

Gen. Ord. No. 53-2007

**City of Syracuse**

**CITY CLERK'S OFFICE**

I, JOHN P. COPANAS, City Clerk of the City of Syracuse, New York do hereby certify that the attached is a true copy of an ORDINANCE:

Adopted by the Common Council on

December 3, 2007

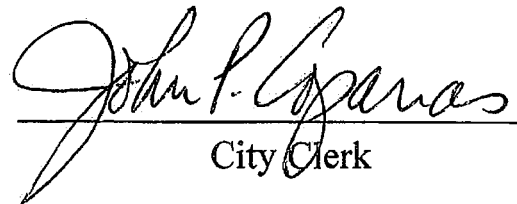
Approved by the Mayor on

December 5, 2007

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SYRACUSE NY

  
City Clerk

TO: Mayor  
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Aviation Commissioner  
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Bureau of Accounts  
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Zoning Administration  
United States Senator  
United States Congressperson  
Finance Commissioner  
Finance/Treasury  
Finance (Water Bureau)  
Fire Chief  
Grants Management Director  
Onondaga County Legislature

**GENERAL ORDINANCE AMENDING THE  
BUILDING CODE OF THE CITY OF  
SYRACUSE RELATING TO  
REQUIREMENTS FOR STORMWATER  
MANAGEMENT AND EROSION &  
SEDIMENT CONTROL**

BE IT ORDAINED, that the Building Code of the City of Syracuse which has been amended from time to time be and is hereby further amended as follows relative to storm water management and erosion & sediment control requirements to preserve the quality of the natural environment and protect the health and welfare of the citizens of Syracuse:

(1) Paragraph A of Article 1.1.1 of the Syracuse Building Code is amended in its entirety to read as follows:

A. No person shall commence or perform any general construction work of any kind including, but not limited to, new construction, and the remodeling, conversion, alteration, demolition, moving, or additions to existing structures; the erection of fences, banners, signs, and retaining walls; and all types of site work, including excavation, filling, grading, paving, stripping, and general site preparation, stormwater management, erosion and sediment control work; within the City of Syracuse without first obtaining a permit as provided herein for the work to be performed.

(2) Chapter 2 of the Syracuse Building Code is amended in its entirety to add the following new definitions as follows:

Agricultural Activity - the activity of an active farm including grazing and watering livestock, irrigating crops, harvesting crops, using land for growing agricultural products, and cutting timber for sale, but shall not include the operation of a

dude ranch or similar operation, or the construction of new structures associated with agricultural activities.

**Applicant** - a property owner or agent of a property owner who has filed an application for a land development activity.

**Building** - any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal, or property, and occupying more than 100 square feet of area.

**Channel** - a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

**Clearing** - any activity that removes the vegetative surface cover.

**Dedication** - the deliberate appropriation of property by its owner for general public use.

**Department** - the New York State Department of Environmental Conservation

**Design Manual** - the *New York State Stormwater Management Design Manual*, most recent version including applicable updates that serves as the official guide for stormwater management principles, methods and practices.

**Developer** - a person who undertakes land development activities.

**Erosion Control Manual** - the most recent version of the "New York Standards and Specifications for Erosion and Sediment Control" manual, commonly known as the "Blue Book".

**Impervious Cover** - those surfaces, improvements and structures that cannot effectively infiltrate rainfall, snow melt and water (e.g., building rooftops, pavement, sidewalks, driveways, etc).

**Industrial Stormwater Permit - a State Pollutant Discharge Elimination**

System permit issued to a commercial industry or group of industries which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

**Infiltration - the process of percolating stormwater into the subsoil.**

**Jurisdictional Wetland - an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.**

**Land Development Activity - construction activity including clearing, grading, excavating, soil disturbance or placement of fill that results in land disturbance of equal to or greater than 10,000 square feet ), or activities disturbing less than 10,000 square feet of total land area that is part of a larger common plan of development or sale, even though multiple separate and distinct land development activities may take place at different times on different schedules.**

**Landowner - the legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.**

**Maintenance Agreement - a legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.**

**Nonpoint Source Pollution** - pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

**Phasing** - clearing a parcel of land in distinct pieces or parts, with the stabilization of each piece completed before the clearing of the next.

**Pollutant of Concern** - sediment or a water quality measurement that addresses sediment (such as total suspended solids, turbidity or siltation) and any other pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the land development activity.

**Project** - land development activity

**Recharge** - the replenishment of underground water reserves.

**Sediment Control** - measures that prevent eroded sediment from leaving the site.

**Sensitive Areas** - cold water fisheries, shellfish beds, swimming beaches, groundwater recharge areas, water supply reservoirs, and habitats for threatened, endangered or special concern species.

**SPDES General Permit for Construction Activities** - A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities to regulate disturbance of one or more acres of land.

**SPDES General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems** - A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to municipalities to regulate

discharges from municipal separate storm sewers for compliance with EPA established water quality standards and/or to specify stormwater control standards

**Stabilization** - the use of practices that prevent exposed soil from eroding.

**Stormwater** - rainwater, surface runoff, snowmelt and drainage

**Stormwater Hotspot** - a land use or activity that generates higher concentrations of hydrocarbons, trace metals or toxicants than are found in typical stormwater runoff, based on monitoring studies.

**Stormwater Management** - the use of structural or non-structural practices that are designed to reduce stormwater runoff and mitigate its adverse impacts on property, natural resources and the environment.

**Stormwater Management Facility** - one or a series of stormwater management practices installed, stabilized and operating for the purpose of controlling stormwater runoff.

**Stormwater Management Officer** - an employee or officer designated by the City to accept and review stormwater pollution prevention plans, forward the plans to the Division, inspect stormwater management practices, and enforce Chapter 18.

**Stormwater Management Practices (SMPs)** - measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing flood damage and preventing or reducing point source or nonpoint source pollution inputs to stormwater runoff and water bodies.

**Stormwater Pollution Prevention Plan (SW PPP)** - a plan for controlling stormwater runoff and pollutants from a site during and after construction activities.

Stormwater Runoff - flow on the surface of the ground, resulting from precipitation

Surface Waters of the State of New York - lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic ocean within the territorial seas of the state of New York and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction.

Storm sewers and waste treatment systems, including treatment ponds or lagoons which also meet the criteria of this definition are not waters of the state. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the state (such as a disposal area in wetlands) nor resulted from impoundment of waters of the state.

Waterway - a channel that directs surface runoff to a watercourse or to the public storm drain.(3) The title of Chapter 17 is hereby amended to delete CONSTRUCTION SITE PREPARATION and replace it with STORMWATER MANAGEMENT and EROSION & SEDIMENT CONTROL as follows:

#### CHAPTER 17

#### CONSTRUCTION SITE PREPARATION

#### STORMWATER MANAGEMENT and EROSION & SEDIMENT CONTROL

(4) Article 17.1 of Chapter 17 is hereby amended in its entirety to read as follows:

**Article 17.1.**

**Purpose**

**General Provisions**

**Section A.**

**Findings of Fact**

~~—— It is the purpose of these regulations to protect health, safety, and welfare in the City of Syracuse (hereinafter referred to as the "City") by regulating site preparation activities, including, but not limited to excavation, filling, grading, and stripping, so as to prevent damage to the environment from erosion, sedimentation, and improper drainage.~~

~~—— The regulations provided herein are designed to protect the quality of the natural environment from the adverse effects of land disturbance. These adverse effects include, but are not limited to, pollution of water resources from silt and other materials; unnecessary destruction of vegetation; excessive exposure of soil to erosion; unnecessary modification of natural topography or geological features; and failure to restore sites to attractive natural conditions. In addition, these regulations provide for the protection of people and properties from the adverse effects of land disturbance. These adverse effects include, but are not limited to, increased run-off; erosion and sedimentation; increased threat to life and property from flooding or storm waters; increased slope instability; landslide and slumping hazards; and detrimental modifications of the ground water regime.~~

~~—— The regulations provided herein shall serve to protect the City and other governmental bodies from having to undertake, at public expense, provisions for repairing roads and other public facilities and providing flood protection facilities due to the adverse effects of land disturbance. Furthermore, these regulations will prevent excessive particulants from entering the stormwater system.~~

It is hereby determined that:



1. Land development activities and associated increases in site impervious cover often alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, or sediment transport and deposition;
2. This stormwater runoff contributes to increased quantities of water-borne pollutants, including siltation of aquatic habitat for fish and other desirable species;
3. Clearing and grading during construction tends to increase soil erosion and add to the loss of native vegetation necessary for terrestrial and aquatic habitat;
4. Improper design and construction of stormwater management practices can increase the velocity of stormwater runoff thereby increasing stream bank erosion and sedimentation;
5. Impervious surfaces allow less water to percolate into the soil, thereby decreasing groundwater recharge and stream baseflow;
6. Substantial economic losses can result from these adverse impacts on the waters of the municipality;
7. Stormwater runoff, soil erosion and nonpoint source pollution can be controlled and minimized through the regulation of stormwater runoff from land development activities;
8. The regulation of stormwater runoff discharges from land development activities in order to control and minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and nonpoint source

pollution associated with stormwater runoff is in the public interest and will minimize threats to public health and safety.

9. Regulation of land development activities by means of performance standards governing stormwater management and site design will produce development compatible with the natural functions of a particular site or an entire watershed and thereby mitigate the adverse effects of erosion and sedimentation from development.

**Section B.**            **Purpose**

The purpose of this article is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing within this jurisdiction and to address the findings of fact in Section A hereof. This article seeks to meet those purposes by achieving the following objectives:

1. Meet the requirements of minimum measures 4 and 5 of the SPDES General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s), as amended or revised;
2. Require land development activities to conform to the substantive requirements of the NYS Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities as amended or revised;

3. Minimize increases in stormwater runoff from land development activities in order to reduce flooding, siltation, increases in stream temperature, and streambank erosion and maintain the integrity of stream channels;
4. Minimize increases in pollution caused by stormwater runoff from land development activities which would otherwise degrade local water quality;
5. Minimize the total annual volume of stormwater runoff which flows from any specific site during and following development to the maximum extent practicable; and
6. Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management practices and to ensure that these management practices are properly maintained and eliminate threats to public safety.

**Section C.**            **Applicability**

1. This Chapter shall be applicable to all land development activities as defined in Chapter 2.
2. The City Engineer shall designate a Stormwater Management Officer who shall review all stormwater pollution prevention plans and forward such plans to the Director of Code Enforcement. The Stormwater Management Officer may (1) review the plans, (2) engage the services of a registered professional engineer to review the plans, specifications and related documents, or (3) accept the

certification of a licensed professional that the plans conform to the requirements of this article.

3. All land development activities subject to review and approval by the Director of Code Enforcement shall be reviewed subject to the standards contained in this article.
4. All land development activities not subject to review as stated in section 3 shall be required to submit a Stormwater Pollution Prevention Plan (SWPPP) to the Stormwater Management Officer who shall approve the SWPPP if it complies with the requirements of this article.

**Section D.**            **Exemptions**

The following activities may be exempt from review under this article:

1. Agricultural activity as defined in this article.
2. Silvicultural activity except that landing areas and log haul roads are subject to this article.
3. Routine maintenance activities that disturb less than one acre and are performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility.
4. Repairs to any stormwater management practice or facility deemed necessary by the Stormwater Management Officer.
5. Cemetery graves.

6. Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles.
7. Emergency activity immediately necessary to protect life, property or natural resources.
8. Activities of an individual engaging in home gardening by growing flowers, vegetable and other plants primarily for use by that person and his or her family.

(5) Section 17.2 of Chapter 17 is hereby amended in its entirety to read as follows:

**Article 17.2. ~~Plans, Specifications and Performance Bond~~ Stormwater Pollution Prevention Plans**

A. In addition to the requirements contained in Paragraph B of Article 1.1.1, ~~no permit applications~~ for projects in which the scope of the site work reaches any of the thresholds set forth in Article 1.1.1.B.3. shall be reviewed until a Stormwater Pollution Prevention Plan (SWPPP) prepared in conformance with this Article has been filed with the Director. ~~provide the following:~~

1. ~~An existing survey prepared by a land surveyor licensed and registered to practice in the State of New York. The proposed survey shall be prepared at a scale no smaller than one (1) inch to twenty (20) feet and shall indicate:~~
  - a. ~~The boundaries of all parcels on which site preparation activities are proposed to be undertaken;~~
  - b. ~~All structures or appurtenances, easements and rights of way to all contiguous properties of the parcel(s) on which site preparation activities are proposed to be undertaken, the structures identified by their uses and the~~

roads identified by their surface material and width of pavement;

~~\_\_\_\_\_ c. All watercourses contiguous of the parcels on which site preparation activities are proposed to be undertaken;~~

~~\_\_\_\_\_ d. Existing topography at contour intervals not to exceed two (2) feet to all contiguous properties of the parcel(s) on which site preparation activities are proposed to be undertaken;~~

~~\_\_\_\_\_ e. All sewer, water, gas, and electric lines and all other utilities within the parcels on which site preparation activities are proposed to be undertaken;~~

~~\_\_\_\_\_ f. Major wooded areas and tree clusters contiguous to the parcel(s) on which site preparation activities are proposed to be undertaken;~~

~~\_\_\_\_\_ g. All vegetation areas on the site proposed for site preparation activities, including areas of grass and other herbaceous cover, areas of shrub cover, wooded areas, tree clusters and individual trees over six (6) inches diameter at four (4) feet six (6) inches height;~~

~~\_\_\_\_\_ h. The depth to bedrock on the site proposed for site preparation activities, and;~~

~~\_\_\_\_\_ i. The depth to water table on the site proposed for site preparation activities.~~

~~\_\_\_\_\_ 2. Operations map(s) at a scale no smaller than one (1) inch equals twenty (20) feet (1 inch = 20 feet), which present a complete erosion and sediment control plan and which indicate:~~

~~\_\_\_\_\_ a. All excavation, filling, and grading proposed to be~~

~~undertaken, identified as to the depth, volume, and nature of the materials involved;~~

~~\_\_\_\_\_ b. All stripping, identified as to the nature of  
vegetation affected;~~

~~\_\_\_\_\_ c. All areas where topsoil is removed and stock-piled  
and where topsoil is ultimately placed, identified as to the depth of topsoil in each such  
area;~~

~~\_\_\_\_\_ d. All temporary and permanent vegetation to be  
placed on the site, identified as to planting type, size, and extent;~~

~~\_\_\_\_\_ e. All temporary and permanent drainage, erosion and  
sediment control facilities, including such facilities as ponds and sediment basins,  
identified as to the type of facility, the materials from which it is constructed, its  
dimensions, and its capacity in gallons;~~

~~\_\_\_\_\_ f. The anticipated pattern of surface drainage during  
periods of peak runoff, upon completion of site preparation and construction activities,  
identified as to rate and direction of flow at all major points within the drainage system;~~

~~\_\_\_\_\_ g. The location of all roads, driveways, sidewalks,  
structures, utilities, and other improvements; and~~

~~\_\_\_\_\_ h. The final contours of the site in intervals of no  
greater than two (2) feet.~~

~~\_\_\_\_\_ 3. A time schedule which is keyed to the operations map(s),  
indicating:~~

~~\_\_\_\_\_ a. When major phases of the proposed project to be  
initiated and completed;~~

\_\_\_\_\_ b. \_\_\_\_\_ When major site preparation activities are to be initiated and completed;

\_\_\_\_\_ c. \_\_\_\_\_ When the installation of temporary and permanent vegetation and drainage, erosion, and sediment control facilities are to be completed; and

\_\_\_\_\_ d. \_\_\_\_\_ The anticipated duration (in days) of exposure of all major areas of site preparation before the installation of erosion and sediment control measures.

\_\_\_\_\_ 4. \_\_\_\_\_ A description of the material used in filling operations, the total volume of material proposed to be deposited on site, and a listing of the points of origin of the proposed fill material which include:

\_\_\_\_\_ 5. \_\_\_\_\_ A notarized affidavit signed by the owner of the source material which states that the material is free of any hazardous waste.

**B. Contents of Stormwater Pollution Prevention Plans**

1. All SWPPPs shall provide the following background information and erosion and sediment controls:

- a. Background information about the scope of the project, including location, type and size of project.
- b. Site map/construction drawing(s) prepared by a land surveyor licensed and registered to practice in the State of New York at a scale no smaller than 1" = 20' for the project . At a minimum, the site map should show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent off-site surface water(s); wetlands and drainage patterns that could be affected by the



construction activity; existing and final slopes; locations of off-site material, waste, borrow or equipment storage areas; and location(s) of the stormwater discharges(s);

- c. Description of the soil(s) present at the site;
- d. Construction phasing plan describing the intended sequence of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance. Consistent with the New York Standards and Specifications for Erosion and Sediment Control (Erosion Control Manual), not more than one (1) acre shall be disturbed at any one time unless pursuant to an approved SWPPP;
- e. Description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in stormwater runoff;
- f. Description of construction and waste materials expected to be stored on-site with updates as appropriate, and a description of controls to reduce pollutants from these materials including storage practices to minimize exposure of the materials to stormwater, and spill prevention and response;
- g. Temporary and permanent structural and vegetative measures to be used for soil stabilization, runoff control and sediment control for each stage of the project from initial land clearing and grubbing to project

close-out:

- h. A site map/construction drawing(s) specifying the location(s), size(s) and length(s) of each erosion and sediment control practice;
- i. Dimensions, material specifications and installation details for all erosion and sediment control practices, including the siting- and sizing of any temporary sediment basins;
- j. Temporary practices that will be converted to permanent control measures;
- k. Implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement and duration that each practice should remain in place;
- l. Maintenance schedule to ensure continuous and effective operation of the erosion and sediment control practice;
- m. Name(s) of the receiving water(s);
- n. Delineation of SW PPP implementation responsibilities for each part of the site;
- o. Description of structural practices designed to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable; and
- p. Any existing data that describes the stormwater runoff at the site.

2. Land development activities as defined in Section 1 of this Article and meeting Condition "A", "B" or "C" below shall also include water quantity and water quality controls (post-construction stormwater runoff controls) as set forth in Section 2.2.3 below as applicable:

**Condition A** - Stormwater runoff from land development activities discharging a pollutant of concern to either an impaired water identified on the Department's 303(d) list of impaired waters or a Total Maximum Daily Load (TMDL) designated watershed for which pollutants in stormwater have been identified as a source of the impairment.

**Condition B** - Stormwater runoff from land development activities disturbing five (5) or more acres.

**Condition C** - Stormwater runoff from land development activity disturbing between 10,000 square feet and five (5) acres of land during the course of the project, exclusive of the construction of a single family residence and construction activities at agricultural properties.

3. SWPPP Requirements for Condition A, B and C:

1. All information in Section 17.2.B.1. of this article;
2. Description of each post-construction stormwater management practice;
3. Site map/construction drawing(s) prepared by a land surveyor licensed and registered to practice in the State of New York showing the specific location(s) and size(s) of each post-construction stormwater management

practice;

4. Hydrologic and hydraulic analysis prepared by a professional engineer licensed and registered to practice in the State of New York for all structural components of the stormwater management system for the applicable design storms

5. Comparison of post-development stormwater runoff conditions with pre-development conditions

6. Dimensions, material specifications and installation details for each post-construction stormwater management practice;

7. Maintenance schedule to ensure continuous and effective operation of each post-construction stormwater management practice.

8. Maintenance easements to ensure access to all stormwater management practices at the site for the purpose of inspection and repair. Easements shall be recorded on the plan and shall remain in effect with transfer of title to the property.

9. Inspection and maintenance agreement binding on all subsequent landowners served by the on-site stormwater management measures in accordance with Article 17.4 of this Chapter .

C. Plan Certification

The SWPPP shall be prepared by a landscape architect, certified professional or professional engineer and must be signed by the professional preparing the plan.

who shall certify that the design of all stormwater management practices meet the requirements in this article.

**D. Other Environmental Permits**

The applicant shall assure that all other applicable environmental permits have been or will be acquired for the land development activity prior to approval of the final stormwater design plan.

**E. Contractor Certification**

1. Each contractor and subcontractor identified in the SWPPP who will be involved in soil disturbance and/or stormwater management practice installation shall sign and date a copy of the following certification statement before undertaking any land development activity : "I certify under penalty of law that I understand and agree to comply with the terms and conditions of the Stormwater Pollution Prevention Plan. I also understand that it is unlawful for any person to cause or contribute to a violation of water quality standards."
2. The certification must include the name and title of the person providing the signature, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.
3. The certification statement(s) shall become part of the SWPPP for the land development activity.

F. Plan

A copy of the SWPPP shall be retained at the site of the land development activity during construction from the date of initiation of construction activities to the date of final stabilization.

(6) Section 17.3 of Chapter 17 is hereby amended in its entirety to read as follows:

**Article 17.3. ~~Minimum Design Standards~~ Performance and Design Criteria for Stormwater Management and Erosion and Sediment Control**

~~The October, 1991 edition of the New York Guidelines for Urban Erosion and Sediment Control as promulgated by the United States Department of Agriculture Soil Conservation Service, is hereby incorporated into this Chapter by reference as the minimum design standard for erosion and sediment control.~~

All land development activities shall be subject to the following performance and design criteria:

A. Technical Standards

For the purpose of this article, the following documents shall serve as the official guides and specifications for stormwater management. Stormwater management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this article:

1. The New York State Stormwater Management Design Manual (New York State Department of Environmental Conservation, most current version or its successor, hereafter referred to as the Design Manual);

2. New York Standards and Specifications for Erosion and Sediment Control, (Empire State Chapter of the Soil and Water Conservation Society, 2004, most current version or its successor, hereafter referred to as the Erosion Control Manual).

**B. Equivalence to Technical Standards**

Where stormwater management practices are not in accordance with technical standards, the applicant or developer must demonstrate equivalence to the technical standards set forth in Section 17.3.A and the SWPPP shall be prepared by a licensed professional.

**C. Water Quality Standards**

Any land development activity shall not cause an increase in turbidity that will result in substantial visible contrast to natural conditions in surface waters of the state of New York.

(7) Section 17.4 of Chapter 17 is amended in its entirety to read as follows:

**Article 17.4 ~~Responsibility of Permit Holder and/or Owner~~ Maintenance and Repair of Stormwater Facilities**

~~A. During grading and filling operations the Permit Holder and/or Owner shall be responsible for:~~

~~1. The prevention of damage to any public utilities or the interruption of utility services within the limits of grading and along any routes of travel of the equipment.~~

~~2. The prevention of damage to adjacent property. No person shall grade on land so close to the property line as to endanger any adjoining public street, sidewalk, alley or any public or private property without supporting and protecting such property from settling, cracking or other damage which might result.~~

~~3. Carrying out the proposed work in accordance with the approved plans and in compliance with all the requirements of the permit and this Chapter.~~

~~4. The prompt removal of all soil, miscellaneous debris or other material applied, dumped or otherwise deposited on public streets, highways, sidewalks or other public thoroughfares during transit to and from the construction site where such spillage constitutes a public nuisance or hazard. The construction of a haul road or other approved vehicle cleaning method may be required by the Engineer to prevent the spread of debris on areas that must be kept free of said debris.~~

~~5. All earth changes being designed, constructed and completed in such a manner which shall limit the exposed area of any disturbed land for the shortest possible period of time, within the approved construction sequence.~~

~~6. Sediment caused by accelerated soil erosion being removed from run-off water before it leaves the site of the earth change.~~

~~7. Any temporary or permanent facility designed and constructed for the conveyance of water around, through or from the earth change area being designed to limit the water flow to a non-erosive velocity.~~

~~8. Temporary soil erosion control facilities being removed and earth change areas graded and stabilized with permanent soil erosion control~~



measures:

~~9. Permanent soil erosion control measures for all slopes, channels, ditches or any disturbed land area being completed within five (5) calendar days after final grading or the final earth change has been completed. When it is not possible to permanently stabilize a disturbed area after an earth change has been completed or where significant earth change activity ceases, temporary soil erosion control measures shall be implemented with fifteen (15) calendar days. All temporary soil erosion control measures shall be maintained until permanent soil erosion controls are implemented.~~

~~10. The approved plans and permit being made available for inspection at all times at the site of the earth change.~~

~~11. All earth changes being conducted in such a manner which will effectively reduce accelerated soil erosion and resulting sedimentation.~~

~~B. Following the completion of the site preparation project the owner and all subsequent owners shall be responsible to maintain all permanent anti erosion devices, retaining walls, structures, plantings and the protective devices.~~

**A. Maintenance During Construction**

1. The applicant or developer of the land development activity shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the applicant or developer to achieve compliance with the conditions of this article. Sediment shall be removed from sediment

traps or sediment ponds whenever their design capacity has been reduced by fifty (50) percent.

2. The applicant or developer or their representative shall be on site at all times when construction or grading activity takes place and shall inspect and document the effectiveness of all erosion and sediment control practices. Inspection reports shall be completed every 7 days and within 24 hours of any storm event producing 0.5 inches of precipitation or more. The reports shall be delivered to the Stormwater Management Officer and also copied to the site log book.

**B. Maintenance Easement(s)**

Prior to the issuance of any approval that has a stormwater management facility as one of the requirements, the applicant or developer must execute a maintenance easement agreement that shall be binding on all subsequent landowners served by the stormwater management facility. The easement shall provide for access to the facility at reasonable times for periodic inspection by the City of Syracuse to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this Chapter. The easement shall be recorded by the grantor in the office of the County Clerk after approval by the Corporation Counsel.

**C Maintenance After Construction**

The owner or operator of permanent stormwater management practices installed in accordance with this article shall be operated and maintained to

achieve the goals of this Chapter. Proper operation and maintenance also includes as a minimum, the following:

1. A preventive/corrective maintenance program for all critical facilities and systems of treatment and control (or related appurtenances) which are installed or used by the owner or operator to achieve the goals of this Chapter.
2. Written procedures for operation and maintenance and training new maintenance personnel.
3. Discharges from the SMPs shall not exceed design criteria or cause or contribute to water quality standard violations in accordance with Section 17.3.C.

**D. Maintenance Agreement**

The City of Syracuse shall approve a formal maintenance agreement for stormwater management facilities binding on all subsequent landowners and recorded in the office of the County Clerk as a deed restriction on the property prior to final plan approval. The maintenance agreement shall be consistent with the terms and conditions of Schedule A of this Chapter entitled Sample Stormwater Control Facility Maintenance Agreement.

**Article 17.5. Inspection Review and Enforcement**

- A. The requirements of these regulations shall be enforced by the Director. The Site Preparation Plan shall be reviewed by the

Engineer and approved by the Director. The Director upon the recommendation of the Engineer shall approve, disapprove or require modification of an application for an earth change permit within thirty (30) calendar days following receipt of the completed application or each submission of modified applications. Upon approval, the Director shall provide the Engineer with a copy of the permit. The permit holder shall cause the work to be inspected by a professional engineer to assure compliance with the requirements of these regulations. The Engineer shall inspect each stage of the project, including, but not limited to: 1) start of construction; 2) installation of sediment and erosion control measures; 3) completion of site clearing; 4) completion of rough grading; 5) completion of final grading; 6) close of the construction season; 7) completion of final landscaping; and 8) successful establishment of landscaping in public areas . If the Engineer finds any existing conditions not as stated in any application, grading permit or approved plan, the Engineer may refuse to approve further work until approval of a revised grading plan which will conform to the existing conditions or take actions in accordance with **Chapter 1** of this Code.

B. After completion of the project inspection programs shall be established to be performed either by the City or by an independent inspector holding either a professional engineer's license or a certificate as a Certified Professional in Erosion and Sediment Control, retained by the permit holder, on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than

usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the SPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other stormwater management practices. Reports of said inspections shall be submitted to the City.

**Article 17.6. Failure to Complete Work**

A. In the event of failure to complete the work or failure to comply with all the requirements, conditions and terms of the permit, the Director may order such work as is necessary to eliminate any dangerous conditions and to leave the site in a safe condition, or the Director may order the work authorized by permit to be completed in a safe condition as determined by the Engineer. The applicant posting the certified check or performance bond shall continue to be firmly bound under a continuing obligation for the payment of all necessary costs and expenses that may be incurred or expended by the City in causing any and all such work to be done.

**Article 17.7. Certificate of Occupancy**

A. No Certificate of Occupancy for any building or structure will be issued unless the applicant for said Certificate shall have complied with the requirements of this Chapter and related regulations and shall have completed any defined soil erosion and sediment control measures.

**Article 17.8. Extension of Time**

A. If the applicant is unable to complete the work within the specified time, he/she may, prior to the expiration of the permit, present in writing to the Director a request for an extension of time setting forth the reasons for the requested extension. If in the opinion of the Engineer, such an extension is warranted, the Director may grant additional time for the completion of the work.

**Article 17.9. Modifications of Approved Plans**

A. All modifications of the approved grading plans must be submitted and approved by the Director. All necessary reports shall be submitted with any proposal to modify the approved grading plan. No grading work in connection with any proposed modification shall be permitted without the approval of the Director.

**Article 17.10. Project Closeout**

A. A Certificate of Completion shall be issued by the Director when all of the following have been submitted to the Engineer or verified as specified elsewhere in these regulations, including:

1. Written verification from a New York State licensed land surveyor, professional engineer, registered architect, or landscape architect that the final grading, fill and placement of fill and contours conform to the requirements of the approved site plan.
2. As built plans shall be provided for any stormwater management practices located on-site after final construction is completed. Such plans must show the final design specifications for all stormwater management facilities and must be certified by a professional engineer.

3. In order to ensure the full and faithful completion of all land development activities related to compliance with all conditions set forth by the City's approval of the Stormwater Pollution Prevention Plan, the City may require the applicant or developer to provide, prior to construction, a performance bond, cash escrow, or irrevocable letter of credit from an appropriate financial or surety institution which guarantees satisfactory completion of the project and names the City as the beneficiary. The security shall be in an amount to be determined by the City based on submission of final design plans, with reference to actual construction and landscaping costs. The performance guarantee shall remain in force until the surety is released from liability by the City provided that such period shall not be less than one year from the date of final acceptance or such other certification that the facility(ies) have been constructed in accordance with the approved plans and specifications and that a one year inspection has been conducted and the facilities have been found to be acceptable to the City.. Per annum interest on cash escrow deposits shall be reinvested in the account until the surety is released from liability.

4. Where stormwater management and erosion and sediment control facilities are to be operated and maintained by the developer or by a corporation that owns or manages a commercial or industrial facility, the developer, prior to construction, may be required to provide the City with an irrevocable letter of credit from an approved financial institution or surety to ensure proper operation and maintenance of all stormwater management and erosion control facilities both during and after construction, and until the facilities are removed from operation. If the developer or landowner fails to properly operate and maintain stormwater management and erosion and sediment control

facilities, the City may draw upon the account to cover the costs of proper operation and maintenance, including engineering and inspection costs.

**Article 17.11. Continuing Responsibility**

A. The City may require entities subject to this Code to maintain records demonstrating compliance therewith.

B. The City may require any person undertaking land development activities regulated by this Code to pay reasonable costs at prevailing rates for review of SWPPPs, inspections, or SMP maintenance performed by the City or performed by a third party for the City.

**Article 17.12. Liability**

A. Neither the issuance of permits, under the provisions of this Code, nor the compliance with the provisions hereto, or with any condition imposed by the Director hereunder, shall relieve any person from the responsibility for damage to any persons or property otherwise imposed by law, nor impose any liability upon the City of Syracuse for damages to persons or property.

B. Any violator may be required to restore land to its undisturbed condition. In the event that restorations not undertaken within a reasonable time after notice, the City may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

**Article 17.13. Severability**

Should any section or provision of this Chapter be declared to be unconstitutional or invalid by the courts, such decision shall not affect the validity of the balance of this Chapter.



(8) BE IT FURTHER ORDAINED, that this Ordinance shall take effect immediately.

