

ARTICLE III. - CONSTRUCTION SITE EROSION AND SEDIMENT CONTROL^[6]

Footnotes:

--- (6) ---

Editor's note— Ord. No. 2010-17, § 2, adopted May 3, 2010, repealed the former Art. III, §§ 73.31—73.34, and enacted a new Art. III as set out herein. The former Art. III pertained to stormwater management, and derived from Ord. 88-54, § 1, adopted Nov. 1, 1988; Ord. No. 2003-07, § 4, adopted Jan. 21, 2003.

Sec. 73.31. - Purpose.

The purpose of this article is to protect the public's health, safety, and general welfare through regulation of land disturbing activities during the construction of buildings, structures, or other site improvements and to reduce pollutants in stormwater runoff into the Municipal Separate Storm Sewer System (MS4). These regulations recognize that during construction, disturbed soil is highly vulnerable to erosion by wind and water, which may result in adverse consequences and impacts, including but not limited to:

- (1) Endangerment of aquatic flora and fauna by reducing water quality through the discharge of pollutants and the siltation of habitat.
- (2) Impediments to flow of stormwater drainage systems, ditches, canals, and swales that necessitate their maintenance and the dredging of water bodies.
- (3) Conveyance of disturbed soil and pollutants from the construction site to adjacent properties.

(Ord. No. 2010-17, § 2, 5-3-2010)

Sec. 73.32. - Definitions.

For the purpose of this article, the following terms shall have the definitions indicated:

Best management practices (BMPs): Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater receiving waters or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Construction activity: Any land disturbing activity that involves excavation, placement of fill, clearing or grubbing, demolition, grading, or the altering of runoff patterns.

Erosion and sediment control plan: A set of plans indicating the specific measures and sequencing to be used to control sediment and erosion on a site during and after construction.

FDEP: Florida Department of Environmental Protection.

FDEP generic permit for stormwater discharge: A FDEP generic permit for stormwater discharge from regulated construction activities issued by that agency pursuant to authority delegated to the State of Florida under 33 USC § 1342(b) that authorizes the discharge of pollutants to the waters of the United States.

Stormwater pollution prevention plan (SWPPP): A document which describes the BMPs and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

(Ord. No. 2010-17, § 2, 5-3-2010)

Sec. 73.33. - Erosion and sediment control plan.

- (a) **Applicability.** All construction activity shall be subject to the requirements of this article, except as exempted herein. The provisions of this article shall not apply to activities associated with landscaping, except where such landscaping may redirect or increase off-site runoff to adjacent

properties or adversely impact a city-approved stormwater system.

- (b) *Construction activity.* No person may engage in any construction activity without an erosion and sediment control plan approved by the city engineer.
- (c) *Building permits, site plans, and preliminary plats.* No building permit shall be issued or an approved site plan or preliminary plat released for any construction activity without an erosion and sediment control plan approved by the city engineer.
- (d) *Erosion and sediment control plan application.* Erosion and sediment control plans required by this article shall be submitted to the planning and development department in conjunction with an application for site plan approval pursuant to part III, [chapter 64](#) of this Code. Any construction activity described above that will result in the disturbance of one acre or more shall require an FDEP generic permit for stormwater discharge pursuant to [section 73.34](#).
- (e) *Erosion and sediment control plan format and content.* The format and specific content of erosion and sediment control plans required by this article shall be as prescribed by the city engineer. An approved erosion and sediment control plan must address all applicable BMPs necessary to properly control erosion and sediment resulting from construction activity and comply with the general standards in paragraph (f) below.
- (f) *General standards.* The following general standards shall apply to all erosion and sediment control plans and their implementation:
 - (1) Clearing, except that necessary to establish sediment control devices, shall not begin until all sediment control devices have been installed and stabilized. Clearing techniques that retain natural vegetation and drainage patterns shall be implemented.
 - (2) Grading, erosion control practices, sediment control practices, and waterway crossings shall be adequate to prevent transportation of sediment from the site and be maintained to project completion.
 - (3) The angle for graded slopes and fills shall not be greater than the angle which can be retained by vegetative cover or other adequate erosion-control devices or structures (generally 4:1 or less). Slopes left exposed shall, within ten working days of completion of any phase of grading, be planted or otherwise provided with ground cover, devices, or structures sufficient to prevent erosion.
 - (4) Groundcover sufficient to restrain erosion shall be planted or otherwise provided within ten working days on portions of cleared land upon which further construction activity is not being undertaken within 30 days of clearing.
 - (5) Vegetative cover or other erosion control devices or structures used to meet these requirements shall be properly maintained.
 - (6) Temporary seeding or sodding, adequate covering, or chemical application on exposed soils, including stockpiles of topsoil, sand, or other construction fill, shall be used where delays in construction of more than seven days are anticipated.
 - (7) Waste generated on-site, including but not limited to discarded building materials, concrete truck wash-out, chemicals, litter, and sanitary waste must be stored, secured, or otherwise controlled to the maximum extent practicable to prevent adverse impacts to water quality.

(Ord. No. 2010-17, § 2, 5-3-2010)

Sec. 73.34. - FDEP generic permit for stormwater discharge permits required.

A FDEP generic permit for stormwater discharge shall be required for construction projects resulting in land disturbance of one acre or more. A copy of the FDEP notice of intent for a generic permit for stormwater discharge and the stormwater pollution prevention plan (SWPPP) required for said permit shall be submitted to the planning and development department along with the site plan application. The SWPPP shall be deemed as meeting the erosion and sediment control plan requirements of this article after review and approval by the city engineer. A copy of the FDEP permit shall be maintained onsite by the permit holder for review by any city or other authorized state official upon request.

(Ord. No. 2010-17, § 2, 5-3-2010)

Sec. 73.35. - Proper installation and maintenance required.

Failure to properly implement, install, operate, and maintain all erosion, pollutant and sediment controls required by an approved erosion and sediment control plan and any applicable state or federal permit shall constitute a violation of this Code.

(Ord. No. 2010-17, § 2, 5-3-2010)

Sec. 73.36. - Conditional approval.

In approving an erosion and sediment control plan pursuant to this article, the city engineer may place reasonable conditions upon the approval to ensure compliance with this article and article IV of this chapter, including but not limited to stormwater monitoring or sampling requirements.

(Ord. No. 2010-17, § 2, 5-3-2010)

Sec. 73.37. - Exemptions.

Any emergency activity necessary for the protection of life, property, or natural resources and maintenance and repair work to the city's MS4, is exempt from the requirements for obtaining approval of an erosion and sediment control plan pursuant to this article provided such activity does not contribute to any on-site generated erosion or degradation of lands or waters beyond the boundaries of the property or construction area.

(Ord. No. 2010-17, § 2, 5-3-2010)