



ORDINANCE 2008-013

AN ORDINANCE AMENDING TITLE 15, BUILDINGS AND CONSTRUCTION OF THE SHERWOOD MUNICIPAL CODE BY ADDING A NEW CHAPTER (15.24) RELATING TO EROSION PREVENTION AND SEDIMENT CONTROL

WHEREAS, the City of Sherwood wishes to maintain and protect the public health, safety and welfare, and environment within the City, and

WHEREAS, the City has developed, established and adopted policies, procedures, standards, agreements, and permits for construction and other activities within the City, and

WHEREAS, the City has concurrent jurisdiction with Clean Water Services (CWS) over review, inspection and enforcement of District rules and regulations within the City, and

WHEREAS, the City wishes to insure building, construction, and other activities conform to all established standards and requirements.

NOW, THEREFORE, BASED ON THE FOREGOING, THE CITY OF SHERWOOD ORDAINS AS FOLLOWS:

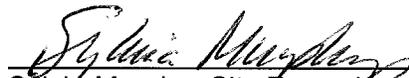
Section 1: The Sherwood Municipal Code (the "Code"), Title 15 (Buildings and Construction) is amended by adding a new Chapter 15.24 (Erosion Prevention and Sediment Control) to read as set out in Exhibit "A" attached hereto.

Section 2: Effective Date. This Ordinance shall become effective 30 days from its adoption.

Duly passed by the City Council this 16th day of September 2008.


Keith S. Mays, Mayor

Attest:


Sylvia Murphy, City Recorder

	AYE	NAY
Weislogel	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Luman	<input checked="" type="checkbox"/>	<input type="checkbox"/>
King	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Henderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Heironimus	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Grant	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mays	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Chapter 15.24 Erosion Prevention and Sediment Control

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15.24.010 Title

The ordinance codified in this chapter shall be known, and may be pleaded as the City of Sherwood Erosion Prevention and Sediment Control Ordinance.

15.24.020 Purpose and Policy

The purpose of this ordinance is to reduce the amount of sediment and other pollutants reaching the public sanitary storm and surface water systems resulting from development, construction, grading, excavation, clearing and any other activity which causes or accelerates erosion and to protect wetland, habitat and natural areas within the City, regardless of whether construction or development is occurring at the site. The objective is to control erosion at its source as a means of maintaining and improving water quality and minimizing water pollution, downstream flooding and wildlife habitat damage.

Temporary and permanent measures for all construction projects and land disturbance activities are required to lessen the adverse effects of these activities on the environment. The owner or contractor shall properly install, operate and maintain both temporary and permanent works as provided in this chapter or in an approved plan to protect the environment during the term of the project. Nothing in this chapter shall relieve any person from the obligation to comply with the rules, regulations or permits of any federal, state, or local authority. No permit under this chapter will be issued until land use approval has been granted, unless land use approval is not required.

Failure to comply with the provisions of this Chapter is a violation of this code.

15.24.030 Authority

The City has the authority to take remedial action to abate any condition on property within the City which causes or threatens to cause a public health hazard or a discharge of pollutants to the sanitary or storm water system, or the surface waters of the State, not otherwise permitted by City codes, permits or appropriate county, state or federal rules and regulations.

The rules and regulations of Clean Water Services including R&O 07-20 June 2007 as amended are adopted and made part of this code by reference.

15.24.040 Definitions

For the purpose of this chapter the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The words “shall” and “will” are mandatory and “may” is permissive.

Erosion: means the detachment and/or movement of soil particles, rock fragments, mulch, fill or sediment attributable to the flow or pressure from water, wind, gravity, frost and ice or from development activities.

Development: has the meaning in the SMC Section 16.10.

The property or the site: Means the subject real property.

Visible or measurable erosion: includes, but is not limited to:

- a. Deposits of mud, dirt, sediment or similar material exceeding ½ cubic foot in volume on public or private streets, adjacent property, or into the sanitary or storm and surface water systems, either by direct deposit, dropping, discharge, or as a result of the action of erosion.
- b. Evidence of concentrated flows of water over bare soils, turbid or sediment laden flows; or evidence of on-site erosion such as rivulets on bare soil slopes, where the flow of water is not filtered or captured on the site using appropriate control measures.
- c. Earth slides, mud flows, earth sloughing, or other earth movement which leaves the property.

SMC: means the Sherwood Municipal Code

Sensitive Area: a sensitive area includes existing and created wetlands; rivers, streams, and springs whether flow is perennial or intermittent; or natural lakes, ponds, and in0stream impoundments

Wetland, habitat and natural areas: has the meaning in SMC Section 16.144 Wetland, Habitat, and Natural Areas.

Contractor: means the property owner or authorized agent as defined in ORS 701 – Construction Contractors Board.

CWS or District: means Clean Water Services.

15.24.050 Erosion Prohibited

Visible or measurable erosion which enters or is likely to enter the public sanitary, storm and surface water system or leaves the property on which it originates is prohibited. The owner of the property from which erosion originates and any person whose activity on the property causes such erosion shall be deemed responsible for causing such erosion and shall be responsible to stop erosion, to cleanup past erosion, and to prevent erosion from occurring in the future.

The City Manager or designee may develop additional erosion control guidelines if such guidelines will equally prevent or protect against erosion. If the City Manager develops and applies additional guidelines for implementing erosion control measures, such

guidelines shall be published and made available to the public.

15.24.060 Erosion Control Permits Required

Except as noted below, no person shall cause any change to improved or unimproved real property that causes, will cause, or is likely to cause a temporary or permanent increase in the rate of soil erosion from the site without first obtaining a permit from the City.

Such changes to land shall include, but are not limited to grading, excavating, filling, working of land, or stripping of soil or vegetation from land.

No construction, land development, grading, excavation, fill, or the clearing of land is allowed until the City has issued an Erosion Control Permit covering such work, or the City has determined that no such permit is required.

No public agency or body shall undertake any public works project without first obtaining an erosion control permit covering such work, or receiving a determination from the City that none is required.

An Erosion Control Permit is not required for the following:

1. For work of a minor nature provided all of the following criteria are met:
 - a. A complete and reviewed CWS Service Provider Letter,
 - b. The work does not require a development permit or land use approval from the City,
 - c. No development activity or disturbance of land surface occurs within 100-feet of the boundary of a sensitive area, wetland, habitat, or natural area,
 - d. The slope of the site is less than 20 percent,
 - e. The work on the site involves the disturbance of less than 500 square feet of land surface, and
 - f. The excavation, fill or combination thereof involves less than 20 cubic yards of material.
2. A permit is not required for interior improvements to an existing structure, and other activities for which there is no physical disturbance to the surface of the land.
3. A permit is not required for activities within the City which constitute accepted farming practices as defined in ORS 30.930, provided erosion does not cause sedimentation in waters of the State.

An exception from the permit requirement shall not relieve the property or its owner from the prohibitions described in this chapter.

15.24.070 Permit Process

Application for a grading or erosion control permit shall include the following:

1. A completed City application form,
2. A copy of the CWS Service Provider Letter and a 1200-C permit if applicable,
3. Site specific plans with details and specifications necessary to demonstrate the proposed methods and interim facilities to be constructed or used during construction to control erosion. For applications not requiring a 1200-C permit, two complete sets are required. For applications that require a 1200-C permit, six complete sets are required.
4. Payment of appropriate fees and charges.

15.24.080 Maintenance

The property owner or holder of an erosion control permit shall at all times maintain the facilities covered by and follow the techniques contained in an approved erosion control plan. If the facilities and techniques approved in an erosion control plan are not effective or sufficient as determined by City site inspection, the permittee shall submit a revised plan within three working days of written notification either by personal delivery or regular mail, from the City. Upon approval of the revised plan by the City, the permittee shall immediately implement the additional or revised facilities and techniques of the revised plan. In cases where erosion is occurring, the City may require the applicant to install interim control measures prior to submittal of the revised erosion control plan.

In no event will the City be responsible for the failure of any approved erosion control plan.

15.24.090 Inspection

Prior to initiating activities on the site, the permit holder must request an inspection of the site's erosion control measures from the City. The City may conduct follow-up inspections at its discretion.

15.24.100 Physical Erosion

No person shall drag, drop, track or otherwise place or deposit, or allow to be placed or deposited mud, dirt, rock or other debris upon a public street or into any part of a public sanitary, storm or surface water system which drains or connects to the public storm or a surface water system. Any such deposit of material shall be immediately removed using hand labor or mechanical means. No material shall be washed or flushed into any part of the storm or surface water system without approved erosion control measures first being installed to the satisfaction of the City.

15.24.110 Permit Fee

The City may establish a fee for the review of plans, administration, inspection and field enforcement.

No permit shall be issued and no regulated activity requiring a permit shall occur until required fees are first paid.

15.24.120 Bond and Insurance

A performance bond and project insurance are required for projects with a cost estimate for the work greater than \$10,000. Public utilities are exempt from posting performance bonds and insurance if the project is less than \$100,000 and if the utility has provided a letter to the City demonstrating that they are both self insured and bonded. An exemption letter must be provided to the City on a yearly basis.

A performance bond is required to insure the performance and timely completion of the work in accordance with the terms and provisions of the permit. The bond shall indemnify and save harmless the City of Sherwood and members thereof, its officers, employees and agents, against any direct or indirect damages or claim of every kind and description that shall be suffered or claimed to be suffered in connection with or arising out of the work covered by the permit. The bond amount shall equal or exceed the value of the work but in no case be less than \$10,000.

The owner or contractor shall maintain in force for the duration of this permit insurance coverage for general liability not less than \$500,000.

