

ORDINANCE NO. 1991

**AN ORDINANCE AMENDING THE CITY OF DANVILLE, KENTUCKY'S CODE OF ORDINANCES CHAPTER 6.5 (FLOOD DAMAGE PREVENTION AND STORMWATER MANAGEMENT) ARTICLE V (EROSION AND SEDIMENT CONTROL), BEING SECTIONS 6.5-61 THROUGH 6.5-75 TO UPDATE THE DEVELOPMENT, IMPLEMENTATION AND ENFORCEMENT OF A PROGRAM TO REDUCE POLLUTANTS IN STORM WATER RUNOFF TO THE STORM SEWER SYSTEM RESULTING FROM CONSTRUCTION ACTIVITIES IN THE CITY.**

WHEREAS, the City of Danville is the owner and operator of a small municipal separate storm sewer system; and

WHEREAS, pursuant to the National Pollution Discharge Elimination System and the Kentucky Pollution Discharge Elimination System Permitting Process, the City of Danville has been issued a Kentucky Stormwater Phase II Small Municipal Separate Storm Water System (SMS4) General Permit, authorizing the discharge of storm water from the City's storm water system into the waters of the Commonwealth of Kentucky upon the conditions contained in the permit; and

WHEREAS, the conditions of the permit require the City to adopt measures for the protection of water quality by controlling soil erosion and sedimentation and otherwise to comply with federal and state law with regard to storm water quality and control; and

WHEREAS, the provisions of the federal Clean Water Act (33 USCA Section 1251, et seq.) and the provisions of Chapter 224 of the Kentucky Revised Statutes require municipal separate storm sewer systems and the operators of small constructions sites to implement programs and practices to prevent soil erosion in order to protect water quality and the condition of the storm sewer system; and

WHEREAS, the City of Danville desires to preserve, protect and improve water resources and the storm sewer system through the prevention of soil erosion insofar as possible by updating its existing ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Danville, Kentucky, as follows:

**SECTION ONE:**

Section 6.5-61 (Intent) of the City of Danville Code of Ordinances is hereby amended to read as follows:

The intent of this ordinance is to protect property, prevent damage to the environment and promote the public welfare in Danville by guiding, regulating, reviewing comments, and controlling the design, construction, and use of excavation, grading, and other similar activities which disturb or break the topsoil or result in the movement of soil. During

construction, soils are 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 the repair and cleaning of storm sewers, ditches, and other facilities in the stormwater system. The regulations contained in this ordinance are intended to prevent soil erosion and to provide procedures for submission, review and approval of erosion control plans prior to soil disturbance.

## SECTION TWO:

Section 6.5-64 (Exceptions) of the City of Danville Code of Ordinances is hereby amended to read as follows:

No grading permit or separate erosion and sediment control plan shall be required for the following activities:

- A. Any emergency activity which is immediately necessary for the protection of life, property, or natural resources.
- B. Agricultural practices such as plowing, cultivation, construction of agricultural structures, nursery operations such as removal and/or transplanting of trees.
- C. Installation of lateral sewer lines, telephone lines, electric lines, gas lines or the installation of similar public service facilities provided the associated construction activities do not disturb more than 1 acre and are not associated with a KYR10-permitted site.
- D. Excavations at cemeteries for human or animal burial.
- E. Excavation or fill provided that it:
  1. Is less than four (4) feet in vertical depth at its deepest point as measured from the natural ground; and
  2. Does not result in a total quantity of more than one hundred (100) cubic yards of material being removed from, deposited on, or disturbed on any lot, parcel or combination thereof; and
  3. Does not impair existing surface drainage, constitute a potential erosion hazard, or act as a source of sedimentation to any adjacent land or watercourse; and
  4. Has no final slopes steeper than one (1) foot vertical in three (3) feet horizontal; and
  5. Has proper vegetative cover reestablished as soon as possible on all disturbed areas within 14 days after final grade is reached and in areas not to grade which will be inactive for more than 14 days; and

6. Has no fill placed on a surface having a slope steeper than five (5) feet horizontal to one (1) foot vertical.

7. Area is not located within the floodplain or natural watercourse.

8. Activities are not associated with a KYR10-eligible construction site.

F. Grading as a maintenance measure or for landscaping purposes provided:

1. The aggregate area(s) affected or stripped at any one time does not exceed ten thousand (10,000) square feet, and is not within a floodplain or a natural watercourse;

2. The grade change does not exceed eighteen (18) inches at any point and does not alter the drainage pattern;

3. Proper vegetative cover is reestablished ~~as soon as possible~~ on all disturbed areas within 14 days after final grade is reached and in areas not to grade which will be inactive for more than 14 days; and

4. The grading does not involve a quantity of material in excess of one hundred (100) cubic yards

G. Finished grading and excavation below finished grade for the following uses, when authorized by a valid building permit, provided the disturbed material or fill is handled in such a manner as to conform to the provisions of Section VII: Requirements for Low Density Residential Projects:

1. Basements and footings of a residential structure of no more than four units.

2. Retaining walls

3. Swimming pools

4. An accessory structure related to a residential structure of no more than four units

### SECTION THREE:

Section 6.5-65 (Erosion and sediment control plans) of the City of Danville Code of Ordinances is hereby amended to read as follows:

A. No grading, stripping, excavating, filling or other disturbance of the natural ground cover or natural features shall take place prior to the submission and approval of an erosion and sediment control plan prepared in conformance with this Ordinance and the Stormwater Manual, unless otherwise exempted herein. This

includes demonstration that a NOI for coverage under the stormwater construction general permit, an application for a stormwater construction individual permit, or the BMP plan of a KPDES Permit has been submitted for those sites one acre and greater, or less than one acre in size that are part of a larger common plan of development or sale. If the grading and/or excavation is to be conducted in stages, each stage may proceed only if the erosion and sediment control measures for the proceeding stage have been completed in conformance with the submitted approved plan.

**A.B.** Authorization to Prepare Plans - All Erosion and Sediment Control Plans must be prepared by a licensed professional engineer or a licensed landscape architect, however, all hydrologic, hydraulic, structural and geotechnical design must be prepared by a licensed professional engineer. All Erosion and Sediment Control Plans shall be prepared in accordance with this Ordinance and with the Stormwater Manual.

**B.C.** Submission of the Plan, Posting of the Surety, and Issuance of a Grading Permit – All Erosion and Sediment Control Plans shall be submitted to the City Engineer, who shall conduct an administrative review of the plan to verify that all items have been submitted as required by this ordinance and the Stormwater Manual. Plan review includes consideration for complaints submitted by citizens. It shall be the responsibility of the design engineer or the landscape architect, as appropriate, to ensure the accuracy and completeness of all drawings, reports and calculations, and to ensure construction feasibility of the design. Within ten (10) working days of receipt of the Erosion and Sediment Control Plan, the City Engineer shall in writing notify the engineer or the landscape architect, as appropriate, of any omissions, shall determine the amount of the irrevocable letter of credit, when posted with the City Engineer, shall authorize the Building Inspector to issue the grading permit. Provided all other permit requirements are met, the Building Inspector shall issue the grading permit upon notification by the City Engineer.

**C.D.** Contents of the Erosion and Sediment Control Plan – All Erosion and Sediment Control Plans shall, at a minimum, conform to the requirements of this ordinance and the Stormwater Manual.

1. Written Description– The Erosion and Sediment Control Plan shall contain a written description of the site and the measures which will be used to control the erosion and sediment on the site, which shall include:
  - a. A statement of the location, purpose of the project, and size of the site and the area to be disturbed;
  - b. A discussion of the topography, land cover conditions, soils, percent and location of impervious areas, and the drainage patterns both before and after the soil disturbance;
  - c. A schedule of the work to be conducted including the beginning and the completion dates of the soil disturbance, staging and sequencing of activities, including re-vegetation and winter shut-down, if appropriate;

- d. A list of the best management practices that will be used and their location on the site; and,
    - e. An operation and maintenance plan indicating the schedule for inspection and the maintenance and repair of the best management practices during construction.
2. Site Plan – The Site Plan shall be prepared at a scale of 1" = 50' and shall contain the following information:
  - a. The site boundaries, the pre-construction topography at two foot (2') intervals, drainageways, utilities, and the location of the site disturbance;
  - b. The finished grades, topography, building locations, paved areas, construction entrances, other access locations, soil stockpile areas, and equipment storage areas;
  - c. Planned best management practices overlaid with other site features; and
  - d. Areas planned for no disturbance.
3. Other Information – The project engineer shall submit all hydrologic, hydraulic, structural, and geotechnical design calculations, drawings, and specifications.
4. Certifications -- The following certifications shall be submitted with the Erosion and Sediment Control Plan:
  - a. For all plans, a signed and witnessed certification by the property owner which shall state:

"I certify that I am the owner of the property shown hereon, do agree with all graphic and textural representations shown herein, and that no grading, stripping, excavating, filling or other disturbance of the natural ground cover will be conducted except in conformance with this submitted plan."
  - b. For plans prepared by a licensed professional engineer, a signed and witnessed certification which shall state:

"I certify that this plan was prepared by me or under my direction; that the engineering design was prepared in accordance with the Erosion and Sediment Control Ordinance and with the Stormwater Manual; and, to the best of my knowledge and belief, the information shown herein is accurate."
  - c. For plans prepared by a licensed landscape architect, a signed and witnessed certification which shall state:

"I certify that this plan was prepared by me or under my direction; this plan was prepared in accordance with the Erosion and Sediment Control

Ordinance and with the Stormwater Manual; that no hydrologic, hydraulic, structural or geotechnical design is required for this plan; and, to the best of my knowledge and belief, the information shown herein is accurate.”

~~D.~~ **E.** Submission of an Irrevocable Letter of Credit for Erosion and Sediment Control Required – The City Engineer shall not authorize the issuance of any grading permit until the permit applicant has posted an irrevocable letter of credit in an amount determined by the City Engineer as being sufficient to ensure the provision of the following on the site:

1. Re-grading of the site as might be necessary to correct any slopes which do not meet the standards of this ordinance.
2. Installation of erosion and sediment control measures to protect adjoining or on-site streams and waterways.
3. Seeding and mulching of the site as would be needed to stabilize the soil.
4. Conversion of any temporary basins to properly operating permanent stormwater best management practices.

~~E.~~ **F.** Extensions of Time – Every grading permit issued to implement an Erosion and Sediment Control Plan shall expire six (6) months from the date of issuance unless work has commenced in accordance with the plan. If work authorized by the permit is not completed within the terms of the permit, or is not commenced within six (6) months, the permit holder may, in writing and prior to the expiration of the permit, request the Building Inspector grant an extension to the permit. The Building Inspector may grant the extension upon a showing by the permit holder that:

1. There was justification for the delay in commencing or completing the work;
2. The delay will not create a new erosion hazard or permit an existing hazard to continue; and
3. A new completion date has been established.

#### SECTION FOUR:

Section 6.5-66 (Best management practices) of the City of Danville Code of Ordinances is hereby amended to read as follows:

Erosion and Sediment Control Plans shall utilize the following best management practices and shall conform to the provisions of the Stormwater Manual, to minimize erosion and control sedimentation. Any best management practices may be selected provided that they are, at a minimum, as protective as Kentucky’s General Permit for Stormwater Construction Sites (KYR10).

A. Non-Structural Best Management Practices -- The following non- structural practices shall be incorporated into all erosion and sediment control plans:

1. Avoidance of the floodplain

- a. Temporary sediment control in a permanent pond shall be allowed in the post-development floodplain, but not in the stream.
- b. Roadways and utilities may only cross the floodplain at angles within 10 degrees of perpendicular to the water.
- c. In order to protect floodplains, streams, and watercourses during grading, stripping, excavating, filling or other disturbance of the natural ground cover, a vegetative buffer strip of twenty-five (25) feet, measured horizontally from the edge of the stream bank, shall be provided on each side of the stream, or in absence of clear stream banks, twenty-five (25) feet measured horizontally from the centerline of the stream. Within the vegetative buffer strip, there shall be no grading, filling, removal of vegetation, or other disturbance of the natural ground cover or natural features. The buffer shall be expanded to fifty (50) feet in areas where the receiving waters have been designated as Coldwater Aquatic Habitat or Outstanding State Resource Water, categorized as an Outstanding National Resource Water or Exceptional Water, or has been listed in the most recently approved Integrated Water Quality 305(b) Report to Congress as an Impaired Water (sediment impaired) for which an approved TMDL has not been developed for pollutants of concern that may be discharged from the facility in accordance with the KYR10 permit.

2. Construction of On-Site Measures Prior to Soil Disturbance -- All on-site measures required by the Erosion and Sediment Control Plan shall be made functional prior to commencing soil disturbance on the site. Clearing, except as is necessary to establish such on- site measures, shall not begin until all on-site measures have been installed.

3. Reduced Exposure Time -- Permanent and temporary soil stabilization as provided in the Stormwater Manual shall be applied to all disturbed areas within 14 days after final grade is reached. Soil stabilization also shall be applied to all disturbed areas not at final grade which have been inactive for 14 days.

4. Control Waste -- Construction site operators shall control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality.

B. Structural Best Management Practices for Soil Stabilization -- The following best management practices shall be used to achieve soil stabilization:

1. **Slope stabilization** – To minimize the adverse effects of steep embankment slopes, constructed fill slopes and cut slopes shall not be steeper than three (3) feet horizontal to one (1) foot vertical. For slopes of four (4) feet horizontal to one (1) foot vertical or steeper, with slope lengths of greater than one-hundred (100) feet, temporary diversion ditches shall be constructed at the top of the slope and every one hundred (100) feet horizontally down the slope.
2. **Mulch** – Mulch shall be used as soil stabilization for any disturbed area inactive for fourteen (14) days or longer. Areas requiring stabilization during December through February shall receive only mulch held in-place with bituminous material. Mulch shall be used whenever permanent or temporary seeding is used.
3. **Temporary Seeding** – Temporary seeding shall be used for soil stabilization when grades are not ready for permanent seeding except during December through February. Only rye grain or annual rye grass seed shall be used for temporary seeding.
4. **Permanent Seeding** – Permanent seeding shall be applied within 14 days after final grade has been reached, except during December through February. Permanent seeding shall be applied on any areas that will not be disturbed again for a year, even if final grades have not been reached.
5. **Sod** – Sod shall be used for disturbed areas that require immediate vegetative cover as specified in the Stormwater Manual. Sod may be installed throughout the year.
6. **Construction Entrance** – A stabilized construction entrance as provided in the Stormwater Manual shall be constructed wherever vehicles are leaving a construction site to enter a public road or at any unpaved entrance/exit location. The construction entrance shall be a minimum of fifty (50) feet long and shall be an on-site measure to be constructed prior to commencing further construction.
7. **Road and Parking Stabilization** – Gravel or paving material, as provided in the Stormwater Manual, shall be used to stabilize permanent roads and parking areas, as well as temporary roads and parking areas used repeatedly by construction traffic. Stabilization shall be accomplished within 14 days of grading or beginning use for construction traffic.
8. **Dust Control** – Dust control as provided in the Stormwater Manual shall be provided in conjunction with all grading, stripping, excavating, filling or other disturbance of the natural ground cover and in areas with frequent construction traffic.
9. **Geotextiles** – Mulch netting, erosion control matting, or turf reinforcement matting shall be used on sloping areas and may be used in other areas as



specified in the Stormwater Manual.

10. Gabion Mattresses – Gabion mattresses shall be used at the outlets of all culverts and storm drains with an exit velocity greater than five (5) feet per second when flowing full, except where paved ditches are used. Gabion mattresses shall also be used at the outlet of impact stilling basins.
  11. Temporary Diversion Ditches – Temporary diversion ditches shall be used to collect sediment-laden run-off from disturbed areas and direct it to a sediment pond, where applicable. Because temporary diversion ditches are expected to be used for less than one year, no stabilization is required.
  12. Level Spreaders – Level spreaders shall be constructed at the outlets of temporary diversion ditches and at outlets of permanent constructed waterways where they terminate on undisturbed areas.
  13. Permanent Vegetated Waterways – Permanent constructed waterways shall be used to divert stormwater run-off from upland undisturbed areas, around or away from areas to be disturbed during construction. Constructed waterways that are expected to be in place for at least one year shall be considered permanent. Permanent waterways shall be lined with sod, nets or mats, or have permanent seeding as provided in the Stormwater Manual.
  14. Pipe Slope Drains – Whenever it is necessary to convey water down a slope which is not stabilized or which is prone to erosion, pipe slope drains shall be used, unless a paved ditch is used.
  15. Impact Still Basins – Impact stilling basins shall be used at the outlet of culverts and storm sewers with calculated exit velocities greater than fifteen (15) feet per second when flowing full.
- C. Structural Best Management Practices for Sediment Control – The following best management practices shall be used to achieve sediment control:
1. Check dams – Check dams shall be constructed as provided in the Stormwater Manual prior to the establishment of vegetation in newly constructed, unpaved, open channels which are used to drain 10 acres or less.
  2. Sediment Traps – Sediment traps shall be installed as provided in the Stormwater Manual below all disturbed areas of less than five (5) acres which do not drain into a sediment pond.
  3. Sediment Ponds – Sediment ponds shall be installed as provided in the Stormwater Manual below all disturbed areas of five acres or more. The maximum area for a single pond shall be one hundred acres. The pond shall be designed to reduce peak discharges during construction to the pre-development level for the ~~ten (10)-year~~ and one hundred (100) year, one (1) hour storms.

4. Silt Fences – Silt fences shall be installed as provided in the Stormwater Manual down-slope of areas to be disturbed prior to clearing, grading, stripping, excavating, filling or other disturbance of the natural ground cover. The silt fence must be located such that the total area draining to the fence is not greater than one-fourth (1/4) acre per one hundred (100) feet of fence. Silt fences shall be used for storm drain drop-inlet protection and around soil stockpiles.
5. Storm Drain Inlet Protection – Storm drain inlet protection shall only be used around drop-inlets when the up-slope areas draining to the inlet has no other sediment control.
6. Filter Strips – Filter strips as provided in the Stormwater Manual shall be used on each side of streams, wetlands, sinkholes and permanent constructed waterways.
7. Stream-Crossing Structures – Stream-crossing structures shall be used at locations where construction traffic, permanent traffic or utilities must cross a stream.
8. Pump-Around Flow Diversions – Pump-around flow diversions shall be used to divert flow around construction activities occurring in a stream when those activities are reasonably expected to cause the erosion or deposit of sediment in a stream.

#### SECTION FIVE:

Section 6.5-67 (Requirements for low density residential projects) of the City of Danville Code of Ordinances is hereby amended to read as follows:

- (a) Construction of, or an addition to, a residential structure of four units or less, including an accessory structure for such a residential structure, shall not require the submission of a separate erosion and sediment control plan as a condition to the issuance of a building permit.
- (b) However, the following shall be required during construction:
  - (1) Installation of a Silt Fence or Other Sediment Control – In order to prevent sediment from washing into streets, catch basins, storm sewers, grassed open channels and adjacent properties, sediment controls shall be installed. Such controls shall include silt fences, diversion ditches, earthen berms, grass strips at least ~~ten (10)~~ twenty five (25) feet wide, or other controls as specified in the Stormwater Manual. Disturbed areas that drain directly to a sediment pond or a sediment trap by means of a temporary diversion ditch do not require

additional sediment controls.

- (2) All disturbed areas shall be seeded and mulched within 14 days after final grading of the property and in areas not to grade which will be inactive for more than 14 days.
- (3) A temporary gravel pad, thirty (30) feet wide, shall be installed from the edge of the street at least twenty (20) feet into the property to provide a temporary construction entrance.

#### SECTION SIX:

Section 6.5-68 (Violations and penalties) of the City of Danville Code of Ordinances is hereby amended to read as follows:

- ~~(a) Violations. Whenever the City Engineer finds that a person has violated a prohibition or has failed to meet a requirement of this Ordinance, the City Engineer may order compliance by sending a written notice of violation to the property owner. All violations shall be corrected within the time period specified in the notice, but in no case shall such time period be less than twenty four (24) hours. The notice of violation shall be mailed to the property owner at the last known address listed on the current tax assessment roll, or by personally serving, or by causing to be personally served, the property owner with a written notice of violation. If the violation is not corrected as specified, the City Engineer may, without limitation:~~
- ~~1. Order such work as is necessary to leave the site in a safe condition and to achieve compliance with this Ordinance and the Stormwater Manual.~~
  - ~~2. Order the stoppage of work which is determined to have created, or to have contributed to any dangerous conditions.~~
  - ~~3. Call the letter of credit that was posted for the site and initiate corrective action by work forces under control of the City Engineer, with the cost of such work being recoverable from the letter of credit.~~

The City of Danville shall be responsible for the enforcement of this Ordinance. The City Engineer or their duly authorized representative have the authority to issue notices of violation, stop work orders, and levy fines as described below.

1. A notice of violation and/or stop-work order may be posted for the entire project or any specified part thereof if any of the following conditions exist:
  - A. Any Land Disturbance activity not regulated by permit but has runoff creating erosion.
  - B. Any Land Disturbance Activity regulated under this Ordinance that is

being undertaken without a permit.

C. The SWPPP is not being fully implemented.

D. Any of the conditions of the grading permit are not being met.

2. For the purpose of this ordinance, the ultimate party responsible for assuring compliance with the conditions set forth is the property owner.
3. Written Notice of Violation (NOV) – Whenever the City Engineer finds that a person has violated a prohibition or has failed to meet a requirement of this Ordinance or the grading permit, the City Engineer may order compliance by sending a written NOV to the permittee. All violations shall be corrected within the time period specified in the notice, but in no case shall such time period be less than twenty-four (24) hours. The NOV shall be mailed to the permittee at the last known address, or by personally serving, or by causing to be personally served, the permittee with a written NOV. A NOV's is the first level of enforcement and do not include a penalty, or fine. Only one NOV will be issued for an offense before stop work orders are utilized. An offense of the same nature as a previous offense, even if previously corrected under a NOV, will constitute a second offense to be enforced through a stop work order.
4. Stop Work Order (SWO) – Offenses enforced through a NOV must be corrected within the timeframe indicated or a stop work order will be issued. SWO require that ALL project work is halted until the Land Disturbance Violation is corrected. SWO shall include a penalty, or fine, for each occurrence and payable to the City of Danville prior to release.
  1. First SWO - Two hundred fifty dollars (\$250.00) fine.
  2. Second SWO - Five hundred dollars (\$500.00) fine and permit revocation.
5. If the Permittee does not cease the activity or comply with the SWO conditions within five (5) calendar days, the City of Danville may revoke the permit. The City of Danville has the right to modify the timeframe for corrections based on the authorized representative's judgment due to project conditions.
6. Upon revocation of permit, the Permittee shall bring the site back into compliance prior to re-inspection by the City of Danville. If the site is found acceptable, the City of Danville will reinstate the permit upon receipt permit application fees.
7. For violations where no Land Disturbance permit has been issued, the City of Danville will notify the Responsible Party and cooperate for resolution prior to enforcement. Should the Responsible Party not cease the Land Disturbance Activity or demonstrate a history of non-compliance of the same nature, the City of Danville may request the City Attorney to seek to obtain injunctive relief.

8. Six (6) calendar days after posting a stop-work order, the City of Danville may issue a notice of intent to the Permittee, landowner, or land user stating the City of Danville's intent to perform work necessary to comply with Ordinance. The City of Danville may go on the land and commence work after fourteen (14) days from issuing the notice of intent. The costs incurred by the City of Danville to perform this work shall be paid by the landowner or Permittee out of the fiscal surety referred to in this Ordinance, to the extent that the amount is covered thereby, with the remainder being directly due and owed by the landowner or Permittee. In the event no Land Disturbance Permit was issued, or no bond was posted, the cost, plus interest at the rate authorized by the City of Danville, plus a reasonable administrative and attorneys fee shall be billed to the owner. Failure to reimburse the City within thirty (30) days will result in a lien being placed on the property.
9. Compliance with the provisions of this Ordinance may also be enforced by injunction.
10. The City of Danville is authorized to require immediate abatement of any violation of this Ordinance that constitutes an immediate threat to the health, safety or well-being of the public. If any such violation is not abated immediately, the City of Danville is authorized to enter onto private or public property and to take any and all measures required to remediate the violation. Any expense related to such remediation undertaken by the City of Danville shall be fully reimbursed by the property owner and/or responsible party. The cost, plus interest at the rate authorized by the City of Danville, plus a reasonable administrative and attorneys fee shall be billed to the owner. Failure to reimburse the City within thirty (30) days will result in a lien being placed on the property.

(b) Penalties:

11. The City of Danville may commence appropriate legal action and/or seek equitable relief, including injunctive relief, against any person who fails to comply with the provisions of this Ordinance, to abate a violation and/or to restore an affected property prior to the deadline established in the notice of violation. Any person who conducts grading, stripping, excavation, filling, or other disturbance of the natural ground cover in violation of this Ordinance, or who violates, neglects, omits or refuses to comply with any provision of this Ordinance shall, upon conviction, be fined not less than two hundred dollars (\$200) nor more than one thousand dollars (\$1000) for each offense. The time of violation shall be measured from the time written notice to correct is given to the owner. Each day a violation is maintained shall constitute a separate offense. Any recoverable cost of corrective action shall be in addition to fines imposed as a penalty. The imposition of any penalty shall not exempt the violator from compliance with the provisions of this Ordinance.

**SECTION SEVEN:**

A new Section 6.5-69 (Inspections) shall be added to the City of Danville Code of Ordinances and shall read as follows:

**Sec. 6.5-69. Inspections.**

To ensure compliance with the approved erosion control plan and to examine field practices to determine if control measures are adequate, authorized inspectors of the City of Danville shall have the right of entry and the power to inspect any land disturbing activity and to review the records of all inspections, repairs, and modifications made by the owner/developer.

**SECTION EIGHT:**

If any Section, sentence, clause or part of this Ordinance is for any reason declared illegal, unconstitutional or otherwise invalid, such declaration shall not affect the remaining portions thereof.

**SECTION NINE:**

This ordinance is effective upon two successful readings and publication.

GIVEN FIRST READING AND PASSED ON 04-11-2022.

GIVEN SECOND READING AND PASSED ON 04-25-2022.

APPROVED:



G. MICHAÉL PERROS,  
MAYOR

ATTEST:

  
ASHLEY RAIDER, CITY CLERK