



**EXHIBIT "A"**

**CHAPTER 154: EROSION CONTROL REGULATIONS**

**ARTICLE I: GENERAL PROVISIONS**

**§ 154.01. Purpose.**

(a) Findings. The City of Springfield finds that during construction, soil is highly vulnerable to erosion and that runoff from construction sites can carry a significant amount of sediment and other pollutants to the waters, rights-of-way and adjoining properties of the state, county and this City.

(b) Purpose and Intent. The purpose and intent of this Chapter is to promote and protect the property, health, safety, and general welfare of the citizens of Springfield by:

- (1) managing and controlling the amount of pollutants in storm water discharges, soil erosion, sediment discharge, and mud and dirt deposits on public roadways caused by or as a result of construction activities, land disturbing activities or floodplain development activities;
- (2) ensuring that adequate drainage, storm water management and soil conservation measures are utilized at the site of any construction activity;
- (3) protecting storm water, ground water, water bodies, watercourses, and wetlands pursuant to and consistent with the Clean Water Act and the National Pollutant Discharge Elimination System (NPDES) permit granted to Springfield for discharges from small Municipal Separate Storm Sewer Systems (MS4);
- (4) enhancing and preserving the quality and value of our resources by minimizing erosion and sedimentation from construction sites.

**§ 154.02. Jurisdiction.**

This Chapter applies to land development and land disturbing activities on lands within the corporate boundaries of the City of Springfield, Illinois and within 1.5 miles of said corporate boundaries pursuant to 65 Illinois Compiled Statutes 5/11-12-4 et seq., and Chapter 153, Section 153.102 of the City of Springfield Code of Ordinances, as amended.

**§ 154.03. Severability.**

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

**§ 154.05. Definitions.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Agricultural land use. Use of land for planting, growing, cultivating and harvesting of crops for human or livestock consumption and pasturing or yarding of livestock.

Applicant. Landowner or landowner's designee.

Best Management Practices ("BMP"). Those practices as described in the most current edition of the "Illinois Urban Manual" to control erosion and sedimentation.

Certificate of Occupancy. A document issued by the Office of Public Works, Department of Building and Zoning, which states that the described portion of the building complies with the requirements of the adopted edition of the International Building Code, and with the Springfield Zoning Ordinance, for the Use Group and Division shown, and the use for which the proposed occupancy is classified.

Certified Professional in Erosion and Sediment Control (CPESC). A person who is certified according to the policy and procedures as defined by Certified Professional in Erosion and Sediment Control, Inc.

City. The City of Springfield, Illinois.

City Engineer. The City Engineer of the City of Springfield, Illinois.

Clearing. Any activity that removes the vegetative surface cover.

Construction. Any land development, land disturbing or floodplain development activity.

Construction Site Control Measure. A control measure used to meet the requirements of the Erosion Control Plan, or to otherwise improve the Site with respect to erosion control.

Control Measure. A practice or combination of practices to control erosion and sedimentation pollution.

Drainage Way. Any natural or artificial watercourse, trench, channel, ditch, swale or similar depression into which surface water flows.

Emergency Activity. Any activity that is immediately necessary for the protection of life, property or natural resources.

Erosion. The detachment and movement of soil, sediment or rock fragments by water, wind, ice, or gravity.

Erosion Control Plan. A written description and drawing of the number, location, and size of BMP's and other pertinent information designed to meet the requirements of this chapter submitted by the Applicant for review and approval.

Fee. Payment by permittee in consideration of expenses incurred by the City, both in professional and consulting fees, and in time, materials, transportation and workload expended by City employees reviewing the erosion control plan and inspecting erosion control measures.

Floodplain Development Activity. An activity in a special flood hazard area as defined in the Chapter 150 of City of Springfield, Illinois Code of Ordinances, as amended, including, but not limited to, construction, filling and excavating.

Floodplain Development Permit. A floodplain development permit issued by the Springfield-Sangamon County Regional Planning Commission.

Illinois Urban Manual. The manual prepared by the USDA Natural Resources Conservation Service for the Illinois Environmental Protection Agency as a technical reference for

developers, planners, engineers, government officials and others involved in land use planning, building site development, and natural resource conservation in rural and urban communities and developing areas.

Incidence of Non-Compliance (ION). An Illinois Environmental Protection Agency Incidence of Non-Compliance form used to document a violation of the erosion control plan.

Land Development Activity. The construction of buildings, roads, parking lots, storage areas and similar facilities.

Land Disturbing Activity. Any man-made change to the land surface including removing vegetative cover, excavating, filling, scraping and grading; but not including agricultural land uses, growing and tending of gardens, harvesting of trees, or landscaping modifications.

Landowner. Any person or entity holding title to or having a legal or equitable interest in land.

Land User. Any person or entity operating, leasing, renting, or having made other arrangements with the landowner by which the landowner authorizes use of land.

Licensed Design Professional. A licensed professional engineer or a certified professional erosion control specialist.

Notice of Intent (NOI). An Illinois Environmental Protection Agency Notice of Intent form requesting coverage under the Illinois Environmental Protection Agency's NPDES Permit No. ILR10 for storm water discharges from construction site activities.

Notice of Termination (NOT). An Illinois Environmental Protection Agency Notice of Termination form requesting the end of coverage under the Illinois Environmental Protection Agency's NPDES Permit No. ILR10 for storm water discharges from construction site activities.

Notice of Violation (NOV). A notice issued by the Office of Public Works, Department of Building and Zoning when the conditions of the Erosion Control Permit are not being met.

Office of Public Works, Department of Building & Zoning. The Springfield, Illinois Office of Public Works, Department of Building and Zoning.

Final Stabilization. The occurrence of all of the following; (1) all land disturbing activities at the Site have been completed; (2) no areas of active erosion are evident; (3) all temporary erosion control measures have been removed; (4) the plan of final site conditions has been met; and (5) a permanent perennial vegetative cover with a density of 70% of the cover for the area has been established or equivalent permanent stabilization measures have been employed.

Permit. An Erosion Control Permit issued by the Office of Public Works, Department of Building and Zoning.

Permit Completion Notice. An Erosion Control Permit notice issued by the Office of Public Works, Department of Building and Zoning, when all disturbed areas have been permanently stabilized by permanent vegetation or other means.

Permittee. The Applicant in whose name a valid Erosion Control Permit is duly issued pursuant to this Chapter and any agents, employees, or others acting under the direction of the Applicant.

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

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

Site. The entire area included in the legal description of the land upon which the land disturbing or land development activity is proposed.

Stop Work Order. An order issued by the Office of Public Works, Department of Building and Zoning when work is being performed without an Erosion Control Permit or when a Notice of Violation corrective action has not been completed in the specified time.

Storm Water Pollution Prevention Plan (SWPPP). A document required by the Illinois Environmental Protection Agency for coverage under the General NPDES Permit ILR10 for storm water discharges from construction site activities. The document is a written description of the erosion and sediment control plan for the construction site.

## **ARTICLE II: EROSION CONTROL PERMIT**

### **§154.06. Applicability.**

- (a) This Chapter applies to the following types of land development or land disturbance activities. The following activities require an erosion control permit:
  - (1) Building or construction on any land area.
  - (2) Any land disturbing activity affecting a surface of four thousand (4,000) square feet or more.
  - (3) Excavation and/or filling two hundred (200) cubic yards or more of ground, sand, or other excavation or fill material.
  - (4) Any land disturbing activity occurring on any size of land area for which a Flood Development Permit is required.
  - (5) Street, highway, road or bridge construction, enlargement, relocation or reconstruction.
  - (6) Laying, repairing, replacing or enlarging an underground pipe, wire, cable or facility for a distance of three hundred (300) feet or more.
  - (7) Disturbing any size land area on slopes greater than twelve (12) percent grade.
  - (8) Other activities that pose a serious erosion or water pollution risk as determined by Springfield Office of Public Works, Department of Building and Zoning.
- (b) This Chapter shall not apply, and no erosion control permit is required for the following activities:

- (1) agricultural land use
- (2) gardening
- (3) landscaping modifications except as part of a project for which a permit is required
- (4) harvesting of trees
- (5) a land disturbing activity affecting less than 4,000 sq. ft.
- (6) excavation or filling of less than 200 cubic yards
- (7) underground pipe and cable work for a distance of less than 300'
- (8) emergency activities

**§ 154.07. Permit Application.**

(a) Areas Under One (1) Acre.

The Applicant shall submit a completed Permit application form and an Erosion Control Plan as required by this Chapter, any necessary documentation for land development and land disturbance activities, and the Permit fee to the Office of Public Works, Department of Building & Zoning. Within two (2) weeks of receipt, the Office of Public Works, Department of Building & Zoning, shall either issue a Permit or state in writing reasons for denying the application and specify deficiencies that must be corrected. Within one (1) week of the re-submitted Erosion Control Plan the Office of Public Works Department of Building and Zoning shall review the Erosion Control Plan for the corrected deficiencies. If the Erosion Control Plan is approved a Permit shall be issued. If there are deficiencies remaining in the re-submitted Erosion Control Plan the Applicant will again be notified in writing as to the remaining deficiencies. The review time will be one (1) week for each resubmittal until such time the Erosion Control Plan is approved and a Permit issued.

(b) Areas One (1) Acre or More.

The Applicant shall submit a completed Permit application form and an Erosion Control Plan as required by this Chapter and necessary documentation, either directly to the City Engineer or through the land subdivision process. If the site is required to go through the land subdivision process, approval of the Erosion Control Plan shall occur at the time of land subdivision approval of subdivision construction plans and large scale development site plans. The Permit application form and the Erosion Control Plan shall include but not be limited to the Illinois Environmental Protection Agency Notice of Intent and Storm Water Pollution Prevention Plan for land development and land disturbance activities on sites that are one (1) acre or more, or site(s) less than one (1) acre that is/are part of a larger common plan of development, if the larger common plan will ultimately disturb one (1) acre or more. Within two (2) weeks, unless stated otherwise in Chapters 153 and 155, the City Engineer shall approve the Erosion Control Plan or, in writing, disapprove the plan and specify deficiencies that must be corrected. After the re-submitted Erosion Control Plan is received by the City Engineer, it shall be reviewed within two (2) weeks for the corrected deficiencies. All corrected deficiencies and changes shall be sufficiently highlighted (bubble or cloud) to reflect the items to be reviewed. If

approved, the City Engineer shall stamp approval of the Erosion Control Plan and forward the Permit application form to the Office of Public Works Department of Building and Zoning for issuance of a Permit. If there are deficiencies remaining in the re-submitted Erosion Control Plan, the Applicant will again be notified in writing as to the remaining deficiencies. The review time will be two (2) weeks for each submittal until such time the Erosion Control Plan is approved and a permit issued.

#### **§ 154.08. Fees.**

Upon approval of the application, a fee of \$100.00 for one (1) acre or less and \$80.00 for each acre thereafter, must be paid. This fee may be modified from time to time by approval of the City Council. The fees established shall include the permit fee and, where applicable, the cost of plan and site review by the City Engineer. The fee schedule shall be on file in the Office of Public Works, Department of Building & Zoning. When an Erosion Control Permit is transferred as described in Section 154.12.a.1, a transfer fee is not charged.

#### **§ 154.09. Permits.**

An Erosion Control Permit shall be issued upon review and acceptance of the application, approved Erosion Control Plan and Permit fee. The Permit shall be valid for the length of time indicated on the Permit and may be revoked and/or suspended for failure to comply with the City of Springfield, Illinois Code of Ordinances, 1988, as amended. Revocation and suspension shall be in accordance with Chapter 110 of the City of Springfield, Illinois Code of Ordinances, 1988, as amended.

#### **§ 154.10. Security for Erosion Control Measures.**

As a condition precedent to the issuance of an Erosion Control Permit for land development and land disturbance activities on one (1) acre or more, the City Engineer shall require the Applicant to deposit a security to the City of Springfield to guarantee execution of the approved Erosion Control Plan and any conditions attached to the Permit. The amount of the security shall be 110% of the cost of erosion control measures as estimated by the preparer of the Erosion Control Plan. The form and sufficiency of security shall be subject to the approval of the Office of Corporation Counsel and the City Engineer.

#### **§ 154.11. Conditions of Permit.**

- (a) All permits require the Permittee to:
  - (1) Install all erosion control measures as identified in the approved Erosion Control Plan in proper sequence.
  - (2) Install and stabilize all erosion control measures before beginning any clearing, land development or land disturbance activities.
  - (3) Receive written approval from the Office of Public Works, Department of Building & Zoning, of in place perimeter BMP's before starting any land disturbance or land development activities.
  - (4) Notify the Office of Public Works, Department of Building & Zoning, at least two (2) business days before commencing any land disturbance or land development activities. The Office of Public Works, Department of Building & Zoning, shall notify the City Engineer, as required by this Chapter.

- (5) At the time of implementation, on areas one (1) acre or more, notify the Office of Public Works, City Engineer, of any minor modification(s) to the Erosion Control Plan that are acceptable in the Illinois Urban Manual and approved by the Permittee's Qualified Design Professional. Documentation of the modification(s) shall be submitted in a report, signed and dated by the Qualified Design Professional, to the City Engineer within one (1) week from the date of notification. On areas under one (1) acre the same procedure shall apply, however, the notification and report submittal shall be made to the Office of Public Works, Department of Building and Zoning.
- (6) Immediately repair any damaged or deficient erosion control measure.
- (7) Provide a qualified person to conduct the required Site inspections. A qualified person is someone knowledgeable in the principles and practices of erosion and sediment controls measures such as a licensed Professional Engineer, a Certified Professional in Erosion and Sediment Control or other knowledgeable person who possesses the skills to assess conditions at the Site that could impact storm water quality and to assess the effectiveness of the sediment and erosion control measures implemented.
- (8) Inspect and complete a record of the Site conditions and the constructed erosion and sediment control measures at least once each week, and also after each rain event of 0.5 inch or more within a twenty-four (24) hour period. Notify the Illinois Environmental Protection Agency, Field Operation Section Office on any Incidence of Noncompliance within 24 hours and complete and submit a written report of any Incidence of Noncompliance within five (5) days. All repairs to the erosion and sediment control measures shall be completed prior to the next weekly inspection. Records of inspections and repairs shall be kept on Site by the Permittee and shall be provided for inspection immediately upon request by the Office of Public Works, Department of Building and Zoning, the City Engineer, or their designees.
- (9) Allow the City Engineer, Office of Public Works, Department of Building & Zoning, or their designees to enter the Site for the purpose of inspecting compliance with the Erosion Control Plan or directing the Permittee to perform any work necessary to bring the Site into compliance with the approved Erosion Control Plan.
- (10) Maintain a copy of the approved Erosion Control Plan and permit on Site.
- (11) For areas one (1) acre or more, provide to the City Engineer, a copy of the Illinois Environmental Protection Agency Notice of Intent, any Incidence of Non Compliance and Notice of Termination, as required by this chapter.

**§ 154.12. Permit Completion Notice.**

- (a) The Office Public Works, Department of Building & Zoning, shall issue an Erosion Control Permit Completion Notice in accordance with the following procedures when disturbed areas have achieved Final Stabilization:

- (1) Areas Under One (1) Acre.

The Permittee shall notify the Office of Public Works, Department of Building & Zoning, in writing, that construction and Final Stabilization is complete.

The written notification shall request an inspection. Within three (3) working days, weather permitting, the Office of Public Works, Department of Building & Zoning, shall inspect the site to determine if all conditions of the Permit have been met and if Final Stabilization is complete. If the site is satisfactory, an Erosion Control Permit Completion Notice shall be issued. If conditions are not satisfactory, the inspector shall list the deficiencies and required corrective action. Once corrective actions have been completed, the Permittee shall request, in writing, another inspection. Within three (3) working days, weather permitting, the Site shall be inspected and if the deficiencies are corrected satisfactorily an Erosion Control Permit Completion Notice shall be issued. Temporary Certificates of Occupancy may be issued for single family and duplex residences before an Erosion Control Permit Completion Notice is issued only if erosion control measures have been implemented correctly throughout the project and weather conditions associated with the time of year prevent establishment of Final Stabilization. In these instances, a \$300 surety bond shall be posted with the City. Said bond shall only be released when Final Stabilization has been established and the Erosion Control Permit Completion Notice is issued. If the erosion control measures have been implemented correctly throughout the project, and weather conditions associated with the time of year prevent establishment of Final Stabilization, a Temporary Certificate of Occupancy may be issued and a transfer of the remaining responsibility of the erosion control permit from the original permittee to the new property owner shall be allowed at the time of property sale and closing, provided that the original permittee obtains the signature of the new property owner, on a form furnished by the Department, acknowledging that the transfer of permittee will occur. In these instances, a \$300.00 Surety Bond or a \$300.00 cashier's check will be delivered to the City by the new permittee, and the erosion control Final Stabilization shall become the responsibility of the new permittee. Said bond or cashier's check shall only be released when Final Stabilization has been established and the Erosion Control Permit Completion Notice has been issued.

(2) Areas One (1) Acre or More.

The Permittee shall submit to the City Engineer the "as built" Erosion Control Plan with Final Stabilization measures, signed and sealed by a Licensed Design Professional. Within two (2) weeks, weather permitting, the City Engineer shall review the "as built" plan and Final Stabilization measures. If the Final Stabilization measures meet the requirements of this Chapter, the City Engineer shall inform the Office of Public Works, Department of Building & Zoning, in writing and an Erosion Control Permit Completion Notice shall be issued. If the Final Stabilization measures do not meet the requirements of this Chapter, the City Engineer shall list in writing the deficiencies and required corrective action. The Permittee shall request, in writing, another inspection after completing the necessary corrective actions. Within one (1) week, weather permitting, the City Engineer shall review the corrective actions and, if acceptable, inform the Office of Public Works Department of Building and Zoning in writing and an Erosion Control Permit Completion Notice shall be issued. If Final Stabilization has not been established due to seasonal weather conditions and not due to inaction by the Permittee, a Temporary Certificate of Occupancy or approval by the City Engineer, whichever is applicable, may be issued. Thereupon, the 110% security to guarantee the execution of the Erosion Control Plan shall be reduced by the Applicant to an amount equal to 110% of the estimated construction costs of the incomplete Final Stabilization. The reduced security shall remain with the

City of Springfield and shall not be released until the Erosion Control Permit Completion Notice is issued.

### **ARTICLE III: EROSION CONTROL PLAN**

#### **§ 154.15. Requirements.**

- (a) Erosion Control Plans for areas less than one (1) acre. The Erosion Control Plan shall not require signature and seal of a licensed design professional.

The Erosion Control Plan shall include the following items:

- (1) Site location and boundary, including dimensions.
- (2) Location of existing features, including but not limited to, waterways, drainage swales, roadside ditches, curb and gutter or edge of pavement and sanitary and storm sewer structures.
- (3) Location of proposed structures.
- (4) Spot elevations, existing and proposed, at a minimum, for the following: edge of pavement or curb and gutter, property corners, slope changes and finish floor elevation of structures.
- (5) Location and dimensions of erosion control measures, including but not limited to, perimeter erosion barrier, inlet protection and stabilized construction entrance.
- (6) Name, address and phone number of the Permittee.

- (b) Erosion Control Plans for areas one (1) acre or more.

The Erosion Control Plan shall be signed and sealed by a Licensed Design Professional and shall include the following items:

- (1) Site boundaries and adjacent lands which accurately identify Site location;
- (2) Location of lakes, streams, wetlands, channels, drainage ways, ditches, other water courses and any other special areas, as defined by the Illinois Urban Manual, on both the Site and adjacent lands;
- (3) Location of the one hundred (100) year floodplain including flood fringe and floodway or a statement that no part of the property is in a 100 year floodplain;
- (4) Location and general identification of the vegetative cover;
- (5) Location and dimension of on-site and off-site storm water drainage systems, including easements and natural drainage patterns on and immediately adjacent to the Site, and the size, slope and land cover of the upslope drainage areas;
- (6) Location and dimensions of utilities, easements, structures, roadways, highways, sidewalks, paved areas and other impervious surfaces;

- (7) Site topography at a contour interval not to exceed two (2) feet, except that for slopes greater than twenty (20) percent, a five (5) foot contour is acceptable.
- (8) Location of all proposed land disturbing activities and land development activities.
- (9) Identification, locations and dimensions of all Site erosion control measures necessary to meet the requirements of this Chapter. Installation details and cross-sections of erosion control measures shall be shown or referenced.
- (10) A written statement on the Erosion Control Plan identifying the land owner or land user and the party responsible for maintaining Site erosion control measures during construction.
- (11) A plan showing the permanent erosion control measures.

(c) General criteria, standards and specifications.

All erosion control measures required as part of any Erosion Control Plan shall comply with the design criteria, standards and specifications identified in the most recent edition of the Natural Resources Conservation Service Illinois Urban Manual and most recent edition of Illinois Department of Transportation Standard Specifications of Road and Bridge Construction. The following standards and design elements are required and shall be addressed in all Erosion Control Plans:

- (1) Erosion Control Sequence Plan. All land disturbance activities including temporary erosion control Best Management Practices, permanent vegetative cover and the various stages or phases of earth disturbance and construction shall follow a chronological sequence as shown on the Erosion Control Plan.
- (2) Phasing Plan. A phasing plan of land development shall be required for all Sites. The area and schedule of each phase shall be shown.
- (3) Waste and Material Disposal. All waste and unused building materials (including garbage, cleaning wastes, wastewater, toxic materials, or hazardous materials) shall be disposed of following all federal, state and local regulations.
- (4) Stabilized Construction Entrance. Each Site shall have a stabilized construction entrance installed to prevent sediment from being tracked onto public or private roadways.
- (5) Culvert and Inlet Protection. All on-site storm culverts and inlets, and the impacted off-site downstream culverts and inlets shall be protected with appropriate Best Management Practices.
- (6) Runoff Control. Runoff from the entire disturbed area on the Site shall be controlled by all appropriate Best Management Practices. If a channel or area of concentrated runoff passes through or adjacent to the Site, silt fences shall be placed along the channel edges. Attention shall be given to the land area and slopes to be controlled before choosing an appropriate Best Management Practices.

- (7) Sediment Cleanup. All off-site sediment deposits occurring as a result of land disturbing activities shall be cleaned up by the Applicant before the end of each workday. Flushing may not be used as a cleanup method.
- (8) Disturbance Timing. Removal of existing vegetation shall be at a minimum. Existing vegetation shall be maintained until removal is necessary based upon each phase of construction. Appropriate Best Management Practices shall be constructed prior to any land disturbance. Permanent vegetation shall be established as soon as practical after the completion of each phase of work on the Site.
- (9) Temporary Stabilization. Disturbed soil to be left inactive for more than fourteen (14) calendar days shall be stabilized by mulching, temporary seeding, sodding, covering with tarps, or equivalent control measures.
- (10) Soil and Material Storage Pile(s). Soil and material storage pile(s) containing more than ten (10) cubic yards of material shall not be located in a 100 year floodplain and must be at least twenty-five (25) feet from a roadway ditch or drainage channel. If the storage pile(s) remain(s) fourteen (14) or more calendar days, the perimeter shall be stabilized utilizing appropriate Best Management Practices. The twenty-five (25) feet setback requirement from a roadway ditch or drainage channel shall not apply to areas under one (1) acre.
- (11) Channelized and Sheet Flow Drainage. Channelized and sheet flow runoff from adjacent areas passing through the Site shall be diverted around disturbed areas, if practical, and the channel shall be protected. Diverted runoff shall be conveyed in a manner that will not erode the conveyance and receiving channels. If diversion of channelized flow and/or sheet flow is impractical, the flow shall be controlled through appropriate Best Management Practices to prevent erosion and carrying off of sediment and pollutants.
- (12) Steep Slope Condition. Sites with slopes of twelve (12) percent or more shall require use of additional Best Management Practices.
- (13) Site Dewatering. Water pumped from the Site shall flow to a temporary sediment basin or other appropriate control designed for the highest dewatering pumping rate to prevent sediment from leaving the Site. Water shall not be discharged in a manner that causes erosion of the Site or receiving channels.
- (14) Final Stabilization. The methods of Final Stabilization shall be identified. If seeding is to be used, the type of seed, rates and amount of seed shall be provided.

#### **ARTICLE IV: MAINTENANCE OF EROSION AND SEDIMENT CONTROL MEASURES**

##### **§ 154.20. Maintenance.**

- (a) All erosion and sediment control measures necessary to meet the requirements of this Chapter shall be maintained by the Applicant during the period of land disturbance and land development activities in accordance with the standards of the Illinois Urban Manual in a satisfactory manner to ensure adequate performance of the erosion and sediment control measures until an Erosion Control Permit Completion Notice is issued.

- (b) The Permittee shall immediately repair any sedimentation or erosion damage to property and drainage ways adjacent to the Site resulting from land development and land disturbance activities.
- (c) The Permittee shall maintain and protect all on-site and off-site storm water drainage systems, drainage ways, floodplain and drainage easements as identified on the Erosion Control Plan.

**§ 154.21. Inspection.**

- (a) The Permittee shall have the designated qualified inspector or knowledgeable person inspect the constructed erosion and sediment control measures at least once each week and after each rain event of 0.5 inches or more within a 24 hour period and complete a written record of the inspection.
- (b) The City Engineer, Office of Public Works, Department of Building & Zoning, or their designees shall inspect construction sites periodically to ensure compliance with the Erosion Control Plan. During inspections, the Permittee shall provide all inspection records upon request (weekly site inspection, 0.5 inch or greater rain event in 24 hours inspection, Incidence of Noncompliance report submitted to the Illinois Environmental Protection Agency). The Erosion Control Plan and Storm Water Pollution Prevention Plan shall also be on-site and available upon request.

**ARTICLE V: ENFORCEMENT AND PENALTIES**

**§ 154.25. Notice of Violation.**

- (a) The Office of Public Works, Department of Building & Zoning, shall issue a Notice of Violation if the Erosion Control Plan is not being implemented or the conditions of the permit are not being met. The Notice of Violation shall state the violation, the corrective action necessary and the day by which the correction must be completed.
- (b) If the corrective action specified in a Notice of Violation is not completed in the specified time period, a Stop Work Order may be issued. The Office of Public Works, Department of Building & Zoning, shall determine the extent of the order, which may include all work at the Site except for the corrective action.
- (c) If no reasonable effort at a corrective action is made, or if immediate corrective action is necessary, the Office of Public Works, Department of Building & Zoning, may cause the corrective action to be performed and shall assess the actual and administrative costs of such performance against the Permittee.
- (d) A Stop Work Order may be issued at any time if work is being done without a valid, current Permit, or contrary to this Code.
- (e) A failure to obtain applicable permit(s) for a land disturbance or land development activity, or a failure to comply with the requirements of the Erosion Control Permit or the provisions of this Chapter, shall be deemed a violation.

**§ 154.26. Enforcement.**

- (a) The Office of Corporation Counsel may bring an action to enforce compliance with the requirements of this Chapter through either the administrative adjudication process in Chapter 39 of this Code, or by filing an action in the Circuit Court. Such action may request an injunction requiring conformance with this Chapter and such other order as the administrative hearing officer or court deem necessary to secure compliance with this Chapter.
- (b) Nothing herein shall prevent the City from seeking such other legal remedies available to prevent or remedy any violations of this Chapter, including suspension and/or revocation of the permit.
- (c) A Certificate of Occupancy shall not be issued: (1) if there is noncompliance with any provision of this Chapter; (2) if there is an injunction or other court order; or (3) if any fines are due and owing to the City.
- (d) No building permit shall be issued to any Applicant when the Applicant is not in compliance with the requirements of this Chapter.

**§ 154.999. Penalty.**

Any person who violates any of the provisions of this Chapter shall be fined not less than twenty-five (25) dollars nor more than five hundred (500) dollars for each violation. Each day that a violation of this Chapter continues shall constitute a separate and distinct, punishable offense.

**ORDINANCE FACT SHEET**

REQUEST FORM NO: \_\_\_\_\_  
 DATE OF 1ST READING: \_\_\_\_\_

OFFICE REQUESTING: Public Works

CONTACT PERSON: John Sadowski  
 PHONE NUMBER: 789-2171

EMERGENCY PASSAGE: No  Yes  If yes, explain justification.

TYPE OF ORDINANCE: New Chapter 154 FISCAL IMPACT: Additional fees and workload

(If amending a previous ordinance, please attach a copy of the previous ordinance)

**SUGGESTED TITLE:**

Chapter 154: Erosion Control Regulations

Please list supporting documentation (i.e., contract, agreement, change order, bid book, etc.)

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CONTRACTOR / VENDOR NAME: \_\_\_\_\_ VENDOR NO: \_\_\_\_\_

CONTRACT TERM: \_\_\_\_\_ CONTRACT # \_\_\_\_\_ Change in Scope Yes  No

CONTRACT AMOUNT: _____	Change Order # _____	Additional Amount _____
(Original amount if change order)		

Method of Purchase (check one) Previous Ord #'s \_\_\_\_\_

Low Bid  Other: \_\_\_\_\_
Is Purchasing Agent approval required? No  Yes

Low Bid Meeting Specs  Exception: \_\_\_\_\_
Is Purchasing Agent approval attached? No  Yes

Low Evaluated Bid Code Provision: \_\_\_\_\_

**Accounting information (if more than four accounts, please attach list)**

REVENUE					
Fund	Agency	Org	Activity	Source	Amount
1					
2					
3					
4					

EXPENDITURE					
Fund	Agency	Org	Activity	Object	Amount
1					
2					
3					
4					

FUNDS CHECK BY: _____	Date: _____
DIRECTOR / SUPERVISOR SIGNATURE <i>Mark Mahoney</i>	Date: <u>2/8/12</u>
CITY PURCHASING AGENT: _____	Date: _____

**COMMENTS**

The City of Springfield has found that during construction, soil is highly vulnerable to erosion and that runoff from construction sites can carry a significant amount of sediment and other pollutants to the waters, rights-of-way and adjoining properties of the state, county, and this City; and it is in the best interest of the City to amend the City Code by adding Chapter 154 to establish Erosion Control Regulations as it applies to land development and land disturbing activities.

SIGN OFF: \_\_\_\_\_  
 (Mayor's Signature)

\_\_\_\_\_  
 (Director of OBM)