



**ISSUED:** October 2021

**ORDER NO.:** 3.19

**SUBJECT:** Soil Erosion & Sedimentation Control Compliance and Enforcement

## I. INTRODUCTION:

Earth change activities that disturb one or more acres of land or disturb an area within 500 feet of a lake, stream or body of water require a Soil Erosion and Sedimentation Control (SESC) permit. Individuals within the Department of Community Development certified by the State of Michigan in SESC shall be responsible for the administration and enforcement of the Grading and Soil Erosion Control ordinance. If it is determined that violations of the ordinance have occurred, a notification of the violation shall be provided to the violator and the owner(s) of the property according to the tax rolls at the Office of the City Assessor. Each notification of violation shall include a notice to cease the violation, description of the violation, necessary corrective action and a deadline for completion of such action. Failure to comply will result in necessary enforcement.

## II. SOIL EROSION & SEDIMENTATION CONTROL REQUIREMENTS:

1. All requirements of the approved SESC plan and issued permit are required to be followed.
2. If silt fence or other temporary control measures are shown on the SESC plan, they must be properly installed as detailed on the installation specifications and maintained at all times.
3. Catch basins in the area of a construction site must have appropriate inlet protection installed, which must be maintained as needed.
4. All temporary erosion control measures shall remain installed until the site is stabilized with permanent measures such as grass. Five (5) calendar days after final grading, permanent stabilization measures must be installed.
5. Construction sites must maintain soil on the property in which the work is being completed. There should be no off-site erosion or sediment discharge to adjacent properties, lakes, streams, or roads.
6. Sites that are not required to obtain an SESC permit are still required to follow the requirements of Part 91 Soil Erosion and Sedimentation Control and the Part 17 Rules.

## III. ENFORCEMENT FOR SITES IN VIOLATION:

Dependent upon the severity of the violation, the following compliance times may be shortened:

1. The first notice of violation shall be posted on-site and the landowner/violator contacted by email or telephone. The landowner/violator shall have five (5) days from the date of the notice to correct the violation.
2. If the initial violation is not corrected within five (5) days, a second notice of violation shall be posted on-site and sent by certified mail to the landowner/violator. A cease and desist order will be issued for the earth change and a re-inspection fee will be charged. The landowner/violator

shall have five (5) days to correct the violation and pay the inspection fee. When the violation is corrected and the inspection fee paid, the SESC work may continue.

3. If the violation is not corrected after ten (10) days, a third notice of violation shall be posted on-site and sent by certified mail to the landowner/violator. The SESC permit shall be revoked (if applicable) and a Stop Work Order issued for any construction permits associated with the site. All work on the property shall stop until the SESC violation is corrected and the Stop Work Order removed.
4. If the violation is not corrected after fifteen (15) days, legal enforcement action through civil infraction tickets and fines will be assessed as provided in the City of Portage Codified Ordinances, Chapter 42, Article 7, Grading and Soil Erosion Control.
5. If a project begins without a required SESC permit, the work shall be stopped until the necessary permit is obtained. An investigation fee shall be added to the cost of the SESC permit.

Repeat Offenders:

In the situation of repeated violations at a site within a six month period.

A notice of violation shall be posted on-site and sent by certified mail to the landowner/violator. A cease and desist order will be issued for the SESC permit and a Stop Work Order issued for any construction permits associated with the site. All work on the property shall stop until the SESC violation is corrected and the Stop Work Order removed. Investigation fees shall be issued concurrent with the number of inspections required to determine compliance with the requirements of the SESC permit, Part 91, and the Part 17 Rules.