

**CHAPTER 30**

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## **EROSION AND STORM WATER RUNOFF CONTROL**

### **Sec. 30.01** Finding and Declaration of Purpose

The Village finds that urbanizing land uses have accelerated the process of soil erosion, runoff and sediment deposition in the eaters of the Village. Therefore, it is declared to be the purpose of this Chapter to control and prevent soil erosion and minimize storm water runoff increases and thereby to preserve the natural resources, control floods and prevent impairment of dams and reservoirs, protect the quality of public waters, protect wildlife, protect the tax base, and protect and promote the health, safety and general welfare of the people of the Village.

### **Sec. 30.02** Erosion and Sedimentation Control Plans

- 1) **MAY BE REQUIRED.** Erosion and sedimentation control plans may be required by the Plan Commission before authorization of construction or installation of improvements showing those structures required to retard the rate of runoff water and those grading and excavating practices that will prevent erosion and sedimentation. Such plans shall generally follow the guidelines and standards set forth in the publication, plans Minimizing Erosion in Urbanizing Areas, as prepared by the U.S. Department of Agriculture, Soil Conservation service, 1972, and the standards contained in this Chapter.
- 2) **STANDARD FOR EROSION AND SEDIMENT CONTROL FOR LAND-DISTURBING ACTIVITIES.** If required by the Plan Commission, plans will not be approved nor permits issued unless erosion and sedimentation leaving the site during and after the land disturbance will not exceed that which would have been eroded if the land had been left in its undisturbed state and/or are controlled in accordance with established procedures, including, but not limited to, Minimizing Erosion in Urbanizing Areas or other technical guidelines as developed by the U.S. Department of Agriculture, Soil Conservation Service.
- 3) **STANDARDS FOR ON-SITE DETENTION AND RUNOFF CONTROL FOR LAND-DISTURBING ACTIVITIES.** Activities subject to on-site detention and runoff control regulation under this Section shall comply with the following standards:
  - a. The peak runoff rate after the proposed activities should not be greater than the peak rate which would have resulted from the same ten (10) year storm event occurring over the site with the land in its natural undeveloped state.
  - b. Where on-site detention is used for runoff control, the detention facilities shall safely contain and/or safely pass the runoff of a one hundred (100) year storm of any duration.
  - c. Determination of on-site detention volumes shall be computed by established procedures equivalent to and calibrated against that procedure promulgated by the United States Soil Conservation Service in its National Engineering Handbook or the technical publication entities "Urban Hydrology for Small watersheds, TR-55," and accepted by the Village Engineer.
- 4) **STANDARD FOR TRACKING.** For plan approval there must be adequate provisions to prevent the tracking or dropping of dirt or other materials from the site onto any public or private street.
- 5) **DESIGN CRITERIA, ENGINEERING STANDARD AND GENERAL PRINCIPLES.** The person engaged in land-disturbing activities may employ structural or non-structural measures necessary to achieve all applicable standards set out in this Chapter. However, these measures will be evaluated to determine that they follow currently accepted design criteria and engineering standards. The following general principles shall be used when evaluating control plans and granting permits under this Section:
  - a. The smallest area of land shall be exposed for the shortest period at any given time during development.
  - b. The rough grading of the lot shall include backfilling the basement and all excess earth shall be hauled off the lot.
  - c. Accommodation of the increased runoff caused by changes soil and surface conditions during and after development.
  - d. Permanent, final plant covering, or structures shall be installed prior to final acceptance.
  - e. The plan of development shall relate to the topography and soils of the site so that the lowest potential for erosion is created.
  - f. Natural plant covering shall be retained and protected and shall be deemed a dominating factor in developing the site and temporary vegetation, mulching or other cover shall be used to protect the area exposed during the land-disturbing activity.

- 6) CONTENTS OF THE CONTROL PLAN. The control plan that may be required by this Section shall contain such information needed to determine soil erosion, sedimentation and runoff control:
  - a. A map of the site location showing the location of the predominant soil types.
  - b. A topographic map of the site location, including the contiguous properties, existing drainage patterns and watercourse affected by the proposed development of the site and the existing vegetative cover.
  - c. A plan of the site showing:
    - (1) Name, address and telephone number of the occupant and party responsible for maintaining erosion control.
    - (2) Limits of natural floodplain(s) based on a one hundred (100) year flood, if any.
    - (3) A timing schedule indicating the anticipated starting and completion dates of the development sequence.
    - (4) Proposed topography of the site location with a maximum of two-foot contour intervals showing:
      - a) Location of activity, disturbance of protective cover, any additional structure on the site, areas to be seeded or mulched, areas to be vegetatively stabilized and areas to be left undisturbed.
      - b) Elevations, dimensions, location of all activities including where topsoil will be stockpiled.
      - c) The finished grade, stated in feet horizontal to feet vertical, of cut and fill slopes.
      - d) Kinds of utilities and areas of installation, including special erosion control practices for utility installation.
      - e) Paved and covered areas in square feet or to scale on a plan map.
      - f) Makeup of surface soil (upper six [6] inches) on areas not covered by buildings, structures, or pavement.
      - g) Kind of cover on areas not covered by buildings, structures, or pavement.
- 7) REVIEW OF PLAN.
  - a. The Plan Commission shall review all required control plans within thirty (30) days to determine if the measures are adequate to meet all applicable standards as set out in this Section. The control plan will be approved, disapproved, modified or have additional information required, in writing.
  - b. In the event that the plan is disapproved, the applicant may resubmit a new control plan or may appeal the Commission's decision to the Village Board.
- 8) APPEALS.
  - a. The Village Board shall hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made by the Plan Commission in administering this Section.
    - (1) The Village Board may authorize upon appeal in specific cases such variances from the terms of this Section as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this Section will result in unnecessary hardship, so that the spirit of this Section shall be observed, public safety and welfare secured, and substantial justice done.
    - (2) Such variance may be granted to two (2) or more property owners, including governmental agencies who submit one runoff control plan for two (2) or more parcels of land. In the event it is in the interest of the Village to participate with another property owner(s) shall reimburse the Village an amount equal to the value of the Village lands used but not less than the fair market value of unimproved lands plus the estimated construction cost of the detention capacity that would have been required of the other participant(s) to serve their lands in order to comply with this Section.

### **Sec. 30.03** Prohibited Sediment Deposits

Any person, firm or corporation who causes or permits erosion, sediment deposits, tracking or dropping of dirt on adjacent land, public streets or bodies of water from any land whether otherwise subject to this Chapter or not, shall be deemed in violation of this Section and subject to the general penalties provided in Sec. 2.04.

### **Sec. 30.04** Required Subdivision Construction Site Erosion Control

- 1) REQUIRED EROSION CONTROL. All subdividers shall cause all grading, excavations, open cuts, side slopes and other land surface disturbances to be so mulched, seeded, sodded or otherwise protected that erosion, siltation, sedimentation and washing are prevented in accordance with the plans and specifications approved by the Plan Commission. In addition:

- a. Sod shall be laid in strips at those intervals necessary to prevent erosion and at right angles to the direction of drainage.
  - b. Temporary vegetation and mulching shall be used to protect critical areas, and permanent vegetation shall be installed as soon as practical.
  - c. Construction at any given time shall be confined to the smallest practical area and for the shortest practical period of time.
  - d. Sediment basins shall be installed and maintained at all drainage ways to trap, remove and prevent sediment and debris from being washed outside the area being developed.
  - e. The subdivider shall be responsible at his expense for repairing any damage to all adjoining surface and drainage ways caused by runoff and/or sedimentation resulting from his activities.
- 2) PROTECTING EXISTING FLORA. The subdivider shall make every effort to protect and retain all existing trees, shrubbery, vines and grasses not actually lying-in public roadways, drainage ways, building foundation sites, private driveway, soil absorption waste disposal areas, paths and trails. Such trees are to be protected and preserved during construction in accordance with sound conservation practices, including the preservation of trees by well islands or retaining walls whenever abutting grades are altered.
- 3) ENTRY; COMPLIANCE.
- a. The subdivider agrees to permit the Building Inspector to enter onto the land regulated under this Chapter for the purpose of inspecting for compliance with this Chapter.
  - b. The subdivider authorizes the Village to perform any work or operations necessary to bring the condition of the lands into conformity with the approved control plan, if required, and this Section, and further consents to the Village collecting the total of the costs and expenses of such work and operating as a special charge against the property for current services rendered as provided by law.

**Sec. 30.05** Performance of Work by the Village

Where it is found that any of the provisions of this Chapter, when required, are not being observed on particular lands, the Building Inspector is hereby authorized to require the owner, occupant or user to perform the work or land treatment measures within ten (10) working days and to order that if the owner, occupant or user fails to perform, the Building Inspector may go on the land, and bring the condition of said lands into conformity with the requirements of this Chapter, and recover the costs and expenses thereof from the owner. In the event that the owner fails to pay the amount due, it shall be collected as a special charge for current services rendered upon the property as provided by law.