

8-1

**A RESOLUTION ADOPTING  
AN EROSION CONTROL ORDINANCE**

**WHEREAS**, Sangamon County finds that Clean Water sustains and enriches citizens' daily lives by supplying drinking water, providing animal and plant habitat and providing areas for recreation and relaxation, and;

**WHEREAS**, Sangamon County finds that during construction, soil is highly vulnerable to erosion, and that runoff from construction sites can carry a significant amount of sediment and other pollutants to the waters, rights-of-way and adjoining properties of the state and this County, and;

**WHEREAS**, Sangamon County's Storm Water Management Program, prepared by Hanson Professional Services, Inc., for compliance with Phase II of the National Pollutant Discharge Elimination System under the Clean Water Act, determined that control of construction erosion is necessary, and;

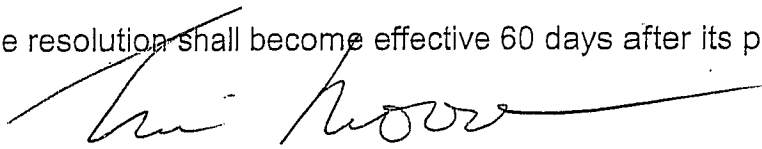
**WHEREAS**, Sangamon County finds that control of construction site erosion will help promote and protect the health, safety and general welfare of the citizens of Sangamon County,


**NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY BOARD OF SANGAMON COUNTY, ILLINOIS:**

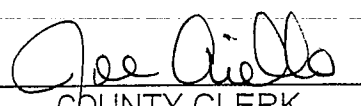
Section 1: The Erosion Control Ordinance attached as Exhibit 1 is hereby approved by the County Board of Sangamon County, Illinois.

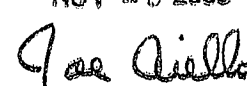
Section 2: The Chairman of the Sangamon County Board is authorized to sign and the County Clerk to attest approval of said ordinance for and in the name of Sangamon County, Illinois.

Section 3: The resolution shall become effective 60 days after its passage.

RECOMMENDED BY:   
TIM MOORE  
COUNTY BOARD MEMBER

PASSED: 12-9 2008      SIGNED:   
CHAIRMAN

ATTEST:   
COUNTY CLERK

**FILED**  
NOV 25 2008  
  
Sangamon County Clerk

**SECTION I: INTRODUCTION**

(A) *Findings.* Sangamon County finds that during construction soil is highly vulnerable to erosion and that runoff from construction sites can carry a significant amount of sediment and other pollutants to the waters, rights-of-way and adjoining properties of the state and this county.

(B) *Purpose and Intent.* The purpose and intent of this Ordinance is to promote and protect the health, safety, and general welfare of the citizens of Sangamon County by:

- (1) managing and controlling the amount of pollutants in storm water discharges, soil erosion, sediment discharge, and mud and dirt deposits on public roadways caused by or as a result of construction activities, land disturbing activities or floodplain development activities;
- (2) ensuring that adequate drainage, storm water management and soil conservation measures are utilized at the site of any construction activity;
- (3) protecting storm water, ground water, water bodies, watercourses, and wetlands pursuant to and consistent with the Clean Water Act and NPDES permits granted to Sangamon County;
- (4) enhancing and preserving the quality and value of our resources by minimizing erosion and sedimentation from construction sites.

(C) *Jurisdiction.* This ordinance applies to land development and land disturbing activities on lands within the boundaries and jurisdiction of Sangamon County.

**SECTION II: DEFINITIONS**

Agricultural land use means use of land for planting, growing, cultivating and harvesting of crops for human or livestock consumption and pasturing or yarding of livestock.

Best Management Practices (hereinafter referred to as "BMP") means those practices as described in the most current edition of the "Illinois Urban Manual" to control erosion and sedimentation.

Construction means any land development, land disturbing or floodplain development activity.

Construction site control measure means a control measure used to meet the requirements of Sec. IV: Erosion Control Plan or to otherwise improve the site with respect to erosion control.

Control measure means a practice or combination of practices to control erosion and attendant pollution.

County means Sangamon County, Illinois.

County Engineer means the County Engineer of Sangamon County.

Department of Zoning & Building Safety means the Sangamon County Department of Zoning & Building Safety.

Drainage way means any natural or artificial watercourse, trench, channel, ditch, swale or similar depression into which surface water flows.

Erosion means the detachment and movement of soil, sediment or rock fragments by water, wind, ice, or gravity.

Erosion Control Plan means a written description and drawing of the number, location, and size of BMP's and other pertinent information designed to meet the requirements of this ordinance submitted by the applicant for review and approval.

Floodplain development activity means an activity in a special flood hazard area as defined in the Flood Control Ordinance of Sangamon County including, but not limited to, construction, filling and excavating.

Illinois Urban Manual means the manual prepared by the USDA Natural Resources Conservation Service for the Illinois Environmental Protection Agency as a technical reference on sedimentation and erosion control.

Land development activity means the construction of buildings, roads, parking lots, storage areas and similar facilities.

Land disturbing activity means any man-made change to the land surface including removing vegetative cover, excavating, filling, scraping and grading; but not including

agricultural land uses, growing and tending of gardens, harvesting of trees, or landscaping modifications.

Landowner means any person or entity holding title to or having an interest in land.

Land user means any person or entity operating, leasing, renting, or having made other arrangements with the landowner by which the landowner authorizes use of his/her land.

Runoff means the rainfall, snowmelt, or irrigation water flowing over the ground surface.

Site means the entire area included in the legal description of the land on which the land disturbing or land development activity is proposed.

**SECTION III: EROSION CONTROL PERMIT**

(A) Applicability

(1) This ordinance applies to the following types of land development or land disturbing activities. The following activities require an erosion control permit:

- (a) Building and construction on any parcel of record.
- (b) Any land disturbing activity affecting a surface of four thousand (4,000) square feet or more.
- (c) Excavation and/or filling two hundred (200) cubic yards or more of ground, sand, or other excavation or fill material.

- (d) Any land disturbing activity occurring on any size parcel for which a flood development permit is required.
- (e) Street, highway, road or bridge construction, enlargement, relocation or reconstruction.
- (f) Laying, repairing, replacing or enlarging an underground pipe, wire, cable or facility for a distance of three hundred (300) feet or more.
- (g) Disturbing any size land area on slopes greater than twelve (12) percent grade.
- (h) Other activities that pose a serious erosion or water pollution risk as determined by Sangamon County Department of Zoning & Building Safety.

(2) This ordinance shall not apply and no erosion control permit is required for the following activities:

- (a) agricultural land use
- (b) gardening
- (c) landscaping modifications except as part of a project for which a permit is required
- (d) harvesting of trees
- (e) a land disturbing activity affecting less than 4,000 sq. ft.
- (f) excavation or filling of less than 200 cubic yards
- (g) underground pipe and cable work for a distance of less than 300'

(B) Erosion Control Permit

- (1) Application

(a) Areas Under Five (5) Acres

The erosion control plan, any necessary documentation, application and filing fee shall be submitted to the Department of Zoning & Building Safety. Within one (1) week, the Department of Zoning & Building Safety shall either issue a permit or state in writing reasons for denying the application and what must be corrected.

(b) Areas Five (5) Acres and Over

The erosion control plan and necessary documentation for land disturbing activities on areas of five (5) acres or more and in conventional subdivisions, large scale developments and site development plans of any area shall be submitted to the County Engineer either directly or through the subdivision process. Within two (2) weeks, the County Engineer shall approve the erosion control plan or in writing disapprove the plan and specify deficiencies that must be corrected before approval. Upon approval, the County Engineer shall stamp approval upon the erosion control plan. The applicant may then apply for the erosion control permit from the Department of Zoning & Building Safety. The permit shall be issued upon receipt of the application, approved erosion control plan and filing fee.

(2) Permits

The permit shall be valid for the length of time indicated on the permit.

(3) Surety Bond

As a condition of permit approval for land disturbing activities on five (5) acres or more and in conventional subdivisions, the County Engineer may require the applicant to deposit a surety bond or irrevocable letter of credit to Sangamon County to guarantee execution of the approved erosion control plan and any conditions attached to the permit. The amount of the surety shall be 125% of the cost of erosion control measures as estimated by the preparer of the erosion control plan.

(4) Permit conditions. All permits shall require the permittee to:

- (a) Install all erosion control measures as identified in the approved erosion control plan in proper sequence.
- (b) Install and stabilize all erosion control measures before beginning any clearing or other land disturbing activity.
- (c) Receive approval of perimeter BMP's from the Department of Zoning & Building Safety before starting any land disturbing activity and notify the Department of Zoning & Building Safety at least two (2) business days before commencing any land disturbing or land development activity. The Department of Zoning & Building Safety shall notify the County Engineer, if applicable.
- (d) Obtain approval in writing of any modifications to the erosion control plan from the Department of Zoning & Building Safety for areas under five (5) acres or from the County Engineer for areas five (5) acres and over.



- (e) Repair any siltation or erosion damage to adjoining surfaces and drainage ways resulting from land developing or disturbing activities immediately.
- (f) Maintain and protect with construction fencing all on- and off-site storm water drainage systems, drainage ways, floodplain and drainage easements as identified on the erosion control plan.
- (g) Repair any erosion control measure immediately.
- (h) Inspect the constructed erosion control measures after each rain of 0.5 inch or more and at least once each week and make needed repairs. Records of inspections and repairs shall be kept by the permittee and shall be provided for inspection immediately upon request.
- (i) Allow the County Engineer, Department of Zoning & Building Safety or their designees to enter the site for the purpose of inspecting compliance with the erosion control plan or for performing any work necessary to bring the site into compliance with the erosion control plan.
- (j) Maintain a copy of the approved erosion control plan and permit on the site.

**SECTION IV: EROSION CONTROL PLAN**

(A) Erosion control plan for areas five (5) acres or more.

The erosion control plan shall be signed and sealed by a licensed design professional and shall include, at a minimum, the following items:

- (1) Site boundaries and adjacent lands which accurately identify site location;
- (2) Location of lakes, streams, wetlands, channels, drainage ways, ditches, other water courses and any other sensitive features on the site and adjacent lands;
- (3) Location of the one hundred (100) year floodplain including flood fringe and floodway or a statement that no part of the property is in a 100 year floodplain;
- (4) Location and general identification of the vegetative cover;
- (5) Location and dimension of on- and off-site storm water drainage systems, including easements and natural drainage patterns on and immediately adjacent to the site and the size, slope and land cover of the upslope drainage areas;
- (6) Location and dimensions of utilities, easements, structures, roadways, highways and paving;
- (7) Site topography at a contour interval not to exceed two (2) feet except that for slopes greater than twenty (20) percent, a five (5) foot contour is acceptable.
- (8) Location of all proposed land disturbing activities or land development activities.
- (9) Identification, locations and dimensions of all site erosion control measures (see Sec. C) necessary to meet the requirements of this ordinance. Installation details and cross-sections of erosion control measures shall be shown or referenced.

- (10) A written statement on the face of the plan identifying the land owner or land user and the party responsible for maintaining site erosion control measures during construction.
- (11) A plan of final site conditions.
- (B) Erosion control plan for areas less than five (5) acres. The erosion control plan may provide less detail than for larger sites as long as enough information is provided to evaluate the erosion control plan and any effects on adjoining property. Specifically, topographic contours are not required if the general drainage direction is identified and no portion of the site is in the floodplain. The plan does not need to be prepared by a design professional.
- (C) Erosion control plan design criteria, standards and specifications. All erosion control measures required as part of an erosion control plan shall comply with the design criteria, standards and specifications for erosion control based on accepted design criteria standards and specifications identified in the most recent edition of the Illinois Urban Manual. The following standards and design elements shall be required and shall be addressed in the erosion control plan:
  - (1) *Waste and material disposal.* All waste and unused building materials (including garbage, cleaning wastes, wastewater, toxic materials, or hazardous materials) shall be properly disposed of.
  - (2) *Tracking.* Each site shall have a tracking pad installed to prevent sediment from being tracked on to public or private roadways. Any sediment reaching a public or private road shall be removed before the end of each workday. Flushing may not be used.

- (3) *Drain inlet protection.* All on-site storm drain inlets and the impacted downstream inlets shall be protected with straw bales, filter fabric or equivalent barrier.
- (4) *Runoff control.* Runoff from the entire disturbed area on the site shall be controlled by sedimentation basins, filter fences, straw bales, or equivalent control measures. If a channel or area of concentrated runoff passes through or adjacent to the site, filter fences shall be placed along the channel edges. Attention should be given to the land area and slopes to be controlled before choosing an appropriate measure.
- (5) *Sediment cleanup.* All off-site sediment deposits occurring as a result of land disturbing activities shall be cleaned up by the end of the workday.
- (6) *Disturbance timing.* All earth disturbances shall be designed, constructed and completed so that the exposed area of any disturbed land shall be limited to the shortest possible period of time. Existing vegetation shall be maintained as long as possible.
- (7) *Temporary stabilization.* Disturbed soil to be left inactive for more than fourteen (14) calendar days shall be stabilized by mulching, temporary seeding, sodding, covering with tarps, or equivalent control measures. If temporary seeding is used, a permanent cover shall also be required as part of the final site stabilization.
- (8) *Soil or material storage piles.* Soil or material storage piles containing more than ten (10) cubic yards of material shall not be located in a 100 year floodplain and must be at least twenty-five (25) feet from a roadway ditch or

drainage channel. If the storage piles remain fourteen (14) or more calendar days, the perimeter shall be stabilized and erosion controlled.

- (9) *Channelized and sheet flow drainage.* Channelized and sheet flow runoff from adjacent areas passing through the site shall be diverted around disturbed areas, if practical. Otherwise, the channel shall be protected. Diverted runoff shall be conveyed in a manner that will not erode the conveyance and receiving channels.
- (10) *Steep slope condition.* Sites with slopes of twelve (12) percent or more will require use of additional BMPs.
- (11) *Site dewatering.* Water pumped from the site shall be treated by temporary sedimentation basins or other appropriate controls designed for the highest dewatering pumping rate. Water may not be discharged in a manner that causes erosion of the site or receiving channels.
- (12) *Erosion control sequence plan.* A chronological sequence of activities including temporary and permanent stabilization and the various stages or phases of earth disturbance and construction shall be furnished with the application for all sites.
- (13) *Phasing.* Phasing of land disturbance shall be required for all sites over 10 acres with the area and schedule of each phase included.
- (14) *Permanent stabilization.* The methods of permanent stabilization shall be identified. If seeding is to be used, the type of seed, rates and amount of seed shall be provided.

(D) *Permit completion notice.* The Department of Zoning & Building Safety shall issue an Erosion Control Permit Completion Notice when disturbed areas have been permanently stabilized by permanent vegetation or other means. A site is considered permanently stabilized when:

- all land disturbing activities at the site have been completed;
- there are no areas of active erosion evident;
- a permanent perennial vegetative cover with a density of 70% of the cover for the area has been established; and
- all temporary erosion control measures have been removed and the plan of final site conditions has been met.

If a permanent vegetative cover has not been established but the area has been seeded and interim measures (i.e., mulches or geotextiles) sufficient to prevent erosion from disturbed areas have been employed, a certificate of occupancy may be issued. The Erosion Control Permit Completion Notice will not be issued until a permanent vegetative cover has been established.

(1) Areas Under Five (5) Acres

The permittee shall notify the Department of Zoning & Building Safety in writing that construction is complete and disturbed areas have been permanently stabilized and request an inspection.

Within three (3) working days, weather permitting, the Department of Zoning & Building Safety shall inspect the area to determine if all conditions of the permit have been met and if the area is permanently stabilized. If the area is satisfactory, an Erosion Control Permit Completion Notice shall be issued.

If conditions are not satisfactory, the inspector shall list the deficiencies and corrective action needed. Once these actions have been completed, the permittee shall follow the procedure outlined above.

Certificates of occupancy may be issued for single-family and duplex residences before an Erosion Control Permit Completion Notice is issued if erosion control measures have been implemented correctly throughout the project and the time of year prevents a permanent vegetative cover. In these instances, a \$300 surety shall be posted which shall be released when a 70% perennial vegetative cover has been established and the Erosion Control Permit Completion Notice is issued.

(2) Areas Five (5) Acres and Over

If applicable, the permittee shall submit as built plans, signed and sealed by a licensed design professional, of any permanent control measures to the County Engineer. Within two (2) weeks, weather permitting, the County Engineer shall review the as built plans and the permanent control measures. If the construction is satisfactory, the County Engineer shall inform the Department of Zoning & Building Safety in writing. If it is not satisfactory, the County Engineer shall list in writing the deficiencies and corrective action needed. The permittee shall request another inspection after completing the necessary actions.

The permittee shall request an inspection by the Department of Zoning & Building Safety as outlined in (1) above after:

- (a) approval of the permanent construction measures and as built plans by the County Engineer; and
- (b) the site is permanently stabilized.

If a permanent vegetative cover has not been established due to seasonal weather conditions and not due to inaction by the permittee, a certificate of occupancy may be issued. The surety shall not be released until the Erosion Control Permit Completion Notice is issued.

**SECTION V: MAINTENANCE OF CONTROL MEASURES**

All control measures necessary to meet the requirements of this ordinance shall be maintained by the applicant during the period of land disturbance and land development according to standards of the Illinois Urban Manual in a satisfactory manner to ensure adequate performance and to prevent nuisance conditions until an Erosion Control Permit Completion Notice is granted.

**SECTION VI: INSPECTION**

The County Engineer, Department of Zoning & Building Safety or their designees may inspect construction sites weekly and after storm events greater than 0.5 inches to ensure compliance with the erosion control plan. During inspections, the permittee shall provide the inspection record upon request. The erosion control plan shall also be on-site and available upon request.



**SECTION VII: ENFORCEMENT AND PENALTIES**

- (A) The Department of Zoning & Building Safety may issue a Notice of Violation if the erosion control plan is not being implemented or the conditions of the permit are not being met. The Notice of Violation shall state the permit violation, the corrective action necessary and the day by which the correction must be completed.
- (B) If the corrective action specified in a Notice of Violation is not completed in the required time period, a Stop Work Order may be issued. The Department of Zoning & Building Safety shall determine the extent of the order, which may include all work at the site except the corrective action. If two (2) additional violations occur on the permitted project after the first Notice of Violation has been issued, a Stop Work Order may be issued without further issuance of a Notice of Violation.
- (C) If no reasonable effort at a corrective action is made, or if immediate corrective action is necessary, the Department of Zoning & Building Safety may cause the corrective action to be performed and shall assess the actual and administrative costs of such performance against the property owner.
- (D) A Stop Work Order may be issued at any time if work is being done without a valid, current permit.
- (E) A failure to obtain applicable permit(s) for a land disturbing or development activity or a failure to comply with the requirements of an erosion control permit or the provisions of this Ordinance shall be deemed a violation of this Ordinance. The State's Attorney may bring an action to enforce compliance of the requirements of this Ordinance by filing an action before the Sangamon County Ordinance

Violation Hearing Department or by filing an action in the Circuit Court for an injunction requiring conformance with this ordinance or seek such other order as the court deems necessary to secure compliance with this Ordinance.

Any person who violates this Ordinance shall be fined not less than twenty-five (25) dollars nor more than five hundred (500) dollars. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

Nothing herein shall prevent the County from seeking such other legal remedies available to prevent or remedy any violations of this Ordinance.

- (F) No certificate of occupancy may be issued if there is an outstanding issue of noncompliance of any provision of this ordinance except as provided for in Sec. IV(D).
- (G) No building permit may be issued in any subdivision when the subdivision is not in compliance with the requirements of this chapter.

#### **SECTION VIII: FEES**

In general, fees referred to in this ordinance shall be established by resolution of the Sangamon County Board in a fee schedule which, from time to time, may be modified by the County Board. The fees established shall include the permit fee and, where applicable, the cost of the County Highway Department's plan and site review. The fee schedule shall be on file in the Department of Zoning & Building Safety.

**SECTION IX: SEVERABILITY**

If a court of competent jurisdiction judges any section, clause, provision or portion of this ordinance unconstitutional or invalid, the remainder of the ordinance shall remain in force and not be affected by such judgment.