

# CHAPTER 151: CONSTRUCTION SITE RUNOFF CONTROL

(formerly “Soil Erosion and Sedimentation Control”)

**As adopted 2/21/06**

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## Chapter 151: Construction Site Runoff Control

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## GENERAL PROVISIONS

### § 151.01 PURPOSE.

(A) The Town Council hereby finds that excessive quantities of soil are eroding from certain areas that are undergoing development for non-agricultural uses, such as storage/filling, housing developments, commercial construction, industrial areas, recreational facilities, and roads. This erosion makes costly repairs to gullies, washed out fills, roads, and embankments necessary. The resulting sediment clogs the storm sewers, road ditches and muddies streams, leaves deposits of silt in ponds and reservoirs and is considered a major water pollutant.

(B) The purpose of this chapter is to prevent soil erosion and sedimentation from occurring as a result of non-agricultural development within the town by requiring proper provisions for stormwater disposal and soil erosion during construction, in order to promote the safety, public health and general welfare of the town.

(Ord. passed 9-21-92)

### § 151.02 APPLICABILITY.

(A) This chapter shall be applicable to any situation involving any disturbance to the terrain (and its contours) and topsoil or vegetative ground cover upon any property within the town after determination of applicability by the Building Official, or his/her designee.

(B) Compliance with the requirements described herein shall not be construed to relieve the applicant of any obligations to obtain necessary state or federal permits. The Building Official shall notify appropriate state or federal agencies prior to issuance of a permit for a land-disturbing activity controlled by the provisions of this chapter. The failure of the Building Official to notify any necessary state or federal agency shall not void any permit issued hereunder. The term "Building Official" as used throughout this chapter means the Building Official or his/her designee.

(Ord. passed 9-21-92)

### § 151.03 DETERMINATION OF APPLICABILITY.

(A) It shall be unlawful for any person to disturb any existing vegetation, grades, or contours of land in a manner which may increase the potential for soil erosion without first applying for a determination of applicability from the Building Official. Upon receiving a positive determination of applicability, the applicant shall submit a Stormwater Pollution Prevention Plan (SWPPP) for approval to the Building Official. The application for determination of applicability shall describe the location, nature, character, and time schedule of the proposed land-disturbing activity in sufficient detail to allow the Building Official to determine the potential for soil erosion and sedimentation resulting from the proposed project. In determining the applicability of this chapter to a particular land-disturbing activity, the Building Official shall consider site topography, drainage patterns, soils, proximity to watercourses, and other such information as deemed appropriate. A particular land-disturbing activity shall not be subject to the requirements of this chapter if the Building Official finds that erosion resulting from the land disturbing activity is insignificant and represents no threat to adjacent properties or to the quality of any coastal feature, flood plain, or watercourse, as defined herein. The current Rhode Island Soil Erosion and Sediment Control Handbook, U.S. Department of Agriculture Soil Conservation Service, R.I. Department of Environmental Management and R. I. State Conservation Committee shall be consulted in making this determination.

(B) No determination of applicability shall be required for the following:

(1) Construction, alteration, or use, of any additions to existing single family or duplex homes or related structures, when determined by the Building Official to be insignificant, and such construction, alteration and use does not occur within two hundred feet (200') of any watercourse or coastal feature, and the slopes at the site of land disturbance do not exceed ten percent (10%).

(2) Use of a home garden in association with onsite residential use.

(3) Accepted agricultural management practices such as seasonal tilling and harvest activities associated with property utilized for private and/or commercial agricultural or silvicultural purposes;

(4) Excavations for improvements other than those described in division (B)(1) above which exhibit all of the following characteristics:

(a) Does not result in a total displacement of more than fifty (50) cubic yards of material;

(b) Has no slopes steeper than ten feet (10') vertical in one hundred feet (100') horizontal or approximately ten percent (10%); and

(c) Has all disturbed surface areas properly and effectively protected to prevent soil erosion and sedimentation.

(5) Grading, as a maintenance measure, or for landscaping purposes on existing developed land parcels or lots, provided that all bare surfaces are immediately seeded, sodded, or otherwise protected from erosive actions, and all of the following conditions are met:

(a) The aggregate area of such activity does not exceed two thousand (2,000) square feet, and

(b) The change of elevation does not exceed two feet (2') at any point; and

(c) The grading does not involve a quantity of fill greater than eighteen (18) cubic yards; except where fill is excavated from another portion of the same parcel and the quantity does not exceed fifty (50) cubic yards.

(6) Grading, filling, removal or excavation activities and operations undertaken by the town under the direction and supervision of the Director of Public Works for work on streets, roads or rights-of-way dedicated to public use, provided, however, that adequate and acceptable erosion and sediment controls are incorporated in engineering plans and specifications and followed. Appropriate erosion controls shall apply prior to and during construction as well as after completion of such activities.

All such work shall be undertaken in accordance with the performance principles provided for in § 151.37 and such standards and definitions as may be adopted to implement said performance principles.

(7) Existing quarrying operations actively engaged in excavating rock, but shall apply to sand and gravel extraction operations.

(Ord. passed 9-21-92) Penalty, see § 151.99

#### **§ 151.04 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**APPLICANT.** Any person, corporation, or public or private organization proposing a development or project which would involve disturbance to the natural terrain as herein defined.

**COASTAL FEATURE.** Coastal beaches and dunes, barrier beaches, coastal wetlands, coastal cliffs, bluffs, and banks, rocky shores, and manmade shorelines as defined in The State of Rhode Island Coastal Resources Management Program, as amended June 28, 1983.

**CUT.** An excavation. The difference between a point on the original ground and a designated point of lower elevation on the final grade. Also, the material removed in excavation.

**DEVELOPMENT PROJECT.** Any construction, demolition, or removal of structures, roadways, parking, or other paved areas, utilities, or other similar facilities, including any action requiring a building permit by the town.

**EROSION.** The removal of mineral and/or organic matter by the action of wind, water, and/or gravity.

**EXCAVATE.** Any act by which earth, sand, gravel, rock, or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated, or bulldozed, and including the conditions resulting therefrom.

**FILL.** Any act by which earth, sand, or other material is placed or moved to a new location above ground. The fill is also the difference in elevation between a point of existing undisturbed ground and a designated point of higher elevation of the final grade.

**LAND DISTURBING ACTIVITY.** Any physical land development activity which includes such actions as clearance of vegetation (in wetlands), moving or filling of land, removal or excavation of **soil** or mineral resources, or similar activities.

**RUNOFF.** The surface water discharge or rate of a given watershed after a fall of rain or snow and including seepage flows that do not enter the soil but runoff the surface of the land. Also, that portion of water that is not absorbed by the soil, but runs off the land surface.

**SEDIMENT.** Solid material, both mineral and/or organic, that is in suspension, is being transported, or has been moved from its site or origin by wind, water, and/or gravity as a product of erosion.

**STORMWATER POLLUTION PREVENTION PLAN (SWPPP).** The (approved) document required before any person may cause a disturbance to the natural terrain within the town as herein regulated. Also, herein referred to as SWPPP, approved plan.

**SUBDIVISION.** The process (and the result) of dividing a parcel of raw land into smaller buildable sites, blocks, street, open space public areas and the designation of the location for utilities and other improvements.

**WATERCOURSE.** Any tidewater or coastal wetland at its mean high water level, and any freshwater wetland at its seasonal high water level, including but not limited to, any river, stream, brook, pond, lake, swamp, marsh bog, fen, wet meadow, or any other standing or flowing body of water. The edge of the watercourse as herein defined shall be used for delineation purposes.  
(Ord. passed 9-21-92)

**PROVISIONS; PROCEDURE**

**§ 151.10 PLANS.**

(A) To obtain approval for a permit under the provisions of § 151.03 for land-disturbing activity determined to be applicable by the Building Official, an applicant shall first file a stormwater pollution prevention plan (SWPPP) signed by the owner of the property, or authorized agent, on which the work subject to approval is to be performed. The SWPPP, as described in § 151.36, shall describe and ensure the implementation of best management practices (BMP's) to be employed by the applicant or the applicant's agent, to reduce or eliminate the pollutants in stormwater discharges at the site.

(B) *R.I. Freshwater Wetlands Permit:* Where any portion of a proposed development requires approval under the R.I. Freshwater Wetlands Act (R.I. Gen. Laws 2-1-15 et seq.), as amended, and where said approval contains provisions for soil erosion and sediment controls, that approved site plan shall be a component of the overall SWPPP required for the development.  
(Ord. passed 9-21-92)

**§ 151.11 FEE SCHEDULE.**

The town shall collect fees, from each applicant requesting approval of a SWPPP. A fee schedule shall be established by the Town Council, with a recommendation from the Building Official or designee. Said fee shall be based on the administrative and technical costs associated with administering this chapter and may be revised from time to time.



(A) *Site Plan Reviews.*

(1) Single-Family/Duplex Subdivisions.

<i>No. of Lots</i>	<i>Fee</i>
1 lot	\$ 100
2 - 4 lots	150
5 - 9 lots	300
10 - 15 lots	400
16 - 25 lots	550
26 - 50 lots	700
51 - 100 lots	950
100 plus lots: \$ 950.00, plus \$40 per lot for each lot over 100.	

(2) Site plans: Multi-Family, Commercial, Industrial, Parking lots, Pipelines, Utilities, Land grading, Quarrying, Mining, Landfills, Demolition, and the like.

<i>Lot Size</i>	<i>Fee</i>
Up to 30,000 sq. ft.	\$ 150
30,000 sq. ft - 1.5 acres	200
2 acres - 5 acres	300
6 acres - 10 acres	425
11 acres - 20 acres	550
21 acres - 50 acres	700
51 acres - 75 acres	950
76 plus acres: \$ 950, plus \$40 per acre for each acre over 75.	

(B) *Site Inspections.*

(1) Single Family/Duplex Subdivisions.

<i>No. of Lots</i>	<i>Fee</i>
1 lot	\$ 50
2 - 4 lots	100
5 - 9 lots	150
10 - 15 lots	175
16 - 25 lots	200
16 - 50 lots	275
51 - 100 lots	400
100 plus lots	500

(2) Site Plans: (same as (A)(2) of this section).

<i>Lot Size</i>	<i>Fee</i>
Up to 30,000 sq. ft	\$ 75
30,000 sq. ft.-1.5 acres	100
2 acres - 5 acres	125
6 acres – 10 acres	175
11 acres - 20 acres	250
21 acres - 50 acres	350
51 acres - 75 acres	400
76 plus acres	500

**§ 151.12 PLAN REVIEW.**

(A) Within five (5) working days of the receipt of a completed plan, the Building Official shall send a copy of the plan to the review authorities which may include the Public Works Department, the Planning Board, or Planning Department, and Conservation Commission for the purpose of review and comment. The Building Official may also, within the above time frame, submit copies of the plan to other local departments or agencies, including the conservation district that serves the town, in order to better achieve the purposes of this chapter. Failure of the aforementioned review authorities to respond within 21 working days of their receipt of the plan shall be deemed as no objection to the plan as submitted.

(B) The time allowed for plan review shall be commensurate with the proposed development project, and shall be accomplished simultaneously with other reviews.  
(Ord. passed 9-21-92)

### **§ 151.13 PLAN APPROVAL/DISAPPROVAL.**

(A) The Building Official or designee shall notify the applicant, in writing, either approving or disapproving the plan, with reasons stated if ~~disapproved~~, within ten (10) days after he/she has received the written opinion of the aforementioned review authorities.

(B) In approving a plan, the Building Official or designee shall issue a permit good for two years and may attach such conditions deemed reasonably necessary by the aforementioned review authorities to further the purposes of this chapter. Such conditions pertaining to erosion and sediment control measures and/or devices may include, but are not limited to, retention of stone walls in place, the erection of walls, silt fences, drains, dams and structures, planting vegetation, trees, shrubs, furnishings, necessary easements, and specifying a method for performing various kinds of work and the sequence or timing thereof. The applicant shall notify the Building Official or designee in advance of his/her intent to begin construction work described in the SWPPP. The applicant shall have the SWPPP on the site during grading and construction.  
(Ord. passed 9-21-92)

### **§ 151.14 APPROVAL; EXPIRATION; RENEWAL.**

(A) Every approval granted herein shall expire at the end of the time period set forth in the conditions of the bond or in two (2) years, whichever is longer. The developer shall fully perform and complete all of the work required within the specified time period.

(B) If the applicant is unable to complete the work within the designated time period, he/she shall, at least thirty (30) days prior to the expiration date, submit a written request for an extension of time to the Building Official, setting forth the reasons underlying the requested time extension. If the extension is warranted, the Building Official may grant an extension of time up to a maximum of one year from the date of the original deadline. Subsequent extensions under the same conditions may be granted at the discretion of the Building Official.  
(Ord. passed 9-21-92)

### **§ 151.15 MAINTENANCE OF MEASURES.**

Maintenance of all erosion and sediment control measures and controls for other wastes under this chapter shall be the responsibility of the applicant. Such erosion and sediment control measures and controls for other wastes shall be maintained in good condition and working order on a continuing basis. Watercourses originating and located completely on private property shall be the responsibility of the owner to the point of open discharge at the property line or at a communal watercourse within the property.

(Ord. passed 9-21-92) Penalty, see § 151.99

#### **§ 151.16 LIABILITY OF AN APPLICANT.**

Neither approval of a SWPPP nor compliance with any condition of this chapter shall relieve the applicant from any responsibility for damage to persons or property, nor impose any liability upon the town for damages to persons or property.

(Ord. passed 9-21-92)

#### **§ 151.17 INSPECTIONS.**

(A) *Periodic inspections.* The provisions of this chapter shall be administered and enforced by the Building Official. All work shall be subject to periodic inspections by the Building Official. All work shall be performed in accordance with an inspection and construction control schedule approved by the Building Official, who shall maintain a permanent file of all inspections. Upon completion of the work, the applicant shall notify the Building Official that all grading, drainage, erosion and sediment control measures and devices, vegetation and ground cover plantings, and controls for other wastes has been completed in conformance with the approved plans, specifications, conditions, and other applicable provisions of this chapter. At a minimum, the inspection schedule shall include two (2) inspections, one to take place during construction and one after final site stabilization.

(B) *Final inspection.* Upon such notification of the completion by the owner, the Building Official shall make a final inspection of the site and shall prepare a final summary inspection report of findings which shall be retained in the Building Official's files and in the Department of Public Works permanent inspections file.

(C) *Bond Release.* The applicant may request the release of his/her performance bond from the building official twelve (12) months after the final site inspection has been completed and approved. In the instance where the performance bond has been posted with the recording of a final subdivision, the bond shall be released after the Building Official has been notified by the Town Planner of successful completion of all plan improvements by the applicant.

(Ord. passed 9-21-92)

#### **§ 151.18 NOTIFICATION.**

(A) If at any stage, the work in progress and/or completed under the terms of an approved SWMPP does not conform to such plan, a written notice from the Building Official to comply, shall be transmitted by certified mail to the owner. Such notice shall set forth the nature of the temporary and permanent corrections required and the time limit within which corrections shall be completed.

(B) Failure to comply with the required corrections within the specified time limit shall be considered in violation of this chapter, in which case the performance bond or cash or negotiable securities deposit shall be subject to notice of default, in accordance with §151.46 and/or § 151.47.

(Ord. passed 9-21-92)



**§ 151.19 APPEALS.**

(A) *Administrative procedures:*

(1) If the ruling made by the Building Official is unsatisfactory to the applicant, the applicant may file a written appeal. The appeal shall be to the Board of Appeals within 10 days of the decision.

(2) Appeal procedures shall follow current requirements for appeal to the Board of Appeals.

(3) During the period in which the request for appeal is filed, and until such time as a final decision is rendered on the appeal, the decision of the Building Official shall remain in effect.

(B) *Expert opinion.* The Board of Appeals may seek technical assistance on any stormwater pollution prevention plan. Such expert opinion must be made available in the office of the Building Official as a public record prior to the appeals hearing.

(Ord. passed 9-21-92)

**STORMWATER POLLUTION PREVENTION PLAN**

**§ 151.35 PLAN PREPARATION.**

The stormwater pollution prevention plan (SWPPP) shall be prepared by a registered engineer, a soil and water conservation society certified erosion and sediment control specialist, or a landscape architect. SWPPP's requiring the practice of engineering shall be stamped and signed by a registered professional engineer. Five copies of the plan shall be submitted to the Building Official. (Ord. passed 9-21-92)

**§ 151.36 PLAN CONTENTS.**

(A) The SWPPP shall include sufficient information about the proposed activities and land parcel(s) to form a clear basis for discussion and review and to assure compliance with all applicable requirements of this chapter.

(B) The plan shall be consistent with the data collection, data analysis, land plan preparation guidelines in the current "Rhode Island Soil Erosion and Sediment Control Handbook," prepared by the U.S. Department of Agriculture, Soil Conservation Service, R.I. Department of Environmental Management, R.I. State Conservation Committee, and at a minimum shall contain:

(1) **Narrative Description.** A description of the proposed land disturbing activity, estimates of the total area of the site and the total area of the site expected to be disturbed, and any proposed sequencing of project; soil erosion and sediment control measures, and measures to be installed to control other wastes that could result from the proposed activity; and a description of any potential sources of pollution that may be expected to effect the quality of storm water discharges from the site. Supporting documentation, such as a description of the drainage area and the existing site, and soil maps shall be provided as required by the Building Official or designee.

(2) **Construction Drawings.** Drawings illustrating in detail existing and proposed contours, drainage features and limits of vegetation; limits of clearing and grading; the location of soil erosion and sediment controls, stormwater management measures, and controls for other wastes; detail drawings of

the controls and measures; the location of stock piles and borrow areas; sequencing and staging of land disturbing activities; and other such information needed for construction.

(3) Erosion and Sediment Controls. A description, including construction details appropriate to the site, for both vegetative and structural practices. Vegetative BMP's are designed to preserve existing vegetation where attainable and revegetate open areas as soon as practicable after grading or construction. Structural BMP's divert flows from exposed soils, filter runoff, store flows or otherwise limit runoff from coming into contact with exposed, unvegetated areas of the site and to prevent sediments and/or other pollutants from leaving the site.

(4) Post Construction Stormwater Management. A description of measures that will be installed during the construction project to control pollutants in storm water discharges that will occur at the site after the construction operations have been completed. These measures shall be consistent with the requirements of the stormwater ordinance. Maintenance activities for these measures shall be described in accordance with (6) below.

(5) Other Controls.

(i) Waste Disposal. A description of the other controls, including construction details appropriate for the site, to eliminate the discharge of other construction wastes found on the construction site. All types of waste generated at the site shall be disposed of in a manner consistent with State Law and/or regulations.

(ii) Good Housekeeping. Good housekeeping measures to provide for the minimization of exposure of construction debris to precipitation and for the proper disposal of such debris shall be specified.

(iii) Spill Prevention. Areas where potential spills can occur shall be identified. The potential for spills to enter the stormwater drainage system shall be eliminated wherever feasible.

(6) Maintenance Plan. A description of procedures to maintain, in good and effective operating condition, vegetation, storm water control measures, and other protective measures, identified in the site plan.

(7) Other information. Other information or construction plans and details as deemed necessary by the Building Official for thorough review of the plan prior to action being taken as prescribed in this chapter. Withholding or delaying submission of such information may be reasons for the Building Official to judge the application incomplete and grounds for disapproval. (Ord. passed 9-21-92)

### **§ 151.37 PERFORMANCE PRINCIPLES.**

The contents of the SWPPP shall clearly demonstrate how the principles, outlined below, have been met in the design and are to be accomplished by the proposed development project.

- (1) Due regard for natural drainage characteristics, topography and soils shall be indicated.
- (2) To the extent possible, steep slopes shall be avoided.
- (3) The grade of slopes created shall be minimized.

infiltration(4) All post-development stormwater management measures shall comply with the Middletown Stormwater Control Ordinance.

(5) Original boundaries, alignment and slope of watercourses within the project locus shall be preserved to the greatest extent feasible.

(6) In general, drainage shall be directed away from structures intended for human occupancy, municipal or utility use, or similar structures.

(7) All drainage provisions shall be of such a design and capacity so as to adequately handle stormwater runoff, including runoff from tributary upstream areas which may be outside the locus of the project.

(8) Drainage facilities shall be installed as early as feasible during construction and, if possible prior to site clearance.

(9) Fill located adjacent to watercourses shall be adequately protected from erosion by means of rip-rap, gabions, retaining walls, vegetative stabilization, or similar measures.

(10) Temporary vegetation and or mulching shall be used to protect bare areas and stockpiles from erosion during construction. The smallest areas feasible shall be exposed at any one time and disturbed areas shall be protected during the non-growing months, November through March.

(11) Permanent vegetation shall be planted immediately following fine grading.

(12) Trees and other existing vegetation shall be retained whenever feasible. The area within the drip line shall be fenced or roped off to protect trees from construction equipment.

(13) All areas damaged during construction shall be re-sodded, re-seeded or otherwise restored.

(14) Monitoring and maintenance inspections shall be scheduled prior to commencing the project. (Ord. passed 9-21-92)

(15) All controls installed or used to achieve compliance with this SWPPP must be properly operated and maintained at all times.

(16) Sediment controls, stormwater measures, and other controls shall protect downstream water bodies from adverse water quality impacts resulting from construction activities.

## **ENFORCEMENT**

### **§ 151.45 PERFORMANCE BOND.**

(A) Before approving a SWPPP, the building official or designee may require the applicant to file a surety company performance bond, deposit of money, negotiable securities or other method of surety, as specified by the Building Official or designee. When any land-disturbing activity is to take place within two hundred feet (200') of any watercourse or coastal feature or within an identified flood hazard district, or on slopes in excess of ten percent (10%), the filing of a performance bond shall be required. The amount of such bond, as determined by the Public Works Director or in his/her absence,

the Building Official, shall be sufficient to cover the cost of implementing all erosion and sediment control measures shown on the plan.

(B) The bond or negotiable security filed by the applicant shall be subject to approval in the form, content, amount and manner of execution by the Finance Director.

(C) A performance bond for SWPPP for a subdivision may be included in the performance bond of the subdivision. The posting of such bond as part of the subdivision performance bond does not, however, relieve the owner of any requirement(s) of this chapter.  
(Ord. passed 9-21-92)

#### **§ 151.46 NOTICE OF DEFAULT ON PERFORMANCE SECURED BY BOND.**

(A) Whenever the Building Official shall find that default has occurred in the performance of any term(s) or condition(s) of the bond or in the implementation of measures secured by the bond, written notice thereof shall be made to the applicant and to the surety of the bond by the Town Administrator. Such notice shall state the nature of default, work to be done, the estimated cost thereof, and the period of time deemed by the Building Official to be reasonably necessary for the completion of such work.

(B) Failure of the applicant to acknowledge and comply with the provisions and deadlines outlined in such notice of default shall result in action by the Town Administrator, without further notice of proceedings whatsoever, to utilize the performance bond to cause the required work to be completed by the town, by contract or by other appropriate means as determined by the Town Administrator.  
(Ord. passed 9-21-92)

#### **§ 151.47 NOTICE OF DEFAULT ON PERFORMANCE SECURED BY CASH OR NEGOTIABLE SECURITIES DEPOSIT.**

If a cash or negotiable securities deposit has been posted by the applicant, notice and procedures for default shall be the same as provided for in §151.46.  
(Ord. passed 9-21-92)

#### **§ 151.48 RELEASE FROM PERFORMANCE BOND CONDITIONS.**

The performance bonding requirement shall remain in full force and effect for twelve (12) months following completion of the project, or longer as deemed appropriate by the Building Official.  
(Ord. passed 9-21-92)

#### **§ 151.98 VIOLATIONS.**

(A) *Revocation or suspension of approval.* The approval of a SWPPP under this chapter may be revoked or suspended only by the Building Official. All work on the project may be halted for an indefinite time period by the Building Official after written notification is transmitted (by the Building Official) to the applicant for one or more of the following reasons:

(1) Violation of any condition of the approved plan, conditions or specifications pertaining thereto;

(2) Violation of any provision of this chapter or any other applicable law, ordinance, rule or regulation related to the work or work site; and

(3) The existence of any condition or the performance of any act constituting or creating a nuisance, hazard, or endangerment to human life or the property of others, or contrary to the spirit or intent of this chapter.

(Ord. passed 9-21-92)

**§ 151.99 PENALTY.**

(A) Whenever there is a failure to comply with the provisions of this chapter, the town shall have the right to notify the applicant that he/she has five (5) days from the receipt of notice to temporarily correct the violations and thirty (30) days from receipt of notice to permanently correct the violations.

(B) Should the applicant fail to take the temporary corrective measures within the five day period and the permanent corrective measures within the thirty (30) day period, the town shall then have the right to take whatever actions it deems necessary to correct the violations and to assert a lien on the subject property in an amount equal to the cost of remedial actions.

(C) The lien shall be enforced in the manner provided by law for the enforcement of common law liens on personal property. The lien shall be recorded with the records of land evidence of the town, and the lien shall incur legal interest in the amount of the prime rate plus one percent (1%) from the date of recording.

(D) The imposition of any penalty shall not exempt the offender from compliance with the provisions of this chapter, including revocation of the performance bond or assessment of a lien on the property by the town.

(Ord. passed 9-21-92)