

Chapter 16  
**SOIL EROSION AND SEDIMENTATION CONTROL**

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16.01     **FINDINGS AND PURPOSE**

A.     Findings: The Village Board hereby finds that:

1.     Excessive quantities of soil may erode from areas undergoing development for certain non-agricultural uses, including, but not limited to, the construction of dwelling units, commercial buildings, the building of roads and highways, the modification of stream channels and drainage ways, and the creation of recreational facilities;
2.     The washing, blowing and falling of eroded soil across and upon roadways endangers the health and safety of users thereof by decreasing vision and reducing traction of road vehicles;
3.     Soil erosion necessitates the costly repairing of gullies, washed-out fills and embankments;
4.     Sediment from soil erosion tends to clog sewers and ditches and to pollute and silt rivers, streams, lakes, wetlands and reservoirs;
5.     Sediment limits the use of water and waterways for most beneficial purposes, promotes the growth of undesirable aquatic weeds, destroys fish and other desirable aquatic life and is costly and difficult to remove; and
6.     Sediment reduces the channel capacity of waterways and the storage capacity of floodplains, resulting in increased chances of flooding at risk to public health and safety.

B.     Purpose: The Village Board therefore declares that the purpose of this Chapter 16 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 otherwise results in the movement of earth on land situated in the Village. **It is the intention of this Chapter 16 that the delivery of sediment from sites affected by land disturbing activities be limited, as**

closely as practicable, to that which would have occurred if the land had been left in its natural undisturbed state.

## 16.02 DEFINITIONS

In addition to terms defined elsewhere in this Code, terms used in this Chapter 16 are defined as follows:

**Building Permit:** A permit issued by the Village for the construction, erection or alteration of a structure or building.

**Certify or Certification:** Formally attesting that the specific inspections and tests where required have been performed and that such tests comply with the applicable requirements of this Chapter 16.

**Clearing:** Any activity which removes vegetative ground cover.

**Cubic Yards:** The amount of material in excavation and/or fill measured by the method of "average and areas."

**Excavation:** Any act by which organic matter, earth, sand, gravel, rock or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed and shall include the conditions resulting therefrom.

**Existing Grade:** The vertical location of the existing ground surface prior to excavation or filling.

**Fill:** Any act by which earth, sand, gravel, rock or any other material is deposited, placed, replaced, pushed, dumped, pulled, transported or moved by man to a new location and shall include the conditions resulting therefrom.

**Final Grade:** The vertical location of the ground or pavement surface after the grading work is completed in accordance with the site development plan.

**Grading:** Excavation or fill or any combination thereof and shall include the conditions resulting from any excavation or fill.

**Natural Drainage:** Channels formed in the existing surface topography of the earth prior to changes made by unnatural causes.

**Parcel:** All contiguous land in one ownership.

**Permittee:** Any person to whom a site development permit is issued.

**Person:** Any individual, firm or corporation, public or private, the State of Illinois and its agencies or political subdivisions, and the United States of American, its agencies and instrumentalities, and any agent, servant, officer or employee or any of the foregoing.

**Removal:** Cutting vegetation to the ground to stumps, complete extraction or killing by spraying.

**Site:** A lot or parcel of land, or a contiguous combination thereof, where grading work is performed as a single unified operation.

**Site Development:** Altering terrain and/or vegetation and constructing improvements.

**Site Development Permit:** A permit issued by the Village for the construction or alteration of ground improvements and structures for the control of erosion, runoff and grading.

**Stream:** Any river, creek, brook, branch, flowage, ravine or natural or man-made drainageway which has a definite bed and banks or shoreline, in or into which surface or groundwater flows, either perennially or intermittently, typically shown on 7.5 minute maps of the U.S. Geology Survey (USGS).

**Stripping:** Any activity which removes the vegetative surface cover including tree removal, clearing and storage or removal of topsoil.

**Vacant:** Land on which there are no structures or only structures which are secondary to the use or maintenance of the land itself.

**Village:** Village of Bull Valley, McHenry County, Illinois.

**Wetlands:** Areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adopted for life in saturated soil conditions.

U.S. Army Corps of Engineers base maps or McHenry County Natural Resource Conservation Service base maps give preliminary findings on the existence of wetlands. The delineation of a wetland specialist, accepted by the Village Board, shall also be recognized as wetlands.

**Zoning Officer:** The duly appointed Zoning Officer of the Village.

### **16.03 GENERAL PRINCIPLES**

It is the objective of this Chapter 16 to control soil erosion and sedimentation caused by development activities, including clearing, grading, stripping, excavating and filling of land, in the Village. Measures taken to control soil erosion and offsite sediment runoff should be adequate to assure that sediment is not transported from the site by a storm event of 10-year frequency or less.

The following principles shall apply to all development activities within the Village and to the preparation of the submissions required under Section 16.05 herein:

1. Development should be related to the topography and soils of the site so as to create the least potential for erosion. Areas of steep slopes where high cuts and fills may be required should be avoided wherever possible, and natural contours should be followed as closely as possible.
2. Natural vegetation should be retained and protected wherever possible. Areas immediately adjacent to natural watercourses, lakes, ponds and wetlands should be left undisturbed wherever possible. Temporary crossings of watercourses, when permitted, must include appropriate stabilization measures. An undisturbed 40 foot buffer of vegetation shall be retained on relatively flat land of 0-5 percent slope. A buffer width to be determined by the Village should be retained on lands exceeding five percent slope.
3. Special precautions should be taken to prevent damages resultant from any necessary development activity within or adjacent to any stream, lake, pond or wetland. Preventative measures should reflect the sensitivity of these areas to erosion and sedimentation.
4. The smallest practical area of land should be exposed for the shortest practical time during development.
5. Sediment basins or traps, filter barriers, diversions and any other appropriate sediment or runoff control measures should be installed prior to site clearing and grading and maintained to remove sediment from run-off waters from land undergoing development.
6. The selection of erosion and sedimentation control measures should be based on assessment of the probable frequency of climatic and other events likely to contribute to erosion, and on evaluation of the risks, costs and benefits involved.
7. In the design of erosion control facilities and practices, aesthetics and the requirements of continuing maintenance should be considered.
8. Provision should be made to accommodate the increased runoff caused by changed soil and surface conditions during and after development. Drainage ways should be designed so that their final gradients and the resultant velocities and rates of discharge will not create additional erosion onsite or downstream.
9. Permanent vegetation and structures should be installed and functional as soon as practical during development.
10. Those areas being converted from agricultural purposes to other land uses should be vegetated with an appropriate protective cover prior to development.

11. All waste generated as a result of site development activity should be properly disposed of and should be prevented from being carried off the site by either wind or water.
12. All construction sites should provide measures to prevent sediment from being tracked onto public or private roadways.

**16.04 SITE DEVELOPMENT PERMIT**

A. Permit Required: Except as otherwise provided in this Chapter 16, no person shall commence or perform any grading, stripping, excavating or filling of land which meets the following provisions without having first obtained a site development permit from the Village:

1. Any land disturbing activity (i.e., clearing, grading, stripping, excavation, fill or any combination thereof) that will affect an area in excess of 5,000 square feet;
2. Any land disturbing activity that will affect an area in excess of 500 square feet if the activity is within 40 feet of a lake, pond, stream or wetland; or
3. Excavation, fill or any combination thereof that will exceed 50 cubic yards.

B. Exceptions: A permit shall not be required for any of the following provided that the person responsible for any such development shall implement necessary soil erosion and sediment control measures to satisfy the principles set forth in Section 16.03 herein. In these cases the person responsible for development shall submit a signed copy of the principles listed in Section 16.03 herein to the Village Clerk's Office. No fee is required.

1. Excavation below final grade for the basement and footings of a single-family residence and appurtenant structures on a site in excess of two acres for which a building permit has been issued by the Village;
2. Agricultural use of land, including the implementation of conservation measures included in a farm conservation plan approved by the Soil and Water Conservation District and including the construction of agricultural structures;
3. Installation, renovation or replacement of a septic system to serve an existing dwelling or structure;
4. Resurfacing of a gravel driveway not involving additional excavation or grading.

C. Application for Permit: Application for a site development permit shall be made by the owner of the property or his authorized agent to the Village on a form furnished for that purpose. Each application shall bear the name(s) and address(es) of the owner or developer of 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 fee of \$50.00. Each application shall include certification that any land clearing, construction or development involving the movement of earth shall be in accordance with the plans approved upon issuance of the permit.

D. Submissions: Each application for a site development permit shall be accompanied by the following information:

1. A vicinity map in sufficient detail to enable easy location in the field of the site for which the permit is sought, and including the boundary line and approximate acreage of the site, existing zoning and a legend and scale.
2. A development plan of the site showing:
  - a. Existing topography of the site and adjacent land within approximately 100 feet of the boundaries, drawn at no greater than 2-foot contour intervals and clearly portraying the conformation and drainage pattern of the area.
  - b. The location of existing buildings, structures, utilities, streams, lakes, floodplains, wetlands and depressions, drainage facilities, vegetative cover, paved areas and other significant natural or man-made features on the site and adjacent land within 100 feet of the boundary.
  - c. A general description of the predominant soil types on the site, their location and their limitations for the proposed use.
  - d. Proposed use of the site, including present development and planned utilization; areas of clearing, stripping, grading, excavation and filling; proposed contours, finished grades and street profiles; provisions for storm drainage, including storm sewers, swales, detention basins and any other measures to control the rate of runoff, with a drainage area map, indications of flow directions, and computations; kinds and locations of utilities; and areas and acreages proposed to be paved, covered, sodded or seeded, vegetatively stabilized or left undisturbed.
3. An erosion and sedimentation control plan showing all measures necessary to meet the objectives of this Chapter 16 throughout all phases of construction and permanently after completion of development of the site, including:

- a. Location and description, including standard details, of all sediment control measures and design specifics of sediment basins and traps, including outlet details.
  - b. Location and description of all soil stabilization and erosion control measures including seeding mixtures and rates, types of sod, method of seed bed preparation, expected seeding dates, type and rate of lime and fertilizer application, kind and quantity of mulching for both temporary and permanent vegetative control measures and types of non-vegetative stabilization measures.
  - c. Location and description of all runoff control measures, including diversions, waterways and outlets.
  - d. Location and description of methods to prevent tracking of sediment offsite, including construction entrance details, as appropriate.
  - e. Description of dust and traffic control measures.
  - f. Locations of stockpiles and description of stabilization methods.
  - g. Description of off-site fill or borrow volumes, locations and methods of stabilization.
  - h. Provisions for maintenance of control measures, including type and frequency of maintenance, easements and estimates of the cost of maintenance.
  - i. Identification of the person(s) or entity which will have legal responsibility for maintenance of erosion control structures and measures during development and after development is completed.
4. The proposed phasing of development of the site, including stripping and clearing, rough grading and construction and final grading and landscaping. Phasing should identify the expected date on which clearing will begin; the estimated duration of exposure of cleared areas; and the sequence of installation of temporary sediment control measures (including perimeter controls), clearing and grading, installation of temporary soil stabilization measures, installation of storm drainage, paving streets and parking areas, final grading and the establishment of permanent vegetative cover, and the removal of temporary measures. It shall be the responsibility of the applicant to notify the Village of any significant changes which occur in the site development schedule after the initial erosion and sediment control plan has been approved.

These submissions shall be prepared in accordance with the standards and requirements of this Chapter 16 and the standards and requirements contained in *Standards and Specifications for Soil Erosion and Sediment Control* (the Yellow Book) published by the IEPA and the *Illinois Procedures and Standards for Urban Soil Erosion and Sedimentation Control* (the Green Book) prepared by the Northeastern Illinois Soil Erosion and Sedimentation Control Steering Committee and adopted by the McHenry County Soil and Water Conservation District, which standards and requirements are hereby incorporated into this Chapter 16 by reference.

The Village may waive specific requirements for the content of submissions upon finding that the information submitted is sufficient to show that the work will comply with the objectives and principles of this Chapter 16.

5. Letter of Credit: The applicant may be required to file with the Village a letter of credit satisfactory to the Village Attorney in an amount deemed sufficient by the Village Engineer to cover all costs of improvements, landscaping, maintenance of improvements and landscaping, and soil erosion and sediment control measures for such period as specified by the Village, and engineering and inspection costs to cover the cost of failure or repair of improvements installed on the site.
6. Review and Approval: Each application for a site development permit shall be reviewed and acted upon according to the following procedures:
  - a. The Village will review each application for a site development permit to determine its conformance with the provisions of Chapter 16. The Village may also refer any application to the McHenry County Soil and Water Conservation District and/or any other local government or public agency within whose jurisdiction the site is located for review and comment.

Within 30 days after receiving an application, the Village shall, in writing:

- I. Approve the permit application if it is found to be in conformance with the provisions of Chapter 16, and issue the permit;
- II. Approve the permit application subject to such reasonable conditions as may be necessary to secure substantially the objectives of Chapter 16, and issue the permit subject to these conditions; or



- III. Disapprove the permit application, indicating the deficiencies and the procedure for submitting a revised application and/or submission.
    - b. No site development permit shall be issued for an intended development site unless:
      - I. The development, including but not limited to subdivisions and planned development, has been approved by the Village where applicable, or
      - II. Such permit is accompanied by or combined with a valid building permit issued by the Village, or
      - III. The proposed earth moving is coordinated with any overall development program previously approved by the Village for the area in which the site is situated; and
      - IV. All relevant federal and state permits (i.e., for floodplains and wetlands) have been received for the portion of the site subject to soil disturbance.
    - c. Failure of the Village to act on an original or revised application within 30 days of receipt shall authorize the applicant to proceed in accordance with the plans as filed unless such time is extended by agreement between the Village and the applicant. Pending preparation and approval of a revised plan, development activities shall be allowed to proceed in accordance with conditions established by the Village.
- 7. Expiration of Permit: Every site development permit shall expire and become null and void if the work authorized by such permit has not been commenced within 180 days, or is not completed by a date which shall be specified in the permit; except that the Village may, if the permittee presents satisfactory evidence that unusual difficulties have prevented work being commenced or completed within the specified time limits, grant a reasonable extension of time if written application is made before the expiration date of the permit. The Village may require modification of the erosion control plan to prevent any increase in erosion or offsite sediment runoff resulting from any extension.
- 8. Appeals: The applicant, or any person or agency which received notice of the filing of the application, may appeal the decision of the Village as provided in Section 16.04-D-6 to the Zoning Board of Appeals. Upon receipt of an appeal, the Zoning Board of Appeals shall schedule and hold a public hearing, after giving 15 days notice thereof. The Zoning Board of

Appeals shall render a decision within 30 days after the hearing. Factors to be considered on review shall include, but need not be limited to, the effects of the proposed development activities on the surface water flow to tributary and downstream lands, any comprehensive watershed management plans, or the use of any retention facilities; possible saturation of fill and unsupported cuts by water, both natural and domestic; runoff surface waters that produce erosion and silting or drainage ways; nature and type of soil or rock which, when disturbed by the proposed development activities, may create earth movement and produce slopes that cannot be landscaped; and excessive and unnecessary scarring of the natural landscape through grading or removal of vegetation.

- a. Retention of Plans: Plans, specifications and reports for all site developments shall be retained in original form or on microfilm by the Village.

#### 16.05 **DESIGN AND OPERATION STANDARDS AND REQUIREMENTS**

A. Applicability: All clearing, grading, stripping, excavating and filling which is subject to the permit requirements of Chapter 16 shall be subject to the applicable standards and requirements set forth in this Section 16.05.

B. Responsibility: The permittee shall not be relieved of responsibility for damage to persons or property otherwise imposed by law, and the Village or its officers or agents will not be made liable for such damage, by:

1. The issuance of a permit under this Chapter 16; or
2. Compliance with the provisions of that permit or with conditions attached to it by the Village; or
3. Failure of Village officials to observe or recognize hazardous or unsightly conditions; or
4. Failure of Village officials to recommend denial of or to deny a permit; or
5. Exemptions from the permit requirements of this Chapter 16.

C. Site Design Requirements:

1. On-site sediment control measures, as specified by the following criteria, shall be constructed and functional prior to initiating clearing, grading, stripping, excavating or fill activities on the site.

- a. For disturbed areas draining less than one acre, filter barriers (including filter fences, straw bales or equivalent control measures) shall be constructed to control all offsite runoff as specified in referenced handbooks and approved by the Zoning Officer. Vegetated filter strips, with a minimum width of 25 feet, may be used as an alternative only where runoff in sheet flow is expected.
  - b. For disturbed areas draining more than one acre but less than five acres, a sediment trap or equivalent control measure shall be constructed at the downslope point of the disturbed area.
  - c. Sediment basins and sediment traps designs shall provide for both detention storage and sediment storage. The detention storage shall be composed of equal volumes of "wet" detention storage and "dry" detention storage and shall be sized for the two-year, 24-hour runoff from the site under maximum runoff conditions during construction. The release rate of the basin shall be that rate required to achieve minimum detention times of at least 10 hours. The elevation of the outlet structure shall be placed such that it only drains the dry detention storage.
  - d. The sediment storage shall be sized to store the estimated sediment load generated from the site over the duration of the construction period with a minimum storage equivalent to the volume of sediment generated in one year. For construction periods exceeding one year, the one-year sediment load and a sediment removal schedule may be substituted.
2. Storm water conveyance channels, including ditches, swales and diversions, and the outlets of all channels and pipes shall be designed and constructed to withstand the expected flow velocity from the 10-year frequency storm without erosion. All constructed or modified channels shall be stabilized within 48 hours, consistent with the following standards:
- a. For grades up to four percent, seeding in combination with mulch, erosion blanket or an equivalent control measure shall be applied. Sod or erosion blanket or mat shall be applied to the bottom of the channel.
  - b. For grades of four to eight percent, sod or an equivalent control measure shall be applied in the channel.
  - c. For grades greater than eight percent, rock, riprap or an equivalent control measure shall be applied, or the grade shall be effectively reduced using drop structures.

3. Disturbed areas shall be stabilized with temporary or permanent measures within seven calendar days following the end of active disturbance, or redisturbance, consistent with the following criteria:
  - a. Appropriate temporary or permanent stabilization measures shall include seeding, mulching, sodding and/or non-vegetative measures.
  - b. Areas having slopes greater than 12 percent shall be stabilized with sod, mat or blanket in combination with seeding, or equivalent.
4. Land disturbance activities in stream channels shall be avoided, where possible. If disturbance activities are unavoidable, the following requirements shall be met:
  - a. Construction vehicles shall be kept out of the stream channel to the maximum extent practicable. Where construction crossings are necessary, temporary crossings shall be constructed of non-erosive material, such as riprap or gravel.
  - b. The time and area of disturbance of stream channels shall be kept to a minimum. The stream channel, including bed and banks, shall be restablized within 48 hours after channel disturbance is completed, interrupted or stopped.
  - c. Whenever channel relocation is necessary, the new channel shall be constructed in the dry and fully stabilized before flow is diverted.
5. Storm sewer inlets and culverts shall be protected by sediment traps or filter barriers meeting accepted design standards and specifications.
6. Soil storage piles containing more than 10 cubic yards of material shall not be located with a downslope drainage length of less than 25 feet to a roadway or drainage channel. Filter barriers, including straw bales, filter fence or equivalent, shall be installed immediately on the downslope side of the piles.
7. If dewatering devices are used, discharge locations shall be protected from erosion. All pumped discharges shall be routed through appropriately designed sediment traps or basins, or equivalent.
8. Each site shall have graveled (or equivalent) entrance roads, access drives and parking areas of sufficient length and width to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a

public or private road shall be removed by shoveling or street cleaning (not flushing) before the end of each workday and transported to a controlled sediment disposal area.

9. All temporary and permanent erosion and sediment control practices must be maintained and repaired as needed to assure effective performance of their intended function.
10. All temporary erosion and sediment control measures shall be disposed of within 30 days after final site stabilization is achieved with permanent soil stabilization measures. Trapped sediment and other disturbed soils resulting from the disposition of temporary measures should be permanently stabilized to prevent further erosion and sedimentation.
11. Restoration of disturbed vegetation is recommended to incorporate deep rooted native vegetation. (Seed list of native vegetation will be distributed by the Village Clerk with the application.)

D. Handbooks Adopted by Reference: The standards and specifications contained in *Standards and Specifications for Soil Erosion and Sediment Control* (the Yellow Book) and the *Illinois Procedures and Standards for Urban Soil Erosion and Sedimentation Control* (the Green Book) cited in Section 16.04, are hereby incorporated into this Section 16.05 and made a part hereof by reference for the purpose of delineating procedures and methods of operation under site development and erosion and sedimentation control plans approved under Section 16.04. In the event of conflict between provisions of said manual and of this Chapter 16, this section shall govern.

E. Inspection: The Village shall make inspections as hereinafter required and shall either approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with the site development or erosion and sedimentation control plan as approved. Plans for grading, stripping, excavating and filling work bearing the stamp of approval of the Village shall be maintained at the site during progress of the work. In order to obtain inspections and to ensure compliance with the approved erosion and sediment control plan, the grading or building permit, and this Chapter 16, the permittee shall notify the Village at least two working days before the completion of the construction stages specified below:

1. Upon completion of installation of sediment and runoff control measures (including perimeter controls and diversions), prior to proceeding with any other earth disturbance or grading,
2. After stripping and clearing,
3. After rough grading,
4. After final grading,

5. After seeding and landscaping deadlines, and
6. After final stabilization and landscaping, prior to removal of sediment controls.

If stripping, clearing, grading and/or landscaping are to be done in phases or areas, the permittee shall give notice and request inspection at the completion of each of the above work stages in each phase or area. If an inspection is not made and notification of the results given within five working days after notice is received by the Village from the permittee, the permittee may continue work at his own risk, without presuming acceptance by the Village. Notification of the results of the inspection shall be given in writing at the site.

F. Special Precautions:

1. If, at any state of the grading of any development site, the Village determines by inspection that the nature of the site is such that further work authorized by an existing permit is likely to imperil any property, public way, stream, lake, wetland or drainage structure, the Village may require, as a condition of allowing the work to be done, that such reasonable special precautions to be taken as is considered advisable to avoid the likelihood of such peril. "Special precautions" may include, but shall not be limited to, a more level exposed slope, construction of additional drainage facilities, berms, terracing, cribbing or compaction, installation of plant materials for erosion control and recommendations of a registered soils engineer and/or engineering geologist, which may be made requirements for further work.
2. Where it appears that storm damage may result because the grading on any development site is not complete, work may be stopped and the permittee required to install temporary structures or take such other measures as may be required to protect adjoining property or the public safety. On large developments or where unusual site conditions prevail, the Village may specify the time of starting grading and time of completion or may require that the operations be conducted in specific stages so as to insure completion of protective measures or devices prior to the advent of seasonal rains.

G. Amendment of Plans: Major amendments of the site development or erosion and sedimentation control plans shall be submitted to the Village and shall be processed and approved or disapproved in the same manner as the original plans. Field modifications of a minor nature may be authorized by the Village by written authorization to the permittee.

A. Exceptions: The Zoning Board of Appeals may, in accordance with the following procedures, authorize exceptions to any of the requirements and regulations set forth in Chapter 16 herein:

1. Application for any exception shall be made by a verified petition of the applicant for a site development permit, stating fully the grounds of the petition and the facts relied upon by the applicant. Such petition shall be filed with the site development permit application. In order for the petition to be granted, it shall be necessary that the Zoning Board of Appeals find all of the following facts with respect to the land referred to in the petition:
  - a. That the land is of such shape or size or is affected by such physical conditions or is subject to such title limitations of record that it is impossible or impractical for the applicant to comply with all of the requirements of this Chapter 16;
  - b. That the exception is necessary for the preservation and enjoyment of a substantial property right of the applicant; and
  - c. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the vicinity of the subject property.
2. Each application for an exception shall be referred to the Village for review. The Village Engineer shall transmit his recommendations to the Zoning Board of Appeals, which shall review such recommendations prior to granting or denying the exception.
3. The Zoning Board of Appeals shall hold a public hearing on each application for exception within 30 days after receiving application, in the manner provided with respect to appeals. After public hearing, the Zoning Board of Appeals may approve the site development permit application with the exceptions and conditions it deems necessary or it may disapprove such site development permit application and exception application or it may take such other action as deemed appropriate.

B. Stop-Work Order; Revocation of Permit: In the event any person holding a site development permit pursuant to this Chapter 16 violates the terms of the permit, or carries on site development in such a manner as to materially adversely affect the health, welfare or safety of persons residing or working in the neighborhood of the development site, or so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the Village may suspend or revoke the site development permit.

1. Suspension of a permit shall be by a written stop-work order issued by the Village and delivered to the permittee or his agent or the person performing the work. The stop-work order shall be effective immediately, shall state the specific violations cited and shall state the conditions under which work may be resumed. A stop-work order shall remain in effect until the Zoning Board of Appeals conducts a hearing pursuant to Section 16.06-B-2 herein.
2. No site development permit shall be permanently suspended or revoked until a hearing is held by the Zoning Board of Appeals. Written notice of such hearing shall be served on the permittee, either personally or by registered or certified mail, and shall state:
  - a. The grounds for complaint or reasons for suspension or revocation, in clear and concise language.
  - b. The date, time and place where such hearing will be held.

Such notice shall be served on the permittee at least five days prior to the date set for the hearing. At such hearing the permittee shall be given the opportunity to be heard and may call witnesses and present evidence on his behalf. At the conclusion of the hearing, the Zoning Board of Appeals shall determine whether the permit shall be suspended or revoked.

C. Violations 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 Chapter. Any person violating any of the provisions of this Chapter shall be deemed guilty of a misdemeanor, and each day during which any violation of any of the provisions of this Chapter 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 pursuant to Appendix A of this Code for each offense. In addition to any other penalty authorized by this Chapter, any person, partnership or corporation convicted of violating any of the provisions of this Chapter 16 shall be required to restore the site to the condition existing prior to commission of the violation, or to bear the expense of such restoration, and pay for the Village's cost of prosecution including attorney fees. *Amended, Ord. 1998-99-15*