

ORDINANCE NUMBER 2007-02

**AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF EROSION CONTROL
WITHIN THE CITY LIMITS OF THE CITY OF STARKVILLE, MISSISSIPPI**

WHEREAS, The Mayor and Board of Aldermen are authorized to take all actions as may be necessary and proper to preserve the general public health, safety and welfare of the people of the City of Starkville, Mississippi; and

WHEREAS, The Mayor and Board of Aldermen have found that the establishment of fines and penalties and the establishment of guidelines for controlling erosion within the City Limits of the City of Starkville is reasonable and necessary to preserve the general public health, safety and welfare of the people of the City of Starkville, Mississippi,

NOW THEREFORE, BE IT ORDAINED, by the Mayor and Board of Aldermen of the City of Starkville as follows:

SECTION 1. TITLE:

This article shall be known as the ■Starkville Erosion Control Ordinance.●

SECTION 2. 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.

SECTION 3. DEFINITIONS:

(a) "Building Official" shall mean the designated Building Official or his designee.

- (b) "City Engineer" shall mean the City Engineer or his designee.
- (c) "Entity" shall mean 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.
- (d) "Municipal Property" shall mean property owned by the City including, but not limited to, city streets, rights-of-way, and storm drainage systems.
- (e) "Property" shall mean any private or municipal property of any size or dimensions whatsoever.
- (f) "Sediment" shall mean topsoil, dirt, mud, sand, gravel, silt, debris or any other material related to real property and its vestiges.

SECTION 4. CLEARING, GRADING, EXCAVATING, FILLING:

It shall be unlawful for any entity to clear, clear cut, grade, excavate or fill in the process of construction or as a preliminary to construction or development (hereinafter ■work•), any property within the city limits without having first obtained an erosion control permit (■EC Permit•) from the City of Starkville Building Department. 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, owner's agent or lessee of the property;
6. The specific erosion control plans proposed, as specified herein below,
7. The name, address, and telephone number of the entity performing such work;
8. The 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.

SECTION 5. SUBMISSION OF EROSION CONTROL PERMITS:

Every application for any permit involving earthwork shall include an EC permit. An EC permit must be secured from the City of Starkville Building Department prior to starting any earthwork as a result of an approved preliminary plat. No permits shall be issued for projects/lots until the EC permit has been reviewed and approved by the City Engineer. No permit will be issued for any property on which indebtedness to the City exists.

SECTION 6. 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 that 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 - M43 #1 stone, six (6) inches thick and shall be placed a minimum width of eighteen (18) feet and maximum length of one hundred (100) feet from the public road into the site. The length of pad shall be site specific as determined by the City Engineer or Building Official.

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 & Zoning Commission and the 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 Building Official, which has not been approved by the Starkville Planning & Zoning Commission.
5. The fee for issuance of an EC permit shall be fifty dollars (\$50.00).
6. The responsibility of the property owner and its agents shall be jointly and severally 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.

SECTION 7. VIOLATIONS:

(a). Municipal Property

1. 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.
2. It shall be unlawful for an entity, upon notice from the City Engineer/Building Official of a violation of subparagraph (1) 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/Building Official 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/Building Official, and the City Engineer/Building Official 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.

3. Notice by the City Engineer/Building Official 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.

SECTION 8. 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 sixty (60) days in jail or both. Each twenty-four hour period after notice is given by the City Engineer/Building Official shall be considered a separate offense hereunder. Furthermore, an entity found guilty of such violation who fails to remove the sediment after notice is given, shall be required to pay to the City 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.

SECTION 9. INVALIDITY/SEVERABILITY:

If any provision of this ordinance is determined by a Court of competent jurisdiction to be invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section or provision thereof not adjudged invalid or unconstitutional, which shall remain in full force and effect.

SECTION 10. REPEALING CLAUSE:

All Ordinances, or resolutions of the Mayor and Board of Aldermen of the City of Starkville that conflict with the provisions of this Ordinance shall be, and the same are, hereby repealed, and rescinded, but only to the extent of such

conflict.

SECTION 11. EFFECTIVE DATE:

This ordinance shall become effective and be in force from and after its passage in the manner provided by law on or after the 30th day after its adoption.

THE FOREGOING ORDINANCE was proposed in a motion by Alderman Richard Corey, duly seconded by Alderman Matt Cox, that the aforesaid Ordinance be adopted. Said Ordinance being put to a roll call vote with the Aldermen voting as follows:

Richard Corey	Voted: YEA
Matt Cox	Voted: YEA
Sumner Davis	Voted: YEA
P.C. (Mac) McLaurin, Jr.	Voted: Absent and not voting
Jim Mills	Voted: YEA
Roy A'. Perkins	Voted: YEA
Janette Self	Voted: YEA

ORDAINED AND ADOPTED, this the 16th day of January, A.D., 2007 at the Regular Recess meeting of the Mayor and Board of Aldermen of The City of Starkville, Mississippi.

ROBERT D. CAMP, Mayor
City of Starkville, Mississippi

MARKEETA OUTLAW, City Clerk
City of Starkville, Mississippi

(SEAL)

