



City of Columbia
Community Development
Departmental Policy

Subject **Erosion Control and Land Disturbance Violation Enforcement**

Purpose: To provide clear direction to Community Development code enforcement personnel, contractors and the general public as to the policies and procedures this department will follow in the inspection and regulation of sites subject to the provisions of Chapter 12-A, Chapter 24-9 and City of Columbia Building Codes as related to prevention of off-site erosion and protection of water quality in the jurisdictional area of Columbia.

Discussion: Effective erosion control is an essential element in protecting water quality. Success depends on the adoption of effective standards and best management practices, an educated community as to the need and purpose of those standards and clear and consistent implementation of the regulations by departmental enforcement personnel. Erosion control measures are required with land disturbance permits and on all building site plans. In all cases, erosion must be maintained on the site of the subject property or be subject to the provisions of Chapter 24-9 which states; “ *It shall be unlawful for any person to place, deposit or dump or to cause or allow the placing, depositing or dumping, washing or eroding of any earth, dirt, rock, clay, sand, shale, building material, debris or rubbish from property or vehicles owned or controlled by them, onto any street, sidewalk or thoroughfare within the city or upon the property of any other person without that person's permission.*”

The following policy describes the process to be followed in regulating erosion control in the City of Columbia.

Policy:

A. VIOLATIONS OF LAND DISTURBANCE PERMITS

Type I- Related to Erosion Control Measures When There Has Been No Storm Event And There Is No Imminent Threat To Public Health, Safety or Welfare.

A. A written notice of violation is to be sent to the permit holder within 24 hours of discovery of the violation specifying the necessary corrective action and the time frame for compliance.

B. If corrective action has not occurred as specified by the first notice of violation and there has been no extension granted, the permit holder is to be sent a **second notice of violation by**

certified mail advising that if corrections are not made within a specified limited number of days, a stop work order will be issued and the matter will also be referred to the prosecutor as a violation of Chapter 12-A.

C. If corrective action has still not occurred, a third notice of violation will be issued by certified mail, a written stop work order will be issued for all activities other than those required to bring the project into compliance, all permits will be revoked until the site is in compliance and the matter will be referred to the prosecutor as a separate violation of Chapter 12-A.

D. When there have been more than two notices of violations of the conditions of a land disturbance permit issued on the same permit, each subsequent notice of violation of that permit will follow the procedure outlined in Paragraph C above.

Type II- Related to Erosion Control Measures When There Has Been A Storm Event And Off Site Erosion Has Occurred. (Note: This situation may result in separate but parallel enforcement actions of Chapter 12-A and Chapter 24-9 but also may apply to situations where no land disturbance permit is required)

A. When the off-site erosion is minimal and does not pose an immediate threat to public health, welfare and safety, a notice of violation of the land disturbance permit will be issued to the permit holder and a notice of violation of Chapter 24-9 will be issued to the property owner immediately upon discovery of the violation. If clean-up and corrective action does not occur as required by the notice of violation, Charges of violation of Chapter 24-9 will be filled with the prosecutor and the permit holder is to be sent a **second notice of violation by certified mail** advising that if corrections are not made within a specified limited number of days, a stop work order will be issued and the matter will also be referred to the prosecutor as a violation of Chapter 12-A. Thereafter, the process for enforcement of Chapter 12-A will be as described for Type I situations.

B. When the off-site erosion is minimal and does not pose an immediate threat to public health, welfare and safety, but there has been a prior notice of violation on the same property within the past year, charges for violation of Chapter 24-9 will be filed with the prosecutor immediately and the permit holder is to be sent a **notice of violation by certified mail** advising that if corrections are not made within a specified limited number of days, a stop work order will be issued and the matter will also be referred to the prosecutor as a violation of Chapter 12-A. Thereafter, the process for enforcement of Chapter 12-A will be as described for Type I situations.

C. When the off-site erosion is significant and substantially affects property not associated with the area covered by the permit and/or results in unsafe conditions on a public street or right of way, charges of violation of Chapter 24-9 are to be filed with the prosecutor and the following is to occur:

1. A notice of violation of the land disturbance permit is to be hand delivered to the

permit holder or his representative as soon as possible or in the event the permit holder cannot be located, a notice by certified letter is to be sent. Additionally, a notice of violation of Chapter 24-9 is to be hand delivered or sent by certified mail to the property owner or his representative advising them that charges have been filed and directing them as to actions that must be taken for clean-up.

2. If appropriate corrective action has not occurred or been initiated within 24 hours of the event, or if the event is of such significance that delays cannot be tolerated, a stop work order for all activities other than those necessary to correct the problem will be issued and the Director will make a determination as to whether to implement procedures outlined in Section 24-9 b. c. d. & e.
3. If the off-site erosion is the result of a previously cited violation of the land disturbance permit, i.e., a notice of violation had been issued for the specific deficiency that, had it been corrected, no off site erosion would have occurred, charges of violation of Chapter 12-A against the permit holder will also be filed with the prosecutor, a stop work order for all activities other than those necessary to clean up the site and correct the problem will be issued and the land disturbance permit shall be revoked. This provision will not apply if the permit holder was in the process of complying with the first notice of violation but was unable to complete due to conditions beyond his control such as weather.

Type III- Related To Tree Preservation Requirements of Chapter 12-A.

Any violation of the tree preservation requirements that result in unapproved removal of climax forests shall cause a stop work order to be issued and charges filed with the prosecutor. Work shall not be permitted to continue until adequate safeguards are in place to assure protection of any remaining trees and a new plan is approved.

B. EROSION CONTROL VIOLATIONS ASSOCIATED WITH BUILDING

It is a requirement of the City of Columbia that all constructions sites have devices to control erosion and sediment from leaving the site at **ALL** times. The permit applicant is the responsible party for compliance.

1. For failure to install and maintain proper erosion control measures on a site a notice of violation will be issued and no inspections of any type will be approved until the violation is corrected.
2. For the second violation on the same site, a notice of violation will be issued and charges filed with the city prosecutor.
3. If the failure to install and maintain proper erosion control devices has resulted in the depositing of mud or debris on a public street as prohibited by Chapter 24-9 of the

City's Code of Ordinances, no further work will be allowed on the permitted project until the material is removed from the street.

4. If more than two violations for failure to maintain proper erosion control devices occur under the same permit for a site, the permit may be revoked and charges filed with the city prosecutor. No inspections will be made until the violation is corrected.
5. All notices of violation will result in the assessment of a fee for reinspection.
 - First notice: \$35.00
 - Additional notices: \$75.00

Effective Date: April 11, 2016