

SOIL EROSION AND SEDIMENT CONTROL

SECTION 1: AUTHORITY, TITLE AND PURPOSE

1.1. STATUTORY AUTHORIZATION

This ordinance is adopted pursuant to the provisions of the Federal Water Pollution Control Act 86 stat 816 33 USCA, Section 1511.02 Ohio Revised Code and Section 319 Water Quality Act 1987.

1.2. TITLE

This ordinance shall be known and may be cited as the Soil Erosion and Sediment Control Ordinance of the Village of Holland, Lucas County, Ohio.

1.3. FINDINGS AND DECLARATION OF POLICY

The Village of Holland finds that land uses have significantly contributed to the process of soil erosion, runoff, and sediment deposition in waters located within or near the Village of Holland. It is therefore, declared to be the purpose of this Ordinance to control, and if possible, prevent soil erosion and minimize water runoff increases and, thereby, to preserve the natural resources, control floods, protect the quality of public waters and wetlands, protect the tax base and protect and promote the health safety and general welfare of the people of the Village of Holland. This ordinance is in accordance with and consistent with the Village's general zoning ordinance, so far as practicable.

1.4. INTENT AND PURPOSE

The purpose of this ordinance is to promote the public health, safety, prosperity and general welfare of the citizens of the Village of Holland and to conserve the soil, water, and related resources through the control of erosion, sedimentation and water runoff.

1.5. APPLICABILITY

This ordinance shall be applicable to any major subdivision or site plan application as defined in the Holland Zoning Ordinance. The provisions in this ordinance shall also be applicable to the construction of single and multi-family dwelling units, as well as all building additions. It is the intent of these regulations **not** to allow a fragmented parcel-by-parcel development of a subdivision without required erosion and sediment control provisions.

SECTION 2: DEFINITIONS

2.1 DEFINITIONS

Certain words, terms and phrases used in these soil erosion and sediment control regulations shall have the meanings presented in this section. All words used in the present tense include the future tense, and the word "used" shall be deemed to include "designed, intended or arranged to be used". The word "shall" indicates a mandatory requirement, and the word "may" indicates a permissive action. Words not defined in this Section shall be as defined in the most current edition of Webster's New World Dictionary, College Edition.

2.1.01 Applicant-a person requesting the issuance of a land disturbance permit

2.1.02 Application-a submission meeting the requirements of a complete application, hereinafter defined

- 2.1.03 Approved Plan-a plan, hereinafter defined, which has been reviewed and approved by the proper municipal authority
- 2.1.04 Certification-a written and signed statement by the Village engineer that specific construction and/or land treatment measures required by the Plan, as hereinafter defined, have been performed in accordance with all with all of the terms and conditions of this ordinance
- 2.1.05 Clearing-any activity which removes all of the vegetative ground cover
- 2.1.06 Complete Application-the submission to the Village of Holland of the following:
 - a. an application form completed and executed by the applicant
 - b. a Plan, as hereinafter defined
 - c. all required accompanying documents
 - d. the appropriate review, escrow and inspection fees.
- 2.1.07 Conditional Use-a land use permitted under the Zoning Ordinance but only upon the recommendation of Plan Commission and approval by Village Council
- 2.1.08 Critical Area-an area which has a high potential for erosion, sedimentation or related environmental damage, or an area which has experienced such damage
- 2.1.09 Cut-a portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to excavated surface
- 2.1.10 Detention pond or basin-a pond, basin, or other structure or measure that provides for temporary storage of storm water and which includes a spillway or other facility to release the water at a controlled rate of flow
- 2.1.11 Erosion-the detachment, wearing away or movement of soil or rock fragments by the action of water, wind, ice or gravity
- 2.1.12 Excavation-any act by which soil or rock is cut into, dug, quarried, uncovered, removed, displaced or relocated and shall include the conditions resulting therefrom
- 2.1.13 Existing grade-the vertical location of the existing ground surface prior to excavation, cutting or filling
- 2.1.14 Fill-a man-made deposit of soil, rock or other materials
- 2.1.15 Finished grade-the final grade or elevation of the ground surface conforming to a proposed design
- 2.1.16 Grading-any stripping, cutting, filling or stockpiling, or any combination thereof, this term including the land in its cut or filled condition
- 2.1.17 Land-any ground, soil or earth including marshes, swamps, drainage ways and areas not permanently covered by water
- 2.1.18 Land Disturbance-any activity involving the clearing, cutting, excavation, grading, filling, storing, transporting of land or any other activity which causes land to be exposed to the danger of erosion
- 2.1.19 Lucas County Soil and Water Conservation District-a governmental subdivision of the State of Ohio, which encompasses the Village of Holland
- 2.1.20 Mulching-the application of plant or other suitable materials on the soil surface to conserve moisture, hold soil in place and aid in establishing plant cover
- 2.1.21 Natural ground surface-the existing surface of land prior to any land disturbance
- 2.1.22 Permit-see Soil Erosion, Sediment Control and Flood Prevention Plan
- 2.1.23 Project-any undertaking , activity, construction or work of any nature which involves land disturbance

- 2.1.24 Retention pond or basin-a facility designed to retain stormwater runoff on a development site
- 2.1.25 Sediment-soil material, both mineral and organic, that is in suspension, is being transported or has been moved from its site of origin by erosion
- 2.1.26 Sediment basin-a pond, basin or other structure or measure that provides for the detention of water and the deposit of sediment
- 2.1.27 Soil Erosion, Sediment Control and Flood Prevention Plan-a plan (referred to in this ordinance by the term "Plan") which indicates construction and/or land treatment measures, including a schedule of the timing for their performance, to effectively prevent floods and minimize soil erosion and sedimentation.
- 2.1.28 Stripping-any activity which removes or significantly disturbs vegetated or otherwise stabilized soil surface, including clearing and grubbing operations
- 2.1.29 Temporary protection-stabilization of erosion or sediment producing areas of land with a turf or perennial sod forming grass
- 2.1.30 2.1.30 Vegetative protection- stabilization of erosion or sediment producing areas of land by covering the soil with one (1) or ore of the following: permanent seeding or permanent plantings producing long-term vegetative cover; short-term seeding or short-term plantings producing temporary vegetative cover; and sodding, producing areas covered with a turf or perennial sod forming grass
- 2.1.31 Watercourse-a natural or artificial river, stream, brook, ditch, channel, conduit, gully, drain, culvert, ravine, wash or other waterway in which water flows in a definite direction or course

SECTION 3 LAND DISTURBANCE PERMIT REQUIRED

No person within the Village of Holland shall undertake or commence any project, as defined in this ordinance, except a project that is exempt under the provisions herein without first having obtained a land disturbance permit.

SECTION 4 ACTIVITIES EXEMPT FROM PERMIT REQUIREMENTS

The following projects are exempt from the provisions of this ordinance:

- A. Land disturbance in accordance with a farm conservation plan
- B. The planting and harvesting of crops, plants, flowers or shrubs in fields or areas devoted to such use prior to the adoption of this ordinance
- C. Road and road shoulder maintenance work performed by the Village of Holland
- D. Projects exempt from the requirements of State law
- E. Land disturbances of an area less than one thousand (1,000) square feet

SECTION 5 APPLICATIONS FOR LAND DISTURBANCE

- A. Jurisdiction Over Applications
All other applications for land disturbance permits shall be reviewed and acted upon by the Village Engineer
- B. Application Forms
An applicant shall obtain application forms from the Village of Holland. The form shall require at a minimum, the name of the applicant, the site location by street address and block and lot number, the proposed use of the site, any related

applications for land use development and approval and sufficient information for the calculation of the filing fee required by the Village of Holland. The form shall also provide adequate space for approval or disapproval as well as the insertion for special provisions of terms and conditions of approval and the amount of any performance guarantee required.

C. Plan To Accompany Application

Every application for a land disturbance permit shall be accompanied by a Plan meeting the requirements set forth in this Section.

1. THE PLAN

1. The plan shall comprise a plot plan and written report which adequately describes both temporary and permanent measures to be used to control, minimize and protect against soil erosion, sedimentation, and flooding from a proposed land disturbance.
2. The Plan shall cover all stages and aspects of the proposed land disturbance and planned development from grading, stripping, excavation and other site preparation through and including both finished grade and the installation of permanent improvements. It shall include a timing schedule indicating:
 - a. the anticipated starting and completion dates of each step in the land disturbance process and the time of exposure of each land area prior to completion of effective erosion and sediment control measures.
 - b. The sequence of installation of planned erosion and sediment control measures. It is the intent of this ordinance that soil erosion and sediment control measures are the first to be installed and the last to be removed.

2. GENERAL CONDITIONS

1. It shall be the responsibility of the applicant to design the project so as to maintain as nearly as possible in its present state and condition, any street, stream, watercourse, swale, floodplain, wetland, swamp, pond or lake.
2. The maintenance or repair of any of the above or of drainage facilities damaged or otherwise adversely affected by the project shall be the responsibility of the applicant. Such maintenance or repair work shall be promptly performed.
3. It shall be the responsibility of the applicant to promptly remove sediment from any stream, watercourse, lake, pond or street resulting from the project.
4. Soil Erosion and Sediment Control Measures
Soil erosion and sediment control measures shall as a minimum utilize and meet standards for soil erosion and sediment control in Ohio as promulgated by the State Soil Conservation Committee. The following measures shall be incorporated in the Plan:
 - i. The smallest practicable area of land shall be disturbed at any one time
 - ii. Where feasible, natural vegetation and the natural ground surface shall be retained and protected.
 - iii. No trees shall be removed except those necessary for construction of the project.

- iv. Gravel or stone construction drives for each project shall be provided and utilized.
- v. Topsoil removed from excavated areas will be used in final landscaping of disturbed areas.
- vi. If it is necessary to stock pile the topsoil over the winter or for a period of time greater than 4 months, the topsoil must be protected by the use of an anchored down straw mulch or seeded with a winter rye to stabilize the pile with a barrier installed around the pile to prevent erosion.
- vii. Sediment control devices, i.e. silt fences, catch basin filters, shall be in place before clearing or construction starts.
- viii. All permanent vegetation seeding should be done prior to September 15. If it is not possible to meet this date, fertilization and a temporary seed cover must be provided to protect the exposed areas during late fall, winter and the following spring.
- ix. Hay bale barriers or silt fencing shall be installed around project area to prevent erosion off site onto abutting properties or roadways.
- x. Roadways must be cleared of accumulated dirt and debris weekly.
- xi. Soil erosion and sediment control measures shall be inspected weekly and after significant storm events. Make all necessary repairs as soon as possible. Silt fences and hay bale barriers which accumulate sediment and debris shall be cleaned and re-set.
- xii. During grading operations, approved methods for dust control shall be exercised.

SECTION 6 FEES TO ACCOMPANY APPLICATION

- 1. Review Fee to Accompany Application – Every applicant for a land disturbance permit shall pay a review fee to the Village of Holland at the time of filing the application. The review fee shall be based upon the schedule of fees as adopted by the Village of Holland Council. However, if the application is made in connection with an application for the development of subdivisions, planned unit developments or if the application is made in connection with an application for single or multi-family dwellings, no separate application fee shall be required for the land disturbance permit.
- 2. Escrow Agreement to Accompany Application-in the case of new subdivisions or planned unit developments, regulations promulgated by Section 3320 of the Village of Holland Zoning Ordinance shall be adhered to for purposes of this ordinance.
- 3.

SECTION 7 ACTION ON APPLICATIONS

A. Review and Approval of Applications

- 1. Applications for land disturbance permits within the jurisdiction of the Village of Holland shall be reviewed and approved under the regulations of Section 2390 of the Village of Holland Zoning Ordinance.

B. Issuance of Permit

1. Land Disturbance Permits shall be issued under the regulations of Section 2390 of the Village of Holland Zoning Ordinance.

SECTION 8 PENALTIES AND INJUNCTIVE RELIEF

Violation of the provisions of this ordinance, or failure to comply with any of its requirements shall be punishable under Section 2450 of the Village of Holland Zoning Ordinance.