

**AN ORDINANCE OF THE CITY OF ST. AUGUSTINE BEACH
RELATING TO EROSION AND SEDIMENT CONTROL.**

Section I. Introduction/Purpose

During the construction process, soil is highly vulnerable to erosion by wind and water. 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 cause the loss of native vegetation necessary for terrestrial and aquatic habitat.

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

Section II. Definitions

Certified Contractor:	A person who has received training and is licensed by the State of Florida to inspect and maintain erosion and sediment control practices.
Clearing:	Any activity that removes vegetive surface cover.
Drainage Way:	Any channel that conveys surface runoff throughout the site.
Erosion Control:	A measure that prevents erosion.
Erosion and 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 to control sediment and erosion on a development site during and after construction.
Grading:	Excavation of fill or material, including the resulting conditions thereof.

Perimeter Control: A barrier that prevents sediment from leaving a site 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 completed 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.

Building Permit: A permit issued by the municipality for the construction or alteration of improvements or structures.

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, jurisdictional wetlands; and bodies of water delineated by the City of St. Augustine Beach.

Waterway: A channel that directs surface runoff to a watercourse or to the public storm drain.

Section III: Permits

- (A) No person shall be granted a site development permit that includes land-disturbing activity of greater than one acre without first providing a notice of intent to the Florida Department of Environmental Protection associated with Phase II, United States Environmental Protection NPDES rules.
- (B) No site development permit is required for the following activities:
 - (1) Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.
 - (2) Existing nursery and agricultural operations conducted as a permitted main or accessory use.
 - (3) Land disturbance activity of less than one (1) acre.

- (C) Each application shall bear the name(s) and address(es) of the owner or developer of the site and 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.
- (D) 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 when construction or grading activity takes place.
- (E) The applicant will be required to file with the City of St. Augustine Beach a copy of the Notice of Intent (NOI) filed with the Florida Department of Environmental Protection, a copy of the Stormwater Pollution Prevention Plan (SPPP) and a supporting Erosion and Sediment Control Plan periodically updated throughout the project schedule.

Section IV. Erosion and Sediment Control Plan

- (A) The Erosion and Sediment Control Plan shall include the following:
 - (1) 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, areas of clearing, installation of temporary erosion and sediment control measures, and establishment of permanent vegetation.
 - (2) All erosion and sediment control measures necessary to meet the objectives of this regulation throughout all phases of construction and 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.
 - (3) Provision for maintenance of control facilities, including easements and estimates of the cost of maintenance.
 - (4) Major amendments of the Stormwater Pollution Prevention Plan previously submitted to the City of St. Augustine Beach.
 - (5) Field modifications of a minor nature.

Section V. Inspection

- (A) The permittee or his/her agent shall make regular inspections of all control measures in accordance with the inspection schedule outlined on the 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 at the time interval specified by the Florida Department of Environmental Protection and the Stormwater Pollution Prevention Plan.
- (2) The 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 filed under Subsection 1.

Section VI. 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 of persons residing or working in the neighborhood or development site so as to be materially detrimental to the public welfare or injurious to the property or improvements in the neighborhood, may suspend or revoke the site development permit.

- (2) Violations 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 or any such violation, such person, partnership, or corporation shall be punished by a fine of not more than \$ for each 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 VII. 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 8. This Ordinance shall take effect upon passage.

PASSED by the City Commission of the City of St. Augustine Beach, Florida, upon Second Reading this 7th day of February, 2005.


**CITY COMMISSION OF THE CITY OF
ST. AUGUSTINE BEACH**

ATTEST:



City Manager

By:



Mayor-Commissioner

First reading: January 3, 2005

Second reading: February 7, 2005