EROSION AND SEDIMENT CONTROL ORDINANCE

Section I. Introduction/ Purpose

During the construction process, soil is vulnerable to erosion by wind and water. Eroded soil endangers natural 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 the City of Joplin.

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 Joplin.

Section II. Definitions

Inspector	An individual who has received training and is employed by the City of Joplin to inspect 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.
Erosion and Sediment Control Plan	A plan or 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.
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 delineated by the City of Joplin
Waterway	A channel that directs surface runoff to a watercourse, or to the public storm drain.

Section III. Permits

1. No person shall be granted a site development permit for land-disturbing activity which would require the uncovering of 5,000 or more square feet without the approval of an Erosion and Sediment Control Plan by City of Joplin.

2. No site development permit is required for the following activities:

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

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

3. Each application shall bear the name(s) and address(es) of the owner or developer of the site, and of any consulting firm retained by the applicant together with the name of the applicants principal contact at such firm.

4. Each application 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 an Inspector shall be allowed on site on all days where construction or grading activity takes place.

5. Persons constructing a single structure on a lot zoned R1 or R2 may choose an

Erosion and Sediment Control Plan from the City of Joplin's Single Family Residential Design Booklet. This plan does not need to be prepared under the direct supervision of a licensed professional engineer.

Section IV. Review and Approval

1. City of Joplin will review each application for a site development permit to determine its conformance with the provisions of this local regulation. Within thirty (30) days after receiving an application, the City of Joplin shall, in writing either:

    a. approve the permit application;

    b. approve 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

    c. disapprove the permit application, indicating the deficiencies and the procedure for submitting a revised application and/or submission.

2. Failure of the City of Joplin to act on original or revised applications within thirty (30) days of receipt shall authorize the applicant to proceed in accordance with the plans as filed unless such time is extended by agreement between the applicant and City of Joplin. Pending preparation and approval of a revised plan, development activities shall be allowed to proceed in accordance with conditions established by City of Joplin.

Section V. Erosion and Sediment Control Plan

1. The Erosion and Sediment Control Plan shall include:

    a. A sequence of construction of the development site, including stripping and clearing, rough grading, construction of utilities, infrastructure, buildings, 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.

    b. 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.

    c. 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.

d. Provisions for maintenance of control facilities.

2. Modifications to the plan

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

b. Field modifications of a minor nature may be authorized by City of Joplin by verbal authorization to the permitee.

Section VI. Design Requirements

1. Grading, erosion control practices, sediment control practices, and waterway crossings shall meet the design criteria set forth in the most recent version of the City of Joplin's Erosion and Sediment Control Guidelines, and shall be adequate to prevent transportation of sediment from the site to the satisfaction of the City of Joplin

2. Phasing shall be required on all sites disturbing greater than five acres, with the size of each phase to be established at plan review and as approved by the City of Joplin. Sedimentation control shall be established before work on each phase, or for the complete site in the first phase.

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

4. Cut and fill slopes shall be no greater than 4:1, except as approved by the City of Joplin to meet other community or environmental objectives.

5. Erosion Control requirements shall include the following:

a. Should continuous work on-site be suspended for a period of greater than 14 days, soil must be stabilized within the following 7 days.

b. If vegetative erosion control methods, such as seeding, have not become established within 30 days, the City of Joplin may require that the site be reseeded, or that a non-vegetative option be employed.

c. On steep slopes or in drainage ways, special techniques that meet the design

criteria outlined in the City of Joplin shall be used to ensure stabilization.

d. Soil stockpiles must be stabilized or covered at the end of each work day. Stabilization shall be by either tarping or installing silt fencing around the entire pile.

e. Techniques shall be employed to prevent the blowing of dust or sediment from the site.

f. Techniques that divert upland runoff past disturbed slopes shall be employed.

6. Sediment Controls

   a. Sediment controls shall be provided in the form of settling basins or sediment traps or tanks, and perimeter controls.

   b. Adjacent properties shall be protected by the use of a vegetated buffer strip, in combination with perimeter controls.

7. Waterways and Watercourses

   a. When a wet watercourse must be crossed regularly during construction, a temporary stream crossing shall be provided, and an approval obtained from the City of Joplin and all other necessary local, state and federal interests.

   b. When in-channel work is conducted, the channel shall be stabilized before, during and after work.

   c. All on-site stormwater conveyance channels shall be designed according to the criteria outlined in the City of Joplin Stormwater Management Regulations.

   d. Stabilization adequate to prevent erosion must be provided at the outlets of all pipes, flumes and paved channels.

8. Construction Site Access

   a. A stabilized construction entrance road shall be provided at all sites.

   b. Other measures may be required at the discretion the City of Joplin in order to ensure that sediment is not tracked onto public streets by construction vehicles, or washed into storm drains.

   c. Public streets adjacent to the site access shall be scraped and swept daily by the contractor to the Inspector’s satisfaction.

Section VII. Inspection

The City of Joplin shall make inspections as hereinafter required and shall either approve that portion of the work completed or shall notify the permitee wherein the work fails to comply with the erosion and sediment control plan as approved.

Section VIII. Enforcement

1. 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 or 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 Joplin may suspend or revoke the site development permit.

2. Violation of the provisions of this article or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with granting of variances) shall constitute a misdemeanor. Any person who violates this article or fails to comply with any of its requirements shall, upon conviction thereof, be punished in accordance with the City Code. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the city or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

Section IX. 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.