

Chapter 20

EROSION AND SEDIMENT CONTROL ♣ ♣♣

- Art. 20-1. Administration, §§ 20-1-1 – 20-1-5**
Art. 20-2. Erosion and Sediment Control Plans, §§ 20-2-1 – 20-2-3
Art. 20-3. Ineffective Measures and Enforcement, §§ 20-3-1 – 20-3-2

ARTICLE 20-1. ADMINISTRATION

Sec. 20-1-1. Purpose.

- (a) The purpose of this chapter is to require erosion prevention measures and sediment control practices for all development during construction to prevent and restrict the discharge of sediments, and to require final permanent erosion prevention measures, which may include landscaping, after development is completed. Erosion prevention techniques shall be designed to protect soil particles from the force of water and wind and other mechanical means so that they will not be transported from the site. Sediment control measures shall be designed to capture soil particles after they have become dislodged by erosion and attempt to retain the soil particles on site.
- (b) The objective of these measures is to control, at the source, waterborne and airborne erosion and the air and water pollution that results from such erosion mechanisms. This chapter recognizes that all non-point discharges eventually end up in surface water bodies. This chapter is intended to control water quality degradation from construction and development activities and it applies in addition to any other applicable provision of this code, state or federal law. This chapter is not intended to serve as a guideline for stormwater management control measures.

Sec. 20-1-2. Definitions.

♣ **Editor's note**—Ord. No. 225, § 1, adopted Feb. 5, 1985, repealed Art. 20-1, §§ 20-1-1 – 20-1-6, pertaining to the insurance commission. At the decision of the editor, Ch. 20 has been reserved for future use.

♣♣ **Editor's note**—Section 1 of Ord. No. 2008-14, adopted Oct. 21, 2008, added Chapter 20 regarding erosion and sediment control in its entirety.

Unless specifically defined below, words and phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

- (a) *City*: Means the City of Show Low administration, the city manager or his designated representative.
- (b) *Development*: Means any man-made change to improved or unimproved real estate, including but not limited to the construction of buildings or other structures, sewers, streets or other structures or facilities, mining, dredging, paving, filling or grading in amounts greater than ten cubic yards on any lot or excavation, and any other activity that results in the removal of more than ten percent of the existing vegetation on the individual parcel.
- (c) *Development site*: Means any lot or lots on any part of which development is taking place.
- (d) *Disturb*: Means man-made changes to the existing physical status of the land that are made in connection with development.
- (e) *Emergency*: Means any man-made or natural event or circumstance causing or threatening loss of life, injury to person or property, and includes, but is not limited to, fire, explosion, flood, severe weather, drought, earthquake, volcanic activity, spills or releases of oil or hazardous material, contamination, utility or transportation disruptions, and disease.
- (f) *Erosion*: Means the movement of soil particles resulting from actions of water, wind or mechanical means.
- (g) *Excavation*: Means any act of development by which soil or rock is cut into, dug, quarried, uncovered, removed, displaced, exposed or relocated.
- (h) *Fill*: Means any material such as, but not limited to, sand, gravel, soil, rock or gravel that is placed for the purposes of development or redevelopment.
- (i) *Owner*: Means any party, including an owner, part owner or agent that has a legal interest in a piece of real property upon which development is proposed.
- (j) *Sediment*: Means any soil, sand, dirt, dust, mud, rock, gravel, refuse or any other organic or inorganic material that is in suspension, is transported, has been moved or is likely to be moved by erosion.
- (k) *Utility facilities*: Means buildings, structures or any constructed portion of a system which provides for the production, transmission, conveyance, delivery or furnishing of services including, but not limited to, heat, light, water, power,

natural gas, sanitary sewer, stormwater, telephone and cable television. Utility facilities do not include stormwater pre-treatment facilities.

- (l) *Visible or measurable erosion* includes, but is not limited to:
 - (1) Any visible deposit of mud, dirt, sediment or similar material on public or private streets, adjacent property, or onto the storm and surface water system, either by direct deposit, dropping discharge, or as a result of the action of erosion.
 - (2) Evidence of concentrated flows of water over bare soils; turbid or sediment-laden flows; or evidence of on-site erosion such as rivulets on bare soil slopes, where the flow of water is not filtered or captured on the site.
 - (3) Earth slides, mud flows, earth sloughing, rills or rivulets, or other earth movement that leaves the property.

Sec. 20-1-3. Applicability.

- (a) This chapter, which may also be referred to as “Erosion Control” in this Code, applies to development that may cause visible or measurable erosion on any property within the city limits of the City of Show Low.
- (b) This chapter does not apply to work necessary to protect, repair, maintain or replace existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements in response to emergencies, provided that after the emergency has passed, adverse impacts are mitigated in accordance with applicable standards.

Sec. 20-1-4. Abrogation and greater restrictions.

Where the provisions of this chapter are less restrictive or conflict with other provisions of this code, regional, state or federal law, the provisions that are more restrictive shall govern. Where this document imposes restrictions that are more stringent than regional, state and federal law, the provisions of this document shall govern. However, nothing in this chapter shall relieve any party from the obligation to comply with any applicable federal, state or local regulations or permit requirements.

Sec. 20-1-5. Permit required.

The applicant shall obtain an erosion and sediment control permit prior to, or contemporaneous with, the approval of an application for any building or infrastructure construction, land use or other city-issued permit that may cause visible erosion.

ARTICLE 20-2. EROSION AND SEDIMENT CONTROL PLANS

Sec. 20-2-1. Erosion and sediment control plans.

- (a) An application for an erosion and sediment control permit shall include an erosion and sediment control plan, which contains methods and interim measures to be used during and following construction to prevent or control erosion prepared in compliance with this chapter.
- (b) Approval standards. An erosion and sediment control plan shall be approved only upon making the following findings:
 - (1) The erosion and sediment control plan meets the requirements of this chapter.
 - (2) The erosion and sediment control plan indicates that erosion and sediment control measures will be managed and maintained during and following development. The erosion and sediment control plan indicates that erosion and sediment control measures will remain in place until disturbed soil areas are permanently stabilized by landscaping, grass, approved mulch or other permanent soil stabilizing measures.
 - (3) On projects where the area of disturbance exceeds one acre, Arizona Department of Environmental Quality requires a Storm Water Pollution Prevention Plan (SWPPP). A SWPPP Plan and Notice of Intent (NOI) may serve the City of Show Low requirement for an erosion control plan provided it complies with this Chapter. The SWPPP and NOI must be submitted to the City of Show Low as a part of the plan submittal set.
- (c) The erosion and sediment control plan shall be reviewed in conjunction with the requested development approval. If the development does not require additional review, the City may approve or deny the permit with notice of the decision to the applicant.
- (d) The City may inspect the development site to determine compliance with the erosion and sediment control plan and permit.

- (e) Approval of an erosion and sediment control plan does not constitute an approval of permanent road or drainage design, including but not limited to size and location of roads, pipes, restrictors, channels, retention facilities and utilities.

Sec. 20-2-2. Plan implementation.

An approved erosion control and sediment control plan shall be implemented and maintained as follows:

- (a) Plan approval shall be obtained prior to clearing, grading or excavation.
- (b) The erosion and sediment control facilities shall be constructed prior to any clearing and grading activities, and maintained in such a manner as to ensure that sediment-laden water does not enter the drainage system or violate applicable water standards.
- (c) The implementation of an erosion and sediment control plan and the construction, maintenance, replacement, and upgrading of erosion and sediment control facilities is the responsibility of the owner or his/her designated representative until all construction is completed and approved, and vegetation, landscaping or approved finished surfaces is established.
- (d) The erosion and sediment control facilities herein are the minimum requirements for anticipated site conditions. During the construction period, these erosion and sediment control facilities shall be upgraded to ensure that sediment-laden water does not leave the site.
- (e) The owner or his/her designated representative shall implement the measures and construct facilities as provided for and according to the implementation schedule in the approved plan. The City shall be allowed reasonable access to the development site for inspection purposes.

Sec. 20-2-3. Subdivision plan performance guarantee and security.

Prior to construction or grading, the owner shall provide a financial guarantee in the form of the Assurances of Construction as set forth in Chapter 12, Section 12-2-5(B)(12). Erosion and sediment control shall be included in the cost estimate for the primary project, such as land division or site plan, and included in that project's performance guarantee.

ARTICLE 20-3. INEFFECTIVE MEASURES AND ENFORCEMENT

Sec. 20-3-1. Correction of ineffective measures.

- (a) If the city finds that the facilities and techniques approved in an erosion and sediment control plan and permit are not sufficient to prevent erosion, the city may notify the owner or his/her designated representative. Upon receiving notice, the owner or his/her designated representative shall immediately install interim erosion and sediment control measures as specified in the notice. Within three days from the date of notice, the owner or his/her designated representative shall submit a revised erosion and sediment control plan to the city. Upon approval of the revised plan and issuance of an amended permit, the owner or his/her designated representative shall immediately implement the revised plan.
- (b) If the owner or his/her designated representative fails to follow the plan as approved or fails to submit a plan when one is required, the city may, after inspection of the property, issue a stop work order halting all work on the development site until the requirements of the plan are met or implemented as applicable. Accompanying the stop work order shall be a written statement or list from the city specifying what is wrong and what steps the owner must take to bring the development into compliance. The stop work order shall not be lifted until mitigation measures are implemented that comply with this chapter.

Sec. 20-3-2. Enforcement.

Any person that violates any provision of this chapter shall be guilty of a civil violation punishable as provided in Section 1-8-1(a). Any person violating a stop work order issued under this chapter shall be guilty of a separate civil violation punishable as provided in Section 1-8-1(a). Erosion that migrates off of a development site is hereby declared to be a public nuisance which may also be abated as provided in A.R.S. § 9-499, and the provisions of this Code. Any person violating the provisions of this chapter shall also be responsible for all off-site costs and damages caused thereby.