



Ordinance #153-2001-01A

SWAIN COUNTY EROSION AND SEDIMENT CONTROL ORDINANCE

Amendment #1

Adopted April 9, 2001

Amended August 14, 2007

Amendment #1

Appendix A. DEFINITIONS:

Add definition of Inspector

Inspector - "Inspector" shall mean "Swain County Sedimentation Control Inspector."

Amendment #2

Any reference to "Swain County Building Inspector" shall be amended to be "Swain County Sedimentation Control Inspector"

Amendment #3

Section 5 A.

Add #10. Notwithstanding any other provision herein, every landowner shall take all necessary measures to control erosion and retain sediment on any site to which *any* land disturbing activity takes place, so as to keep streams and property belonging to others free from erosion and sediment. In the sole discretion of the Swain County Building Inspector or his agent, a "stop work" order may be issued on a previously issued building permit on any project until such time as the erosion is controlled and sediment is retained as required herein. Once the erosion is controlled and sediment is retained on site, the Building Inspector may revoke the stop work order and building may resume pursuant to the previously issued building permit.

Amendment #4

Section 6. General Requirements.

Add: A.5. "Certified" Grading Contractors – No person or entity or property owner shall allow the initiation or conducting of any land-disturbing activity whatsoever, until such person physically conducting the land-disturbing activity or grading contractor has received certification from the Swain County Sedimentation Control Board to conduct grading in Swain County. The certification requirements include attending and completing an educational class or seminar approved by Swain County Sedimentation Control Board relating to the laws and this Ordinance as they pertain to land-disturbing activities. Such classes will be approximately two hours in duration, will be free of charge, and will be given in January of each year commencing in January 2008 in Swain County, North Carolina by the Swain County Sedimentation Control Board.

Upon completion of such classes, the grading contractor shall be provided a certification and shall be listed as an approved grading contractor for purposes of land disturbing activities in Swain County.

In the event the grading contractor has not obtained certification by attending the above referenced classes, then and in that event, the grading contractor shall apply with the Inspector for a “temporary certification” until the following January.

This certification requirement shall begin January 1, 2008.

Amendment #5

Section 23.

SWAIN COUNTY SEDIMENT CONTROL ORDINANCE

Sediment Control Plan Review and Inspections Fee Schedule as allowed by N.C. Gen. Stat. §113A-60 and as set out in Section 11(B) of the initial Ordinance adopted by the Swain County Board of Commissioners dated April 9, 2001

In considering the administrative and personnel costs incurred by Swain County in the continued erosion and sediment control program and enforcement thereof, the Swain County Board of Commissioners establishes the following fees for the review of an erosion and sedimentation control plan and related activities:

\$50.00 for the initial on-site evaluation by the Sedimentation Control Inspector upon the submission of an application for approval of a Sediment Control Plan and before earth is moved.

\$100.00 per acre of the tract of land affected by a land-disturbing activity as defined herein, which fee shall required at the time of submission for application for approval of a Sediment Control Plan.

\$50.00 per on-site inspection trip by the Sedimentation Control Inspector after initial on-site evaluation referenced hereinabove, which trips shall be for the purposes of inspections and investigations as required in Section 13 of this Ordinance. Said costs shall be billed on a bi-weekly basis by Swain County.

Amended this the 14th day of August 2007.

Glenn Jones
Chairman, Swain County Commissioners

ATTESTED:

Kevin S. King, Clerk to the Board