

ORDINANCE NO. 5-2014

**AN ORDINANCE AMENDING CHAPTER 5, BUILDING
AND BUILDING REGULATIONS, BY ADDING ARTICLE
IX, EROSION AND SEDIMENT CONTROL, TO THE
EVERGREEN PARK MUNICIPAL CODE**

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BE IT ORDAINED by the Mayor and Board of Trustees of the Village of Evergreen Park, Cook County, Illinois, as follows:

Section 1

That Chapter 5, Building and Building Regulations, of the Evergreen Park Municipal Code be amended by adding Article IX, Erosion and Sediment Control, to read as follows:

ARTICLE IX. EROSION AND SEDIMENT CONTROL

Sec. 5-400. Scope and Purpose.

This Article applies to all developments which disturb areas of not less than 1.0 acre, either alone or as part of a larger common plan of development. The purpose of this Article is to safeguard persons, protect property, and prevent damage to the environment as eroded soil endangers water resources and also necessitates repair of storm water facilities.

Sec. 5-401. Definitions.

"Village" means the Village of Evergreen Park.

"Clearing" means any activity that removes the vegetative surface cover.

"Drainage way" means any channel that conveys surface runoff.

"Erosion control" means a measure that prevents erosion.

"Erosion and sediment control plan" means a plan prepared by or under the direction of a licensed professional engineer indicating the specific measures and sequencing to be used to control sediment and erosion during and after construction.

"Grading" means excavation or fill of material, including the resulting conditions thereof, whether or not materials are brought onto or taken off of site.

"IEPA" means Illinois Environmental Protection Agency.

"Illinois Urban Manual" means the *Illinois Urban Manual* developed by the USDA Natural Resources Conservation Service and the Illinois Environmental Protection Agency, current edition.

“Perimeter control” means a barrier that prevents sediment from leaving a site by filtering sediment-laden runoff or diverting it to a sediment trap or basin.

“Phasing” means clearing an area in distinct phases, with the stabilization of each phase completed before the clearing of the next.

“Sediment control” means measures that prevent eroded sediment from leaving a site.

“Site” means a parcel of land or a combination of contiguous parcels containing not less than 1.0 acre where grading work is performed as part of a common plan of development.

“Site development permit” means a permit issued by the Village for the construction or alteration of ground improvements and structures for the control of erosion, runoff, and grading.

“Stabilization” means the use of practices that prevent exposed soil from eroding.

“Start of construction” means the first land-disturbing activity associated with a development, including land preparation such as clearing, grading, and filling; installation of streets and walkways; excavation for basements, footings, piers, or foundations; erection of temporary forms; and installation of accessory buildings such as garages.

“Watercourse” means any body of water, including, but not limited to lakes, ponds, rivers, streams, and bodies of water delineated by the Illinois Department of Natural Resources Office of Water Resources (IDNR/OWR), the United States Geologic Survey (USGS), the United States Army Corps of Engineers or the Village.

“Waterway” means a channel that directs surface runoff to a watercourse or to the public storm drain.

Sec. 5-402. Site Development Permit Required.

(a) No person shall clear, grade or disturb any site that would require the uncovering of more than 1.0 acres without a site development permit issued by the Village or without an NPDES permit issued by the IEPA.

(b) No site development permit is required for the following activities:

1. Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.

2. Existing nursery and agricultural operations conducted as a permitted or accessory use.

(c) Each application shall bear the name and address of the owner or developer of the site, and of any consulting firm retained by the applicant together with the name of the applicant’s principal contact at such firm and shall be accompanied by a filing fee, erosion and sediment control plan, and such other information as required by the Village. The filing fee shall be \$250 per acre, or part thereof, of the site, plus any review fees incurred by the Village to independent contractors.

(d) The applicant may be required to file with the Village a faithful performance bond, letter of credit, or other improvement security in an amount deemed sufficient by the Village to cover all costs of improvements, landscaping, maintenance of improvements for such period as specified by the Village, and engineering and inspection costs to cover the cost of failure or repair of improvements installed on the site.

Sec. 5-403. Erosion and Sediment Control Plan.

(a) The erosion and sediment control plan shall include the following:

(1) A sequence of construction of the site, including stripping and clearing; rough grading; construction of utilities, infrastructure, and buildings; and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.

(2) All erosion and sediment control measures necessary to meet the objectives throughout all phases of construction and after completion of development of the site. Depending upon the complexity of the project, the drafting of intermediate plans may be required at the close of each season.

(3) Seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilizer application, and kind and quantity of mulching for both temporary and permanent vegetative control measures.

(4) Provisions for maintenance of control facilities, including easements and estimates of the cost of maintenance.

(b) Modifications to the plan may be authorized by the Village by written authorization to the permittee, and shall include:

(1) Major amendments of the erosion and sediment control plan submitted to the Village.

(2) Field modifications of a minor nature.

Sec. 5-404. Design Requirements.

(a) Grading, erosion control practices, sediment control practices, and waterway crossings shall meet the design criteria set forth in the most recent version of the Illinois Urban Manual, and shall be adequate to prevent transportation of sediment from the site to the satisfaction of the Village. Cut and fill slopes shall be no greater than 2:1, except as approved by the Village to meet other community or environmental objectives.

(b) Clearing and grading of natural resources, such as forests and wetlands, shall not be permitted, except when in compliance with all other chapters of this Code. Clearing techniques that retain natural vegetation and drainage patterns, as described in the Illinois Urban Manual, shall be used to the satisfaction of the Village.

(c) Clearing, except that necessary to establish sediment control devices, shall not begin until all sediment control devices have been installed and have been stabilized.

(d) Phasing shall be required on all sites disturbing greater than 30 acres, with the size of each phase to be established at plan review and as approved by the Village.

(e) Erosion control requirements shall include the following:

(1) Soil stabilization shall be completed within 14 days of clearing or inactivity in construction.

(2) If seeding or another vegetative erosion control method is used, it shall become established within 14 days or the Village may require the site to be reseeded or a nonvegetative option employed.

(3) Special techniques that meet the design criteria outlined in the *Illinois Urban Manual* on steep slopes or in drainage, ways shall be used to ensure stabilization.

(4) Soil stockpiles must be stabilized or covered at the end of each workday.

(5) The entire site must be stabilized, using a heavy mulch layer or another method that does not require germination to control erosion, at the close of the construction season.

(6) Techniques shall be employed to prevent the blowing of dust or sediment from the site.

(7) Techniques that divert upland runoff past disturbed slopes shall be employed.

(f) Sediment control requirements shall include:

(1) Settling basins, sediment traps, or tanks and perimeter controls.

(2) Settling basins that are designed in a manner that allows adaptation to provide long-term storm water management, if required by the Village.

(3) Protection for adjacent properties by the use of a vegetated buffer strip in combination with perimeter controls.

(g) Construction site access requirements shall include:

(1) A temporary access road provided at all sites.

(2) Other measures required by the Village in order to ensure that sediment is not tracked onto public streets by construction vehicles or washed into storm drains.

Sec. 5-405. Inspection.

(a) The Building Commissioner shall make inspections as hereinafter required and either shall approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the erosion and sediment control plan as approved. Plans for grading, stripping, excavating,

and filling work bearing the stamp of approval of the Village shall be maintained at the site during the progress of the work. To obtain inspections, the permittee shall notify the Village at least 2 working days prior to:

- (1) Start of construction,
- (2) Installation of sediment and erosion measures,
- (3) Completion of final landscaping.

(b) The permittee or agent shall make regular inspections of all control measures in accordance with the inspection schedule outlined on the approved erosion and sediment control plan. The purpose of such inspections will be to determine the overall effectiveness of the control plan and the need for additional control measures. All inspections shall be documented in written form and submitted to the Village at the time interval specified in the approved permit.

(c) The Building Commissioner and the Village Engineer may enter the property of the applicant as deemed necessary to make regular inspections.

Sec. 5-406. Stop-Work Order; Revocation of Permit.

In the event that any person violates the terms of a site development permit, clears or grades a site in violation of this Article, implements site development in such a manner as to adversely affect the health, welfare, or safety of persons or property, the Village may suspend or revoke the site development permit without notice or hearing and may stop all construction work, including clearing and grading, on the site.

Section 2

The penalty clause for this ordinance shall be Section 1-9 of the Evergreen Park Municipal Code.

Section 3

If any section, paragraph, clause or provision of this ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this ordinance.

Section 4

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed insofar as they conflict herewith.

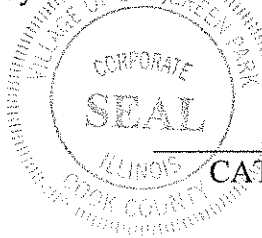
Section 5

All statutes of the State of Illinois or any parts thereof which are in conflict with the provisions of this ordinance are hereby superseded by this ordinance enacted under the home rule power of the Village of Evergreen Park.

Section 6

This ordinance shall be immediately in full force and effect after passage, approval, and publication. This ordinance is authorized to be published in pamphlet form.

This ordinance was passed and deposited in the office of the Village Clerk of the Village of Evergreen Park this 3rd day of March, 2014.



Catherine T. Aparo

CATHERINE T. APARO, Village Clerk

APPROVED by me this 3rd
day of March, 2014.

James J. Sexton

JAMES J. SEXTON, Mayor