

ORDINANCE NO. K-421

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF FORT PIERCE, FLORIDA; CREATING CHAPTER 17, ARTICLE IV (SECTIONS 17-70 THROUGH 17-79); SETTING OUT EROSION AND SEDIMENT CONTROL REQUIREMENTS FOR CERTAIN DEVELOPMENT PROJECTS; PROVIDING STANDARDS FOR EROSION AND SEDIMENT CONTROL; PROVIDING FOR PROCEDURES RELATING TO ISSUANCE OF PERMITS; PROVIDING FOR AN EROSION AND SEDIMENT CONTROL PLAN; SETTING OUT DESIGN REQUIREMENTS; AND PROVIDING ADMINISTRATIVE PROVISIONS RELATING TO INSPECTION AND ENFORCEMENT; PROVIDING FOR SEVERABILITY; REPEALING ORDINANCES AND PARTS THEREOF IN CONFLICT; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA AS FOLLOWS:

SECTION 1. That Article IV Chapter 17, is hereby created so that the same shall read hereinafter as follows:

ARTICLE IV. EROSION AND SEDIMENT CONTROL REQUIREMENTS

Sec. 17-70. Purpose

Soil is highly vulnerable to erosion by wind and water during the construction process, and eroded soil endangers water resources by reducing water quality and causing the siltation of aquatic habitat for fish and other desirable species. Eroded soil also increases frequency of repair and maintenance of storm sewers, swales, ditches, canals, and the dredging of lakes and ponds. In addition, clearing and grading during construction cause the loss of native vegetation necessary for terrestrial and aquatic habitat.

As a result, the purpose of this ordinance is to safeguard persons, protect property, and prevent damage to the environment in the City of Fort Pierce. This ordinance will also promote the public welfare by guiding, regulating, and controlling the design, construction, use, and maintenance of any development or other activity that disturbs or breaks the topsoil or results in the movement of earth on land within the City of Fort Pierce.

Sec. 17-71. Definitions

Certified Contractor A person who has received training and is licensed by the State of Florida to inspect and maintain erosion and sediment control practices.

Clearing Any activity that removes the vegetative surface cover.

Drainage Way Any channel that conveys surface runoff throughout the site.

Erosion Control A measure that prevents erosion.

Erosion Control Plan A set of plans prepared by or under the direction of a licensed professional engineer for commercial construction on sites greater than one (1) acre indicating the specific measures and sequencing to be used to control sediment and erosion on a development site during and after construction.

<u>Grading</u>	<u>Excavation or fill of material, including the resulting conditions thereof.</u>
<u>Perimeter Control</u>	<u>Barrier that prevents sediment from leaving a site by filtering sediment-laden runoff or diverting it to a sediment trap or basin.</u>
<u>Phasing</u>	<u>Clearing a parcel of land in distinct phases, with the stabilization of each phase completed before the clearing of the next.</u>
<u>Sediment Control</u>	<u>Measures that prevent eroded sediment from leaving the site.</u>
<u>Site</u>	<u>A parcel of land or a contiguous combination thereof, where grading work is performed as a single unified operation.</u>
<u>Site Development Permit</u>	<u>A permit issued by the municipality for the construction or alteration of ground improvements and structures for the control of erosion, runoff, and grading.</u>
<u>Stabilization</u>	<u>The use of practices that prevent exposed soil from eroding.</u>
<u>Start of Construction</u>	<u>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.</u>
<u>Watercourse</u>	<u>Any body of water, including, but not limited to lakes, ponds, rivers, streams, and bodies of water</u>
<u>Waterway</u>	<u>A channel that directs surface runoff to a watercourse or to the public storm drain.</u>

Sec. 17-72. Permits

- (a) All building permits for land-disturbing activity that would require the uncovering of 5,000 or more square feet shall require the approval of an Erosion and Sediment Control Plan by the City Engineer.
- (b) Each application for building permit shall include a statement that any land clearing, construction, or development involving the movement of earth shall be in accordance with the Erosion and Sediment Control Plan and that the contractor on record shall be on site on all days when construction or grading activity takes place.

Sec. 17-73. Review and Approval

- (a) The City Engineer will review each application for building permit to determine its conformance with the provisions of this regulation. Within 30 days after receiving an application, the Engineering Department shall, in writing:
 - (1) Recommend approval of the permit application;
 - (2) Recommend approval of the permit application subject to such reasonable conditions as may be necessary to secure substantially the

objectives of this regulation, and issue the permit subject to these conditions; or

- (3) Recommend disapproval of the permit application, indicating the reason(s) and procedure for submitting a revised application and/or submission to the Department of Building & Code Enforcement.

Sec. 17-74. Erosion and Sediment Control Plan

(a) The Erosion and Sediment Control Plan shall include the following:

- (1) A natural resources map identifying soils, forest cover, and resources protected under other chapters of this code.
- (2) A sequence of construction of the development 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.
- (3) All erosion and sediment control measures necessary to meet the objectives of this local regulation 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.
- (4) Seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, watering source and type, type and rate of lime and fertilizer application, and kind and quantity of mulching for both temporary and permanent vegetative control measures.
- (5) Provisions for maintenance of control facilities, including easements and estimates of the cost of maintenance.

(b) Modifications to the plan shall be reviewed and approved or disapproved in the same manner as Section IV of this ordinance.

Sec. 17-75. Design Requirements

(a.) Grading, erosion control practices, sediment control practices, and waterway crossings shall be adequate to prevent transportation of sediment from the site to the satisfaction of City Engineer. Cut and fill slopes shall be no greater than 4:1 to meet City of Fort Pierce 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 and other Agency permits. Clearing techniques that retain natural vegetation and drainage patterns shall be implemented to the satisfaction of the City Engineer.

(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) Erosion control requirements shall include the following:

- (1) Soil stabilization shall be completed within 10 calendar days of clearing or inactivity in construction.
- (2) If seeding or another vegetative erosion control method is used, it shall be in accordance with Section 570 of the Florida Department of Transportation Standard Specifications for Road and Bridge Construction.
- (3) Methods approved by the City Engineer to stabilize soil 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) Techniques shall be employed to prevent the blowing of dust or sediment from the site.
- (6) Techniques that divert upland runoff past disturbed slopes shall be employed.

(e) Sediment controls 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 stormwater management, if required the City Engineer
- (3) Protection for adjacent properties by the use of a vegetated buffer strip in combination with perimeter controls

(f) Waterway and watercourse protection requirements shall include:

- (1) A temporary stream crossing installed and approved by the City Engineer may be required if a wet watercourse will be crossed regularly during construction
- (2) Stabilization of the watercourse channel before, during, and after any in-channel work including, all on-site stormwater conveyance channels
- (3) Stabilization adequate to prevent erosion located at the outlets of all pipes and all paved channels

(g) Construction site access requirements shall include:

- (1) A temporary access road provided at all sites
- (2) Other measures required by the City Engineer to ensure that sediment is not tracked onto public streets by construction vehicles or washed into storm drains

Sec. 17-76. Inspection

- (a) The City of Fort Pierce Engineering Department shall make inspections as hereinafter required and notify the Director of Building & Code Enforcement

upon inspection approval or if the work fails to comply with the Erosion and Sediment Control Plan as approved to request a stop work order. Plans for grading, stripping, excavating, and filling work bearing the stamp of approval of the City Engineer shall be maintained at the site during the duration of the work. To obtain inspections, the permittee shall notify The City of Fort Pierce Engineering Department at least two working days before the following:

- (1) Start of construction
- (2) Installation of sediment and erosion measures
- (3) Completion of site clearing
- (4) Completion of rough grading
- (5) Completion of final grading
- (6) Close of the construction season
- (7) Completion of final landscaping

(b) The permittee shall be responsible for the functionality of all control measures in accordance with the inspection schedule outlined on the approved Erosion and Sediment Control Plan(s). The purpose of such inspections will be to determine the overall effectiveness of the control plan and the possible need for additional control measures.

(c) The City Engineer of his designee shall enter the property of the applicant as deemed necessary to make regular inspections to ensure the effectiveness of the control plan and the possible need for additional control measures

Sec. 17-77. Enforcement

(a) In the event that any person holding a site development permit pursuant to this ordinance violates the terms of the permit or implements site development in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood or development site so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, The City of Fort Pierce may suspend or revoke the site development permit.

(b) No person shall construct, enlarge, alter, repair, or maintain any grading, excavation, or fill, or cause the same to be done, contrary to or in violation of any terms of this ordinance. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and each day during which any violation of any of the provisions of this ordinance is committed, continued, or permitted, shall constitute a separate offense. Upon conviction of any such violation, such person, partnership, or corporation shall be punished by a fine of not more than \$1,000.00 for each offense. In addition to any other penalty authorized by this section, any person, partnership, or corporation convicted of violating any of the provisions of this ordinance shall be required to bear the expense of such restoration.

Sec. 17-78. Separability

The provisions and sections of this ordinance shall be deemed to be separable, and the invalidity of any portion of this ordinance shall not affect the validity of

the remainder.

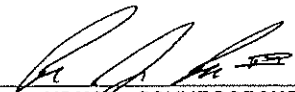
SECTION 2. All Ordinances or parts thereof are and the same shall be repealed and shall be of no further force or effect whatsoever.

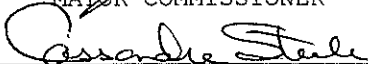
SECTION 3. This Ordinance is and the same shall be come effective immediately upon final passage hereof.

STATE OF FLORIDA)
ST. LUCIE COUNTY) ^{SS}

WE, THE UNDERSIGNED, Mayor Commissioner and the City Clerk of the City of Fort Pierce, Florida, do hereby certify that the foregoing and above Ordinance No. K-421 Was duly advertised by title only in the Fort Pierce Tribune on April 9, 2006; copy of said ordinance was made available at the office of the City Clerk to the public upon request; said ordinance was duly introduced, read by title only, and passed on first reading by the City Commission of the City of Fort Pierce, Florida, on April 17, 2006; was postponed from the May 1, 2006 meeting and amended; and was duly introduced, read by title only, and passed on second and final reading on June 5, 2006, by the City Commission of the City of Fort Pierce, Florida.

IN WITNESS HEREWITH, we hereunto set our hands and affix the Official Seal of the City of Fort Pierce, Florida, this the 6th day of June, 2006.



MAYOR COMMISSIONER


CITY CLERK

(CITY SEAL)