

ORDINANCE NO. 1747

AN ORDINANCE to amend The Code of the City of Alexandria, Virginia, 1963, as amended, by adding thereto a new chapter numbered 10A; which new Chapter 10A relates to EROSION AND SEDIMENTATION CONTROL IN LAND DEVELOPMENT, ESTABLISHES REGULATIONS, RESTRICTIONS AND PROCEDURES FOR SUCH CONTROL, REQUIRES EROSION AND SEDIMENTATION CONTROL PLANS, AND PROVIDES PENALTIES FOR VIOLATIONS.

WHEREAS, the City Council of the City of Alexandria, Virginia, wishes to provide for the orderly and proper development of land within the city and protect the public safety, health and welfare by controlling erosion and sedimentation and alleviating their harmful effects; therefore

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That The Code of the City of Alexandria, Virginia, 1963, as amended, be and the same hereby is amended by adding thereto a new chapter numbered 10A to read as follows:

CHAPTER 10A

EROSION AND SEDIMENTATION CONTROL

Sec. 10A-1. Approved erosion and sedimentation control plan required - construction of buildings.

Except as provided in Section 10A-5 of this Code, it shall be unlawful for any person to construct or erect any building or structure on any land within the city unless there is in force an approved erosion and sedimentation control plan issued under the provisions of this chapter.

Sec. 10A-2. Same -- Enlargement of buildings.

Except as provided in Section 10A-5 of this Code, it shall be unlawful for any person to alter any building or structure on any land within the city in such manner as to change the land area covered by the building or structure unless there is in force an approved erosion and sedimentation control plan issued under the provisions of this chapter.

Sec. 10A-3. Same -- Change or disturb terrain.

Except as provided in Section 10A-5 of this Code, it shall be unlawful for any person to clear, grade, excavate, fill, remove topsoil from or change the contour of any land in the city unless there is in force an approved erosion and sedimentation control plan issued under the provisions of this chapter.

Except as provided in Section 10A-5 of this Code, it shall be unlawful for any person to remove or destroy trees, shrubs, grass, weeds, vegetation, ground cover or other plant life on any land in the city unless there is in force an approved erosion and sedimentation control plan issued under the provisions of this chapter.

Sec. 10A-4. Compliance with approved plan.

It shall be unlawful for any person to construct, erect or alter any building or structure for which an approved erosion and sedimentation control plan is required by this chapter, except in accordance with the approved plan.

It shall be unlawful for any person to clear, grade, excavate, fill, remove topsoil from or change the contour of any land in the city for which an approved erosion and sedimentation control plan is required by this chapter except in accordance with the approved plan.

It shall be unlawful for any person to remove or destroy trees, shrubs, grass, weeds, vegetation, ground cover or other plant life on any land in the city for which an approved erosion and sedimentation control plan is required by this chapter except in accordance with the approved plan.

Sec. 10A-5. Exceptions.

The provisions of this chapter shall not apply to any construction, reconstruction, repair or alteration of any building or structure when no land is disturbed and no trees, shrubs, grass or vegetation is destroyed or removed, nor to:

(a) The construction or erection of any building or structure when the disturbed land area of the site is less than 10,000 square feet in size, provided there is no natural or man-made drainage ditch, swale draining in excess of 10,000 square feet, or storm sewer on the disturbed land and no existing or proposed grade on the disturbed land exceeds ten percent.

(b) The alteration of any building or structure when the disturbed and area of the site will be less than 10,000 square feet, provided there is no natural or man-made drainage ditch, swale draining in excess of 10,000 square feet, or storm sewer on the disturbed land and no existing or proposed grade on the disturbed land exceeds ten percent.

(c) The clearing, grading, excavating, filling, removing topsoil from or changing the contour of less than 10,000 square feet of land, provided there is no natural or man-made drainage ditch, swale draining in excess of 10,000 square feet, or storm sewer on the disturbed land and no existing or proposed grade on the disturbed land exceeds ten percent.

(d) The clearing, grading, excavating, filling, removing topsoil from or changing the contour of less than 500 square feet of land, provided there is no natural or man-made drainage ditch, swale draining in excess of 10,000 square feet or storm sewer on the disturbed land and further provided the disturbance to such land does not cause sedimentation on land outside the exterior boundaries of the land disturbed.

(e) The removal or destruction of trees, shrubs, grass, weeds, vegetation, ground cover, or other plant life which cover less than 10,000 square feet of land, provided there is no natural or man-made drainage ditch, swale draining in excess of 10,000 square feet, or storm sewer on the disturbed land and no existing or proposed grade on the disturbed land exceeds ten percent.

(f) The planting, trimming, pruning or removal of trees, shrubs, grass, weeds, vegetation, ground cover or other plant life pursuant to chapter 39 of this Code.

(g) The removal or destruction of trees, shrubs, grass, weeds, vegetation, ground cover or other plant life that are dead, poisonous or infected with disease or injurious insects or pests.

(h) Gardening and care of lawns.

(i) The removal or destruction of trees, shrubs, grass, weeds, vegetation, ground cover or other plant life from lots of less than 20,000 square feet on which there now exists a dwelling.

Sec. 10A-6. Permits not to be issued without approved erosion and sedimentation control plan when plan required by chapter.

No permit shall be issued to construct, erect, or alter any building or structure on any land within the city until a plan has been submitted and approved in accordance with the provisions of this chapter.

No permit shall be issued to clear, grade, excavate, fill, remove topsoil from or change the contour of any land within the city until a plan has been submitted and approved in accordance with the provisions of this chapter.

Sec. 10A-7. Erosion and sedimentation control plans.

Applications for approved erosion and sedimentation control plans shall be submitted to and filed with the director of public works in city hall, on forms prepared by the city, prior to the time any work subject to this chapter is begun on land. An erosion and sedimentation control plan must accompany any such application, parts of which shall also be on forms prepared by the city. Upon receipt of an application and plan, the director of public works shall consider the plan in light of the provisions of this chapter and promptly approve the plan, disapprove the plan or approve the plan with modifications, noting thereon any changes that will be required. The director of public works shall promptly notify the applicant of his decision on a plan. Any approved plan shall be issued, dated, and bear the manual signature of the director of public works or his deputy.

I. An application shall show the following:

- (a) The name, address and phone number of the applicant.
- (b) The name, address and phone number of the owner of record.
- (c) The name, address, and phone number of the person preparing the plan.
- (d) The location of the site, including lot number and tax map page number.
- (e) The total land area, area being disturbed and proposed amount of pervious and impervious area.
- (f) Soil types by AASHO classification (or other classifications used by soil engineers), if available.
- (g) Method for collecting and depositing storm water.
- (h) Test borings and soil test results when (1) the site is in an area of the city known or suspected by the department of public works to have soil problems or unstable soil, or (2) any proposed slope on the site exceeds a grade of twenty percent, or (3) the presence of ground water in substantial amounts is known or suspected by the department of public works to be on the site, or (4) unstable soil is known or suspected by the department of public works to be on the site.

(i) A general description of existing trees, shrubs, grass, weeds, vegetation, ground cover and other plant life.

(j) Any other pertinent information the director of public works may require.

II. A control plan shall contain at least the following:

(a) A drawing showing information as appropriate to the work to be undertaken, or site plan complying with Chapter 30 of the City Code showing the following:

1. The name and address of the applicant.
2. The name and address of the person preparing the plan.
3. General alignment and lengths of all streets and all property lines.
4. Date, scale and north point.
5. All building restriction lines, highway setback lines, reservations and rights of way.
6. The existing and proposed topography with 2' contours and spot elevations as needed.
7. The general location and approximate size and height of the following when existing and/or proposed.
 - a. Sidewalks, streets, alleys, easements, utilities and sewers.
 - b. Buildings and structures.
 - c. Slopes, terraces and retaining walls.
 - d. Driveways, entrances, exits, parking areas and sidewalks.
 - e. Trees and shrubs.
 - f. Natural and artificial water courses.
 - g. Limits of flood plains. (100 year flood limits.)

(b) Provisions for collecting and depositing storm water, including timetables.

(c) Provisions for retaining and protecting natural trees, shrubs, grass, vegetation, ground cover and other plant life.

(d) Provisions for exposing the smallest practical area of land at any one time during development, including timetables.

(e) Provisions for keeping land exposed for the shortest practical period during development, including timetables.

(f) Provisions for the use of temporary vegetation and mulching, including timetables.

(g) Provisions for controlling sedimentation, including timetables.

(h) Provisions for the permanent planting of trees, shrubs, grass, vegetation, ground cover and other plant life, including timetables.

(i) Provisions for the base paving of streets and parking lots, including timetables.

(j) Any other provisions for controlling the slippage, shifting, erosion, accretion, subsidence or sedimentation of soil.

(k) An understanding that an approved control plan expires in 180 days and that a new application must be filed and approved before work can be continued after the 180th day unless all requirements of the approved control plan have been completed in less than 180 days in accord with said plan and verified by an on-site inspection by the director of public works or his deputy.

Sec. 10A-8. Regulations and restrictions generally.

(a) Only the smallest practical area of land should be exposed at any one time during development or construction.

(b) When land is exposed during development or construction, the exposure should be kept to the shortest practical period of time.

(c) Temporary vegetation and mulching shall where appropriate be used to protect areas exposed during development.

(d) Sediment basins shall normally be installed and maintained whenever there are drainage ditches, large swales or the like on the land undergoing development.

(e) Permanent drainage systems shall be built and made operational as quickly as reasonably possible during development.

(f) As soon as reasonably practical, necessary permanent planting shall be installed during development.

(g) Natural trees, shrubs, grass, vegetation, ground cover and other plant life shall be retained and protected whenever reasonably practical.

(h) The base paving of streets and parking lots shall be done as quickly as reasonably possible.

(i) The measures for control set forth in a publication titled "EROSION AND SEDIMENT CONTROL TECHNICAL HANDBOOK" Revised 1970, and from time to time thereafter, and issued by the Northern Virginia Soil and Water Conservation District or its successor agencies, shall be used as a guide.

Sec. 10A-9. Failure of director of public works to act.

Failure of the director of public works or his deputy to act on any erosion and sedimentation control plan within thirty (30) days after it has been properly filed should be deemed to constitute approval of the plan.

Sec. 10A-10. Guarantee of performance of plans.

A corporate surety bond, conditioned upon carrying out all and every part of an approved erosion and sedimentation control plan for at least the sum estimated to be the full costs of carrying out such plan or a cash escrow, upon the same condition and in the same amount shall be furnished the city whenever such costs exceed \$500.00. The bond or escrow shall be released upon proper completion of all of the requirements of such an approved plan.

Sec. 10A-11. Time of validity of erosion and sedimentation control plans.

Any approved erosion and sedimentation control plan shall become null and void one hundred and eighty days after the date of approval and no further work subject to this chapter shall be allowed unless and until an additional or updated erosion and sedimentation control plan has been submitted and approved in accordance with the provisions of this chapter or unless all requirements of the approved control plan have been completed in less than 180 days in accord with said plan and verified by an on-site inspection by the director of public works or his deputy.

When no change in conditions has occurred since the date of approval, an updated plan shall be approved in accordance with the provisions of this chapter with no additional requirements.

Sec. 10A-12. Waiver.

The city manager, may, for good cause shown, waive the provisions of Chapter 10A that require an approved erosion and sedimentation control plan, provided: (1) written application is made and (2) the director of public works states in writing that such a waiver will not result in increased erosion or sedimentation or violate the general principles of good erosion and sedimentation control management.

Sec. 10A-13. Relation of chapter to other laws.

The provisions contained in this chapter shall be considered separate from, supplemental to and additional to the provisions contained in chapter 7, chapter 30, chapter 34 and elsewhere in this Code or other city ordinances. Nothing contained in this chapter shall excuse any person from compliance with all other applicable provisions of this Code.

Sec. 10A-14. Penalty.

Any person violating the provisions of this chapter shall, upon conviction, be punished by a fine not to exceed one hundred dollars or by imprisonment in the city jail for a period not to exceed thirty days, or by both such fine and imprisonment. Each day's violation shall constitute a separate offense. Violations of the provisions of this chapter may also be restrained, prohibited or enjoined by appropriate proceedings.

Sec. 10A-15. Transition.

All buildings and structures for which a building permit shall have been duly and regularly issued by the director of building and mechanical inspections on or before February 8, 1972, which permit has not expired, may be completed without the necessity of complying with this chapter.

All buildings, structures, alterations to buildings or structures and changes of land characteristics for which a final site plan shall have been duly and regularly issued on or before February 8, 1972, and which site plan has not expired, may be completed without the necessity of complying with this chapter.

All subdivisions of land for which an approved final plat of subdivision has been duly and regularly issued and released on or before February 8, 1972, which approved plat has not expired and for which the guarantee for the required public improvement is in full force and effect may be completed without the necessity of complying with this chapter.

Any project for which a silt dams and erosion control bond is in full force and effect on February 8, 1972, may be completed without the necessity of complying with this chapter, provided that the unfinished portions of any such project must comply with the provisions of this chapter any time that such control bond ceases to be in full force and effect.

Notwithstanding the foregoing provisions of this section, the provisions of this chapter shall apply to buildings, structures, alterations to buildings and structures, changes of land characteristics, subdivision of land or projects after completion of such buildings, structures, alterations to buildings and structures, changes of land characteristics or subdivision of land or projects.

Section 2. That this ordinance shall be published in a newspaper of general circulation published in the city not later than five days following its introduction together with a notice containing the time and place for a public hearing. The Clerk of the Council shall note the date of introduction and first reading, the date of publication, the date of the public hearing, and the date of the second reading and final passage in the minutes of the meeting. This ordinance shall become effective the date of its final passage.

CHARLES E. BEATLEY, JR.
Mayor

Final Passage: February 8, 1972