

§ 14-5-6-6 CONSTRUCTION SITE RESPONSIBILITY BY PROPERTY OWNER.

(A) For projects that disturb one acre or more, or less than one acre but are part of a larger common plan of development exceeding one acre, the property owner is to provide the Construction General Permit (CGP) Electronic Notice of Intent (eNOI) documentation that contains the property owner name and contact information a minimum of 14 days prior to earth disturbance and prior to obtaining Work Order or Building Permit approval. To be accepted, the eNOI is to be properly filled out and certified. If the eNOI is a Low Erosivity Waiver by the contractor, then an Erosion and Sediment Control Permit per § [14-5-6-6\(B\)](#) below is to be approved by the city.

(B) For projects that are less than one acre and are not part of a larger common plan of development, but meet the criteria as specified in § [14-5-6-7\(B\)\(6\)](#), an approved Erosion and Sediment Control Permit is required prior to earth disturbance, Work Order approval and Building Permit approval.

(1) The Erosion and Sediment Control Permit or eNOI holder must be either the owner of the property or an authorized agent of the owner in order for the permit to legally cover the activities occurring at the site. If the permit holder is other than the owner, evidence of delegation of authority acceptable to the city shall be provided prior to issuance of a permit by the city.

(2) A project will be approved for earth disturbance, work order, or building permit only upon approval of plans and conditions by the City Engineer.

(C) Construction site inspections and quality controls shall include:

(1) Self-inspections by permittee. At a minimum a routine compliance self-inspection is required to review the project for compliance with the Construction General Permit once every 14 days and after any precipitation even of 1/4 inch or greater until the site construction has been completed and the site determined as stabilized by the city. Reports of these inspections shall be kept by the person or entity authorized to direct the construction activities on the site and shall be conducted during progress of the work, during work suspensions, and until final acceptance of site stabilization by the city. An owner's or his/her agent's failure to properly maintain records shall subject that owner to the penalty provisions of this Flood Damage Prevention Ordinance.

(2) City compliance inspections. The city will conduct routine compliance inspections of projects for compliance with the Construction General Permit. The city will conduct routine compliance inspections of all construction projects cumulatively disturbing one acre or more or as specified in § [14-5-6-7\(B\)\(6\)](#) for compliance with the Construction General Permit. Site inspections will be followed by any necessary compliance or enforcement action to ensure corrective action has occurred. Corrective action is to be completed within seven days or the owner is subject to escalation per §§ [14-5-2-1](#) et seq. All projects will be inspected at completion for confirmation of stabilization.

(a) Construction site compliance. If the city finds that the site is not in compliance with the Construction General Permit and that stormwater controls will not prevent sediment and waste from entering the city's drainage system and/or leaving the

construction site the city may direct the owner or his/her agent by written order to come into compliance. If deficiencies are required to be mitigated, the owner or his/her agent shall be verbally notified with a follow-up written confirmation occurring later. It shall be the duty of the owner or his/her agent to immediately take all necessary steps to prevent such migration of sediment and waste off the premises or from entering receiving waters. Delivery of an order by the city to the owner or his/her agent shall be deemed to be notice thereof, and binding upon the owner. An owner's or his/her agent's failure to substantially comply with the order shall subject that owner to the penalty provisions of §§ [14-5-2-1](#) et seq.

(b) Maintenance of control measures. The property owner or the owner's agent carrying out the Construction General Permit requirements shall maintain all control measures, retaining walls, structures, plantings, and other protective devices. Should the applicant or any other subsequent property owners fail to maintain the temporary control facilities, retaining walls, structures, plantings, and other protective devices, the city reserves the authority to enter affected property, provide needed maintenance, and to charge the owner for the work performed by the city or its contractors and to place a lien on the property to cover the costs of said actions. Such municipal lien shall be a statutory lien against the real property. This provision is in addition to the city's ability to assess penalties or pursue any other remedies as necessary to effectuate the purpose of §§ [14-5-2-1](#) et seq.

(i) The maintenance of facilities constructed at private expense on public property is the responsibility of the owner or owner's agent until permanent facilities are in place.

(ii) The developer shall be responsible for maintaining or replacing temporary crossing structures for a period of six years or until a permanent structure is built, whichever comes first. The city shall maintain temporary crossings which are designed and built such that they may be directly incorporated into the ultimate facilities.

(3) The city will utilize sanctions and penalties to enforce upon violations of permit requirements. Progressive enforcement escalation procedures will be used and strictly enforced for recalcitrant or repeat offenders.