

ORDINANCE NO. 602

AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMAN OF THE CITY OF LONG BEACH, MISSISSIPPI, “EROSION AND SEDIMENT CONTROL/POST CONSTRUCTION RUNOFF” AND FOR RELATED PURPOSES.

WHEREAS, the Mayor and Board of Aldermen of the City of Long Beach, Mississippi, having made due investigation therefore, do now find, determine, adjudicate and declare that it is necessary and proper to adopt the following ordinance “Erosion and Sediment Control/Post Construction Runoff” within the city limits of the City of Long Beach, Mississippi; now therefore,

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, AS FOLLOWS:

During the construction process, soil is the most vulnerable to erosion by wind and water. This 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 necessitates repair of sewers and ditches, and the dredging of lakes. In addition, clearing and grading during construction causes the loss of native vegetation necessary for terrestrial and aquatic habitat, and to provide a healthy living environment for citizens of City of Long Beach.

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

SECTION 1. DEFINITIONS

Best Management	Structural device, measure, facility or activity that helps to Best Management Practice achieve storm water management control objectives at designated site.
Certified Contractor	An individual who has received training and is licensed by Mississippi Department of Environmental Quality to inspect and maintain erosion and sediment control practices.
Clearing	Any activity, which removes the vegetative surface cover.

Drainage Way	Any channel that conveys surface runoff throughout the site.
Erosion Control	Measures that prevent erosion
Sediment Control Plan	A set of plans prepared by or under the direction of a licensed professional engineer indicating the specific measures and sequencing to be used controlling sediment and erosion on a development site both before, during and after construction.
Grading	Excavation or fill of material, including the resulting conditions thereof.
Perimeter Control	A barrier that prevents sediment from leaving a site either by filtering sediment-laden runoff, or diverting it to a sediment trap or basin.
Plan	A document approved at the site design phase that outlines the measures and practices used to control storm water runoff at a site.
Phasing	Clearing a parcel of land in distinct phases, with the stabilization of each phase before the clearing of the next.
Sediment Control	Measures that prevent eroded sediment from leaving the site.
Site	A parcel of land, or a contiguous combination thereof, where grading work is performed as a single unified operation.
Site Development Permit	A permit issued by the municipality for which the construction or alteration of ground improvements and structures for the control of erosion, runoff and grading.
Stabilization	The use of practices that prevent exposed soil from eroding.
Start of Construction	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	Any body of water, including but not limited to lakes, ponds, rivers, streams, and bodies of water which are delineated by City of Long Beach.
Waterway	A channel that directs surface runoff to a watercourse, or to the public storm drain.

- B. 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, and the sequence of clearing, installation of temporary erosion and sediment measures, and establishment of permanent vegetation.
- C. All erosion and sediment control measures necessary to meet the objectives of this local regulation throughout all phases of construction and permanently, 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.
- D. 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.
- E. Provisions for maintenance of control facilities, including easements and estimates for the cost of maintenance.

SECTION 3. MODIFICATION TO THE PLAN

Major amendments of the erosion and sediment control plan shall be submitted to the City of Long Beach and shall be processed and approved, or disapproved, in the same manner as the original plans.

Field modifications of a minor nature may be authorized by City of Long Beach by written authorization to the permittee.

SECTION 4. DESIGN REQUIREMENTS

Grading erosion control practices, sediment control practices, and waterway crossings shall meet the design criteria set forth in the most recent version of City of Long Beach, and shall be adequate to prevent transportation of sediment from the site to the satisfaction of City of Long Beach.

A. Clearing and Grading

Clearing and grading of natural resources, such as forest and wetlands, shall not be permitted, except when in compliance with all other chapters of this Code.

Clearing techniques that retain natural vegetation and retain natural drainage patterns, as described in MDEQ's Erosion Control, Sediment Control, and Storm Water Management on Construction Sites and Urban Areas, shall be used to the satisfaction of City of Long Beach.

Phasing shall be required on all sites disturbing greater than thirty (30) acres, with the size of each phase to be established during plan review and as approved by City of Long Beach.

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

Cut and fill slopes shall be no greater than 3:1, except as approved by City of Long Beach to meet other community or environmental objectives.

The City of Long Beach or designated agent shall make inspections as hereinafter required and shall either approved 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 City of Long Beach shall be maintained at the site during the progress of the work. In order to obtain inspections, the permittee shall notify City of Long Beach at least two (2) working days before the following:

- A. Start of construction
- B. Erosion and sediment control measures are in place and stabilized
- C. Final grading has been complete
- D. Final Landscaping

The permittee or his/her agent shall make regular inspections 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 need for additional control measures. All inspections shall be documented in written form and submitted to City of Long Beach at the time interval specified in the approved permit.

City of Long Beach or its designated agent shall enter the property of the applicant as deemed necessary to make regular inspections to ensure the validity of the reports.

SECTION 5. ENFORCEMENT

A. Stop-Work Order; Revocation of Permit

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, City of Long Beach may suspend or revoke the site development permit.

B. Violation and Penalties

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 less than \$100 (one hundred dollars) and not more than \$1000 (one thousand dollars), or by imprisonment for not more than three months, or both, for each separate 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.

SECTION 6. 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 7. POST-CONSTRUCTION STRUCTURES

was as follows:

Alderman Bernie Parker	voted	Aye
Alderman Gary J. Ponthieux	voted	Aye
Alderman Kelly Griffin	voted	Aye
Alderman Alan Young	voted	Aye
Alderman Leonard G. Carrubba, Sr.	voted	Aye
Alderman Mark E. Lishen	voted	Aye
Alderman Ronnie Hammons, Jr.	voted	Aye

The question having received the affirmative vote of all the Aldermen present and voting, the Mayor declared the motion carried and the said Ordinance Number 602 adopted and approved this, the 20th day of August, 2013.

APPROVED:

William Skellie, Jr.
 WILLIAM SKELLIE, JR., MAYOR

ATTEST:

Rebecca E. Schruoff
 REBECCA E. SCHRUFF, CITY CLERK



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