built documents have been submitted.

## **170.10 NOTIFICATIONS.**

To facilitate inspections by the administrator and to ensure compliance with the approved erosion and sediment control plan, the grading or building permit, and this ordinance, the permittee shall notify the administrator within 1-3 working days of the completion of the construction stages specified below:

(A) For Class 1 Land Disturbance Permits:

- (1) Upon completion of installation of sediment and runoff control (controls and diversions), prior to proceeding with any other earth disturbance or grading;
- (2) After stripping and clearing;
- (3) After rough grading;
- (4) After final grading;
- (5) After seeding and landscaping deadlines; and
- (6) After final stabilization and landscaping, prior to removal of sediment controls.

(B) For Class 2 Land Disturbance Permits only items 1, 3, and 6 in the above section shall apply.

(C) If stripping, clearing, grading, and/or landscaping are to be done in phases or separate areas, the permittee shall give notice at the completion of each of the above work stages in each phase or area.

(D) Special Precautions

- (1) If at any stage of the grading of any development site the 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 administrator may require, as a condition of allowing the work to be done, that such reasonable special precautions 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
- (2) Recommendations of a soil scientist and/or engineering geologist, which may outline requirements for further work.
- (3) Where it appears that storm damage may occur due to incomplete grading at the site, 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 administrator may specify the start and end dates for grading operations 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.

#### **170.11 VARIANCES AND APPEALS**

(A) The administrator upon application, and subject to the process and standards that follow, may grant variances to the provisions of this ordinance as will not cause detriment to the public good, safety, or welfare nor be contrary to the spirit, purpose, and intent of this ordinance where, by reason of unique and exceptional physical circumstances or condition of a particular property, the literal enforcement of the

provisions of this ordinance would result in an unreasonable hardship.

- (B) Any person wishing to appeal, or seeking a variance in, a determination made by the administrator under the provisions of this chapter may do so to the board of appeals by following the procedures set forth in § 150.146 of this code of ordinances. Failure to file said appeal within the required time shall preclude further review. The appeal must state specifically:
  - (1) The determination made by the administrator that is being appealed;
  - (2) The basis for the appeal;
  - (3) The position of the party appealing;
  - (4) Any supportive information for the position of the party appealing; and
  - (5) Such additional information as the party may wish to submit.
- (C) Any person aggrieved by a decision, requirements, ruling, or interpretation of this ordinance by the administrator may appeal it to the municipality by written notice filed with the Zoning Board of Appeals within ten (10) days of the determination.

#### **170.12 VIOLATION AND PENALTY**

- (A) Any person or owner determined by the administrator, or a court having jurisdiction, to be in violation of any of the provisions of this chapter, except as required or mandated by any state and/or federal agency having concurrent or superior regulatory jurisdiction, shall be fined not less than \$100 and not more than \$1,000 for each violation. Each day the violation continues shall be deemed a separate offense.
- (B) Procedure for the enforcement and penalty for failure to comply with this Chapter shall be in accordance with Chapter 166 of the City Code of Danville, IL.
- (C) The city reserves the right to seek any and all additional legal remedies allowed by the state statutes and other city codes, against an owner deemed to be in violation of this chapter, including but not limited to personal judgments, and the recovery of all administrative costs incurred as part of the enforcement proceedings.
- (D) Stop-Work Orders.
  - (1) The administrator may require that all work on a site which is being performed contrary to the provisions of this article or is being performed in an unsafe or dangerous manner, shall be immediately stopped. Stop-work orders do not include work related to the installation or maintenance of erosion control devices that are a part of bringing the site back into compliance under this article. The administrator may issue a stop-work order for the entire project or any specified part thereof if any of the following conditions exist:
    - (a) Any land disturbance activity regulated under this article is being undertaken without a permit.

- (b) The Erosion and Sediment Control Plan is not fully implemented.
- (c) Any of the conditions of the permit are not being met
- (d) The work is being performed in a dangerous or unsafe manner.
- (e) Refusal to allow entry for inspection.

- (2) The stop-work order shall be in writing and shall be posted and served upon the permittee, as provided below. In addition, a copy of the stop-work order may be given to any person in charge of or performing work on drainage improvements in the development, or to an agent of any of the foregoing. The stop-work order shall state the conditions under which work may be resumed. No person shall continue any work after having been served with a stop-work order, except such work as is directed to be performed to remove a violation or dangerous or unsafe condition, as provided in the order.
- (3) For the purposes of this section, a stop-work order is validly posted by posting a copy of the stop-work order on the site of the land disturbing activity in reasonable proximity to a location where the land disturbing activity is taking place. A copy of the order, in the case of work for which there is a permit, shall be mailed by first class mail, postage prepaid, to the address listed by the permittee on the permit. In the case of work for which there is no permit, a copy of the order shall be mailed to the person to whom real estate taxes are assessed, or if none, to the taxpayer shown by the records of the county assessor.
- (4) If the permittee does not immediately cease land disturbance activity upon posting of the stop-work order or comply with the Erosion and Sediment Control Plan or permit conditions within one (1) day, the city engineer may revoke the permit.
- (5) If the owner or land user where no permit has been issued does not cease the land disturbance activity, the city engineer may request the city attorney to obtain injunctive relief.
- (6) The administrator may retract the revocation.
- (7) Ten (10) days after posting a stop-work order, the administrator may issue a notice to the owner and permittee of the administrator's intent to perform the work necessary to prevent erosion and institute sediment control. The administrator may go on the land and commence work after fourteen (14) days from issuing the notice. The costs incurred by the administrator to perform this work shall be paid by the owner or permittee. In the event no permit was issued, the costs, plus a reasonable administrative fee, shall be billed to the owner.
- (8) Compliance with the provisions of this article may also be enforced by injunction.
- (9) If at any time conditions of the site warrant emergency actions the administrator shall be allowed to respond appropriately to prevent harm to public safety, harm to public health, or damage to property.

(E) Enforcement of notice of violation and stop-work orders

- (1) A complaint may be filed with the circuit court for any violation of this article. A separate violation shall be deemed to have been committed on each day that the violation existed.

- (2) In addition to other remedies, the city attorney may institute any action or proceeding which:
  - (a) Prevents the unlawful construction, alteration, repair, maintenance, or removal of drainage improvements in violation of this article or the violation of any permit issued under the provisions of this article;
  - (b) Prevents the occupancy of a building, structure, or land where such violation exists;
  - (c) Prevents any illegal act, conduct, business, or use in or about the land where such violation exists;
  - (d) Restrains, corrects, or abates the violation.
  
- (3) In any action or proceeding under this section, the city attorney may request the court to issue a restraining order or preliminary injunction, as well as a permanent injunction, upon such terms and conditions as will enforce the provisions of this article. A lien may also be placed on the property in the amount of the cleanup costs.

**170.13 DISCLAIMER OF LIABILITY**

It is recognized that the degree of erosion and sediment control required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. However, on occasion, greater rain amounts will occur and will result in greater erosion and sediment producing activity. These provisions shall not create liability on the part of the City of Danville nor any officer or employee thereof for any damages that result from reliance on this ordinance or any administrative decision lawfully made there under.

**170.14 SEVERABILITY**

If any section, clause, provision, or portion of this chapter is judged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall remain in force and not be affected by such judgment.

SECTION 2: This amendatory Ordinance shall be effective ten (10) days after its passage, approval and publication in pamphlet form.

PASSED this 16th day of May, 2017, by 13 ayes, 0 nays and 1 absent.

APPROVED:

By: Scott Fischer  
Mayor

ATTEST:

By: Lizbeth Morrison  
City Clerk



POSTED PUBLICLY MAY 18 2017