

43-O-19

AN ORDINANCE

Adding Regulations to the City Code to Address Erosion and Sediment Controls for Construction Sites

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS:

SECTION 1: Title 4, "Building Regulations" is amended to add a new Chapter 23 entitled "*Erosion and Sediment Controls on Construction Sites*" to the Evanston City Code of 2012, as amended, and the new Chapter shall read as follows:

CHAPTER 23 – EROSION AND SEDIMENT ON CONSTRUCTION SITES

4-23-1. – PURPOSES.

The purposes for this chapter are to:

- a) Reduce the frequency and severity of the discharge of pollutant laden combined storm water runoff into waterways;
- b) Enhance and help protect the public health and safety; and
- c) Be consistent with the Cook County storm water management plan, as approved and the latest revision thereof.

4-23-2. – OTHER AGENCY REQUIREMENTS.

All work related to this chapter shall be done in accordance with all other federal, state, county or regional agencies having jurisdiction, including, but not limited to, the U.S. Army Corps of Engineers ("USACE"), U.S. Environmental Protection Agency ("USEPA"), Illinois Department of Natural Resources ("IDNR"), Illinois Environmental Protection Agency ("IEPA"), and Metropolitan Water Reclamation District of Greater Chicago ("MWRDGC").

4-23-3. – EROSION AND SEDIMENT CONTROL REQUIREMENTS.

4-23-3-1. – DEVELOPMENTS REQUIRING EROSION AND SEDIMENT CONTROL.

All new development sites within the City limits with site disturbance during construction shall provide the following erosion and sediment control best management practices (BMPs):

- a. Preconstruction photos of surrounding public right of way (streets, alleys, sidewalk, parkways, etc.);
- b. Stabilized construction entrance;
- c. Inlet protection filters;
- d. Silt fences;
- e. Sediment traps;
- f. Compaction control; and
- g. Good housekeeping.

Projects disturbing over 5,000 square feet of a site will be required to submit control plans as described in the following. Additionally, sites larger than 1 acre may also be subject to regulation by Cook County.

4-23-4. – EROSION AND SEDIMENT CONTROL INITIAL SITE PLANNING.

Erosion and sediment control planning shall be part of the initial site planning process.

- (A) In planning and development of the site, the applicant shall consider the sensitivity of existing soils to erosion and topographical features, such as steep slopes, which must be protected to reduce the amount of erosion and sediment which occurs. Where appropriate, existing vegetation shall be protected from disturbance during construction by fencing or other means.
- (B) For projects that involve phased construction, existing land cover for those areas not under current development shall be addressed. If existing land cover does not consist of appropriate dense vegetation, then these phases shall be planted temporarily to reduce erosion from idle land.
- (C) In planning the erosion and sediment control strategy, preference shall be given to reducing erosion rather than controlling sediment. In order to accomplish this, the plan must carefully consider the construction sequence of the phases so that the amount of land area exposed to erosive forces is minimized and allow for completing construction in a timely manner.

4-23-5. – DESIGN STANDARDS AND FEATURES.

An erosion and sediment control plan for developments with site disturbance over 5,000 square feet must be submitted and approved prior to the issuance of the building permit. The plan must include the following features:

- (A) Standards and specifications for erosion and sediment control measures, which shall be in accordance with the *Illinois Urban Manual* (current edition) and other recognized best management practices (BMPs).
- (B) The runoff from disturbed areas shall not leave the site without first passing through sediment control measures or devices. This requirement shall apply to all phases of construction and shall include an ongoing process of implementation of measures and maintenance of those measures during both the construction season and any construction shutdown periods.

- (C) The condition of the construction site for winter shutdown shall be addressed early in the fall growing season so that slopes and other bare earth areas may be stabilized with temporary and /or permanent vegetative cover for proper erosion and sediment control. All open areas that are to remain idle throughout the winter shall receive temporary erosion control measures including temporary seeding, mulching and/or erosion control blanket prior to the end of the fall growing season. The areas to be worked beyond the end of the growing season must incorporate soil stabilization measures that do not rely on vegetative cover such as erosion control blanket and heavy mulching.
- (D) The perimeter sediment control measures shall be installed and functioning prior to soil disturbance.
- (E) The erosion and sediment control plan shall designate a series of practices which shall be implemented either at the direction of the applicant or the applicant's representative onsite or at the direction of the Public Works Director, should an inspection of the site indicate a deficiency in soil and sediment erosion control measures. At a minimum, the following measures shall be established:
- a. Preconstruction photos of surrounding public right of way (streets, alleys, sidewalk, parkways, etc.);
 - b. Stabilized construction entrance and truck washout areas;
 - c. Sediment traps;
 - d. Inlet protection filters;
 - e. Silt fences;
 - f. Compaction control;
 - g. Temporary seeding ;
 - h. Mulching;
 - i. Erosion control blankets; and
 - j. Dust control watering.
- (F) The permanent erosion control measures shall be initiated within seven days following the completion of soil disturbing activities.

4-23-6. – EROSION AND SEDIMENT CONTROL PLANS.

Erosion and sediment control plans shall incorporate the following items:

- (A) Detailed construction phasing plan identifying erosion and sediment control measures to be in place for each phase.
- (B) Erosion and sediment control measures to be installed initially prior to stripping existing vegetation or mass grading.
- (C) Methods for conveying flows through the sire during construction. These methods must include the temporary and permanent stabilization measures to be used to reduce velocity and erosion from flow through the construction zone.

(D) A maintenance schedule for each measure used. At a minimum, all erosion and sediment control measures onsite shall be inspected weekly or after a one-half inch or greater rainfall event.

(E) Identification of sensitive areas and any areas that require buffers.

4-23-7. – PERMANENT STABILIZATION PLAN.

Permanent stabilization measures shall be indicated on separate landscaping plans.

4-23-8. – CONSTRUCTION PHASE REQUIREMENTS.

During construction, the following erosion and sediment control measures shall be undertaken:

(A) If a stockpile is to remain in place for more than two (2) days, perimeter sediment controls shall be provided around the stock pile. The stockpile shall be covered with a tarp to prevent wind erosion.

(B) Storm sewer inlets shall be protected with sediment trapping and/or filter control devices during construction.

(C) Water pumped, or otherwise discharged, from the site during construction dewatering shall be filtered and a means provided to reduce erosion.

(D) Graveled roads, access drives, parking areas of sufficient width and length and vehicle wash-down facilities shall be provided to prevent soil from being tracked onto public or private roadways or alleys. Any soil tracked onto a public or private roadway or alley shall be removed before the end of each workday or sooner as directed by the City.

(E) All waste generated as a result of site development, including but not limited to, any building waste, concrete truck washout, chemicals, litter, sanitary waste, or any other waste shall be properly disposed of and shall be prevented from being transported off-site by either wind or water.

4-23-9. – CITY REVIEW AND INSPECTION.

4-23-9-1. – REVIEWS.

The City shall review all elements of the erosion and sediment control plan that are submitted by the applicant for the proposed development. The City may meet with the applicant to discuss the proposed erosion and sediment control plan and/or prepare written review comments regarding the applicant's submittal when the submittal has not satisfied all appropriate provisions of this chapter. The applicant shall respond to the City's review comments and perform the necessary changes, then submit the revised documents for further review by the City. This process of submittals, review, and revisions shall continue until all provisions of this chapter are met to the satisfaction of the City. The applicant shall not receive a building permit for the proposed development until all provisions of this chapter are met.

4-23-9-2. – INSPECTION DURING CONSTRUCTION.

The City may inspect the applicant’s erosion and sediment control measures during the construction to ascertain whether the applicant is implementing and maintaining the control measures in accordance with the approved plan. Any deficiencies shall be corrected by the applicant within three calendar days at his/her expense, to keep these measures functional as designed.

4-23-10. – ENFORCEMENT OF REGULATIONS.

The Director of Public Works or his/her designee(s) shall have full police powers to issue complaints, citations, notices to appear, and summonses for the violation of any provision of this Chapter.

SECTION 2: If any provision of this ordinance or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

SECTION 3: Ordinance 43-O-19 shall be in full force and effect after its passage and approval.

SECTION 4: The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

Introduced: April 22nd, 2019

Approved:

Adopted: May 13th, 2019

May 29, 2019


Stephen H. Hagerty
Stephen H. Hagerty, Mayor

Attest:



Devon Reid, City Clerk

Approved as to form:



Michelle L. Masoncup, Corporation
Counsel