

CULVER ZONING ORDINANCE

SECTION 7.6.

CONTROL OF EROSION AND SEDIMENT DURING LAND DISTURBING ACTIVITIES

Control of erosion and sediment is the responsibility of the property owner. Applicability and requirements are defined as follows:

1. APPLICABILITY This section applies to the following sites with land disturbing activities:
 - (a) Those involving grading, removal of protective ground cover or vegetation, excavation, land filling or other land disturbing activity affecting a surface area of 500 square feet or more;
 - (b) Those involving excavation, filling or a combination of excavation and filling affecting 100 cubic yards or more of soil, sand, gravel, stone or other material;
 - (c) Those sites already in existence that do not comply with the intent of this Chapter. Each site will be notified of non-compliance and given 7 days to submit an erosion control plan to be implemented within 15 days after notice of non-compliance.
 - (d) Even in those instances where a site development permit is not required under Section 7.6. herein, no person shall commence or perform any grading, stripping, excavating, or filling of land without complying with the applicable standards and requirements for control of soil erosion and sedimentation as contained in Section 7.6. herein, as well as implement necessary erosion and sedimentation control measures to satisfy the general principles contained herein.

2. EROSION AND OTHER SEDIMENT CONTROL REQUIREMENTS The following requirements shall be met on all sites.
 - (a) Site dewatering. Temporary sediment basins shall detain sediment-laden water flowing from the site, or retention ponds as required. Also, water shall not be discharged in a manner that causes erosion in the receiving channel.
 - (b) Waste and material disposal. Wastes or unused building materials, including but not limited to garbage, debris, cleaning wastes, wastewater, toxic materials, and hazardous substances, shall not be carried by runoff from a site. Proper disposal of all wastes and unused building materials, in line with the nature of the waste or material is required.
 - (c) Tracking. Sediment being tracked from a site onto public roadways shall be minimized. This can be accomplished initially by a well-planned layout of roads, access drives, and parking areas of sufficient width and length and/or a temporary gravel drive into the site.

However, protective covering also may be necessary. The Contractor shall remove all tracked soil from the roadways.

- (d) Sediment removal. Public right-of-way shall be kept cleared of accumulated sediment. If appreciable sedimentation occurs after a storm event, the sediment shall be deposited on the parcels of land, if in the site, from where it likely originated.
- (e) Drain inlet protection. All storm drain inlets shall be protected against sedimentation with barriers meeting accepted design criteria, standards, and specifications.
- (f) Site erosion control. The following items apply only to the time period when land disturbing activities are taking place.
 - 1) Runoff passing through a site from adjacent areas shall be controlled by diverting it around disturbed areas. Alternatively, the existing channel may be improved to prevent erosion or sedimentation from occurring.
 - 2) One or more of the following measures shall control runoff from a disturbed area.
 - a. Barring unforeseeable weather conditions, all disturbed ground left inactive for seven or more days shall be stabilized within 30 days or prior to October 31, whichever is less, by seeding, sodding, mulching, covering, or by other equivalent erosion control measures.
 - b. With disturbed areas within a site of less than 5 acres, barriers meeting accepted design criteria, standards and specifications shall be placed along all side slopes and down slope sides of the site, shall be required.
 - 3) Erosion from all topsoil storage piles shall be controlled by methods meeting accepted design criteria, standards and specifications.
 - 4) Storm drain inlets shall be protected using accepted methods meeting accepted design criteria, standards and specifications.

SECTION 7.7.

MAINTENANCE OF EROSION CONTROL MEASURES

During the period of land disturbance at a site, all sediment basins and other erosion control measures necessary to meet the requirements of this ordinance shall be applied by the applicant or subsequent landowner. If sedimentation is likely to be a problem after land disturbing activities have ceased, some or all of the sediment basins and other erosion control measures shall be maintained by the applicant or subsequent landowner for as long as the problem exists.

SECTION 7.8.

PERMIT APPLICATION, EROSION CONTROL PLAN, AND PERMIT ISSUANCE

No person shall begin a land disturbing activity subject to this Chapter without receiving an erosion control permit and paying a fee for such permit as set forth on the attached Schedule "A", Erosion Permit Fees and Non-Compliance Penalties. By submitting an application, the applicant is agreeing that the Building Commissioner has been given permission to enter the site to obtain information required for review of the erosion control plan.

1. **CONTENT OF EROSION CONTROL PLAN FOR LAND DISTURBING ACTIVITIES COVERING 500 SQUARE FEET OR MORE.** An erosion control plan statement describing the site and erosion control measures and including a development schedule and simple map showing the locations of the control measures is required.
2. **REVIEW OF EROSION CONTROL PLAN.** The Building Commission shall promptly review the application and erosion control plan to determine whether the requirements of this Chapter have been met. If the conditions are met, the Building Commissioner shall approve the plan, inform the applicant, and issue a permit. If the conditions are not met, the Building Commissioner shall inform the applicant in writing and either may require additional information or may disapprove the plan. If the requested additional information is submitted, the Building commissioner shall again determine whether the plan meets the requirements of this Chapter. If the plan is disapproved, the Building Commissioner shall inform the applicant in writing giving reasons for disapproval.
3. **PERMITS.**
 - (a) **Permit conditions.** All permits shall require the applicant to:
 - 1) Notify the Building Commissioner at least 24 hours before commencing with any initial land disturbing activity;
 - 2) Notify the Building Commissioner of the completion of erosion control measures within seven days after their installation;
 - 3) Obtain permission from the Building Commissioner prior to modifying erosion control plan;
 - 4) Install all erosion control measures as identified in the approved erosion control plan;
 - 5) Maintain all road drainage systems, storm water drainage systems, erosion control measures, and other facilities identified in the erosion control plan until the project has been terminated. (See Section 7.7. for continuing maintenance responsibility);

- 6) Where legal, remove sediment resulting from land disturbing activities from adjacent surfaces and drainage ways and/or repair erosion damage to adjacent surfaces and drainage ways; and to remediate or settle.
 - 7) Allow the Building Commissioner to enter the site for verifying compliance with the erosion control plan or for performing any work necessary to bring the site into compliance with the erosion control plan.
- (b) All permits shall be issued by the Building Commissioner and all fees provided for herein shall be paid to the Clerk-Treasurer.

SECTION 7.9.

INSPECTION

To ensure compliance with the erosion control plan, the Building Commissioner or his representative may inspect sites having ongoing land disturbing activities at least once a month during the period between March 1 and November 30 and at least twice during the period between December 1 and February 28.

If land disturbing activities are being carried out without a permit, the Building Commissioner shall issue a stop-work order pursuant to the provisions of I.C. 36-1-4-11 and I.C. 36-1-6-2.

SECTION 7.10.

ENFORCEMENT

1. The Building Commissioner shall post a stop-work order if:
 - (a) Any land disturbing activity regulated under this ordinance is being undertaken without a permit;
 - (b) The erosion control plan is not being implemented in good faith; or
 - (c) The conditions of the permit are not being met.
2. Upon appeal to the Building Commissioner, a stop-work order or the revocation may be retracted.
3. If within five days after notification, a person required to obtain a permit or a permit holder does not comply with the erosion control plan or permit conditions, the Building Commissioner may charge the permit holder a fine as provided for on the attached Schedule "A" Permit Fees And Penalties.
4. Compliance with the provisions of this ordinance also may be enforced by injunction.

SECTION 7.11.

PROJECT TERMINTION

An orderly and timely termination of a project with land disturbing activities should be planned between all persons involved with a site. When a project has been completed, the person holding the permit shall petition, in writing, the Building Commissioner for approval of erosion control measures, which are to remain on the site. The petitioner shall include a statement of the owners responsibility to maintain any and all erosion control measures required after project termination. The Building Commissioner shall subsequently inspect the site to evaluate the adequacy of these control measures.