

There came on to be heard the matter of amending the “Official Subdivision Regulations for the City of Flowood” Ordinance dated January 18, 2005. Whereupon Alderman Smith moved for the adoption of the following Ordinance:

**ORDINANCE AMENDING PROVISIONS OF THE OFFICIAL SUBDIVISION
REGULATIONS FOR THE CITY OF FLOWOOD**

WHEREAS on January 25, 2005, the City of Flowood, Mississippi (the “City”) adopted an Ordinance establishing its Official Subdivision Regulations; and

WHEREAS the City desires to amend that portion of the Official Subdivision Regulations governing erosion and sediment control/grading; and

WHEREAS the amended Official Subdivision Regulations will establish (1) a requirement that construction site operators submit copies of all permits and/or approvals obtained from the Army Corps of Engineers and/or the Mississippi Department of Environmental Quality/Permit Board for subject sites, (2) a requirement that site plan reviews include consideration of water quality impacts, and (3) procedures for providing educational materials to construction site operators; and

WHEREAS the Mayor and Board of Aldermen of the City find and determine that the amendment to the Official Subdivision Regulations is reasonable and necessary to preserve the environmental health, safety, and welfare of the citizens of the City; and

WHEREAS on October 4, 2021, the Mayor and Board of Alderman of the City set a public hearing for October 25, 2021, to consider amending the Official Subdivision Regulations; and

WHEREAS a notice of the public hearing was published according to law; and

WHEREAS a public hearing was held on October 25, 2021.

THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE BOARD OF ALDERMEN OF THE CITY OF FLOWOOD, MISSISSIPPI that the “Official Subdivision Regulations for the City of Flowood” Ordinance dated January 18, 2005, be and is hereby amended as follows:

Section 1:

ARTICLE VI.

EROSION AND SEDIMENT CONTROL/GRADING
ORDINANCE

SECTION 600. During the construction process, soil is the most vulnerable to erosion by wind and water. This eroded soil endangers

water resources by reducing water quality, and by causing the siltation of aquatic habitat for fish and other desirable species. Eroded soil also necessitates repair of sewers and ditches, as well as the dredging of lakes. In addition, clearing and grading during construction causes the loss of native vegetation necessary for terrestrial and aquatic habitat, and to provide a healthy living environment for citizens of City of Flowood.

SECTION 601. As a result, the purpose of this article is to safeguard persons, protect property, prevent damage to the environment, and promote the public welfare by guiding, regulating, and controlling the design, construction, use, and maintenance of any development or other activity which disturbs or breaks the topsoil or results in the movement of earth on land within the City of Flowood.

SECTION 602 DEFINITIONS

602.01	Best Management Practice	Any technique generally accepted to minimize or prevent erosion in a particular application or site condition, often shortened to BMP.
602.02	Certified Contractor	An individual who has received training and is licensed by the MS Department of Environmental Quality to inspect and maintain erosion and sediment control practices.
602.03	Clearing	Any activity which removes the vegetative surface cover
602.04	Construction Site Operator	Any contractor who is responsible for any clearing, grading, or site development, or responsible for any subcontractor performing these actions.
602.05	Drainage Way	Any channel that conveys surface runoff throughout the site
602.06	Erosion Control	Measures that prevent erosion
602.07	Erosion and Sediment Control Plan	A set of plans prepared by or under the direction of a licensed professional engineer indicating the specific measures and sequencing to be used in controlling sediment and erosion on a development site both before, during, and after construction.
602.08	Grading	Excavation, relocation, or fill of material
602.09	Perimeter Control	Any barrier that prevents sediment from leaving a site either by filtering sediment-laden runoff, or diverting it to a sediment trap or basin
602.10	Phasing	Clearing of an area of land in distinct phases, with the stabilization of each phase occurring before the clearing of the next.
602.11	Sediment Control	Measures to prevent eroded sediment from leaving the site.

602.12	Site	Any parcel of land, or contiguous combination thereof, where grading work is performed as a single, unified operation
602.13	Site Development Permit	A permit issued by the City of Flowood for construction or alteration of ground improvements, as well as structures for the control of erosion, sediment, and runoff.
602.14	Stabilization	The use of practices that prevent exposed soil from eroding.
602.15	Start of Construction	The first land-disturbing activity associated with construction activity, including, but not limited to, land preparation such as clearing, grading, and filling.
602.16	Watercourse	Any body of water, including but not limited to, lakes, ponds, rivers, streams, or bodies of water which are delineated by the City of Flowood.
602.17	Waterway	A channel that directs surface runoff to a watercourse or public storm drain.

SECTION 603 PERMITS

603.01 Requirements

Every site which will have any clearing or grading and not specifically exempted in this section shall have an associated Erosion and Sediment Control plan submitted to and approved by the City of Flowood's designated representative.

603.02 Exempted Activities

No site development permit is required for the following activities:

1. Any emergency activity, which is immediately necessary for the protection of life, property or natural resources.
2. Existing nursery and agricultural operations conducted as a permitted main or accessory use.
3. Residential single family home builders shall submit a plan sheet showing erosion and sediment controls planned to be used. This plan sheet is not required to be prepared or certified by a design professional.

603.03 Application and Fees

Each application shall bear the name(s) and address(es) of the owner or developer of the site, prime contractor working on the site, and of any consulting firm retained by the applicant together with the name of the applicant's principal contact at such firm and shall be accompanied by a filing and review fee in an

amount not to exceed \$100.00.

603.04 Contractor Statement

Each application shall include a statement that any land clearing, construction, or development involving the movement of earth shall be in accordance with the Erosion and Sediment Control Plan, and that a Certified Contractor shall be on site on all days where construction or grading activity takes place.

603.05 Bonds and Letters of Credit

The applicant will be required to file with City of Flowood a faithful performance bond or bonds, letter of credit, or other improvement security in an amount deemed sufficient by City of Flowood to cover all costs of improvements, landscaping, and maintenance of improvements for such period as specified by City of Flowood and engineering and inspection costs to cover the cost of failure or repair of improvements installed on the site.

603.06 Other Agency Permits

Every site developer shall submit all permits and/or approvals obtained from the Army Corps of Engineers and/or the Mississippi Department of Environmental Quality/Permit Board for the subject site.

SECTION 604 REVIEW AND APPROVAL

604.01 Review Process

City of Flowood will review each application for a site development permit to determine its conformance with the provisions of this local regulation, as well as any impacts to water quality. Within thirty (30) days after receiving an application, City of Flowood shall, in writing:

1. Approve the permit application, or;
2. Approve the permit application subject to such reasonable conditions as may be necessary to secure substantially the objectives of this regulation, and issue the permit subject to these conditions, or;
3. Disapprove the permit application, indicating the deficiencies and the procedure for submitting a revised application and/or submission.

SECTION 605 EROSION AND SEDIMENT CONTROL PLAN

605.01 Plan Requirements

The Erosion and Sediment Control Plan shall include:

1. A natural resources map identifying soils, forest cover, and resources protected under other chapters of this code. This map should be at a scale no smaller than 1" = 100'.
2. A sequence of construction of the development site, including stripping and clearing, rough grading, construction of utilities, infrastructure, and buildings, and final grading and landscaping. Sequencing shall identify the expected date on which clearing will begin, the estimated duration of exposure of cleared areas, and the sequence of clearing, installation of temporary erosion and sediment measures, and establishment of permanent vegetation.
3. All erosion and sediment control measures necessary to meet the objectives of this local regulation throughout all phases of construction and permanently, after completion of development of the site. Depending upon the complexity of the project, the drafting of intermediate plans may be required at the close of each season.
4. Seeding mixtures and rates, types of sod, method of seedbed preparation, expected seeding dates, type and rate of lime and fertilizer application, and kind and quantity of mulching for both temporary and permanent vegetative control measures.
5. Provisions for maintenance of control facilities, including easements.

605.02 Modifications to the Plan

1. Major amendments to the erosion and sediment control plan shall be submitted to City of Flowood and shall be processed and approved, or disapproved, in the same manner as the original plans.
2. Field modifications of a minor nature may be authorized by City of Flowood by written authorization to the permittee.

SECTION 606 DESIGN REQUIREMENTS

606.01 Grading erosion control practices, sediment control practices, and waterway crossings shall meet the design criteria set forth in the most recent version of City of Flowood's Erosion and Sediment Control/Grading Ordinance and shall be adequate to prevent transportation of sediment from the site to the satisfaction of City of Flowood.

606.02 Clearing and Grading

1. Clearing and grading of natural resources, such as forest and wetlands, shall not be permitted, except when in compliance with all other chapters of this Code.
2. Clearing techniques that retain natural vegetation and retain natural drainage patterns, as described in Planning & Design Manual for the Control of Erosion, Sediment & Storm water, shall be used to the satisfaction of City of Flowood.
3. Phasing shall be required on all sites disturbing greater than thirty (30) acres, with the size of each phase to be established during plan review and as approved by City of Flowood.
4. Clearing, except that necessary to establish sediment control devices, shall not begin until all sediment control devices have been installed and have been stabilized.
5. Cut and fill slopes shall be no greater than 3:1, except as approved by City of Flowood to meet other community or environmental objectives.
6. At a minimum, all silt fences shall be installed using metal T-posts. No silt fences may be installed using wood posts.

606.03 Erosion Control

1. Soil must be stabilized within five (5) days of clearing or inactivity in construction.
2. If vegetative erosion control methods, such as seeding, have not become established within two (2) weeks, City of Flowood may require that the site be reseeded, or that a non-vegetative option be employed.
3. On steep slopes or in drainage ways, special techniques that meet the design criteria outlined in Planning & Design Manual for the Control of Erosion, Sediment & Storm water shall be used to ensure stabilization.
4. Soil stockpiles must be stabilized or covered at the end of each workday.
5. At the close of the construction season, the entire site must

be stabilized, using heavy mulch layer, or another method that does not require germination to control erosion.

6. Techniques shall be employed to prevent the blowing of dust or sediment from the site.
7. Techniques that divert upland runoff past disturbed slopes shall be employed.

606.04 Sediment Controls

1. Sediment controls shall be provided in the form of settling basins or sediment traps or tanks, and perimeter controls.
2. Where possible, settling basins shall be designed in a manner that allows adaptation to provide long-term stormwater management.
3. Adjacent properties shall be protected using a vegetated buffer strip, in combination with perimeter controls.

606.05 Waterways and Watercourses

1. When a wet watercourse must be crossed regularly during construction, a temporary stream crossing shall be provided, and an approval obtained from the appropriate governmental agency.
2. When in-channel work is conducted, the channel shall be stabilized before, during and after work.
3. All on-site storm water conveyance channels shall be designed according to the criteria outlined in Planning & Design Manual for the Control of Erosion, Sediment & Storm water.
4. Stabilization adequate to prevent erosion must be provided at the outlets of all pipes and paved channels.

606.06 Construction Site Access

1. A temporary access road shall be provided at all sites.

2. Other measures may be required at the discretion of City of Flowood to ensure that sediment is not tracked onto public streets by construction vehicles or washed into storm drains.
3. It shall be the responsibility of the developer to ensure that construction siltation is cleaned from the public road access at the end of each workday. If the developer or his contractor does not maintain a clean access drive, he shall be issued a stop work order until such clean-up is complete.

SECTION 607 CONSTRUCTION SITE OPERATOR EDUCATION

607.01 Requirement for Training

No site development permit shall be issued without the appropriate construction site operator first being trained by the City of Flowood in proper erosion and sediment control techniques.

607.02 Contents of Training

The City shall provide training to each contractor working in the City of Flowood on any site that requires a site development permit. The training will take place on City of Flowood premises at a location to be determined by the Public Works Director, the City Engineer, or the mayor's other designee, and will consist of, at a minimum:

1. Various BMPs for controlling erosion during construction and their proper installation and maintenance, as outlined in the *Mississippi Handbook for Erosion Control, Sediment Control, and Stormwater Management on Construction Sites and Urban Areas (2011)*.
2. Various BMPs for proper permanent stabilization of a site to transition to a post-construction site as outlined in the *Mississippi Handbook for Erosion Control, Sediment Control, and Stormwater Management on Construction Sites and Urban Areas (2011)*.
3. BMP inspection and documentation requirements.
4. Techniques and timelines for remedying failed erosion control measures.
5. Penalties for failing to conform to the requirements of this ordinance.

SECTION 608 INSPECTION

608.01 Notifications

City of Flowood or designated agent shall make inspections as hereinafter required and shall either approve that portion of the work completed or shall notify the permittee where the work fails to comply with the erosion and sediment control plan as approved. Plans for grading, stripping, excavating, and filling work bearing the stamp of approval of City of Flowood shall be maintained at the site during the progress of the work. To obtain inspections, the permittee shall notify City of Flowood at least two (2) working days before the following:

1. Start of Construction
2. Erosion and sediment control measures are in place and stabilized
3. Site Clearing has been completed
4. Rough Grading has been completed
5. Final Grading has been completed
6. Close of the Construction Season
7. Final Landscaping

608.02 Construction Site Operator Inspections

The permittee or his/her agent shall make regular inspections of all control measures in accordance with the inspection schedule outlined on the approved erosion and sediment control plan(s). Inspections should be performed after each rainfall event that causes a discharge from the site. If no rainfall event occurs during a week, at least one inspection is required for that week. The purpose of such inspections will be to determine the overall effectiveness of the control plan, and the need for additional control measures. All inspections shall be documented in written form and submitted to City of Flowood at the time interval specified in the approved permit.

608.03 City of Flowood Access

City of Flowood or its designated agent shall enter the property of the applicant as deemed necessary to make regular inspections to ensure the validity of the reports.

SECTION 609 ENFORCEMENT

609.01 Stop-Work Order; Revocation of Permit

If any person holding a site development permit pursuant to this ordinance violates the terms of the permit or implements site development in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood or development site so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, City of Flowood may suspend or revoke the site development permit.

609.02 Violation and Penalties

No person shall construct, enlarge, alter, repair, or maintain any grading, excavation, or fill, or cause the same to be done, contrary to or in violation of any terms of this ordinance. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and each day during which any violation of any of the provisions of this ordinance is committed, continued or permitted, shall constitute a separate offense. Upon conviction of any such violation, such person, partnership, or corporation shall be punished by a fine of not less than \$100 (one hundred dollars) and not more than \$1000 (one thousand dollars), or by imprisonment for not more than six months, or both, for each separate offense. In addition to any other penalty authorized by this section, any person, partnership, or corporation convicted of violating any of the provisions of this ordinance shall be required to bear the expense of such restoration.

SECTION 610 SEPARABILITY

The provisions and sections of this ordinance shall be deemed to be separable, and the invalidity of any portion of this ordinance shall not affect the validity of the remainder.

Section 2: All provisions of the “Official Subdivision Regulations for the City of Flowood” Ordinance in conflict with the provisions of this Ordinance are hereby repealed.

Section 3: In order to preserve the health, safety, and welfare of the community, upon unanimous vote, this Ordinance shall go into effect immediately upon adoption. In the event the

vote to adopt this Ordinance is less than unanimous, this Ordinance shall go into effect thirty (30) days after the adoption hereof.

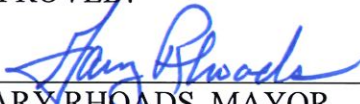
ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN in the City of Flowood, Rankin County, Mississippi at a meeting held on the 25th day of October 2021.

Alderman Robbins seconded the motion to adopt the foregoing ordinance, same having been first reduced to writing, and the question was put to a roll call vote, and the result was as follows:

Alderman Harmon	Voted: AYE
Alderman Smith	Voted: AYE
Alderman Flynt	Voted: AYE
Alderman Robbins	Voted: AYE
Alderman McDaniel	Voted: NOT PRESENT

The motion having received the unanimous affirmative vote of all present members of the Board of Aldermen of the City of Flowood, Rankin County, Mississippi, the Mayor declared the motion carried and the Ordinance adopted this the 25th day of October 2021.

APPROVED:



GARY RHOADS, MAYOR

ATTEST:



JOSH CARLISLE, CLERK

