

ARTICLE II. EROSION AND SEDIMENTATION CONTROL*

*Cross references: Floodplains, § 98-661 et seq.

State law references: Erosion and sedimentation control, Code of Virginia, § 10.1-560 et seq.

Sec. 34-31. Purpose of article.

This article shall provide for, both during and following development, the effective control of erosion and sedimentation by the enforcement of the minimum standards promulgated by the division of soil and water conservation of the state department of conservation and recreation, and known as the state erosion and sediment control regulations.

(Ord. No. 66-96, § 9-1.1, 6-5-1996)

Sec. 34-32. Regulations.

The erosion and sediment control program of the city shall consist of the state program and regulations for erosion and sediment control. The city shall exercise the responsibilities of the program authority, as provided by state law and by this chapter. The *Virginia Erosion and Sediment Control Handbook* is adopted as the official manual for erosion and sediment control.

(Ord. No. 66-96, § 9-2.1, 6-5-1996)

Sec. 34-33. Designation of plan approving authority.

The public works director, or his designee, is designated as the erosion and sediment control plan approving authority in the city.

(Ord. No. 66-96, § 9-3.1, 6-5-1996; Ord. No. 19-99, 2-17-1999)

Sec. 34-34. Designation of enforcement authority.

The office of the public works director, or his designee, is designated as the enforcement authority in the city and shall have the power and authority to inspect, report and ensure compliance with the erosion and sediment control program of the city. The enforcement authority

is also referred to as the "designated enforcement officer" and the "permit issuing authority."
(Ord. No. 66-96, § 9-4.1, 6-5-1996; Ord. No. 19-99, 2-17-1999)

Sec. 34-35. Approval of plans and issuance of permits.

Erosion and sediment control plans submitted to the city shall be reviewed and acted upon by the plan approving authority. Upon approval of such plan, the applicant may seek a land disturbing permit from the permit issuing authority. Plans shall be approved and permits shall be issued pursuant to applicable regulations of the division of soil and water conservation of the state department of conservation and recreation or its successor agencies. Any land disturbing activities that fall within the limits of the city's Chesapeake Bay Preservation Area Program may also be regulated under the city's Chesapeake Bay Preservation Area Overlay District Regulations.

(Ord. No. 66-96, § 9-5.1, 6-5-1996)

Sec. 34-36. Fees required.

Applicants shall pay to the city a fee to defray the cost of program administration, including costs associated with plan review, issuance of land disturbing permits, periodic inspection and enforcement. The fee shall be established by the city council and on file in the city clerk's office, and in no case shall the fee exceed applicable limits established by state law. Where the land disturbing activity results from the construction of a single-family residence, an agreement in lieu of a plan may be substituted for an erosion and sediment control plan, if executed by the plan approving authority, in accordance with the attached fee schedule.

(Ord. No. 66-96, § 9-6.1, 6-5-1996; Ord. No. 19-99, 2-17-1999)

Sec. 34-37. Reserved.

Editor's note: Ord. No. 19-99, adopted Feb. 17, 1999, repealed § 34-37, which pertained to review by city council. See the Code Comparative Table.

Sec. 34-38. Peanut Soil and Water Conservation District.

The Peanut Soil and Water Conservation District by joint resolution with the city council may exercise the responsibilities of the enforcement authority with respect to monitoring, reports and inspections.

(Ord. No. 66-96, § 9-8.1, 6-5-1996)

Sec. 34-39. Civil penalties.

Violations of any regulation or order of the state soil and water conservation board, any provision of the erosion and sediment control program of the city, any condition of a land disturbing permit, or any provision of Code of Virginia, § 10.1-500, et seq., shall be subject to a civil penalty. This civil penalty shall be in lieu of criminal sanctions under the Code of Virginia, § 10.1-569.A. The civil penalty for any one violation shall be \$100.00, except that the civil penalty for commencement of land-disturbing activities without an approved plan as provided in Code of Virginia, § 10.1-563 shall be \$1,000.00. Each day during which the violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same operative set of facts result in civil penalties which exceed a total of \$3,000.00, except that a series of violations arising from the commencement of land-disturbing activities without an approved plan for any site shall not result in civil penalties which exceed a total of \$10,000.00. Any civil penalties assessed by a court shall be paid into the treasury of the city.

(Ord. No. 66-96, § 9-9.1, 6-5-1996; Ord. No. 19-99, 2-17-1999)

Secs. 34-40--34-70. Reserved.