

Sec. 16-4-50. Grading, erosion and sediment control requirements.

- (a) Purpose. The purpose of this Section is to provide regulations to monitor and control the high rates of erosion and sedimentation due to land disturbance caused by grading (cut or fill). This Section is further intended to ensure the protection of existing drainageways as well as private and/or public property adjacent to any disturbed area regulated by this Article.
- (b) Grading Defined. For purposes of this Section, grading is any change to the native contours of the surface of the property. This includes grading associated with building permits, the placement of fill material, cutting or reshaping a slope, berms, landscaping, or revising the area (square footage) and/or the point of discharge of surface drainage to adjacent property.
- (c) Overlot Grading Permit Required. An overlot grading permit is required if any one (1) of the following conditions occurs:
 - (1) The area of grading is greater than ten thousand (10,000) square feet.
 - (2) More than one hundred (100) cubic yards of fill material is imported or placed from on site cut;
 - (3) The proposed grading increases or changes the historical flow of surface water to adjacent lots or the Town rights-of-way; or
 - (4) The disturbed area is within seventy-five (75) feet of an existing drainageway, floodplain or wetlands as determined by the Town Engineer.
- (d) Overlot Grading Permit Applications Required.
 - (1) Project of less than one (1) acre. For any proposed project which requires disturbing an area less than one (1) acre, the following information shall be provided in addition to the overlot grading permit application for approval by the Town Engineer:
 - a. A sketch of the entire property showing existing improvements (i.e., boundary lines, buildings, driveways, fences, etc.);
 - b. North arrow and scale of the drawing;
 - c. The limits of the work area shall be indicated on the sketch with the area square footage and the amount of cut/fill in cubic yards labeled;
 - d. All surface water hydrologic features within one hundred (100) feet of the proposed work area (i.e., drainageways, floodplains, wetlands);
 - e. Directional flow arrows indicating stormwater runoff;
 - f. Temporary and, if applicable, permanent erosion and sediment control BMPs in accordance with the Town's standards and specifications; and
 - g. If the existing driveway access to the area is not to be used for the construction access, then a temporary construction access from the Town's paved roadway to the applicant's property must be approved by the Town Engineer.
 - (2) Project of one (1) acre or more. For any site disturbing an area of one (1) acre or more, a Grading, Erosion and Sediment Control (GESC) Report and Plan shall be prepared, stamped and sealed by a registered engineer in accordance with the County's GESC Manual, as adopted by the Town, along with the overlot grading permit application for approval by the Town Engineer.
- (e) Fee for Overlot Grading Permit Applications. An application fee in an amount determined by resolution of the Board of Trustees. In addition to the application fee, applications for grading permits must comply with the escrow deposit requirements of Subsection 16-5-100(b) of this Chapter.
- (f) Penalty. It shall be unlawful for any person to violate the provisions of this Section. Any person convicted of violating any provision of this Section shall, upon conviction, be punished by a fine of

not more than four hundred ninety-nine dollars (\$499.00) per day for each separate offence. Each day a violation of this Section continues shall constitute a separate offence. The Town may also seek upon a finding of a violation of this Section an injunction, abatement, restitution or any other remedy to prevent, enjoin, abate or remove the violation. A person convicted of violating the provisions of this Section shall also be liable for the actual cost of rehabilitating the property.

(Ord. 6 §1, 2007; Ord. 1 §1, 2012; Ord. 04 §11, 2014)