

Topic:	Erosion & Sedimentation Control
Resource Type:	Regulations
State:	North Carolina
Jurisdiction Type:	Municipal
Municipality:	City of Greensboro
Year (<i>adopted, written, etc.</i>):	Unknown
Community Type – applicable to:	Urban; Suburban
Title:	City of Greensboro Soil Erosion and Sedimentation Control Ordinance
Document Last Updated in Database:	February 24, 2016

Abstract

The purpose of this ordinance is to “regulate certain land-disturbing activity to control accelerated erosion and sedimentation to prevent the pollution of water and other damage to lakes, watercourses, and other public and private property by sedimentation”. Permits for land disturbing activity are required for properties that meet certain conditions. Generally, a soil erosion and sedimentation control plan is required and must contain the control objectives including identifying critical areas, limiting time of exposure, limiting exposed areas, controlling surface water, controlling sedimentation, and managing stormwater runoff. In addition, there are mandatory requirements for all land disturbing activities including a required buffer zone; graded slopes and fills and ground cover requirements; in addition to a prior plan approval.

Resource

Greensboro, NC Code of Ordinances

ARTICLE I. PURPOSE AND AUTHORITY

30-1-3. PURPOSE

30-1-3.13. Soil erosion and sedimentation control purposes.

The soil erosion and sedimentation control regulations, adopted and prescribed in this Ordinance, are found by the City Council to be necessary and appropriate to:

- (A) Regulate certain land-disturbing activity to control accelerated erosion and sedimentation to prevent the pollution of water and other damage to lakes, watercourses, and other public and private property by sedimentation; and
- (B) Establish procedures through which the purposes of soil erosion and sedimentation control can be fulfilled.

(Ord. No. 91-145, § 1, 11-27-91)

ARTICLE VII. ENVIRONMENTAL REGULATIONS

30-7-4. SOIL EROSION AND SEDIMENTATION CONTROL

30-7-4.1. General requirements.

(A) Plan and Permit Required: No person shall initiate any land-disturbing activity without a soil erosion and sedimentation control plan and a grading permit approved by the City, if the land-disturbing activity:

(1) Uncovers more than one (1) acre (lands under one (1) ownership or diverse ownership being developed as a unit shall be aggregated);

(2) Will take place on highly erodible soils with a "k" factor greater than 0.36 in a Watershed Critical Area;

(3) Includes a pond or retention structure in a Watershed Critical Area; or

(4) Will take place in Tier 1 or Tier 2 of a Watershed Critical Area.

(B) Protection of Property: Persons conducting land-disturbing activity shall take all reasonable measures to protect all public and private property from damage caused by such activity.

(C) More Restrictive Rules Shall Apply: Whenever conflicts exist between federal, state, or local laws, ordinances, or rules, the more restrictive provision shall apply.

(Ord. No. 91-145, § 1, 11-27-91; Ord. No. 92-133, § 6, 11-2-92)

30-7-4.2. Basic control objectives.

A soil erosion and sedimentation control plan may be disapproved pursuant to Section 30-7-4.14(H) (Grounds for Plan Disapproval) of this Ordinance if the plan fails to address the following control objectives:

(A) Identify Critical Areas: On-site areas which are subject to severe erosion, and off-site areas which are especially vulnerable to damage from erosion and/or sedimentation, are to be identified and receive special attention;

(B) Limit Time of Exposure: All land-disturbing activity is to be planned and conducted to limit exposure to the shortest feasible time;

(C) Limit Exposed Areas: All land-disturbing activity is to be planned and conducted to minimize the size of the area to be exposed at any one time;

(D) Control Surface Water: Surface water runoff originating upgrade of exposed areas should be controlled to reduce erosion and sediment loss during the period of exposure;

(E) Control Sedimentation: All land-disturbing activity is to be planned and conducted so as to prevent off-site sedimentation damage; and

(F) Manage Stormwater Runoff: When the increase in the velocity of stormwater runoff resulting from a land-disturbing activity is sufficient to cause accelerated erosion of the receiving watercourse, plans are to include measures to control the velocity at the point of discharge so as to minimize accelerated erosion of the site and increased sedimentation of the stream.

(Ord. No. 91-145, § 1, 11-27-91)

30-7-4.3. Mandatory standards for land-disturbing activity.

No land-disturbing activity subject to the control of this Ordinance shall be undertaken except in accordance with the following mandatory standards:

(A) Buffer Zone: No land-disturbing activity during periods of construction or improvement to land shall be permitted in proximity to a lake or natural watercourse unless a buffer zone is provided along the margin of the watercourse of sufficient width to confine visible sedimentation within the twenty-five (25) percent of the buffer zone nearest the land-disturbing activity. Unless otherwise provided the width of a buffer zone is measured from the edge of the water to the nearest edge of the disturbed area, with the twenty-five (25) percent of the strip nearer the land-disturbing activity containing natural or artificial means of confining visible sedimentation.

(B) Graded Slopes and Fills: The angle for graded slopes and fills shall be no steeper than two (2) to one (1) slope if they are to be stabilized with vegetative cover. Slopes or fills steeper than two (2) to one (1) slope must be protected by structures. In any event, slopes left exposed shall, within fifteen (15) days of completion of any phase of grading, be planted or otherwise provided with ground cover, devices, or structures sufficient to restrain erosion.

(C) Ground Cover: Whenever land-disturbing activity is undertaken on a tract comprising more than one (1) acre, if more than one (1) acre is uncovered, the person conducting the land-disturbing activity shall install such sedimentation and erosion control devices and practices as are sufficient to retain the sediment generated by the land-disturbing activity within the boundaries of the tract during construction upon and development of said tract; and he shall plant or otherwise provide a permanent ground cover sufficient to restrain erosion after completion of construction or development. Except as provided in section 30-7-4.4(B)(5) of this article, provisions for a ground cover sufficient to restrain erosion must be accomplished within fifteen (15) working days or thirty (30) calendar days following completion, whichever period is shorter.

(D) Prior Plan Approval: No person shall initiate any land-disturbing activity on a tract if more than one (1) acre is to be uncovered unless, thirty (30) or more days prior to initiating the activity, a soil erosion and sedimentation control plan for such activity has been filed, and such plan has been approved by the City.

(Ord. No. 91-145, § 1, 11-27-91; Ord. No. 92-52, §§ 141, 142, 4-20-92; Ord. No. 92-133, §§ 6-8, 11-2-92; Ord. No. 00-228, § 1, 12-5-00)

30-7-4.4. Design and performance standards.

(A) Design for Ten-Year Storm: Except as provided in Section 30-7-4.4(B)(2) of this Ordinance, soil erosion and sedimentation control measures, structures, and devices shall be so planned, designed, and constructed as to provide protection from the calculated maximum peak rate of runoff from the ten-year storm. Runoff rates shall be calculated using the procedures in the USDA, Soil Conservation Service's "National Engineering Field Manual for Conservation Practices" or other acceptable calculation procedures.

(B) High Quality Water Zones: In High Quality Water (HQW) zones the following design standards shall apply:

(1) Uncovered areas in HQW zones shall be limited at any time to a maximum total area within the boundaries of the tract of twenty (20) acres. Only the portion of the land-disturbing activity within a HQW zone shall be governed by this subsection. Larger areas may be uncovered within the boundaries of the tract with the written approval of the Director (DEHNR).

(2) Soil erosion and sedimentation control measures, structures, and devices within HQW zones shall be so planned, designed, and constructed to provide protection from the runoff of the twenty-five-year storm which produces the maximum peak rate of runoff as calculated according to procedures in the USDA, Soil Conservation Service's "National Engineering Field Manual for Conservation Practices" or according to procedures adopted by any other agency of this State or the United States or any generally recognized organization or association.

(3) Sediment basins within HQW zones shall be designed and constructed such that the basin will have a settling efficiency of at least seventy (70) percent for the 40 micron (0.04 mm) size soil particle transported into the basin by the runoff of that two-year storm which produces the maximum peak rate of runoff as calculated according to procedures in the USDA, Soil Conservation Service's "National Engineering Field Manual for Conservation Practices" or according to procedures adopted by any other agency of this State or the United States or any generally recognized organization or association.

(4) Newly constructed open channels in HQW zones shall be designed and constructed with side slopes no steeper than two (2) horizontal to one (1) vertical if a vegetative cover is used for stabilization unless soil conditions permit a steeper slope or where the slopes are stabilized by using mechanical devices, structural devices, or other

acceptable ditch liners. In any event, the angle for side slopes shall be sufficient to restrain accelerated erosion.

(5) Ground cover sufficient to restrain erosion must be provided for any portion of a land-disturbing activity in a HQW zone within fifteen (15) working days or thirty (30) calendar days following completion of construction or development, whichever period is shorter.

(Ord. No. 91-145, § 1, 11-27-91; Ord. No. 00-228, § 2, 12-5-00)

30-7-4.5. Stormwater outlet protection.

(A) Intent: Stream banks and channels downstream from any land-disturbing activity shall be protected from increased degradation by accelerated erosion caused by increased velocity of runoff from the land-disturbing activity.

(B) Performance Standard: Persons shall conduct land-disturbing activity so that the post-construction velocity of the ten-year storm runoff in the receiving watercourse to the discharge point does not exceed the greater of:

(1) The velocity established by Table 30-7-4-1; or

(2) The velocity of the ten-year storm runoff in the receiving watercourse prior to development.

If conditions (1) or (2) above cannot be met, then the receiving watercourse to and including the discharge point shall be designed and constructed to withstand the expected velocity anywhere the velocity exceeds the "prior to development" velocity by ten (10) percent.

(C) Acceptable Management Measures: Measures applied alone or in combination to satisfy the intent of this Section are acceptable if there are no objectionable secondary consequences. The City recognizes that the management of stormwater runoff to minimize or control downstream channel and bank erosion is a developing technology. Innovative techniques and ideas will be considered and may be used when shown to have the potential to produce successful results.

Some alternatives are to:

(1) Avoid increases in surface runoff volume and velocity by including measures to promote infiltration to compensate for increased runoff from areas rendered impervious;

(2) Avoid increases in stormwater discharge velocities by using vegetated or roughened swales and waterways in lieu of closed drains and high velocity paved sections;

(3) Provide energy dissipators at outlets of storm drainage facilities to reduce flow velocities to the point of discharge. These may range from simple riprapped sections to complex structures; or

(4) Protect watercourses subject to accelerated erosion by improving cross sections and/or providing erosion-resistant lining.

(D) Exceptions: Subsections (B) and (C) above shall not apply where it can be demonstrated that stormwater discharge velocities will not create an erosion problem in the receiving watercourse.

(Ord. No. 91-145, § 1, 11-27-91; Ord. No. 92-133, § 9, 11-2-92)

30-7-4.6. Borrow and waste areas.

When the person conducting the land-disturbing activity is also the person conducting the borrow or waste disposal activity, areas from which borrow is obtained and which are not regulated by the provisions of the Mining Act of 1971, and waste areas for surplus materials other than landfills regulated by the Department's Division of Solid Waste Management, shall be considered as part of the land-disturbing activity where the borrow material is being used or from which the waste material originated. When the person conducting land-disturbing activity is not the person obtaining the borrow and/or disposing of the waste, these areas shall be considered a separate land-disturbing activity.

(Ord. No. 91-145, § 1, 11-27-91)

30-7-4.7. Access and haul roads.

Temporary access and haul roads, other than public roads, constructed or used in connection with any land-disturbing activity shall be considered a part of such activity.

(Ord. No. 91-145, § 1, 11-27-91)

30-7-4.8. Operations in lakes or natural watercourses.

Land-disturbing activity in connection with construction in, on, over, or under a lake or natural watercourse shall be planned and conducted in such a manner so as to minimize the extent and duration of disturbance of the stream channel. The relocation of a stream, where relocation is an essential part of the proposed activity, shall be planned and executed so as to minimize changes in the stream flow characteristics, except when justification for significant alteration to flow characteristic is provided. The U.S. Army Corps of Engineers shall be notified by the developer of any planned operation in lakes or natural watercourses for possible issuance of Section 404 or other permits.

(Ord. No. 91-145, § 1, 11-27-91)

TABLE 30-7-4-1

Maximum Permissible Velocity for Stormwater Discharges

TABLE INSET:

Maximum Permissible Material Velocities (Per Second) Feet Meters

Fine sand (noncolloidal)	2.5	0.8	
Sandy loam (noncolloidal)	2.5	0.8	
Silt loam (noncolloidal)	3.0	0.9	
Ordinary firm loam	3.5	1.1	
Fine gravel	5.0	1.5	
Stiff clay (very colloidal)	5.0	1.5	
Graded, loam to cobbles (noncolloidal)	5.0	1.5	
Graded, silt to cobbles	5.5	1.7	
Alluvial silts (noncolloidal)	3.5	1.1	
Alluvial silts (colloidal)	5.0	1.5	
Coarse gravel (noncolloidal)	6.0	1.8	
Cobbles and shingles	5.5	1.7	
Shales and hard pans	6.0	1.8	

Source--Adapted from recommendations by Special Committee on Irrigation Research, American Society of Civil Engineers, 1926, for channels with straight alignment. For sinuous channels, multiply allowable velocity by 0.95 for slightly sinuous, by 0.9 for moderately sinuous channels, and by 0.8 for highly sinuous channels.
(Ord. No. 91-145, § 1, 11-27-91)

30-7-4.9. Responsibility for maintenance.

During the development of a site, the person conducting the land-disturbing activity shall install and maintain all temporary and permanent soil erosion and sedimentation control measures as required by the approved plan, by any provision of this Ordinance, the Act, or by any order adopted pursuant to this Ordinance or the Act. After site development, the landowner or person in possession or control of the land shall install and/or maintain all necessary permanent soil erosion and sedimentation control measures, except those measures installed within a road or street right-of-way or easement accepted for maintenance by a governmental agency.

(Ord. No. 91-145, § 1, 11-27-91)

30-7-4.10. Additional measures.

Whenever the City determines that significant sedimentation is occurring as a result of land-disturbing activity, despite application and maintenance of protective practices, the person conducting the land-disturbing activity will be required to and shall take additional protective action.

(Ord. No. 91-145, § 1, 11-27-91)

30-7-4.11. Existing uncovered areas.

(A) **Applicability:** All uncovered areas existing on the effective date of this Ordinance which are the result of land-disturbing activity, which exceed one (1) acre, which are subject to continued accelerated erosion, and which are causing off-site damage from sedimentation, shall be provided with a ground cover or other protective measures, structures, or devices sufficient to restrain accelerated erosion and control off-site sedimentation.

(B) **Notice of Violation:** The City will serve upon the landowner or other person in possession or control of the land, a written notice of violation by registered or certified mail, return receipt requested, or other means reasonably calculated to give actual notice. The notice will set forth the measures needed to comply and will state the time within which such measures must be completed. In determining the measures required and the time allowed for compliance, the authority serving notice shall take into consideration the economic feasibility, technology, and quantity of work required and shall set reasonably attainable time limits for compliance.

(C) **Requiring Erosion Control Plan:** The City reserves the right to require preparation and approval of a soil erosion and sedimentation control plan in any instance where extensive control measures are required.

(D) **Exemption:** This rule shall not require ground cover on cleared land forming the future basin of a planned reservoir.

(Ord. No. 91-145, § 1, 11-27-91; Ord. No. 92-133, § 10, 11-2-92)

[30-7-4.12, 30-7-4.13. Reserved.]

30-7-4.14. Soil erosion and sedimentation control plans.

(A) **Applicability:** A soil erosion and sedimentation control plan shall be prepared for all land-disturbing activities subject to this Ordinance whenever the proposed activity is to be undertaken on a tract comprising more than one (1) acre, if more than one (1) acre is to be uncovered.

(B) **Preparation of Plan:** The soil erosion and sedimentation control plan shall be filed with the city. The plan shall be prepared by, and shall bear the seal and signature of, a registered professional engineer, architect, landscape architect, or a registered surveyor to the extent permitted by North Carolina laws, at a scale not smaller than one (1) inch equals two hundred (200) feet.

(C) **Submission of Plan:** Persons conducting land-disturbing activity on a tract which covers one (1) or more acres shall file three (3) copies of the soil erosion and sedimentation control plan with the city, at least thirty (30) days prior to beginning of such activity, and shall keep

another copy of the plan on file at the job site. After approving the plan, if the city, either upon review of such plan or on inspection of the job site, determines that a significant risk of accelerated erosion or off-site sedimentation exists, the City will require a revised plan. Pending the preparation of the revised plan, work shall cease or shall continue under conditions outlined by the appropriate authority.

(E) State Division of Water Quality Review: Any land disturbing activity that involves the utilization of ditches for the purpose of de-watering or lowering the water table must be forwarded to the State Division of Water Quality.

(F) Conservation District Review: The Guilford Soil and Water Conservation District, within twenty (20) days of receipt of any plan, may review such plan and submit its comments and recommendations to the city. Failure of the soil and water conservation district to submit its comments and recommendations within these twenty (20) days will not delay final action on the plan.

(G) City Review: The city will review each complete plan submitted to them and within thirty (30) days of receipt thereof, will notify the person submitting the plan that it has been approved, approved with modifications, approved with performance reservations, or disapproved. Failure to approve or disapprove a complete soil erosion and sedimentation control plan within thirty (30) days of receipt shall be deemed approval. Denial of a plan must specifically state in writing the reasons for denial. The city must approve or deny a revised plan within fifteen (15) days of receipt or it is deemed to be approved. If, following commencement of a land-disturbing activity pursuant to an approved plan, the city determines that the plan is inadequate to meet the requirements of this ordinance, the city may require such revisions as are necessary to comply with this ordinance.

(1) The approval of a grading permit and the erosion control plan is conditioned on the applicant's compliance with Federal and State water quality laws, regulations and rules. It is the applicant's responsibility to obtain compliance with all Federal and State water quality laws, regulations, and rules. If a grading permit is issued but at a later date the city's enforcement officer finds that the applicant has not complied with all Federal and State water quality laws, regulations, and rules, the city may revoke the applicant's permit and or take enforcement action.

(H) Plan Requirements: The plan required by this section shall contain architectural and engineering drawings, maps, assumptions, calculations, and narrative statements as needed to adequately describe the proposed development of the tract and the measures proposed to ensure compliance with the requirements of this Ordinance. Plan content may vary to meet the needs of specific site requirements. Detailed guidelines for plan preparation can be found in Appendix 2 (Map Standards) of this Ordinance.

The plan submission shall also include a copy of any required Federal or State permits issued for the site.

(I) Grounds for Plan Disapproval: A soil erosion and sedimentation control plan may be disapproved upon a finding that an applicant, or any parent or subsidiary corporation if the applicant is a corporation:

(1) Is conducting or has conducted land-disturbing activity without an approved plan, or has received notice of violation of a plan previously approved by the commission or the city, and has not complied with the notice within the time specified in the notice;

(2) Has failed to pay a civil penalty assessed pursuant to the Act or this Ordinance which is due and for which no appeal is pending;

(3) Has been convicted of a misdemeanor pursuant to NCGS 113A-64(b) or any criminal provision of this Ordinance.

(4) Has failed to substantially comply with State rules adopted pursuant to the Act or regulations of this Ordinance.

(5) The applicant has failed to comply with federal and state water quality laws, regulations, and rules.

For purposes of this subsection an applicant's record may be considered for only the two (2) years prior to the application date.

(J) Application Amendments: Applications for amendment of a soil erosion and sedimentation control plan in written and/or graphic form may be made at any time under the same conditions as the original application. Until such time as said amendment is approved by the city, the land-disturbing activity shall not proceed except in accordance with the plan as originally approved.

(K) Work Conducted from Approved Plan: Any person engaged in land-disturbing activity who fails to file a plan in accordance with this ordinance, or who conducts a land-disturbing activity except in accordance with provisions of an approved plan, shall be deemed in violation of this ordinance.

(L) Plan Approval Required for Permit: No building permits shall be issued unless and until a soil erosion and sedimentation control plan has been submitted to the city, a grading permit has been issued, and a certificate of erosion control performance has been issued to indicate that initial soil erosion and sedimentation control devices have been installed and are functioning properly.

(M) Work Completed Before Final Subdivision Approval: No final subdivision plat approval nor any certificate of compliance shall be issued unless and until work at the site has been completed in accordance with a valid grading permit, or an improvement security or bond has been approved and accepted as required by this ordinance.

(N) Surety: The applicant for a grading permit to grade more than one (1) acre may be required to file with the city an improvement security, bond, or other instrument satisfactory to the city to cover all costs of protection of the site according to requirements of this ordinance. Such surety shall remain in force until the work is completed in accordance with the grading permit and said work is approved by the city. Upon violation of this ordinance, applicable surety shall be used to establish protective cover on the site, to control the velocity of runoff, and/or prevent off-site sedimentation. Any monies in excess of the cost of providing protective measures shall be refunded to the appropriate person.

(Ord. No. 91-145, § 1, 11-27-91; Ord. No. 92-133, §§ 11, 12, 11-2-92; Ord. No. 93-76, § 3, 7-6-93; Ord. No. 00-228, § 3, 12-5-00)

30-8-6. CIVIL PENALTIES--SOIL EROSION AND SEDIMENTATION CONTROL

30-8-6.1. General.

Any person who violates any provision of section 30-7-4 (soil erosion and sedimentation control), the act, or rule or order adopted or issued pursuant to this Ordinance, or who initiates or continues a land-disturbing activity (for which a soil erosion and sedimentation control plan is required) not in accordance with the terms, conditions, and provisions of an approved soil erosion and sedimentation control plan, shall be subject to a civil penalty. No civil penalty shall accrue in excess of five thousand dollars (\$5000.00) per day, except the addition of a one-time fine of five thousand dollars (\$5000.00) for the day the violation is first detected as provided in section 30-8-6.5.

(Ord. No. 91-145, § 1, 11-27-91; Ord. No. 00-228, § 6, 12-5-00)

30-8-6.2. Notice of violation.

No penalty shall be assessed until the person alleged to be in violation has been notified of the violation by registered or certified mail, return receipt requested, or other means reasonably calculated to give actual notice. The notice shall describe the violation with reasonable particularity, set forth the measures necessary to achieve compliance with the plan, specify a reasonable time period within which the violation must be corrected, and warn that failure to correct the violation within the time period will result in the assessment of a civil penalty or other enforcement action. If, after the allotted time period has expired, the violator has not completed corrective action, a civil penalty may be assessed from the date violation was detected. However, no time period for compliance need be given for grading without a permit or for obstructing, hampering or interfering with an authorized representative while in the process of carrying out his official duties. Each day of continuing violation shall constitute a separate violation.

(Ord. No. 91-145, § 1, 11-27-91; Ord. No. 92-133, § 13, 11-2-92; Ord. No. 00-228, § 7, 12-5-00)

30-8-6.3. Notice of assessment.

The Enforcement Officer shall determine the amount of the civil penalty to be assessed under this subsection, shall make written demand for payment upon the person in violation, and shall set forth in detail a description of the violation for which the penalty has been imposed. In determining the amount of the penalty, the Enforcement Officer shall consider the degree and extent of harm caused by the violation and the cost of rectifying the damage. Notice of the assessment shall be by registered or certified mail or other means reasonably calculated to give actual notice. If payment is not received or equitable settlement reached within thirty (30) days after demand for payment is made, the matter shall be referred to the city attorney for institution of a civil action in the appropriate division of the General Courts of Justice for recovery of the penalty. Such civil actions must be filed within three (3) years of the date the final decision was served on the violator.

(Ord. No. 91-145, § 1, 11-27-91; Ord. No. 92-133, § 14, 11-2-92)

30-8-6.4. Specific civil penalties.

Civil penalties for specific violations of Section 30-7-4 (Soil Erosion and Sedimentation Control) shall be assessed as follows:

(A) Grading Without Permit: \$500 per day for failure to secure a valid grading permit prior to conducting a land-disturbing activity for which a soil erosion and sedimentation control plan is required.

(B) Failure To Protect: \$500 - \$1000 per day for failure to take all reasonable measures to protect public property or private property, including lakes and/or natural watercourses, from damage caused by land-disturbing activities.

(C) Failure To Follow Plan: \$300 - \$500 per day for failure to conduct a land-disturbing activity in accordance with the provisions of an approved soil erosion and sedimentation control plan.

(D) Failure To Install Devices: \$500 - \$1000 per day for failure, when more than one (1) acre is disturbed (\$250 per day when one acre or less than one (1) acre is disturbed), to install erosion and sedimentation control devices sufficient to retain the sediment generated by the land-disturbing activity within the boundaries of the tract(s) and prevent off-site sedimentation.

(E) Failure To Maintain Measures: \$300 - \$500 per day for failure to maintain satisfactory erosion and sedimentation control measures, structures and/or devices on the site that are designed to provide protection from the calculated maximum peak rate of runoff from the ten-year storm.

(F) Failure To Maintain Temporary Measures: \$250 - \$500 per day for failure to maintain temporary erosion and sedimentation control measures and facilities during the development of the site.

(G) Failure To Maintain Slopes: \$250 - \$500 per day for failure on graded slopes and fills to maintain an angle sufficient to retain vegetative cover or other adequate erosion and sedimentation control devices or structures.

(H) Failure To Cover Slopes: \$250 - \$500 per day for failure, within fifteen (15) days of completion of any phase of grading, to plant or otherwise provide exposed, graded slopes or fills with ground cover, devices, or structures sufficient to restrain erosion.

(I) Failure To Plant Cover: \$250 - \$500 per day for failure on a tract when more than one (1) acre is disturbed, to plant or otherwise provide ground cover sufficient to restrain erosion within fifteen (15) working days or thirty (30) calendar days, whichever is the shorter, following completion of construction or development.

(J) Failure To Revise Plan: \$250 per day for failure to file an acceptable, revised soil erosion and sedimentation control plan after being notified of the need to do so.

(K) Failure To Maintain Buffer: \$500 - \$1000 per day for failure to retain a buffer zone of sufficient width along a lake or natural watercourse to confine visible sediment within the twenty-five (25) percent of the buffer zone nearest the land-disturbing activity.

(L) Interference With Official Duties: \$500 per day for obstructing, hampering, or interfering with any authorized agent of the City or the Sedimentation Control Commission while in the process of carrying out his official duties.

(Ord. No. 91-145, § 1, 11-27-91; Ord. No. 92-133, §§ 15, 16, 11-2-92; Ord. No. 00-228, § 8, 12-5-00)

30-8-6.5. One time civil penalty.

Any person who violates any provision of Section 30-7-4 (Soil Erosion and Sedimentation Control), the Act, or rule or order adopted or issued pursuant to this Ordinance, or who initiates or continues a land-disturbing activity (for which a soil erosion and sedimentation control plan is required) not in accordance with the terms, conditions, and provisions of an approved soil erosion and sedimentation control plan, may be subject to one-time non-continuing civil penalty of up to five thousand dollars (\$5000.00) for the day the violation is first detected. Any person may be subject to additional civil penalties for violation of any other provision of this ordinance or rules or orders adopted or issued pursuant to this ordinance.

(Ord. No. 91-145, § 1, 11-27-91; Ord. No. 00-228, § 9, 12-5-00)

30-8-6.6. Civil penalty use.

Civil penalties collected for erosion and sedimentation control violations shall be used or disbursed as directed by NCGS 113A-64(a).

(Ord. No. 91-145, § 1, 11-27-91)

30-8-6.7. Appeals.

An appeal of the Enforcement Officer's assessment may be taken to the Board of Adjustment. Such appeal shall be filed in writing with the Enforcement Officer not more than fifteen (15) days after such receipt of written notice. The Enforcement Officer shall forthwith transmit to the Board all records upon which the action appealed from was taken. The Board shall hold a hearing thereon and render a final decision on the penalty.

(Ord. No. 91-145, § 1, 11-27-91)

30-8-7. CRIMINAL PENALTY--SOIL EROSION AND SEDIMENTATION CONTROL

Any person who knowingly or willfully violates any soil erosion and sedimentation control provision of this Ordinance, or rule or order adopted or issued pursuant to the soil erosion and sedimentation control provisions, or who knowingly or willfully initiates or continues a land-disturbing activity for which a soil erosion and sedimentation control plan is required, except in accordance with the terms, conditions, and provisions of an approved plan, shall be guilty of a misdemeanor punishable by imprisonment not to exceed ninety (90) days, or by a fine not to exceed \$5,000, or both.

(Ord. No. 91-145, § 1, 11-27-91)

30-8-8. INJUNCTIVE RELIEF--SOIL EROSION AND SEDIMENTATION CONTROL

Whenever the City Council has reasonable cause to believe that any person is violating or threatening to violate this Ordinance or any rule or order adopted or issued pursuant to this Ordinance, or any term, condition, or provision of an approved soil erosion and sedimentation control plan, it may, either before or after the institution of any other action or proceeding authorized by this Ordinance, institute a civil action in the name of the City, for injunctive relief to restrain the violation or threatened violation. The action shall be brought in the Superior Court of Guilford County. Upon determination by a court that an alleged violation is occurring or is threatened, it shall enter such orders or judgments as are necessary to abate the violation or to prevent the threatened violation. The institution of an action for injunctive relief under this Section shall not relieve any party to such proceedings from any civil or criminal penalty prescribed for violations of this Ordinance.

(Ord. No. 91-145, § 1, 11-27-91)