

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.

SECTION 1. PERMITS

No person shall be granted a site development permit for land-disturbing activity, which would require the uncovering of part of a larger common plan of development or sale with a cumulative planned disturbance of equal to or greater than one (1) acre (for example, individual or commercial lots that are part of a subdivision or a commercial development that initially impacts less than one (1) acre but will ultimately exceed the one (1) acre threshold) or where the impact is on less than one (1) acre when more than fifty percent of the post-development ground surface will be impervious without the approval of an Erosion and Sediment Control Plan by City of Long Beach.

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.

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 applicant's principal contact at such firm, and shall be accompanied by a filing fee.

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 a Certified Contractor shall be on site on all days where construction or grading activity takes place.

The applicant will be required to file with City of Long Beach a faithful performance bond or bonds, letter of credit, or other improvement security in an amount deemed sufficient by City of Long Beach to cover all costs of improvements, landscaping, and maintenance of improvements for such period as specified by City of Long Beach and engineering and inspection costs to cover the cost of failure or repair of improvements installed on the site.

SECTION 2. REVIEW AND APPROVAL

City of Long Beach 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, City of Long Beach shall, in writing:

Approve the permit application;

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

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

SECTION 3. EROSION AND SEDIMENT CONTROL PLAN

The Erosion and Sediment Control Plan shall include:

- A. A natural resources map identifying soils, forest cover, and resources protected under other chapters of this code. *This map should be at a scale no smaller than 1" = 100'.*

- 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.

As a minimum all silt fences shall be installed using metal T-posts. No silt fences may be installed by the use of wooded posts.

B. Erosion Control

Soil must be stabilized within seven (7) days of clearing or inactivity in construction.

If vegetative erosion control methods, such as seeding, have not become established within two (2) weeks, City of Long Beach may require that the site be reseeded, or that a non-vegetative option be employed.

On steep slopes or in drainage ways, special techniques that meet the design criteria outlined in MDEQ's Erosion Control, Sediment Control, and Storm Water Management on Construction Sites and Urban Areas shall be used to ensure stabilization.

Soil stockpiles must be stabilized or covered at the end of each workday.

At the close of the construction season, the entire site must be stabilized, using heavy mulch layer, or another method that does not require germination to control erosion.

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

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

C. Sediment Controls

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

Where possible, settling basins shall be designed in a manner that allows adaptation to provide long-term storm water management.

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

D. Waterways and Watercourses

When a wet watercourse must be crossed regularly during construction, a temporary stream crossing shall be provided, and an approval obtained from the appropriate governmental agency.

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

All on-site storm water conveyance channels shall be designed according to the Criteria outlined in MDEQ's Erosion Control, Sediment Control, and Storm Water Management on Construction Sites and Urban Areas.

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

E. Construction Site Access

A temporary access road shall be provided at all sites.

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

It shall be the responsibility of the developer to ensure that construction siltation is cleaned from the public road access at the end of each work day. In the event that the developer or his contractor does not maintain a clean access drive he shall be issued a stop work order until such clean up is complete.

SECTION 4. INSPECTION

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

A. Post-Construction Design

All storm water BMPs shall be designed at the direction of the City Engineer in a manner to ensure that controls are in place that would prevent or minimize water quality impacts.

Design guidelines are outlined in MDEQ's Erosion Control, Sediment Control, and Storm Water Management on Construction Sites and Urban Areas.

Storm water easements and covenants shall be provided by the property owner for access for facility inspections and maintenance. Easements and covenants shall be Recorded with the Municipal Coder Office and the Chancery Clerk of Harrison County. Final design shall be approved by the City Engineer or designee.

B. Routine Maintenance

The City of Long Beach maintains all post-construction detention/retention ponds within the corporate limits of Long Beach which are not otherwise required to be maintained by the developer, a homeowners association or other entity upon which the obligation for post-construction maintenance and upkeep was imposed prior to construction or as a condition of construction. All storm water BMPs shall be maintained according to the measures outlined in the MDEQ's Erosion Control, Sediment Control, and Storm Water Management on Construction Sites and Urban Areas, and as approved in the permit.

C. Non-Routine Maintenance

Non-routine maintenance shall be performed on an as-needed basis based on information gathered during regular inspections.

If non-routine maintenance activities are not completed in a timely manner or as specified in the approved plan, City of Long Beach Public Works Department may complete the necessary maintenance at the owner's/operator's expense.

D. Inspections

The person(s) or organization(s) responsible for maintenance shall inspect storm water BMPs on a regular basis, as outlined in the Plan.

Authorized representatives of City of Long Beach may enter at reasonable times to conduct on-site inspections or routine maintenance.

For BMPs maintained by the property owner or homeowner's association, inspection and maintenance reports shall be filed with City of Long Beach as provided for in the plan.

Authorized representatives of City of Long Beach may conduct inspections to confirm the information in the reports.

SECTION 8. EFFECTIVE DATE.

This Ordinance shall take effect and be in force thirty (30) days after its adoption, publication and enrollment thereof as provided by law.

The above and foregoing Ordinance No. 602 was introduced in writing by Alderman Ponthieux who moved its adoption. Alderman Young seconded the motion to adopt the Ordinance, and after discussion, no member of the Board of Aldermen having requested the Ordinance to be read by the City Clerk, and the question being put to a roll call vote, the result

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. Schruuff

 REBECCA E. SCHRUFF, CITY CLERK



CERTIFICATE

STATE OF MISSISSIPPI
COUNTY OF HARRISON
CITY OF LONG BEACH

I, the undersigned, Rebecca E. Schruff, City Clerk within and for the City of Long Beach, Mississippi, do hereby certify that the above and foregoing is a true and correct copy of that certain Ordinance #602 of the City of Long Beach, Mississippi, adopted by the Mayor and Board of Aldermen at a regular meeting duly held and convened on August 20, 2013, as the same appears of record in Ordinance Book #8, pages 270-278 inclusive, in my office at the City Hall in said City.

Given under my hand and the official seal of my office this the 20th day of August, 2013.



Rebecca E. Schruff, City Clerk

