

EROSION AND SEDIMENT CONTROL ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF URBANA, ILLINOIS, as follows:

Article I: GENERAL PROVISIONS AND DEFINITIONS

Preface to Article I

This Ordinance provides for the regulation of matters relative to the management of construction site erosion and sediment control.

1.01 TITLE

This Ordinance shall be known as the Erosion and Sediment Control Ordinance and hereinafter referred to as "this Ordinance."

1.02 SCOPE

This Ordinance provides for the regulation of matters related to the management of soil erosion caused by land disturbing activities within the City (but not within the extra territorial subdivision jurisdiction) and within areas subject to annexation agreements, unless limited by applicable intergovernmental agreements. Its provisions include, but are not limited to, 1) regulation for construction site erosion and sediment control plans, 2) requirements for the preservation and enhancement of certain natural features on a construction site, 3) requirements for permits, 4) requirements for inspection and control of construction site work, 5) imposition of a fine system to penalize violators, and 6) implementing storm water programs to satisfy the requirements included in the Illinois Environmental Protection Agencies' (IEPA) Phase II of the National Pollution Discharge Elimination Systems (NPDES).

1.03 FINDINGS

The City Council of Urbana hereby finds that:

- (1) 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 drainage-ways and the creation of recreational facilities;

- (2) 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;
- (3) Soil erosion necessitates the costly repair of gulleys, washed-out fills and embankments;
- (4) Sediment from soil erosion tends to clog sewers and ditches, pollutes and silts rivers, streams, lakes, wetlands and reservoirs;
- (5) 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;
- (6) Sediment reduces the channel capacity of waterways and the storage capacity of floodplains and natural depressions, resulting in increased chances of flooding at the risk to public health and safety.
- (7) Construction of buildings and other improvements necessarily involves disturbance of the natural environment, and as such, erosion and sediment control are a part of the building and construction industry which is closely regulated for purposes of protecting the public health and safety.

1.04 PURPOSE

This Ordinance is 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 Phase II storm water permit.

- (6) To conserve, preserve and enhance the natural resources of the City including its soils, waters, vegetation, fish and wildlife.

1.05 RESPONSIBILITY OF THE CITY ENGINEER

The City Engineer shall enforce all ordinances and regulations related to the management of soil erosion from land disturbing activities on land situated within the City.

1.06 AUTHORITY OF THE CITY ENGINEER

Section A. The City Engineer or his/her representative may enter the premises of any site that disturbs land in a manner that is regulated by this ordinance. The intent of entering premises is to inspect the site before, during and after construction to determine compliance with this Ordinance.

Section B. To implement this ordinance, the City Engineer is hereby authorized to promulgate a manual entitled "Manual of Practices" and place three (3) copies of such on file with the City Clerk. The Manual can be revised from time to time by the City Engineer by placing three (3) copies of any such revisions on file with the City Clerk. The City Engineer shall give written notice to the City Council of the placing on file with the City Clerk of the Manual or any revisions thereto. The Manual and revisions shall become effective thirty (30) days after such have been placed on file with the City Clerk unless the City Council, by resolution duly passed, disapproves of any portions thereof.

1.07 GEOGRAPHIC JURISDICTION

This Ordinance shall apply to all development within the City or within areas subject to annexation agreements or development requiring ILR-10 permits within the extraterritorial jurisdiction limits, if applicable.

1.08 OTHER ORDINANCES

When other laws or ordinances covering the same regulated matter apply, the most restrictive requirements shall apply.

1.09 GENERAL PRINCIPLES

A Land Disturbance Permit shall be required for each site that meets the Land Disturbance Activity definition in this Article and does not meet the exemptions in Section 2.1.10.

All waste or discarded materials generated as a result of site development activity shall be prevented from being carried off the site by either wind or water. The materials resulting from site development activity shall be

recycled, reused or otherwise disposed of in a licensed landfill as allowed by State or Federal solid waste disposal laws and ordinances or solid waste determinations of the IEPA. Recycling or reuse of materials is the preferred management strategy and is strongly encouraged.

Waste generated from the placement of concrete, asphalt or similar materials will be properly controlled such that no wastes from said items will be allowed to enter the sewer systems, water ways or other bodies of water. A wash out facility shall for these wastes, shall be required for all Class 1 Permit Sites.

1.10 EXEMPTIONS

The following activities are exempt from obtaining a land disturbance permit:

- (1) Digging activities related to cemetery graves sites.
- (2) Emergencies posing an immediate danger to life or property, or substantial flood or fire hazards.
- (3) Any activity where the total area of material disturbed, stored, disposed of or used as fill that is less than 2,000 square feet.
- (4) Agricultural or farming activity.
- (5) Lawn maintenance work that disturbs less than 10,000 square feet.

1.11 PERMIT CLASSES

The following classification system is used to assign a particular land disturbance activity to a permit class:

- (1) **Class I Land Disturbance** - land disturbances that require an IEPA ILR-10 permit for one (1) acre or more land disturbance.
- (2) **Class II Land Disturbance** - land disturbances between 2,000 square feet and one (1) acre.
- (3) **Class III Land Disturbance** - utility company (only) land disturbances between 2,000 square feet and one (1) acre.

1.12 MANNER OF WORK

Whenever the City Engineer determines that any land disturbing activity on any private property has become a hazard to life and limb, or endangers the property of another, or adversely affects the safety, use, slope, or soil stability of a public way, publicly controlled wetland, or watercourse, then the owner of the property upon which the land disturbing activity is located, or

other person or agent in control of said property, upon receipt of notice in writing from the City Engineer, shall within the period specified therein repair or eliminate such conditions.

1.13 EROSION AND SEDIMENT CONTROL PERFORMANCE STANDARDS

A land disturbance activity shall be considered in conformance with this Ordinance if soils have been prevented from being deposited onto adjacent properties, rights-of-ways, public storm drainage system, wetlands or watercourses. The design, testing, installation, and maintenance of erosion and sediment control operations and facilities shall adhere to the standards and specifications contained in the Manual of Practice, which are hereby incorporated into this Ordinance. In the event of conflict between provisions of said Manual and of this Ordinance, this Ordinance shall govern. A copy of the Manual of Practice and amendments shall be filed with the City Engineer.

1.14 DEFINITIONS

For the purposes of this Ordinance, the following terms, phrases, words, and their derivatives shall have the meaning stated below:

1.14A

Applicant is the legal entity who submits an application to the City for a permit pursuant to this Ordinance.

1.14B

Best Management Practices (BMP) is a technique or series of techniques which are proven to be effective in controlling runoff, erosion, and sedimentation.

Borrow is earth material acquired from an off-site location for use in grading on a site.

1.14C

Certified Professional Erosion Control Specialist is a person who is certified as a Certified Professional Erosion Control Specialist according to the policy and procedures as defined by Certified Professional Erosion Control Specialist Inc. (CPESC Inc.)

City Engineer is the City Engineer of the City and his/her duly authorized designees.

Clearing and grubbing is the cutting and removal of trees, shrubs, bushes, windfalls and other vegetation including removal of stumps, roots, and other remains in the designated areas.

Contractor is 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 Ordinance.

Contractor's Certification Statement is a document required by the IEPA as part of the ILR-10 construction site activity permit.

1.14D

Washout Facility is a 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.

1.14E

Demolition is any act or process of wrecking or destroying a building or structure.

Detention basin is a temporary or permanent natural or man made structure that provides for the temporary storage of storm water runoff.

Developer is any person, firm, corporation, sole proprietorship, partnership or political subdivision engaged in a land disturbance activity.

1.14F

Erosion is the wearing away of the ground surface as a result of the movement of wind, water, ice, and/or land disturbance activities.

Erosion and Sediment Control Plan (ESCP) is a plan which includes a set of best management practices or equivalent measures designed to control surface runoff and erosion and to retain sediment on a particular site during the period in which pre-construction and construction related land disturbances, fills, and soil storage occur, and before final improvements are completed, all in accordance with the specific requirements set forth in Section 2.02 of this Ordinance.

Erosion Control Inspector is a City employee who has the authority to inspect sites for compliance with the standards set forth in this Ordinance.

Erosion Control Inspection Report (ECIR) is the compliance report as defined by the Illinois Environmental Protection Agency in the General NPDES Permit ILR10.

Excavation is the mechanical removal of earth material.

1.14G

Fill is a deposit of soil or other earth materials placed by artificial means.

Final Erosion and Sediment Control Plan (Final ESCP) is a plan which includes permanent measures and Best Management Practices to control surface runoff and control sediment if such permanent measures are not included in the ESCP Plan.

Floodplain is the one hundred (100) year floodplain which is that area adjoining a watercourse which could be inundated by a flood that has a one (1) percent chance of being equaled or exceeded in any given year and is delineated on the Federal Emergency Management Agency Floodway Maps for Urbana.

Final Stabilization - shall mean that 1) all land disturbing activities at the site have been completed, 2) there are no areas of active erosion evident, and 3) and that a uniform perennial vegetative cover with a density of 70% of the cover for the area has been established or equivalent stabilization measures (i.e., mulches or geotextiles) have been employed.

1.14H

General Storm Water Permit or ILR10 Permit is 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.

Grade is the vertical elevation of the ground surface.

- (1) *Existing grade* is the grade prior to grading.
- (2) *Rough grade* is the stage at which the grade approximately conforms to the approved plan.
- (3) *Finish grade* is the final grade of the site which conforms to the approved plan.

1.14I

Incident of Non-Compliance is 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.

1.14J

Land disturbance activity is 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 disturbance activity does not include the following:

- (1) Minor land disturbance activities including, but not limited to, underground utility repairs, home gardens, minor repairs.
- (2) Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles.
- (3) Emergency work to protect life, limb, or property and emergency repairs. If the emergency land disturbing activity would have required an approved Erosion and Sediment Control Plan, then the land area disturbed shall be shaped and stabilized in accordance with the requirements of this Ordinance.

1.14K

Manual of Practice is a compilation of technical standards and design specifications in the latest version adopted by the City Department of Public Works as being proven methods of controlling construction related surface runoff, erosion and sedimentation.

1.14L

Notice of Intent is a document required by the IEPA as part of the ILR-10 construction site activity permit. This document is the application for an ILR-10 construction site activity permit from the IEPA.

Notice of Termination is a document required by the IEPA as part of the ILR-10 construction site activity permit. This document requests the end of coverage for a construction under the terms of the ILR-10 permit.

1.14M

Owner is any person with a legal or equitable interest in the land for which a Land Disturbance Permit has been issued.

1.14N

Permit is a Land Disturbance Permit issued by the City Engineer pursuant to this Ordinance.

Permittee is the applicant in whose name a valid permit is duly issued pursuant to this Ordinance and his/her agents, employees, and others acting under his/her direction.

Professional Engineer is a person licensed under the laws of the State of Illinois to practice professional engineering.

1.14O

Runoff is rainfall, snowmelt, or irrigation water flowing over the ground surface.

1.14P

Sediment is soils or other surficial materials transported by surface water as a product of erosion.

Sedimentation is the process or action of depositing sediment that is determined to have been caused by erosion.

Site is the entire area of land on which the land disturbance activity is proposed in the permit application.

Site plan is a plan or set of plans showing the details of any land disturbance activity of a site including but not limited to the construction of: structures, open and enclosed drainage facilities, storm water management facilities, parking lots, driveways, curbs, pavements, sidewalks, bike paths, recreational facilities, ground covers, plantings, and landscaping.

Slope is the incline of a ground surface expressed as a ratio of horizontal distance to vertical distance.

Soil is naturally occurring surface deposits overlying bedrock.

Stripping is any activity which removes or significantly disturbs the vegetative surface cover including clearing, grubbing of stumps and root mat, and topsoil removal.

Stop Work Order is a document issued by the City Engineer that directs work to stop on a construction site if land disturbance activities are in violation of this Ordinance.

Structure is anything manufactured, constructed or erected which is normally attached to or positioned on land, including buildings, portable structures, earthen structures, roads, parking lots, and paved storage areas.

Surveyor is a person duly registered or authorized to practice land surveying in the State of Illinois.

Storm Water Pollution Prevention Plan (SWPPP) is a document required by the IEPA as part of the ILR-10 construction site activity permit. This document is a written description of the erosion and sediment control plan for a construction site.

1.14Q

Topsoil is the upper layer of soil.

1.14R

Utility is the owner/operator of any underground facility including an underground line, facility, system, and its appurtenances used to produce, store, convey, transmit, or distribute communications, data, electricity, power, heat, gas, oil, petroleum products, water, steam, sewage and other similar substances.

1.14S

Watercourse is any natural or improved stream, river, creek, ditch, channel, canal, conduit, gutter, culvert, drain, gully, swale, or wash in which waters flow either continuously or intermittently.

Watershed is a region draining to a specific river, river system, or body of water.

Wetlands is a lowland area such as a marsh, that is saturated with moisture, as defined in Sec. 404, Federal Water Pollution Control Act Amendments of 1987.

Article II: ADMINISTRATION AND ENFORCEMENT

Preface to Article II

Article II is intended to provide guidance on the issuance, approval, administration and enforcement of the Ordinances established for erosion and sediment control on land disturbance activities. Much of these Administrative Ordinances are necessary to satisfy the requirements of Phase II of the NPDES administered by the Environmental Protection Agency.

2.01 APPLICATION

A Land Disturbance Permit shall be required for each site on which a land disturbance activity occurs which does not meet the exemption requirements of Article I. A written application from the owner of the site, or his/her authorized representative; in the form prescribed by Section 2.02 shall be required for each permit.

2.02 PERMIT DOCUMENTS AND PROCEDURES

Except as otherwise provided in this Ordinance, no person may grade, fill, excavate, store, stockpile or dispose of earth materials or perform any other land disturbing or land filling activity without a Permit.

The permit documents and procedures required for a particular land disturbance activity depends upon the classification assigned to the land disturbance. The following system outlines the requirements for each land disturbance classification.

2.02a Class I Land Disturbance - Land disturbances in this class must comply with the local ordinances in addition to the IEPA's ILR-10 construction site activity permit. The following items are required as part of the application and approval process:

A) **Preconstruction Phase Requirements**

- (1) Complete a **Notice of Intent (NOI)** according to the ILR-10 requirements. Submit the NOI to the IEPA and the City.
- (2) Complete a **Contractor's Certification Statement (CCS)** according to the ILR-10 requirements. Submit the CCS to the IEPA and the City.
- (3) Prepare a **Storm Water Pollution Prevention Plan (SWPPP)** according to the ILR-10 requirements. Submit

the written SWPPP to the IEPA and the City.

- (4) Prepare an **Erosion and Sediment Control Plan (ESCP)** according to the requirements of Section 2.04. Submit the ESCP to the City as part of the plan review process.
- (5) Complete the City's **Land Disturbance Permit Form**. Submit form to the City.
- (6) Copies of the documents listed above shall be kept on the project site and shall be made available for public viewing during construction hours.

B) **Construction Phase Requirements**

- (1) Prepare an **Erosion Control Inspection Report (ECIR)** on a weekly basis or after any rainfall event $\frac{1}{2}$ inch or greater in 24 hours, as recorded at the nearest United States Geologic Survey or Illinois State Water Survey rain gage nearest the site. Submit the ECIR to the City.
- (2) Prepare an **Incidence of Non-Compliance (ION)** report within 48 hours for any incident that allows sediment to leave the project site. The ION report shall meet all the ILR-10 requirements. Submit the ION to the IEPA and the City.
- (3) Prepare a **Notice of Termination (NOT)** upon final stabilization of the project site. Submit the **NOT** to the IEPA and the City.
- (4) Copies of the documents listed above shall be kept on the project site and shall be made available for public viewing during construction hours.

2.02b

Class II Land Disturbance - Land disturbances in this class must comply with the local ordinances but are not required to submit an IEPA ILR-10 site disturbance permit. Lawn maintenance work, such as resodding for instance, which disturbs less than 10,000 square feet, shall not be required to have a

permit. The following items are required as part of the application and approval process:

- (1) Complete the City's **Land Disturbance Permit Form**. Submit the Form to the City. Copies of the Form shall be kept on the project site and made available for public viewing during construction hours.
- (2) Prepare and implement an **ESCP** according to the standard details in the Manual of Practice for Class II Land Disturbances.
- (3) Prepare a **NOT** upon final stabilization of the project site. Submit the **NOT** to the City.

2.02c Class III Land Disturbance - Land disturbances in this class must comply with the local ordinance but are not required to submit an IEPA ILR-10 site disturbance permit. Utilities company projects are required to implement erosion and sediment control practices in accordance with the standard details presented in the Manual of Practice. Annual Class III Land Disturbance Permits are required of Utility companies performing land disturbance activities within the City of Urbana.

2.03 CITY'S LAND DISTURBANCE PERMIT APPLICATION FORM

The following information is required on the City's Land Disturbance permit application form.

- 1) Name, address and telephone number of the owner.
- 2) Name, address and telephone number of applicant, if different than owner.
- 3) Names, addresses and telephone numbers of all contractors, subcontractors or persons actually performing the land disturbing activities along with their respective tasks.
- 4) Description of the activity including the name, location, acreage, type of work, start date, duration, grading changes.

2.04 EROSION AND SEDIMENT CONTROL PLAN

Land disturbance activities that are in the Class 1 category require an erosion and sedimentation control plan prepared by a licensed professional engineer or a Certified Professional Erosion Control Specialist and must be approved by the City Engineer. These plans shall be drawn to an appropriate scale and shall include sufficient

information to evaluate the environmental characteristics of the affected areas, the potential impacts of the proposed grading on water resources, and measures proposed to minimize soil erosion and off-site sedimentation. The following information shall be included in any ESCP:

- (1) A letter of transmittal, which includes a project narrative.
- (2) An attached vicinity map showing the location of the site in relationship to the surrounding area's watercourses, water bodies and other significant geographic features, roads and other significant structures.
- (3) An indication of the scale used and a north arrow.
- (4) The name, address, and telephone number of the owner and/or developer of the property where the land disturbing activity is proposed.
- (5) Suitable contours for the existing and proposed topography.
- (6) Type of soils present on the site, as defined by the "Soil Survey of Champaign County, Illinois", prepared by the United States Department of Agriculture Soil Conservation Service.
- (7) The proposed grading or land disturbance activity including: the surface area involved, excess spoil material, use of borrow material, and specific limits of disturbance.
- (8) Location of washout facilities for concrete and asphalt materials indicated on the site plan. Provide details of proposed washout facilities.
- (9) A clear and definite delineation of any areas of vegetation or trees to be saved.
- (10) A clear and definite delineation of any wetlands, natural or artificial water storage detention areas, and drainage ditches on the site.
- (11) A clear and definite delineation of any one hundred (100) year floodplain on or near the site.
- (12) Storm drainage systems, including quantities of flow and site conditions around all points of surface water discharge from the site.
- (13) Erosion and sediment control provisions to minimize on-site erosion and prevent off-site sedimentation, including provisions to preserve topsoil and limit disturbance. Provisions shall be in accordance with the standards presented in the Manual of Practice.

- (14) Design details for both temporary and permanent erosion control structures. Details shall be in accordance with the standards presented in the Manual of Practice.
- (15) Details of temporary and permanent stabilization measures including a construction note on the plan stating: "Following initial soil disturbance or redisturbance, 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."
- (16) A chronological construction schedule and time frame including, as a minimum, the following activities.
1. Clearing and grubbing for those areas necessary for installation of perimeter erosion control devices.
 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 the 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.
- (17) A statement on the plan noting that the contractor, developer, and owner shall request the Erosion Control Inspector to inspect and approve work completed in accordance with the

approved ESCP, and in accordance with the ordinance.

- (18) A description of, and specifications for, sediment retention structures.
- (19) A description of, and specifications for, surface runoff and erosion control devices.
- (20) A description of vegetative measures.
- (21) A Proposed vegetative conditions of the site on the 15th of each month between and including the months of April through October.
- (22) The seal of a licensed professional engineer in the State of Illinois, if applicable.

2.04a Additional Information

- (1) The City Engineer may require any additional information or data deemed appropriate and/or may impose such conditions thereto as may be deemed necessary to ensure compliance with the provisions of this Ordinance, the Manual of Practice, or the preservation of public health and safety.
- (2) The applicant may propose the use of any erosion and sediment control techniques in a Final ESCP provided such techniques are proven to be as or more effective than the equivalent best management practices as contained in the Manual of Practice.

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2.05 PERMIT DURATION

Permits shall be issued for a specific period of time up to one year. The permit duration shall reflect the time the proposed land disturbing or filling activities and soil storage are scheduled to take place. If the permittee commences permitted activities later than one hundred eighty (180) days of the scheduled commencement date for grading, the permittee shall resubmit all required application forms, maps, plans, and schedules to the City Engineer, unless this resubmittal, or parts of it are waived by the City Engineer. The permittee shall fully perform and complete all of the work required in the sequence shown on the plans within the time limit specified in the permit.

Land disturbance activities that require schedules in excess of one (1) year shall be reviewed and authorized by

the City Engineer on a case by case basis. The permittee shall provide a project schedule that sufficiently details the timeline and sequence of activities for the work.

2.06 PERMIT RENEWALS/EXTENSIONS

Prior to the expiration of a Land Disturbance Permit, the permittee may present a written request for an extension to the City Engineer. The City Engineer may authorize additional extensions not to exceed a total of one (1) year, if the information on the original application is current or is not materially changed and the permittee is making reasonable progress toward completion of the project.

2.07 PERMIT DENIAL

If the City Engineer determines that the ESCP does not meet the requirements of this Ordinance, he/she shall not issue a Land Disturbance Permit. The ESCP must be resubmitted for approval before the land disturbance activity begins. All land use and building permits shall be suspended at this site until there is an approved ESCP and the City has issued a Land Disturbance Permit.

2.08 CONDITIONS OF APPROVAL

In granting any permit pursuant to this Ordinance, the City Engineer may impose such conditions as may be reasonably necessary to prevent the creation of a nuisance or unreasonable hazard to persons or to a public or private property. Such conditions may include, but need not be limited to:

- (1) The granting (or securing from others) and the recording in County land records of easements for drainage facilities, including the acceptance of their discharge on the property of others, and for the maintenance of slopes or erosion control facilities.
- (2) Adequate control of dust by watering, or other control methods acceptable to the City Engineer, and in conformance with applicable air pollution ordinances.
- (3) Improvements of any existing grading, ground surface or drainage condition on the site (not to exceed the area as proposed for work or development in the application) to meet the standards required under this Ordinance for new grading, drainage and erosion control.
- (4) Sediment traps and basins located within a densely populated area or in the proximity of an elementary school, playground or other area where small children may congregate without adult supervision may be

required to install additional safety related devices.

- (5) Any other erosion and sediment control technique necessary, in the opinion of the City Engineer, to avoid a public safety hazard.

2.09 LIABILITY

Neither the issuance of a permit under the provisions of this Ordinance, nor the compliance with the provisions hereto or with any condition imposed by the City Engineer, shall relieve any person from responsibility for damage to persons or property resulting from the activity of the permittee. Compliance with the conditions imposed by this Ordinance, or conditions imposed by the City Engineer, shall not create liability on the City resulting from such compliance.

2.10 RESPONSIBILITY OF PERMITTEE

The permittee shall maintain a copy of the permit, approved plans and reports required under the permit on the work site and available for public inspection during all working hours. The permittee shall, at all times, ensure that the property is in conformity with the approved grading plan, Erosion and Sediment Control Plans and the permittee also conform to the following:

- (1) General - Notwithstanding other conditions or provisions of the permit, or the minimum standards set forth in this Ordinance, the permittee is responsible for the prevention of damage to adjacent property arising from land disturbance activities. No person shall grade on land in any manner, or so close to the property line as to endanger or damage any adjoining public street, sidewalk, alley or any other public or private property without supporting and protecting such property from settling, cracking, erosion, sedimentation or other damage or personal injury which might result.
- (2) Public ways - The permittee shall be responsible for the prompt removal of, any soil, miscellaneous debris or other materials washed, spilled, tracked, dumped or otherwise deposited on public streets, highways, sidewalks, public thoroughfare or public sanitary or storm water conveyance systems, incident to the construction activity, or during transit to and from the construction site and shall promptly correct any damages resulting therefrom.

2.11 PERMIT AUTHORIZATION

The issuance of a Land Disturbance Permit shall constitute an authorization to do only that work described in the permit, or shown on the approved site plans and specifications, all in strict compliance with the requirements of this Ordinance, unless each and every modification or waiver is specifically listed and given written approval by the City Engineer.

2.12 CHANGES TO PLANS

- (1) Revisions to an approved ESCP can be authorized in two ways:
 - (a) Changes that are within the scope of changes allowed in the Manual Of Practices, may be approved and documented on a Field Inspection Report signed and dated by the Erosion Control Inspector.
 - (b) Changes that are outside of the scope allowed by the Manual Of Practices, shall be submitted to the City Engineer for his/her approval.
- (2) **No work in connection with any proposed modification shall be permitted without prior written approval of the City.**

2.13 INSPECTION AND SUPERVISION

All work for which a permit is required shall be subject to inspection by the City. Refusal to allow entry of City personnel to inspect for compliance with this Ordinance, or interference with such inspection, shall be grounds for the issuance of a Stop Work Order.

The contractor and/or their agents shall conduct a pre-construction meeting on-site with the Erosion Control Inspector on each site which has an approved ESCP. After commencing initial grading or land disturbing activities, the permittee shall obtain written inspection approvals by the Erosion Control Inspector at the following stages in the development of the site, or of each subdivision thereof:

- (1) Upon completion of installation of perimeter erosion and sediment controls and prior to proceeding with any other land disturbance or grading. Other building or grading inspection approvals may not be authorized until initial approval is made by the Erosion Control Inspector.
- (2) Upon completion of stripping, the stockpiling of topsoil, the construction of temporary erosion and sediment control facilities, disposal of all waste material, and preparation of the ground and

completion of rough grading but prior to placing top soil, permanent drainage or other site development improvements and ground covers.

- (3) Upon completion of final stabilization including grading, permanent drainage and erosion control facilities including established ground covers and planting, and all other work of the permit.

The City Engineer may require additional inspections as may be deemed necessary. Work shall not proceed beyond the stages outlined above until the Erosion Control Inspector inspects the site and approves the work previously completed. Requests for inspections shall be made at least twenty-four (24) hours in advance (exclusive of Saturdays, Sundays, and holidays) of the time the inspection is desired. Upon request for inspections, the Erosion Control Inspector shall perform the inspection within forty-eight (48) hours of Ordinance. The inspection to determine compliance with this Ordinance shall not normally include a new building which was completed and which has been secured, but shall include inspection of any area of the property where land disturbing activity is occurring, or is thought to be planned.

2.14 CHANGES DURING CONSTRUCTION REPORTS

The permittee shall submit written reports to the City Engineer under the following circumstances along with recommendations for corrective measures, if deemed necessary and appropriate.

- (1) There are delays in obtaining materials, machinery, services or manpower necessary to the implementation of the grading, or ESCP as scheduled.
- (2) There are delays in land disturbing or filling activities or soil storage.
- (3) The work is not being done in conformance with the approved grading, or ESCP.
- (4) There are any departures from the approved grading plan which may affect implementation of the ESCP as scheduled.

2.15 MAINTENANCE DURING AND AFTER CONSTRUCTION

On any property on which grading or other work has been performed pursuant to a permit granted under the provisions of this Ordinance, the permittee or owner, their agent, contractor, and employees shall, at a minimum, daily inspect, maintain and repair all graded surfaces and erosion control facilities, drainage structures or means and other protective devices, plantings, and ground cover installed while construction is active. After construction is complete, the owner or their agent shall continue to

regularly inspect the vegetation until adequate turf establishment or other suitable vegetative cover is established.

2.16 COMPLIANCE

The permittee, his/her agent, contractors and employees shall carry out the proposed work in accordance with the approved plans and specifications, and in compliance with all the requirements of the permit, including those documents referenced in this Ordinance.

2.17 ACTION UPON NONCOMPLIANCE

- (1) In the event work does not conform to the permit or to the plans and specifications, this Ordinance or to any instructions of the City Engineer, a Notice of Violation shall be served upon the permittee in accordance with Section 2.19. After a notice to comply is given, in the determination of the City Engineer, the permittee or his/her contractor shall be required to make the corrections within 48 hours. If an imminent hazard exists, the City Engineer may require that all land disturbance activities cease and the corrective work begin immediately.
- (2) If the City Engineer finds any existing conditions not as stated in the application or approved plans, the City Engineer may issue a Stop Work Order under 2.20 on the entire project or any specified part thereof until a revised plan is submitted conforming to the currently existing conditions.

2.18 COST RECOVERY & MISCELLANEOUS

- (1) Failure of the permittee to comply with the directives of this section will constitute a violation pursuant to this Ordinance, and will be considered a nuisance and the City Engineer may cancel the permit and proceed with the necessary restoration of the site at the expense of the owner. The owner will be billed for the expenses incurred by the City. Failure to pay will result in the City Engineer seeking recovery of costs and damages.
- (2) For Class I sites, the City shall notify the IEPA that the site is not in compliance with the ILR-10 permit.

2.19 NOTICE OF VIOLATION

The City Engineer shall serve a Notice of Violation upon any person responsible in whole or in part for the construction, alteration, repair, maintenance, or removal of drainage improvements in violation of engineering plans and specifications approved pursuant to this chapter, or in violation of any permit issued under the provisions of this

Ordinance, or otherwise in violation of this chapter. Such notice shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

2.20 STOP-WORK ORDERS

The City Engineer, in his or her sole discretion, may require that all work on a site which is being performed contrary to the provisions of this Ordinance 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 Ordinance. The City Engineer 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 Ordinance is being undertaken without a permit.
 - b. The ESCP is not being 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.
- (1) The Stop-Work Order shall be in writing 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.
- (2) 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 pre-paid, 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.

- (3) If the permittee does not immediately cease land disturbance activity upon posting of the stop work order or comply with the ESCP or permit conditions within one (1) day, the City Engineer may revoke the permit.
- (4) 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.
- (5) The City Engineer may retract the revocation.
- (6) Ten (10) days after posting a stop-work order, the City Engineer may issue a notice to the owner and permittee of the City Engineer's intent to perform the work necessary to prevent erosion and institute sediment control. The City Engineer may go on the land and commence work after fourteen (14) days from issuing the notice. The costs incurred by the City Engineer 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.
- (7) Compliance with the provisions of this Ordinance may also be enforced by injunction.

2.21 APPEALS

- (1) The permittee, or its designee, or any other interested person, may appeal a decision of the City Engineer pursuant to this Ordinance, to the Mayor. The appeal shall be in writing, setting forth the reasons for the appeal, and shall be filed with the Mayor within ten (10) days after receipt of the City action which prompted the appeal. The Mayor shall fix a time and place for hearing the appeal, not more than twenty (20) days following the receipt of the appeal. The filing of an appeal shall not operate as a stay of a Notice of Violation or Stop-Work Order.
- (2) The Mayor shall grant the appeal and issue the appropriate instructions to the City Engineer upon a finding of fact that there is no violation of the Ordinances or the permit issued.

2.22 ENFORCEMENT OF NOTICE OF VIOLATION AND STOP WORK ORDERS

- (1) A complaint may be filed with the Circuit Court for any violation of this Chapter. 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 chapter or the violation of any permit issued under the provision of this Ordinance;
 - 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.

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 chapter. A lien may also be placed on the property in the amount of the clean-up costs.

2.23 PENALTIES

Any person, firm, corporation or agency acting as principal, agent, employee or otherwise, who fails to comply with the provisions of this Ordinance shall be punishable by a fine of not less than one hundred dollars per day (\$100.00/day) and not more than one thousand dollars per day (\$1,000.00/day) for each separate offense. Each day there is a violation of any part of this Ordinance shall constitute a separate offense.

2.24 EFFECTIVE DATE

This Ordinance shall be applicable to all sites for which a building permit has not been issued prior to the effective date.

Section 1. Section 21-45 of the Urbana City Code is repealed upon taking effect of this Ordinance.

Section 2. The City Clerk is directed to publish this Ordinance in pamphlet form by authority of the corporate authorities, and this Ordinance shall be in full force and effect from and after its passage and publication in accordance with Section 1-2-4 of the Illinois Municipal Code.

COPY

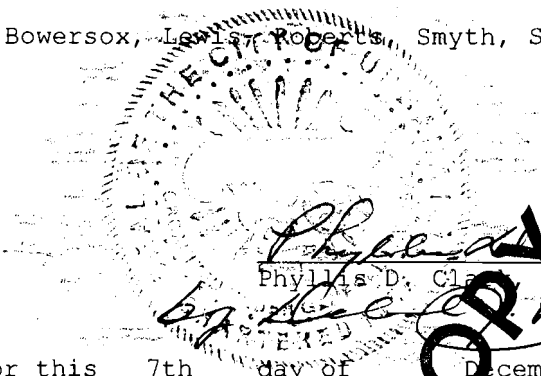
This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois, at a regular meeting of said Council.

PASSED by the City Council this 3rd day of December, 2007.

AYES: Barnes, Bowersox, Lewis, Roberts, Smyth, Stevenson

NAYS:

ABSTAINS:



Phyllis D. Clark
Phyllis D. Clark, City Clerk

Michael B. Roberts
Michael B. Roberts, Deputy Clerk

APPROVED by the Mayor this 7th day of December,

2007.

Laurel Lunt Prussing
Laurel Lunt Prussing, Mayor