

# Violet Township Drainage, Erosion, and Sediment Control (DESC) Regulations

## **Article I. Title**

This local law shall be known and cited as the Violet Township Drainage, Erosion, and Sediment Control (DESC) Regulations.

## **Article II. Statutory Authority**

This local law is enacted by the authority of Violet Township to promote the public health and safety of its citizens under the Violet Township, Limited Home Rule Law, per the Ohio Revised Code, and other applicable provisions of State and Federal Law. It is further the purpose of the Drainage, Erosion, and Sediment Control Regulations to bring Violet Township in compliance with the National Pollutant Discharge Elimination System Phase II requirements of the Current Ohio EPA Construction General Permit.

## **Article III. Findings and purpose**

### **A. Findings**

The Board of Trustees of Violet Township hereby finds that:

1. Excessive quantities of soil may erode from areas undergoing development for certain uses, including, but not limited to, the construction of dwelling units, commercial buildings, and creation of recreation facilities;
2. the washing, blowing, and deposition of eroded soil across and upon roadways endangers the health and safety of users thereof by decreasing visibility and reducing traction of road vehicles;
3. soil erosion necessitates the costly repair of gullies, washed-out fills, and embankments;
4. sediment from soil erosion clogs sewers and ditches and pollutes and silts rivers, streams, lakes, and ponds;
5. sediment limits the use of water and watercourses for beneficial purposes, promotes the growth of undesirable aquatic weeds, destroys fish and other desirable aquatic life, and is costly and difficult to remove; and
6. sediment reduces the channel capacity of watercourses and increases the likelihood of flooding.

### **B. Purpose**

The Board of Trustees therefore declares that the purpose of this local law is to safeguard persons, protect property, prevent damage to the environment, and promote public safety by guiding, regulating, and controlling the design, construction, use, and maintenance of any development or other activity which disturbs or breaks the topsoil or results in the movement of earth on land situated in Violet Township.

## **Article IV. Definitions**

Unless specifically defined below, words and phrases used in this local law shall be interpreted to have the meaning they have in common English usage, to give effect to the purpose set forth in Article III B, and to provide reasonable application of this local law.

**Addition:** means any work on an existing structure which changes the external dimensions of such structure.

**Appeal:** means a request for a review of the Agent's interpretation of any provision of local law or a request for a variance.

**Best Management Practices (BMP)** Schedules of activities, prohibition of practices, maintenance procedures, and other best management practices (both structural and non-structural) to prevent or reduce the pollution of surface waters of the state. BMP's also include treatment requirements, operating procedures, and practices to control construction site runoff, spillage or leaks, sludge or waste disposal or drainage from raw material storage.

**Building Permit:** means a permit issued by the township for the construction, erection, and alteration of a structure or building.

**Certification:** means formal attestation that the specific inspections and tests, where required, have been performed, and that such tests comply with the applicable requirements of this local law.

**DESC:** means drainage, erosion and sediment control.

**Developer:** means an individual, subdivider, firm, association, syndicate, partnership, corporation, trust, or any other legal entity.

**Development:** means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, dredging, filling, grading, paving, removal of vegetation, excavation, or drilling operations.

**Development Permit:** means any permits, grants, or licenses issued by the township including, but not limited to, building grading, clearing, demolition, and excavation permits, and subdivision and site plan approvals.

**Erosion:** The wearing away of land surface caused by running water, wind, ice, or other geological agents, including such processes as gravitational creep. Detachment and movement of soil and rock fragments by wind, water, ice or gravity.

**Erosion and Sediment Control Plan:** means a set of plans indicating the specific measures and sequencing to be used in controlling sediment and erosion on a development site both during and after construction.

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

**Fill:** means 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:** means the vertical location of the ground or pavement surface after the grading work is completed and in accordance with the sites approved Master Grading Plan.

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

**Gully:** a deep and wide depression caused by increased topographic relief and higher runoff velocities, which are the result of concentrated flows that cause vertical and sheet flow erosion.

**Homebuilder:** means a person and/or his agents who build homes.

**Land-Disturbing Activity:** means any land change which may result in soil erosion from water or wind and the movement of soil into water or onto lands, or increased runoff of waters including, but not limited to, clearing, grading, excavating, transporting, and filling of land.

**Master Grading Plan:** means a grading plan that reflects changes in before-and-after contours that has been approved by the Fairfield Regional Planning Commission. Elevations shall be based on the mean sea level datum (U.S.G.S.).

**May:** is permissive and not mandatory.

**Parcel:** means all contiguous land under one ownership.

**Permanent Vegetation:** means ground cover mature enough to control soil erosion satisfactorily and to survive severe weather conditions that covers a minimum of 75% of the permeable area of a site.

**Permittee:** means any person to whom a site development permit is issued.

**Permitting Authority:** means Violet Township or designated agent.

**Removal:** means cutting vegetation to the ground or leaving it as stumpage, complete extraction, or killing by spraying.

**Rill:** a long narrow depression or soil incision caused by increased topographic relief and higher runoff velocities, which are the result of concentrated flows that cause vertical and sheet flow erosion.

**Sediment:** solid material, both mineral and organic, that is or was suspension, is being or has been transported, or has been removed from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface either above or below water.

**Shall:** means mandatory; not permissive.

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

**Site Development:** means the altering of terrain and/or vegetation and constructing improvements.

**Site Development Permit:** means a permit issued by permitting authority for the construction or alteration of ground improvements and structures for the control of erosion, runoff, and grading.

**Soil Stabilization:** means measures which protect soil from the erosive forces of raindrop impact and flowing water and include, but are not limited to, vegetation establishment, mulching, and the early application of gravel base on areas to be paved.

**Start of Construction:** means the first land-disturbing activity associated with a development, including land preparation such as clearing, grading, and filling; excavation for basements, footings, or foundations; erection of temporary forms.

**Stripping:** means any activity which removes the vegetative surface cover including tree removal, clearing, and storage or removal of topsoil.

**Variance:** means a grant of relief from the requirements of this local law, which permits a person to undertake construction in a manner otherwise prohibited by this local law where specific enforcement would result in unnecessary hardship.

**Watercourse:** means any body of water, including, but not limited to lakes, ponds, rivers, streams, intermittent streams, and bodies of water which are classified by the Ohio Environmental Protection Agency and/or U.S. Army Corps of Engineers, and/or delineated on the USGS 7.5 minute series topographic map for Violet Township.

## **Article V. General Principles**

All construction shall comply with the Ohio Environmental Protection Agency's then current Construction General Permit authorization for Storm Water Discharges Associated with construction activity under the National Pollutant Discharge Elimination System permit for storm water discharges associated with construction activities. If there is a conflict or ambiguity between the regulations and the construction general permit, the more stringent requirement shall prevail. If the construction general permit expires, it shall remain in effect and part of the regulations until a new construction general permit become effective. Upon the effective date of the new construction general permit, the new construction general permit is hereby incorporated herein, by reference, to the regulations. Any person or entity utilizing these regulations shall be responsible for determining then-effective construction general permit for which a copy can be obtained from the Ohio Environmental Protection Agency.

The objective of this local law is to control drainage, soil erosion and sedimentation caused by development activities in Violet Township. Measures taken to control erosion and sedimentation shall be adequate to ensure that sediment is not transported from the site by a storm event of 2-year frequency or less. Some erosion control measure, like those for larger projects or areas with higher risk shall be designed to withstand a 10-year storm event. The following principles shall apply to all development activities within Violet Township and to the preparation of the submissions required under Article VI of this local law:

### **1. Selection of Control Measures**

The selection of erosion and sedimentation control measures shall be based on assessment of the precipitation frequency estimates according to the National Oceanic and Atmospheric Administration Atlas 14 data for the Violet Township, Fairfield County Ohio area likely to contribute to erosion, and on an evaluation of the risks.

### **2. Protection of Adjacent Properties**

Properties adjacent to the site of land disturbance shall be protected from sediment deposition. This may be accomplished by preserving a well-vegetated buffer strip around the lower perimeter of land disturbance, by installing perimeter controls such as sediment barriers, filters, dikes, or sediment basins, or by a combination of such measures.

Vegetated buffer strips may be used only where runoff sheet flow is expected. Buffer strips shall be at least 25 feet in width. If, at any time, it is found that a vegetated buffer strip alone is ineffective in preventing sediment movement onto adjacent property, additional perimeter

controls shall be provided within three (3) working days upon receiving notification of the deficiency by the permitting authority.

### **3. Cut and Fill Slopes**

Development shall reflect the topography and soils of the site so as to create the least potential for erosion. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.

### **4. Vegetation**

Natural vegetation shall be retained and protected wherever possible. A permanent vegetative cover shall be established on denuded areas not otherwise permanently stabilized. Permanent vegetation and related structures shall be installed as soon as practical, and not greater than the time specified in the Ohio EPA construction general permit. Permanent vegetation shall not be considered established until 75% ground cover is achieved on all denuded areas which, in the opinion of permitting authority, is mature enough to control soil erosion satisfactorily and to survive severe weather conditions.

At the time of finish grade, all loose roots, rocks and large dirt clods shall be raked and removed from the site, leaving a well-graded surface that can be mowed and maintained in a reasonable condition.

### **5. Stabilization of Denuded Areas and Soil Stockpiles**

Permanent soil stabilization shall be applied to denuded areas after final grade is reached on any portion of the site in accordance with requirements set forth in the Ohio EPA construction general permit. Temporary soil stabilization shall also be applied to denuded areas which may not be at final grade but will remain dormant (undisturbed) in accordance with the requirements set forth in the Ohio EPA construction general permit.

Soil stabilization refers to measures which protect soil from the erosive forces of raindrop impact and flowing water. Applicable practices include vegetative establishment, mulching, and the early application of gravel base on areas to be paved. Where vegetative stabilization techniques may cause structural instability or otherwise unobtainable, alternative stabilization techniques must be employed.

### **6. Sediment Basins**

Sediment basins, debris basins, silt traps, or filters shall be properly installed and maintained on commercial/non-single family residential sites greater than one acre to remove sediment from runoff waters from land undergoing development.

### **7. Timing and Stabilization of Sediment Trapping Measures**

Sediment basins and traps, perimeter dikes, sediment barriers and other measures intended to trap sediment on-site shall be implemented on sites greater than one acre as a first step in grading and shall be properly functioning prior to upslope land disturbance takes place. Earthen structures such as dams, dikes, and diversions shall be seeded and mulched in accordance with the requirements set forth in the Ohio EPA construction general permit.

### **8. Storm Sewer Inlet Protection**

All storm sewer inlets which are made operable during construction shall be protected so that sediment-laden water will not enter the conveyance system without first being filtered or otherwise treated to remove sediment.

The developer/homebuilder/permit-tee shall be responsible for cleaning and routine maintenance of all storm sewer inlet protection in which a given lot drains. Additional storm sewers may need maintenance due to the construction traffic patterns to the site. The final determination of storm sewer maintenance will be determined at the time of plan submission.

All storm sewer inlet protection shall be cleaned and maintained within 24 hours of a rainfall event or routinely inspected for proper function every seven (7) days.

#### **9. Construction Access Routes**

Whenever construction vehicle access routes intersect paved public roads, provisions must be made to minimize the transport of sediment (mud) by runoff or vehicle tracking onto the paved surface. Where sediment is transported onto a public road surface, the roads shall be cleaned thoroughly at the end of each day no later than 6 p.m. Sediment shall be removed from roads by shoveling and/or sweeping and transported to a sediment control area. Street washing shall be allowed only after sediment is removed in the aforementioned manner.

If not removed at the end of each day, Violet Township will, at their discretion, bring in a contractor to clean the streets at the developer's/homebuilder's/permit-tee's expense.

#### **10. Construction Material**

No building materials shall be stored and/or delivered upon streets, rights-of-ways, or recorded drainage easements, or in any way that interferes with drainage, erosion and sediment control, and/or traffic.

Waste construction material shall be collected and disposed of properly at the end of each day. All construction materials transported to adjoining properties shall be removed at the end of each day no later than 6 p.m.

#### **11. Disposition of Temporary Measures**

All temporary erosion and sediment control measures shall be disposed of within thirty (30) days after final site stabilization is achieved or after the temporary measures are no longer needed, unless otherwise authorized by the permitting authority. Trapped sediment and other disturbed soil areas resulting from the disposition of temporary measures shall be permanently stabilized to prevent further erosion and sedimentation (i.e. straw wattles, inlet protection, silt fence, and straw bales).

#### **12. Existing Drainage Ditches, Channels, and Swales**

Drainage ditches, channels, and swales that are within drainage easements, or which are installed by the developer of said subdivision shall not be disturbed during home construction. Damage to such facilities which is caused by building the dwelling structure or by grading the property shall be in conformance with the original design of such drainage channel, ditch or swale cross section.

### **13. Driveway Culverts**

Permits for driveway culverts from the permitting authority who has jurisdiction of said road shall be obtained prior to installation and be set at the elevation of the roadway ditch grade and be sized as set forth by the permit. Culvert pipes which are damaged during construction shall be repaired or replaced in accordance with the requirements set forth by the permitting authority. A timeline for the repair or replacement shall be approved by the permitting authority.

### **14. Gutters and Sump Pumps**

Gutters and sump pumps shall outlet at the curb or road right-of-way in compliance with the right-of-way permitting authority. If the above outlet requirement cannot be met, they shall outlet within the parcel boundary and shall be a minimum of 15 feet from property lines and easements.

### **15. Maintenance**

All temporary and permanent erosion and sediment control practices shall be designed and constructed to minimize maintenance requirements. They shall be maintained and repaired as needed to assure continued performance of their intended function throughout the maintenance period.

### **16. Final Grade**

The developer/homebuilder/permit-tee is responsible for placement of grade stakes as shown on the approved DESC permit. The developer/homebuilder/permit-tee, shall grade the site in accordance with grades shown on the approved master grading plan.

Deviations from the Master Grading Plan by the developer/homebuilder/permit-tee shall require review and approval by the engineer who designed the Master Grading Plan prior to review by the permitting authority. Any proposed revisions to the grades shown on the Master Grading Plan shall be limited to no more than one (1) foot. Not every proposed grade change will be approved. Grade changes recommended by the design engineer shall be coordinated with the grades on adjacent lots and properties, respecting existing and proposed building heights. Field adjustments of any approved grades shall be limited to no more than 6 inches, and shall be approved prior to implementation of the change.

Grade stakes shall be left in place until acceptance of final grade inspection. Any missing, removed, broken, or knocked over grade stakes shall be replaced prior to final grade approval.

### **17. Right-of-Way/Infrastructure Damage**

The developer/homebuilder/permit-tee shall be responsible for repairing any damages that may occur as a result of construction activities including, but not limited to: curb, inlets, pavement, sidewalks, driveway approaches, handicap ramps, manholes, and valves within 24 hours after being notified by the Township that such work is required. Such repair shall be completed to the satisfaction of the Township.

Failure to repair damage after being notified by the Township shall be considered a violation of the DESC regulations. Violation of this section shall result in the imposition of daily fines as provided under Article VIII of the DESC regulations. If the fines are not paid and or the violation remains unabated, the Township may refer to the Violet Township Law Director (the

Fairfield County Prosecutor's Office) to commence legal proceedings against the violator to gain compliance.

**18. Post-Construction Storm Water Management Requirements**

A Post-Construction Storm Water Management Plan shall be prepared for the developments covered by these regulations which require improvements to more than one acre of land. The Post-Construction Storm Water Management Plan shall conform to the Ohio Environmental Protection Agency's most current Construction General Permit authorization for stormwater discharges associated with construction activity under the National Pollutant Discharge Elimination System, referred to as the Construction General Permit. If there is a conflict or ambiguity between the regulations and the Construction General Permit, the more stringent requirement shall prevail. If the Construction General Permit expires, it shall remain in effect and part of the regulations until a new Construction General Permit becomes effective. Upon the effective date of the new Construction General Permit, the new Construction General Permit is hereby incorporated herein, by reference, to the regulations. Any person or entity utilizing these regulations shall be responsible for determining then-effective Construction General Permit for which a copy can be obtained from the Ohio Environmental Protection Agency. Prior to issuance of final occupancy and/or recording of the final plat, the applicant shall enter into a Storm Water Management/ BMP Facilities Maintenance Agreement with the township to ensure long term maintenance and operation of these facilities.

**19. Review by the Fairfield Soil and Water Conservation District**

The Fairfield Soil and Water Conservation District shall be consulted for review and recommendations for all drainage, erosion and sediment control plans for the proposed developments and individual lots submitted to the permitting authority.

**Article VI. Site Development Permit**

**A. Permit Required**

1. Except as otherwise provided in this local law, no person shall commence or perform any land-disturbing activity, including, but not limited to, grading, stripping, excavating, or filling, without first obtaining a Drainage, Erosion, and Sediment Control permit from Violet Township upon approval by the Fairfield Soil and Water Conservation District, all other necessary local, state, and federal permits, and thereafter comply with the requirements of this local law.
2. An application for a site development permit shall be made in the same manner as prescribed for a building permit except that such application shall be made to the permitting authority.

**B. Exceptions**

A permit shall not be required for any of the following activities:

1. Normal lawn and landscaping maintenance.
2. Existing nursery and agricultural operations.

3. Grading of land in a uniform manner, provided the elevation of land is not altered by more than three (3) inches, the normal flow of surface water at the property lines is not altered, and upon completion of the grading, the exposed surfaces are permanently stabilized with vegetation.
4. Alteration of the exterior of a building.
5. Installation, renovation, or replacement of a septic system to serve an existing dwelling or structure.
6. Any emergency activity which is immediately necessary to the protection of life, property, or natural resources.
7. Installation of Public Utilities (i.e. water and sewer lines).
8. Installation of water and service lines.

#### C. Application for Permit

An application for a DESC permit shall be made by the owner of the property or their authorized agent to the permitting authority through the Violet Township's online permitting portal. Each application shall bear the name(s), address(es), phone number, and email of the owner or developer of the site, and name, address, mobile phone number, and email for the contractor and shall be accompanied by an application fee as set forth in Article IX.

#### D. Submissions

Each application for a minor DESC permit shall be accompanied by the following information:

1. A minor DESC application.
2. A plot plan for the site shall include the following:
  - a) A site map in sufficient detail to easily locate the project for which the permit is sought, including address, boundary lines, north arrow, and scale.
  - b) A site plan showing, access point, utilities, easements, set-backs, no build zones, preservation zones, rights-of-way, well, primary and secondary leach fields or any other features that may encumber the property.
  - c) Show location and proposed grading of surplus spoils if they remain on site.

Each application for a major DESC permit shall be accompanied by the following information:

1. A major DESC application.
2. A plot plan for the site that shall include the following:
  - a) Location of erosion control measures, vegetative buffers, and construction entrance.
  - b) Grades along property lines, house, and any addition grades shown on the approved master grading plan.

- c) Location of flood routing and the associated cross section as shown on the approved master grading plan where applicable.
- d) All utility, drainage, and sanitary easements, no build zones, preservation zones, water well, primary and secondary leach fields or any other features that may encumber the property shall be included on the plot plan if they apply to the site.

Each application for a Commercial DESC permit shall be accompanied by the following information:

1. A vicinity map in sufficient detail to easily locate, in the field, the site for which the permit is sought, including boundary lines, north arrow, and approximate acreage for the site, and legend and scale.
2. A development plan of the site showing:
  - a) Existing topography of the site and adjacent land within approximately 100 feet of the boundaries, drawn at no greater than two (2) feet (1 foot preferred) contour intervals and clearly portraying the conformation and drainage pattern of the area.
  - b) The location of existing buildings, structures, utilities, water bodies, floodplains, drainage facilities, vegetative cover, paved areas, watershed divides, and other significant natural or man-made features on the site, and adjacent land within approximately 100 feet of the boundary.
  - c) A description of the predominant soil types on the site and their location.
  - d) Proposed use of the site, including both present development and planned utilization; areas of excavation, grading, and filling; proposed contours, finished grades, concrete washout, and street profiles; provisions for storm drainage, including the control of accelerated runoff with a drainage area map and computations; kinds and locations of utilities; and areas and acreages proposed to be paved, covered, sodded or seeded, vegetatively stabilized, or left undisturbed.
3. An erosion and sediment control plan, or plans, showing:
  - a) All erosion and sediment control measures necessary to meet the objectives of the Ohio EPA construction general permit and this local law throughout all phases of construction and permanently, after completion of development of the site. Depending upon the complexity of the project, the drafting of intermediate erosion and sediment control plans also may be required.
  - b) Seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilizer application, and kind and quantity of mulching for both temporary and permanent vegetative control measures.
  - c) Identification of the person(s) or entity which will have the responsibility for maintenance of erosion and sediment control structures and measures during the development.
4. The proposed phasing of the development of the site, including stripping and clearing, rough grading and construction, and final grading and landscaping. Phasing shall identify the expected

date on which clearing will begin, the estimated duration of exposure of cleared areas, and the sequence of clearing, installation of temporary sediment control measures, installation of storm drainage, paving of streets and parking areas, and establishment of permanent vegetative cover.

These submissions shall be prepared in accordance with the standards and requirements contained in the Ohio EPA Rainwater and Land Development (most current version) and/or Fairfield County, Ohio Storm Water Design Manual (most current version), which standards and requirements are hereby incorporated into this local law by reference.

The permitting authority may waive specific requirements for the content of submissions upon finding that the information submitted is sufficient to show that the work will comply with the objectives and principles of this local law.

#### E. Review and Approval

Each application for a DESC permit shall be reviewed and acted upon according to the following procedures:

1. The permitting authority will review each application for a site development permit to determine its conformance with the provisions of this local law. The permitting authority will also refer any application to the Fairfield 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 ten (10) working days (excluding holidays and weekends) days after receiving an application, the permitting authority shall, in writing:
  - a) Approve the permit application if it is found to be in conformance with the provisions of this local law, and issue the permit;
  - b) approve the permit application subject to such reasonable conditions as may be necessary to secure substantially the objects of this local law, and issue the permit subject to these conditions; or
  - c) disapprove the permit application, indicating the deficiencies and the procedure for submitting a revised application and/or submission.
2. No DESC permit shall be issued for an intended development site unless:
  - a) The development has been approved by Violet Township where applicable, or
  - b) such permit is accompanied by or combined with a valid building permit issued by Violet Township, or
  - c) the proposed earth moving is coordinated with any overall development program previously approved by Violet Township for the area in which the site is situated.
3. Failure of the permitting authority to act on original or revised applications 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 applicant and the permitting authority. Pending preparation and approval of a revised plan, development activities shall be allowed to proceed in accordance with conditions established by the permitting authority.

#### F. Retention on Plans

Plans, specifications, and reports of all site developments shall be retained in original form or in digital format by the permitting authority.

## **Article VII. Site Development Permit**

### **A. Applicability**

All grading, stripping, excavating, and filling which is subject to the permit requirements of this ordinance, and any grading, stripping, excavating, and filling which is exempted from the permit requirements by paragraph B of Article VI, shall be subject to the applicable standards and requirements set forth in the Article VII.

### **B. Responsibility**

The developer/homebuilder/permit-tee shall not be relieved of responsibility for damage to persons or property otherwise imposed by law, and Violet Township, or its officers will not be made liable for such damage, by (1) the issuance of a permit under this local law, (2) compliance with the provisions of that permit or with conditions attached to it, (3) failure of officials to observe or recognize hazardous or unsightly conditions, (4) failure of officials to recommend denial of, or to deny a permit, or (5) exemptions from the permit requirements of this local law.

### **C. Manual Adopted by Reference**

The standards and specifications contained in paragraph D of Article VI, are hereby incorporated into this Article VII and made part thereof by reference for the purpose of delineating procedures and methods of operation under site development and erosion and sedimentation control plans approved under Article VI. In the event of conflict between provisions of said manual and local law, the more stringent law shall govern.

### **D. Inspection**

1. The permitting authority shall make inspections as hereinafter required and shall either approve that portion of the work completed or shall notify the permit-tee wherein the work fails to comply with the site development or drainage, erosion and sediment plan as approved. Plans for grading, stripping, excavating, and filling work bearing the stamp of approval by the permitting authority shall be maintained at the site during the progress of the work. In order to obtain inspections, the permit-tee shall notify the permitting authority at least three (3) working days (excluding weekends and holidays) before the:
  - a. start of construction
  - b. pre-stabilization grade approval
  - c. completion of final grading
  - d. completion of final stabilization

If stripping, clearing, grading, and/or landscaping are to be done in phases or areas, the permit-tee 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 DESC Inspector from the permit-tee, the permit-tee may continue work at his own risk, without presuming acceptance by the township. Notification of the results of the inspection shall be given for the site.

A provisional grading and stabilization inspection in lieu of a final grading and stabilization inspection may be given on building lots or sites from October 1 to March 1. A provisional grading and stabilization inspection at any other time shall be given only upon approval of and in the discretion of the permitting authority. Any building lots or sites with a provisional grading and stabilization inspection shall have erosion control measures in place and maintained by the permit-tee until final grading and seeding of lot or site is complete. Any such lots or sites having a provisional erosion inspection shall be required to pass a final grade and stabilization inspection by May 1 or such other time determined by the permitting authority. Owners, permit-tees or persons responsible for carrying out the plan who fails to pass the final inspection by the specified deadline above shall be subject to the remedies provided in Article VIII.

2. A commercial DESC permit applicant shall have the permit-tee's inspector or his agent make regular weekly inspections of all erosion and sediment control measures in accordance with the inspection schedule outlined on the approved drainage, erosion and sediment control permit. The purpose of such inspections will be to determine the condition and need for replacement or repair of in-place control measures, the overall effectiveness of the control plan, and the need for additional control measures. All inspections shall be documented in written or electronic form and made available upon request by the permitting authority.
3. The permitting authority or its designated agent shall enter the property of the permit-tee as deemed necessary to make regular inspections to ensure the validity of the reports filed under section D.2.

#### E. Special Precautions

1. If at any stage of the grading of any development site the permitting authority 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, watercourse, or drainage structure, the permitting authority may require, as a condition of allowing the work to be done, that such reasonable special precautions be taken and are 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 an erosion control professional may be made requirements for further work.
2. Where it appears that storm damage may result from incomplete grading on any development site, work may be stopped with due formal notice from the permitting authority and the permit-tee shall be required to install temporary structures or take such other measures as may be necessary to protect adjoining property and/or the public safety. On large developments, or where unusual site conditions prevail, permitting authority may specify the time of start of grading and time of completion or may require that the operations be conducted in specific stages to ensure completion of protective measures or devices prior to the advent of season rains.

#### F. Amendment of Plans

Major amendments of the site drainage, erosion and sediment control plans shall be submitted to the permitting authority 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 permitting authority by written authorization to the permit-tee.

#### G. Expiration of Permit

A site development permit shall expire and become null and void if the work authorized by such permit has not begun within one hundred and eighty (180) days. The permitting authority may, if the permit-tee

presents satisfactory evidence that unusual difficulties have prevented the start of work within the specified time limits, grant a reasonable extension of time if written application is made before the expiration date of the permit.

## **Article VIII. Enforcement**

### **A. Stop Work Order; Revocation of DESC Permit**

In the event any person holding a DESC permit pursuant to this ordinance violates the terms of the permit, or implements site development in such a manner as to materially adversely affect the health and/or safety of persons residing or working in the neighborhood of the development site or so as to be materially detrimental to the public or injurious to property, or improvements in the neighborhood, the permitting authority may suspend or revoke the DESC permit.

Suspension of a permit shall be a written stop work order issued by the permitting authority and delivered to the permit-tee 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 have the affect of suspending all authorizations and permits granted by the township or any agency thereof, and shall remain in effect until the violations have been complete to the satisfaction of the Township.

### **B. 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 ordinance.

Any person violating any of the provisions of this ordinance shall be deemed guilty of a civil penalty, and each day during which any violation of any of the provisions of the ordinance is committed, continued, or permitted, shall constitute a separate offense. Upon of any such violation, the developer/homebuilder/permit-tee shall be punished by a fine of \$500 for the first offence. If a second offense is committed by the same developer/homebuilder/permit-tee, they shall be punished by a fine of not less \$1,000. In addition to any other penalty authorized by this section, any developer/homebuilder/permit-tee convicted of violating any portion of the provisions of this ordinance may be required to restore the site to the condition existing prior to commission of the violation, or to bear the expense of such restoration to restore the site to the condition prior to the violation.

### **D. Separability**

The provisions and sections of this ordinance shall be deemed to be separable, and the invalidity of any portion of this ordinance shall not affect the validity of the remainder.

## **Article IX. Fees**

- 1. Minor DESC permit fee - \$100**
- 2. Major DESC permit fee - \$500**
- 3. Commercial DESC permit fee:**
  - 0 to 1 acre - \$1,500**
  - 1.01 to 5 acres - \$3,000**
  - 5.01 + acres - \$4,500**

**Article X. DESC Certificate**

Single Family Residential  
Drainage, Erosion, and Sediment Control  
(DESC) Certificate

Date \_\_\_\_\_

Builder \_\_\_\_\_

Property Address \_\_\_\_\_

Subdivision (Section/Phase) \_\_\_\_\_ Lot Number \_\_\_\_\_

I herby certify that:

- The finish grade elevations, recorded easements, sanitary and storm sewer manholes, stormwater structures and the flood routing shown on this plot/grading plan are the result of an actual as-built survey stamped by a professional surveyor. The “as-built” elevations are consistent with the approved master grading plan. Established drainage away from the structure(s) and off lot has been verified.
- The purchaser has been informed of the need to maintain established drainage patterns as shown on the engineering plans.
- Property owners have been informed of any easements or any other encumbrances.
- Permanent erosion controls or adequate temporary erosion and sediment control measures designed to be effective for 90 days have been properly implemented on this lot.

Signed \_\_\_\_\_ Print \_\_\_\_\_ Date \_\_\_\_\_  
Project Manager/Superintendent

**Article XI. Wall Elevation Certification**

**Wall Elevation Certification**

Date \_\_\_\_\_

Property Address \_\_\_\_\_

Subdivision (Section/Phase) \_\_\_\_\_

I herby certify that:

- The **WALL** elevations shown are the result of an actual survey (attached) performed on \_\_\_\_\_, 20\_\_\_\_. These elevations are consistent with the approved master grading plan and will allow for construction of the house to be consistent with the approved First Floor Elevation and Finished Grade Elevations.
- Top of Wall/Pad Elevation \_\_\_\_\_

Top of Wall/Pad Elevation per approved Master Grading Plan \_\_\_\_\_

Signed \_\_\_\_\_

Print \_\_\_\_\_

Professional Surveyor

**P.S. STAMP HERE**