



## Legislation Text

---

**File #:** ORD. 2019-066, **Version:** 1

---

To amend City Code § 14-152, concerning permits and fees for erosion and sediment control; and to amend and reordain Appendix A of the City Code by adding therein a new fee for § 14-152(c).

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That section 14-152 of the Code of the City of Richmond (2015) be and is hereby **amended** and reordained as follows:

**Sec. 14-152. Permits and fees.**

(a) No person may engage in any land-disturbing activity until such person has obtained a Richmond Stormwater Management Program Permit issued under article V of this chapter, or, for land-disturbing activities that will occur within the city's combined sewer system service area, or for land-disturbing activities that will occur within the city's separate storm sewer system service area that require compliance with this article but not with article V of this chapter, until such person has obtained a land-disturbing permit from the Administrator.

(b) Prior to the issuance of a Richmond Stormwater Management Program Permit issued pursuant to article V of this chapter or a land-disturbing permit, a building permit or a demolition permit, the Administrator must have approved the erosion and sediment control plan as conforming to this article.

(c) An administrative fee as set forth in Appendix A to this Code shall be paid to the city at the time of submission of the erosion and sediment control application if land-disturbing activities will occur within the combined sewer system service area or within the city's separate storm sewer system service area pursuant to this article. If land-disturbing activity will occur such that a Richmond Stormwater Management Program Permit must be obtained pursuant to article V of this chapter, the applicant shall pay the fee for the Richmond Stormwater Management Program Permit approval as set forth in Appendix A to this Code. Any person who has obtained a land-disturbing permit issued in

accordance with subsection (a) of Section 14-150 and whose erosion and sediment control plans are revised after any such permit is issued shall pay a revised plans fee as set forth in Appendix A to this Code.

(d) No Richmond Stormwater Management Program Permit issued pursuant to article V of this chapter shall be issued unless and until the applicant submits with his or her application an approved erosion and sediment control plan and certification that the plan will be followed.

(e) The Administrator may require any applicant for a land-disturbing permit to allow land-disturbing activities within the combined sewer system service area or within the city's separate storm sewer system service area to provide the city with a performance bond, a cash escrow, or an irrevocable letter of credit acceptable to the, to ensure that the city can take measures at the applicant's expense if the applicant fails, after proper notice, and within the time specified to initiate or maintain appropriate conservation measures required of him by the approved plan as a result of his land-disturbing activity.

(f) The amount of the bond or other security for performance provided by subsection (e) shall not exceed the total of the estimated cost to initiate and maintain appropriate conservation action based on unit price for new public or private sector construction in the city and a reasonable allowance for estimated administrative costs and inflation which such allowance shall not exceed 25 percent of the cost of the conservation action. Should it be necessary for the city to take such conservation action, the city may collect from the applicant any costs in excess of the amount of the surety held.

(g) Within 60 days of adequate stabilization of a project governed by subsection (e), as determined by the Administrator, in any project or section of a project, the Administrator shall either refund or terminate such bond, cash escrow, or letter of credit, or the unexpended or un-obligated portion thereof, based upon the percentage of stabilization accomplished in the project or project section. These requirements are in addition to all other provisions relating to the issuance of permits and are not intended to otherwise affect the requirements for such permits.

§ 2. That Appendix A of the Code of the City of Richmond (2015) be and is hereby amended and reordained

by adding therein a new fee for section 14-152(c) of the Code of the City of Richmond (2015) as follows:

| <i>Code Section</i> | <i>Description</i>  | <i>Fee</i>  |
|---------------------|---|---|
| 14-152(c)           | Fee for obtaining a permit for land disturbing activities from or review of an erosion and sediment control plan by the Department of Public Utilities: |   |
|                     | For the first acre or fraction thereof  | 300.00  |
|                     | For each additional acre or fractional part of an acre in excess of one acre  | 100.00  |
|                     | Maximum allowable fee   | 1,000.00  |
|                     | <u>Revised plans fee</u>  | <u>Ten percent of initial permit fee or \$50.00, whichever is greater</u> |

§ 3. This ordinance shall be in force and effect on July 1, 2019.