

NOTICE

A PORTION (OR THE ENTIRETY) OF THIS PROPOSED DOCUMENT IS UNDER REVIEW BY DEPARTMENT HEADS. UNLESS OTHERWISE NOTED, PORTIONS OF THE TEXT THAT APPEAR IN ITALICS ARE ADDITIONS OR PROPOSED CHANGES TO THIS ORDINANCE.

FOR READABILITY, THE TERMS IN THE DEFINITION SECTION OF THIS ORDINANCE ARE IN ITALICS AND ARE BASED ON EITHER WEBSTER'S UNABRIDGED DICTIONARY OR ACCEPTABLE PLANNING TERMS. HOWEVER, IF THE ENTIRETY OF A DEFINITION APPEARS IN ITALICS INSTEAD OF THE TERM ITSELF, THE ENTIRE DEFINITION IS AN ADDITION.

PROPOSED EROSION CONTROL ORDINANCE

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A. TITLE

This article shall be known as the “Starkville Erosion Control Ordinance.”

B. SCOPE

The regulations set forth in this article shall apply to all real property within the city limits now and in the future. This article shall be a minimum standard.

C. DEFINITIONS

City Engineer – the city engineer of public works or its designee.

Entity – any property owner, lessee, contractor, utility company, person, firm, corporation, or any legal entity, and their employees and agents. The term “entity” shall include all entities with authority or control over the property in issue.

Municipal Property – property owned by the city including, but not limited to, city streets, rights-of-way, and storm drainage systems.

Property – private or municipal property.

Sediment – topsoil, dirt, mud, sand, gravel, silt, debris or any other material.

D. CLEARING, GRADING, EXCAVATION, FILLING

It shall be unlawful for any entity to clear, clear cut, grade, excavate or fill (hereinafter “work”) any property within the city limits without having first obtained an erosion control permit (“EC Permit”). The EC Permit applications shall contain the following information:

1. The building site with corresponding dimensions,
2. All plans to scale no more than one inch equals one hundred (100) feet,

3. Intended use of the property,
4. The name of the project,
5. The name, address and telephone number of owner or lessee of the property,
6. The specific erosion control plans proposed, as specified herein below,
7. The name, address, and telephone number of entity performing such work,
8. Total area to be cleared, graded, excavated or filled,
9. General description of work to be performed.

For sites requiring a stormwater permit from the Mississippi Department of Environmental Quality (MDEQ), a copy of such approved permit shall also be submitted as part of the application for the permit. Any work to be performed within any 100-year floodplain area shall also be identified on maps or plats showing the existing elevations of the property, 100-year floodplain and floodway areas, and location and elevation of proposed fill material. An EC permit shall also be obtained by any utility company or contractor proposing to install new underground utility lines or mains upon any municipality owned street right-of-way when such installation requires an open trench of six (6) inches or larger; however, no fee shall be charged for the EC permit for such utility. Provided, however, that no such permit shall be required of utility companies or contractors employed directly by the city. No permit shall be required in an emergency situation to repair or restore utility service.

E. SUBMISSION OF EROSION CONTROL PERMITS

Every application for a building permit shall include an EC permit. No building permits shall be issued for projects/lots until the EC permit has been reviewed and approved by the city engineer. No building permit will be issued for any property on which indebtedness to the city exists by reason of an order of restitution of costs associated with the city's removal of sediment.

F. EROSION CONTROL DEVICES

1. The EC permit shall require, and the entity shall install specific erosion control plans, which shall be maintained in proper working condition for so long as work is being conducted on the property or for so long as an active permit of any nature is issued for the project. Erosion control devices required by the EC permit may include, but are not limited to, silt fences, hay bales, retention ponds, mulch, sod, rip-rap, vegetation barriers, and any other measures which will adequately prevent sediment from being eroded onto adjoining property.
2. The EC permit shall always require a stabilized stone pad to be placed at any point where traffic will be entering and leaving the construction site to or from a public road. Stone pads shall contain ASTM-1 stone, six (6) inches thick and shall be placed a minimum width of thirty (30) feet and maximum length of one hundred (100) feet from the public road into the site.

3. No EC permit shall be issued for any property for which a preliminary subdivision plat is required, as determined by the city engineer, which has not been approved by the Starkville Planning Commission and Mayor and Board of Aldermen.
4. No EC permit shall be issued for any property for which a site or development plan is required, as determined by the zoning administration official, which has been approved by the Starkville Planning Commission.
5. The fee for issuance of an EC permit shall be ten dollars (\$10.00).
6. The responsibility of the property owner and its agents shall be joint and severable with the entity performing the work for the maintenance of all erosion control devices, which shall be maintained in a condition so as to prevent erosion of sediment on the property.

G. VIOLATIONS

1. Municipal Property

- a. It shall be unlawful for any entity to cause, permit or allow any sediment to be washed or otherwise deposited upon any municipal property within the city. In the event any entity shall allow such sediment to be deposited upon municipal property, such entity shall immediately remove such sediment from said municipal property.
- b. It shall be unlawful for an entity, upon notice from the city engineer of a violation of subparagraph (a) above to not immediately remove such sediment. Once notice is given, if the entity does not act immediately to remove such sediment, the city engineer shall issue a stop work order on such project. If the sediment is not removed within twenty-four (24) hours of notice by the city engineer and the city engineer determines that a dangerous situation exists with regard to the sediment, the city may remove such sediment and charge the entity with all reasonable costs associated with the removal of the sediment.
- c. Notice by the city engineer is deemed sufficient if the notice is orally given to the entity. Written notice may then be mailed or hand delivered to such entity or its representative. Such notice is deemed given when orally transmitted, and not at any time associated with the giving or receiving of the written notice.

2. Private Property

- a. It shall be unlawful for any entity to cause, permit or allow any sediment to be washed or otherwise deposited upon any private property within the city. In the event any entity shall allow such sediment to be deposited upon private property, such entity shall immediately remove such sediment from said property, upon notice by and with consent of the property owner.

- b. It shall be unlawful for an entity, upon notice from the private property owner, lessee or its representative of a violation of subparagraph (a) above to not immediately remove such sediment. Written notice by the property owner, lessee or its representative is deemed sufficient if the written notice is delivered to the entity, or any of their agents including any person on-site performing any aspect of the work, or work on the project pursuant to a building permit.
- c. An action to be brought for a violation affecting only private property shall be commenced by the private property owner or lessee or its agent filing with the Starkville Police Department, an affidavit setting forth the facts constituting a violation, and if he determines that a violation has occurred, may issue a stop work order for any work proceeding on the property.

H. PENALTIES

Any entity violating any provision of this article shall be deemed guilty of a misdemeanor and fined not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) and/or six (6) months in jail or both. Each twenty-four hour period after notice is given by the city engineer or private property owner shall be considered a separate offense hereunder. Furthermore, an entity found guilty of such violation who failed to remove the sediment after notice is given, shall be required to pay to the city or private property owner restitution equaling the costs and expenses of removal. In calculating the costs and expenses incurred by the city, a reasonable rate shall be charged for use of all city equipment and employees, with such rate to be at least equal to the costs of contracting the removal of such sediment with a private entity.

I. EFFECTIVE DATE

This Ordinance shall become effective and be in force as provided by the law.

