

**TITLE XV UNIFIED DEVELOPMENT CODE
CHAPTER 170: STORMWATER MANAGEMENT, DRAINAGE AND
EROSION CONTROL**

170.01 INTENT 3

170.02 ADOPTION OF DRAINAGE CRITERIA MANUAL 3

170.03 PERMITS REQUIRED 3

170.04 PERMIT CONDITIONS 4

170.05 PERMIT APPLICATION 5

170.06 SUBMISSION, REVIEW, AND APPROVAL OF PLANS 5

170.07 PERFORMANCE CRITERIA 6

170.08 MAINTENANCE RESPONSIBILITY 7

170.09 PROCESSING 7

170.10 STORMWATER POLLUTION PREVENTION 8

170.11 STORMWATER DISCHARGES FROM CONSTRUCTION ACTIVITIES 9

170.12-170.99 RESERVED 11

Fayetteville Code of Ordinances

CHAPTER 170: STORMWATER MANAGEMENT, DRAINAGE AND EROSION CONTROL

170.01 Intent

(A) *Intent.* It is the intent of this chapter to protect, maintain, and enhance the health, safety, and general welfare of the citizens of the City of Fayetteville by:

- (1) Preventing increases in the magnitude and frequency of stormwater runoff to prevent increases in flood flows and associated hazards and costs.
- (2) Controlling soil erosion and sedimentation to minimize soil deposition in streams and other receiving water bodies and storm drainage systems.
- (3) Requiring surface and stormwater management practices that comply with requirements of this chapter.
- (4) Promoting the development of stormwater facilities that are aesthetically desirable.

(B) *Findings of fact.* The City Council finds that uncontrolled stormwater runoff from developed land adversely affects the public health, safety, and welfare because:

- (1) *Impervious surfaces / runoff.* Impervious surfaces increase the quantity and velocity of surface runoff, which reduces percolation of water through soil and increases erosion and flooding.
- (2) *Collection and conveyance of stormwater.* Improper stormwater collection and conveyance adversely affects property and increases the incidence and severity of flooding, which can endanger property and human life.
- (3) *Erosion.* Increased erosion leads to sedimentation in stormwater management systems, which decreases the system's capacity
- (4) *Future problems.* Many future problems can be avoided if land is developed in accordance with sound stormwater runoff management practices.

(Code 1991, §163.03; Ord. No. 3895, 1, 6-20-95; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4855, 4-18-06; Ord. 4920, 9-05-06)

170.02 Adoption Of Drainage Criteria Manual

The City Council hereby adopts by reference the *Drainage Criteria Manual*, prepared for the City of Fayetteville, and adopted by Ordinance No. 3895 of the City of Fayetteville, and as may be amended from time to time. All technical procedures and design standards contained therein shall have the same force and effect as if printed word for word in this chapter.

(Code 1991, §163.03; Ord. No. 3895, §1, 6-20-95; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. 4920, 09-05-06)

170.03 Permits Required

(A) *Applicability.* This chapter shall apply to all land within the corporate limits of the City of Fayetteville. No person may subdivide and develop, change to a more intensive land use, construct or reconstruct a structure, or change the size of a structure, or conduct grading, clearing, or filling activities without first obtaining a stormwater management, drainage and erosion control permit (hereinafter referred to as a "drainage permit") from the city, except as specified in §170.03(C) and §170.03 (D) below.

(B) *Permit application.* Any application for a drainage permit shall be submitted according to §170.05 below, and shall be submitted concurrently with the application for a grading permit, if such grading permit is required by § 169.03. The drainage permit applications shall include at the time of submission the calculations required by §170.05(B)(7). The application also shall state whether or not detention is required, and shall provide the basis for that conclusion, utilizing the performance criteria set forth in §170.07 below. The City Engineer shall make the final determination regarding detention.

(C) *Project not requiring detention.* Any project that requires a drainage permit that does not require detention may receive, with the approval of the City Engineer, a grading permit prior to issuance of the drainage permit. Any grading permit issued prior to the issuance of a required drainage permit shall be subject to the following:

- (1) *Insufficient or incomplete drainage permit application.* If the drainage permit application, including the required calculations, is determined by the City Fayetteville Code of Ordinances Engineer to be insufficient or incomplete, it shall be revised and resubmitted by the applicant within four (4) weeks of receipt of applicant

Fayetteville Code of Ordinances

within four (4) weeks of receipt of written notice of insufficiency or incompleteness.

- (2) *Deadline for the revised application.* A stop work order for all grading on the project shall be issued by the City Engineer if a revised application is not submitted within four (4) weeks of receipt by applicant of the written notice of insufficiency or incompleteness. However, the City Engineer may delay issuance of the stop work order if the City Engineer determines that the applicant has demonstrated prior to the deadline that circumstances not reasonably foreseeable and beyond the applicant's reasonable control prevented his timely resubmission of a sufficient and complete revised drainage permit application.
 - (3) *Insufficient or incomplete revised application.* A stop work order for all grading on the project shall be issued by the City Engineer if the revised application is determined by the City Engineer to be still insufficient or incomplete.
 - (4) *Stabilization and revegetation after stop work order.* If a stop work order is issued pursuant to §170.03 (C) (3), the applicant shall stabilize and revegetate all graded and otherwise disturbed areas as set forth in §169.06(F)(4) and §169.04(B).
 - (5) *Termination of stop work order.* Any stop work order issued pursuant to §170.03 (C) (2) or §170.03 (C) (3), shall expire upon the issuance of a drainage permit and compliance with any conditions contained in the drainage permit.
- (D) *Exceptions where no drainage permit is required.* Drainage permits are not required for the following:
- (1) *Single-family/duplex.* One single-family residence or duplex.
 - (2) *Commercial/industrial.* One commercial or industrial project built on an individual lot that is part of a larger subdivision that has been issued an approved drainage control permit when the proposed project is demonstrated to be in compliance with the overall subdivision drainage permit.
 - (3) *Existing commercial/industrial.* Existing commercial and industrial structure where additional structural improvements are less than 2,000 square feet.
 - (4) *Maintenance.* Maintenance or clearing activity that does not change or affect the

quality, rate, volume, or location of stormwater flows on the site, or runoff from the site.

- (5) *Agriculture.* Bona fide agricultural pursuits, for which a soil conservation plan has been approved by the local Soil and Water Conservation District.
 - (6) *Emergency.* Action taken under emergency conditions, either to prevent imminent harm or danger to persons, or to protect property from imminent danger of fire, violent storms, or other hazards.
- (E) *Compliance with chapter provisions.* Although a specific permit is not required for these particular circumstances, this exception does not exempt the owner/developer/builder from complying with the pollution prevention and erosion and sediment control provisions of this chapter.
- (F) *Status of previous approvals.* Projects with unexpired permits approved and all preliminary plats approved by the City Engineer prior to June 20, 1995, shall meet only the requirements in effect when the permit was approved.

(Code 1991, §163.04; Ord. No. 3895, §1, 6-20-95; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4314, 5-15-01; Ord. 4920, 9-05-06)

170.04 Permit Conditions

Each permit issued shall be subject to the following conditions.

- (A) *Area.* The development, including associated construction, shall be conducted only within the area specified in the approved permit.
- (B) *Execution.* Activities requiring a stormwater management, drainage, and erosion control permit shall not commence until the construction permit is approved. The approved construction permit shall be on file with the city and a copy on file with the contractor for review and inspection upon request.
- (C) *Inspections.* A schedule of inspections to be carried out during the construction phase of permitting shall be established as conditions to the permit.
- (D) *Duration.*
 - (1) Unless revoked or otherwise modified, the duration of a construction permit issued pursuant to this chapter shall be one year.
 - (2) If the permitted project discharge structure is not completed prior to expiration, the construction permit duration can be

TITLE XV UNIFIED DEVELOPMENT CODE

extended to cover the project duration, subject to approval of the City Engineer.

- (E) *Maintenance.* Maintenance activities, as specified in the approved maintenance plan, shall be executed routinely, with scheduled reporting to the City Engineer.
- (F) *Modifications.* If the activity authorized by the permit is not completed according to the approved schedule and permit conditions, the City Engineer shall be notified. For revisions resulting in a schedule extension of more than 30 days, or if deviations from the permit conditions are expected to occur, approval of a permit modification is required by the City Engineer.
- (G) *Transfer.* No transfer, assignment, or sale of the rights granted by virtue of an approved permit shall be made without prior written approval from the City Engineer.
- (H) *Special.* Any additional special conditions, as deemed appropriate by the City Engineer, shall be established to address specific project needs or circumstances.

(Code 1991, §163.05; Ord. 3895, §1, 6-20-95; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. 4920, 9-05-06)

170.05 Permit Application

A storm water management, drainage, and erosion control permit application shall be submitted to the City Engineer using appropriate forms as provided by the city. A permit application shall contain sufficient information and plans to allow the City Engineer to determine whether the project complies with the requirements of this chapter. The specific items to be submitted for a permit application shall be in the form and follow the procedures as described in the *Drainage Criteria Manual*, Section 1, Drainage Report Checklist. Submittal information and plans shall include, but not be limited to the following:

- (A) *Applicant identification.* Applicant information, including the name, address, and telephone number of the owner and developer, and proof of ownership of the property to be permitted. In addition, the legal description of the property shall be provided, and its location with reference to such landmarks as major water bodies.
- (B) *Plan.* Stormwater management, drainage and erosion control plan, shall include, but not be limited to the following:
 - (1) *Aerial photograph.* Aerial photograph, if available, of the project vicinity, covering the project area and the total lands that contribute runoff.

- (2) *Topographic map.* Topographic map of the project area showing the location and elevation of benchmarks, including at least one benchmark for each control structure.
- (3) *Land use map.* Land use map showing both current and proposed conditions for the drainage area that contributes runoff.
- (4) *Soils and vegetation map.* Soils and vegetation map displaying the most recent U.S. Soil Conservation Service information and encompassing both the project area and the drainage area that contributes runoff.
- (5) *Grading, drainage, paving, building drawings.* Proposed grading, drainage, paving, and building drawing(s) showing details of proposed grading, drainage, paving, and buildings.
- (6) *Erosion and sediment drawings.* Erosion and sediment control drawing(s) and specifications identifying the type, location, and schedule for implementing erosion and sediment control measures, including appropriate provisions for maintenance and disposition of temporary measures.
- (7) *Technical report.* Technical report, prepared by a registered professional engineer, describing the assumptions, calculations, and procedures used for determining compliance with the performance criteria established by this chapter.
- (8) *Maintenance report.* Maintenance report (text and drawings), prepared by a registered professional engineer, describing the activities and schedule required to operate and maintain the permitted facilities until accepted by the city.

(Code 1991, §163.06; Ord. No. 3895, §1, 6-20-95; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4855, 4-18-06; Ord. 4920, 9-05-06)

170.06 Submission, Review, And Approval Of Plans

- (A) *General.* The stormwater management, drainage, and erosion control plans shall be prepared by the engineer of record, who is a licensed professional engineer of the State of Arkansas.
- (B) *Pre-preliminary drainage plan and review.* A pre-preliminary stormwater management, drainage, and erosion control plan review with the engineering staff is suggested before platting, replats, lot splits, building permits, and/or development improvements begin for the

purpose of overall general drainage concept review.

- (C) *Preliminary stormwater and drainage plan.* Preliminary stormwater management, drainage, and erosion control plans and accompanying information as described in the *Drainage Criteria Manual* shall be submitted at the time of the preliminary plat, replat, lot split, building permit and/or development improvements are submitted. If needed, a review meeting will be scheduled by the City Engineer with representative of the developer, including the engineer, to review the overall concepts included in the preliminary stormwater management, drainage, and erosion control plan. The purpose of this review shall be to jointly agree upon an overall stormwater management concept for the proposed development and to review criteria and design parameters that shall apply to final design of the project.
- (D) *Final stormwater management, drainage, and erosion control plan.* Following the preliminary stormwater management, drainage, and erosion control plan review, the final stormwater management drainage, and erosion control plan shall be prepared for each phase of the proposed project as each phase is developed. The final plan shall constitute a refinement of the concepts approved in the preliminary stormwater, drainage, and erosion control plan, with preparation and submittal of detailed information as required in the *Drainage Criteria Manual*. This plan shall be submitted at the time construction drawings are submitted for approval.
- (E) *Review and approval of final stormwater management, drainage, and erosion control plans.* Final stormwater management, drainage, and erosion control plans shall be reviewed by the City Engineer. If it is determined according to present engineering practice that the proposed development will provide control of stormwater runoff in accordance with the purposes, design criteria, and performance standards of these regulations and will not be detrimental to the public health, safety, and general welfare, the City Engineer shall approve the plan or conditionally approve the plan, setting forth the conditions thereof.
- (F) *Off-site improvements.* If it is determined that offsite drainage improvements are required, and that such specific off-site drainage improvements are consistent with the city's current and established priorities, then cost sharing will be in accordance with "Required Off-site Improvements." If the city is unable, or unwilling, to contribute its share of the off-site costs, the developer shall have the option of:

- (1) *Developer's expense.* Building the off-site improvements at his/her own expense;
- (2) *Detention.* Providing detention so as to match downstream capacities; or
- (3) *Delay project.* Delaying the project until the city is able, or willing, to share in the off-site costs.

(Code 1991, §163.07; Ord. No. 3895, §1, 6-20-95; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. 4920, 9-05-06)

170.07 Performance Criteria

- (A) *Storm water management, drainage, and erosion control plan.* Stormwater management, drainage, and erosion control plans shall be prepared in accordance with performance standards that have been structured to achieve the purposes and objectives of this chapter as well as to ensure that the quality and quantity of runoff after development is not substantially altered from predevelopment conditions.
- (B) *Performance criteria.* Except as otherwise provided in this chapter, a development must be designed, constructed, operated, and maintained to comply with the following performance criteria:
 - (1) *Flood Damage Prevention Code.* Provisions for floodplain management criteria shall be consistent with those contained in Chapter 168, the Flood Damage Prevention Code.
 - (2) *Peak discharge.* The post-development peak rate of surface discharge must not exceed the existing discharge for the 100 year, 24 hour storm, the 10 year, 24 hour storm, and the 2 year, 24 hour storm, unless other discharge limits are deemed applicable for a specific site by the City Engineer.
 - (3) *Erosion and channel stability.* All stormwater management systems shall be evaluated based on their ability to prevent erosion and sedimentation of the receiving waters and adverse impacts on the site's natural systems. The design engineer shall consider the on-site and downstream effects of the peak discharges and shall design both the permanent and the construction phase of the stormwater management system in a manner that will not increase flooding, channel instability, or erosion downstream when considered in aggregate with other developed properties and downstream drainage capacities.
 - (4) *Drainage into wetlands.* Areas defined as "wetlands" by the appropriate federal agencies shall be protected from adverse

TITLE XV UNIFIED DEVELOPMENT CODE

changes in runoff quantity and quality from associated land development.

- (5) *Drainage Criteria Manual*. The technical procedures and design standards contained in the *Drainage Criteria Manual*, prepared for the City of Fayetteville, and adopted by this chapter and as may be amended from time to time, shall be used for guidance to determine compliance with the performance criteria established by this chapter.

(Code 1991, §163.08; Ord. No. 3895, §1, 6-20-95; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. 4920, 9-05-06)

170.08 Maintenance Responsibility

- (A) *Dedication*. Those stormwater management systems approved in compliance with this chapter that will function as an integral part of the system maintained by the city shall be dedicated to the city. All areas and/or structures to be dedicated to the city must be dedicated by plat or separate instrument and accepted by formal letter from the City Engineer.

- (B) *Approved entities*. All stormwater management systems accepted as dedications by the city shall be maintained by the city. All systems not dedicated to the city shall have adequate easements to permit the city to inspect and, if necessary to take corrective action should the responsible entity fail to properly maintain the system. Maintenance of all other stormwater management systems approved in compliance with this chapter shall be accomplished by the legal entity responsible for maintenance, which may include an approved entity as identified in the following:

- (1) *Local government*. A county, municipality, municipal service taxing unit, special district, or other appropriate governmental unit;
- (2) *Special district*. An active water control district, a drainage district, or a special assessment district;
- (3) *State or federal agency*. An appropriate state or federal agency;
- (4) *Public entity*. An officially franchised, licensed, or approved communication, water, sewer, electrical, stormwater, or other public utility;
- (5) *Developer or property owner*. A developer or property owner who provides a bond or other assurance of continued financial capability to operate and maintain stormwater management systems and who executes a

legal maintenance agreement with the city; or,

- (6) *Property owner association*. Property owner associations able to comply with the following provisions:

- (a) The association provides a binding legal instrument through which it assumes full responsibility for stormwater management system operation and maintenance.
- (b) The association has sufficient powers to operate and maintain the system, establish rules, assess members, contract for services, exist perpetually and, if dissolved, to provide alternative operation and maintenance services.
- (c) The association can provide a bond or other assurances of financial capability to operate and maintain services.

- (C) *Inspections*. As part of the construction permit approval process, a construction inspection schedule shall be established to address critical project milestones. Under the approved inspection schedule, no work shall proceed until the City Engineer inspects and authorizes work to proceed beyond each schedule milestone. Any portion of the work that does not comply with the permit conditions shall be specified in writing by the City Engineer and promptly corrected by the responsible entity. For approved entities maintaining stormwater management systems not dedicated to the city, periodic inspections by the city to ensure continued maintenance of the stormwater management system after construction is complete will be established as conditions to the operation of the stormwater management system.

(Code 1991, §163.09; Ord. No. 3895, §1, 6-20-95; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. 4920, 9-05-06)

Cross reference(s)--Enforcement, Ch., 153; Appeals, Ch. 155; Variances, Ch. 156; Bonds and Guarantees, Ch. 158; Fees, Ch. 159.

170.09 Processing

Procedure for processing of permit applications shall be as follows:

- (A) *Application*. Stormwater management, drainage, and erosion control permit applications shall be submitted to the city for review, processing, and approval. Applicants may schedule a pre-application conference with the city to discuss a proposed project before submitting the application.

(B) *Fee.* A nonrefundable permit application fee shall be paid when the application is submitted to help cover the cost of the plan review, administration and management of the permitting process and inspection of project implementation and operation.

(C) *Issuance.* If the City Engineer determines that the permit application submittal is in compliance with all provisions of this chapter, a permit may be issued. If the City Engineer determines that the permit submittal does not conform with all provisions of this chapter, permit issuance shall be denied and a written statement as to the reasons for the denial shall be provided to the applicant.

(Code 1991, §163.10; Ord. No. 3895, §1, 6-20-95; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. 4920, 9-05-06)

170.10 Stormwater Pollution Prevention

(A) *Prohibitions*

(1) Illicit discharges are prohibited. An illicit discharge is a storm drain that has measurable flow containing pollutants and/or pathogens. No person shall discharge anything but uncontaminated stormwater, into the storm drainage system. Common stormwater contaminants include trash, yard waste, wastewater, oil, petroleum products, cleaning products, paint products, hazardous waste and sediment.

(2) Illicit connections are prohibited. Illicit connections are any drain or conveyance which allows an illicit discharge to enter the storm drainage system. This prohibition includes illicit connections made in the past, regardless of whether the connection was permissible at the time of connection.

(3) No person shall connect a line conveying sanitary sewage, domestic sewage or industrial waste, to the storm drainage system, or allow such a connection to continue.

(B) *Exemptions.* The following non-stormwater discharges are acceptable and not a violation of this chapter:

(1) A discharge authorized by an NPDES permit other than the NPDES permit for discharges from the MS4;

(2) Uncontaminated waterline flushing and other infrequent discharges from potable water sources;

(3) Infrequent uncontaminated discharge from landscape irrigation or lawn watering;

(4) Discharge from the occasional non-commercial washing of vehicles within zoned residential areas;

(5) Uncontaminated discharge from foundation, footing or crawl space drains, sump pumps and air conditioning condensation drains;

(6) Uncontaminated groundwater;

(7) Diverted stream flows and natural riparian habitat or wetland flows;

(8) A discharge or flow of fire protection water that does not contain oil or hazardous substances or materials.

(9) Any other non-stormwater discharge determined by the City Engineer to meet the standards and objectives of this chapter.

(C) *Requirements Applicable to Certain Dischargers*

(1) *Private Drainage System Maintenance.* The owner of any private drainage system shall maintain the system to prevent or reduce the discharge of pollutants. This maintenance shall include, but is not limited to, sediment removal, bank erosion repairs, maintenance of vegetative cover, and removal of debris from pipes and structures.

(2) *Minimization of Irrigation Runoff.* Concentrated flow of irrigation water to the storm drainage system is prohibited. Irrigation systems shall be managed to reduce the discharge of water from a site.

(3) *Cleaning of Paved Surfaces Required.* The owner of any paved parking lot, street or drive shall clean the pavement as required to prevent the buildup and discharge of pollutants. The visible buildup of mechanical fluid, waste materials, sediment or debris is a violation of this chapter. Paved surfaces shall be cleaned by dry sweeping, wet vacuum sweeping, collection and treatment of wash water or other methods in compliance with this Code. Material shall not be swept or washed into the storm drainage system. This section does not apply to pollutants discharged from construction activities.

(4) *Maintenance of Equipment.* Any leak or spill related to equipment maintenance in an outdoor, uncovered area shall be contained to prevent the potential release of pollutants.

TITLE XV UNIFIED DEVELOPMENT CODE

Vehicles, machinery and equipment must be maintained to reduce leaking fluids.

- (5) *Materials Storage.* In addition to other requirements of this Code, materials shall be stored to prevent the potential release of pollutants. The uncovered, outdoor storage of unsealed containers of hazardous substances is prohibited.
 - (6) *Pesticides, Herbicides and Fertilizers.* Pesticides, herbicides and fertilizers shall be applied in accordance with manufacturer recommendations and applicable laws. Excessive application shall be avoided.
 - (7) *Open Drainage Channel Maintenance.* Every person owning or occupying property through which an open drainage channel passes shall prevent trash, debris, excessive vegetation, and other obstacles from their property from entering the drainage channel.
- (D) *Release Reporting and Cleanup.* Any person responsible for a release of materials which are or may result in illicit discharges to the storm drainage system shall take all necessary steps to ensure the discovery, containment, abatement and cleanup of such release. In the event of such a release of a hazardous material, said person shall comply with all state, federal, and local laws requiring reporting, cleanup, containment, and any other appropriate remedial action in response to the release.
- (E) *Authorization to Adopt and Impose Best Management Practices.* The City may adopt and impose a Best Management Practices Manual and requirements identifying Best Management Practices for any activity, operation, or facility, which may cause a discharge of pollutants to the storm drainage system. Where specific BMP's are required, every person undertaking such activity or operation, or owning or operating such facility shall implement and maintain these BMP's at their own expense.

(Ord. No. 4855, 4-18-06; Ord. 4920, 9-05-06)

170.11 Stormwater Discharges From Construction Activities

(A) *General Requirements for Construction Sites.*

- (1) *Construction Site.* A construction site is a site with activity that would result in the creation of a new stormwater management system, including the building, assembling, expansion, modification, or alteration of the existing contours of the property; the

erection of buildings or other structures, any part thereof; or land clearing.

- (2) *Owner Responsibility.* The owner of a site of construction activity shall be responsible for compliance with the requirements of this chapter.
- (3) *Erosion And Sediment Control.* Best Management Practices shall be implemented to prevent the release of airborne dust and waterborne sediment from construction sites. Disturbed areas shall be minimized, disturbed soil shall be managed and construction site entrances shall be managed to prevent sediment tracking. Streets and storm inlets must be kept clean at all times and free of loose rock, mud, debris and trash. Specific inlet protection measures may be necessary, as long as they do not interfere with vehicular traffic. Mud on streets must be physically removed and not washed into inlets.
 - (a) *1&2 Family Residential and Sites under One Acre.* All residential lots must maintain properly installed erosion and sediment control measures (silt fences, hay bales, erosion control blankets, etc.) from the beginning of construction until slope stabilization and/or vegetation is established in order to prevent silt and sediment from going offsite or into the street. Erosion control measures may be temporarily moved out of the way for excavation and other grading activities, but must be replaced or modified within 24 hours.
 - (b) *All Other Construction Sites.* Erosion and sediment control systems must be installed and maintained per a state approved Storm Water Pollution Prevention Plan before the beginning of construction and until slope stabilization and/or vegetation is established. For sites between 1 and 5 acres, the SWPPP must be onsite at all times. For sites over 5 acres, the NOI and the SWPPP must be onsite at all times.

- (4) *Construction Entrances.* If driveways and approaches are not poured within 3 working days of pouring the foundation, then a stabilized rock entrance is required. Rock entry must be at least 20' wide by 20' long (1 & 2 family residential) or 50' long (all other construction sites) by 6" thick stabilized rock having a minimum average diameter of 3". If there is an existing curb, loose material such as fill dirt or gravel shall not be used to ramp

Fayetteville Code of Ordinances

up to it from the street. Temporary wooden ramps in front of curbs are acceptable.

- (5) *Concrete Truck Wash Areas.* No washing of concrete trucks or chutes is allowed except in specific concrete wash pits located onsite. Proper runoff and erosion controls must be in place to retain all concrete wash water.
- (6) *Dewatering.* All rainwater pumped out of sumps and depressions on construction sites should be clear and free of sediment, and must discharge to a sedimentation pond or settling tank in such a manner as to not cause additional erosion problems.
- (7) *Storage of Materials.* Public streets and sidewalks shall not be used for temporary storage of any containers or construction materials, especially loose gravel and topsoil. In addition to on-street storage being a violation of this chapter, all liability for any accidents and/or damages due to such storage will be the responsibility of the owner of the stored materials.
- (8) *Dirt and Topsoil Storage.* All uncovered soil or dirt storage piles should be located more than 25 feet from a roadway or drainage channel. If these piles remain for 15 or more days, then their surfaces must be stabilized. If the piles will be in place for less than 15 days, then their perimeters must be surrounded by appropriately installed erosion control devices such as silt fences or straw bales. Dirt or soil storage piles located less than 25 feet from the road and in place for 15 or more days must be covered with tarps or other control. If the piles will be in place for less than 15 days, then their perimeters must be surrounded by silt fence or straw bales. Storm drain inlets must be protected from potential erosion from near-street storage piles by silt fence or other appropriate barriers.
- (9) *Franchise and Private Utilities.* The property owner or main contractor onsite will be responsible for restoring all erosion and sediment control systems and public infrastructure damaged or disturbed by underground private or franchise utility construction such as water and sewer service leads, telephone, gas, cable, etc. Erosion and sediment control systems must be immediately restored after each utility construction.
- (10) *Post-Construction Compliance.* Upon completion of permitted construction activity on any site, the property owner and subsequent property owners will be

responsible for continued compliance with the requirements of this chapter in the course of maintenance, reconstruction or any other construction activity on the site.

- (B) *Construction Sites Requiring an Approved SWP3.* For all construction sites where construction on a site will disturb soil or remove vegetation on one (1) or more acres of land during the life of the construction project, a Stormwater Pollution Prevention Plan (SWP3) for the project must be implemented by the construction site owner as follows:
 - (1) The owner/developer/builder bears the responsibility for implementation of the SWP3 and notification of all contractors and utility agencies on the site.
- (C) *Stormwater Pollution Prevention Plans.* Preparation and implementation of Stormwater Pollution Prevention Plans for construction activity shall comply with the following:
 - (1) Implementation
 - (a) *Installation and Maintenance.* BMP's shall be installed and maintained by qualified persons. The owner/developer/builder or their representative shall be able to provide upon the City Engineer's request a copy of the SWP3 on site and shall be prepared to respond to unforeseen maintenance of specific BMP's.
 - (b) *Inspection.* The owner/developer/builder or their representative shall inspect all BMP's at least once every 14 days and within 24 hours after a rainfall of one half of an inch or more as measured at the site or generally reported in the Fayetteville area.
 - (c) *Modifications.* Based on inspections performed by the owner/developer/builder or by authorized City personnel, modifications to the SWP3 will be necessary if at any time the specified BMP's do not meet the objectives of this chapter. In this case, the owner/developer/builder or authorized representative shall meet with authorized City personnel to determine the appropriate modifications. All modifications shall be completed within seven (7) days of the referenced inspection, except in circumstances necessitating more timely attention, and shall be recorded on the owner's copy of the SWP3.

TITLE XV UNIFIED DEVELOPMENT CODE

(D) *Requirements for Utility Construction*

- (1) Utility agencies shall be responsible for compliance with the requirements this chapter.
- (2) Utility agencies shall develop and implement Best Management Practices (BMP's) to prevent the discharge of pollutants on any site of utility construction within the City. In addition, the City may adopt and impose BMP's on utility construction activity.
- (3) Utility agencies shall implement BMP's to prevent the release of sediment from utility construction sites. Disturbed areas shall be minimized, disturbed soil shall be managed and construction site entrances shall be managed to prevent sediment tracking. Excessive sediment tracked onto public streets shall be removed immediately.
- (4) Prior to entering a construction site or subdivision development, utility agencies shall have obtained from the owner a copy of any SWP3's for the project. Any disturbance to BMP's resulting from utility construction shall be repaired immediately by the utility company in compliance with the SWP3.

(Ord. 4920, 9-05-06)

170.12-170.99 Reserved

