



**Prairie Township Zoning Office**

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**LAND DISTURBANCE REGULATIONS FOR PRAIRIE TOWNSHIP**

**PURPOSE:** The purpose of these regulations is to control soil erosion and fill and to preserve the natural terrain and waterways within Prairie Township, Franklin County, Ohio. Soil erosion may result in the loss of valuable top soil, the degradation of water quality, and the obstruction of storm water flows in storm sewers, road ditches, and natural watercourses. The provisions in this regulation are intended to promote land preservation and the public welfare by guiding and regulating any development or other activity that disturbs or breaks the topsoil or results in the movement of earth.

**LAND DISTURBING ACTIVITY IS DEFINED AS:** Clearing, grading, excavating, filling, or other alteration of the earth's surface where natural or human made ground cover is destroyed and which may result in, or contribute to, erosion and sediment pollution.

**FILL IS DEFINED AS:** Any act by which soil, sand, gravel, rock or any other material(s) is deposited, or placed by man or machine to another location, and shall include the conditions resulting there from.

**PERMIT REQUIRED:** Whenever any party desires to conduct a land disturbing activity in any amount over 1000 square feet, except any fill used for topsoil dressing on any lands in Prairie Township's jurisdictional boundaries, such party shall first obtain a land disturbance permit from Prairie Township. A permit shall not be required for fill deposited at a licensed landfill site or for any lands for which a valid building permit has been issued. Filling required as part of the process of construction is allowed so long as appropriate building permits have been obtained and the site plan is approved and adhered to.

**APPLICABILITY:** This regulation applies to all parcels in the unincorporated areas of Prairie Township used or being developed, either wholly or partially, for new or relocated projects involving underground cables or pipelines; subdivisions or larger common plans of development; industrial, commercial, institutional, or residential projects; building activities on farms; redevelopment activities; general clearing, and land disturbance activities.

This Section does not apply to activities regulated by, and in compliance with, the Ohio Agricultural Sediment Pollution Abatement Rules. Rules 1501:15-5-01 to 15-5-18 of the Ohio Administrative Code as amended. No permit or plan is required for the maintenance or improvement of a public highway, transportation or drainage improvement or maintenance project undertaken by a government agency or political subdivision.

In the event of conflicting regulations, the most restrictive shall apply.

**LAND DISTURBING ACTIVITIES SUBMITTING A STORM WATER POLLUTION PREVENTION PLAN:** This regulation requires that a Storm Water Pollution Prevention Plan (SWP3), in accordance with the most recent version of the Ohio EPA's most recent NPDES permit, be developed and implemented for all land disturbing activities of one (1) acre or more in Prairie Township and on which any regulated activity of this ordinance is proposed. For land disturbing activities less than one acre in size, a SWP3 may not be required; however, best management practices (BMPs) shall be required and the owner shall comply with all other provisions of this ordinance.

The applicant shall submit two (2) sets of the SWP3 and the applicable fees to The Board of Township Trustees and two (2) sets of the SWP3 to Franklin Soil and Water Conservation District:

- a) For subdivisions: After the approval of the preliminary plans and with submittal of the improvement plans.
- b) For all other projects: 45 days prior to land disturbing activity.

All projects regardless of the area of land disturbance activity must utilize best management practices (BMPs) to minimize erosion and off site sedimentation. Best Management Practices must be installed in accordance with the most recent version of the Rainwater and Land Development, Ohio's Standards for Stormwater Management, Land Development and Urban Stream Protection Manual. The controls shall include the following minimum components:

**DURING ACTIVE CONSTRUCTION**

- a) **NON-STRUCTURAL PRESERVATION MEASURES:** The applicant must make use of practices that preserve the existing natural condition to the maximum extent practicable. Such practices may include preserving riparian and floodplain areas, prohibiting construction in stream setback areas, preserving existing vegetation and vegetative buffer strips, phasing of construction operations in order to minimize the amount of disturbed land at any one time, and designation of tree preservation areas or other protective clearing or grubbing practices.
- b) **EROSION CONTROL PRACTICES:** The applicant must make use of erosion controls that are capable of providing over 70% cover of all disturbed soils.
- c) **RUNOFF CONTROL PRACTICES.** The applicant must make use of measures that control the flow of runoff from disturbed areas so as to prevent erosion. These practices shall divert runoff away from disturbed areas and steep slopes where practicable.
- d) **SEDIMENT CONTROL PRACTICES.** The applicant must install structural practices that shall store runoff, allowing sediments to settle and/or divert flows away from exposed soils or otherwise limit runoff from exposed areas prior to the occurrence of any grading on the construction site. Structural practices shall be used to control erosion and trap sediment from a site remaining disturbed for more than 7 days. All sediment control practices must be capable of ponding or filtering runoff in order to be considered functional. Earth diversion dikes or channels alone are not considered a sediment control practice unless used in conjunction with a sediment-settling pond.
- e) **NON-SEDIMENT POLLUTANT CONTROLS.** No solid or liquid waste, including building materials and concrete wash out water shall be discharged in storm water runoff. The applicant must implement site best management practices to prevent toxic materials, hazardous materials, or other debris from entering water resources or wetlands.
- f) **FILL.** In order to protect adjacent property owners from possible damage due to changes in existing grades, there shall be a 5' grassy buffer surrounding the fill area including the front, rear and side yards. No change in the existing topography within twenty five (25) feet of the property line shall result in a slope ratio greater than five (5) horizontal to one (1) vertical. In no case shall any slope exceed the normal angle of slippage of the soil involved and no fill shall be placed in the 5' grassy buffer area. The total elevation change shall not exceed the total elevation of the maximum slope ratio. The exception to this shall be where retaining walls are built with the written consent of the abutting property owner and with the approval of the Prairie Township Board of Trustees. The following information shall be provided to Prairie Township prior to a land disturbance permit is issued:
  - 1. Place where fill is to be deposited and the owner thereof;
  - 2. Existing and proposed elevation of area to be filled at a distance of not more than 25' intervals;
  - 3. Existing elevation of adjacent lands within 50' of land to be filled at distance of not more than 25' intervals;
  - 4. A sketch showing the above information and the route to be traveled to the fill site;
  - 5. Approximate quantity of fill;
  - 6. Time required for filling;
  - 7. Party responsible for leveling/seeding/sodding of area;
  - 8. Method of erosion control during filling;
  - 9. Neighboring property owners to the north, south, east and west of the subject property will be notified of the fill permit.

- g) **OBSTRUCTION TO DRAINAGE PROHIBITED.** The damming, filling, relocating or otherwise interfering with the natural flow of surface water in a natural drainage course, the intended flow of surface water in an approved subdivision or the existing flow between other properties, shall not be permitted, except with the approval of those State, County and township agencies having jurisdiction.
- h) **COMPLIANCE WITH OTHER REQUIREMENTS.** The SWP3 shall be consistent with applicable state and/or local waste disposal, sanitary sewer, or septic system regulations, including provisions prohibiting waste disposal by open burning, and shall provide for the proper disposal of contaminated soils located within the development area.
- i) **TRENCH AND GROUND WATER CONTROL.** There shall be no sediment laden or turbid discharges to water resources or wetlands resulting from dewatering activities. If trench or ground water contains sediment, it must pass through a sediment-settling pond or other equally effective sediment control device, prior to being discharged from the construction site. Alternatively, sediment may be removed by settling in place or by dewatering into a sump pit, filter bag or comparable practice. Ground water dewatering which does not contain sediment or other pollutants is not required to be treated prior to discharge. However, care must be taken when discharging ground water to ensure that it does not become pollutant-laden by traversing over disturbed soils or other pollutant source.
- j) **APPLICANT INSPECTIONS.** An initial inspection of all erosion and sediment control practices shall be conducted by a qualified individual to certify that the installations comply with the approved SWP3. All controls on the site shall be inspected by the applicant's agent at least once every seven calendar days and within 24 hours after any storm event greater than one-half inch of rain per 24 hour period. The applicant shall assign a qualified individual to conduct these inspections to ensure that the control practices are functional and to evaluate whether the SWP3 is adequate, or whether additional control measures are required. Internal inspections and documentation of corrective actions taken must be made available upon request.
- k) **MAINTENANCE.** All control practices shall be maintained and repaired as needed to ensure continued performance of their intended function until final stabilization. All sediment control practices must be maintained in a functional condition until all up slope areas they control reach final stabilization. When inspections reveal the need for repair, replacement, or installation of erosion and sediment control BMPs, the following procedures shall be followed:
  - 1) When practices require repair or maintenance. If an inspection reveals that a control practice is in need of repair or maintenance, with the exception of a sediment-settling pond, it must be repaired or maintained within three (3) working days of the inspection. Sediment settling ponds must be repaired or maintained within ten (10) working days of the inspection.
  - 2) When practices fail to provide their intended function. If an inspection reveals that a control practice fails to perform its intended function and that another, more appropriate control practice is required, the new control practice must be installed within ten (10) working days of the inspection.
  - 3) If an inspection reveals that a control practice has not been implemented in accordance with the schedule, the control practice must be implemented within ten (10) working days from the date of the inspection. If the internal inspection reveals that the planned control practice is not needed, the record must contain a statement of explanation as to why the control practice is not needed.
- l) **FINAL STABILIZATION.** All land disturbing activities are complete and a uniform perennial vegetative cover with a density of 70 percent (70%) coverage for the area has been established on all unpaved areas and areas not covered by permanent structures. In addition, all temporary erosion and sediment control practices have been removed and disposed of in an acceptable manner.

**POST CONSTRUCTION WATER QUALITY PRACTICES**

- a) **NON-STRUCTURAL WATER QUALITY PRACTICES:** Non-structural post construction best management practices include preservation, planning, or procedures that direct development away from water resources or

limit creation of impervious surfaces. Practices such as conservation easements, riparian and wetland setbacks, and conservation subdivision design are all non-structural controls.

- 1) All non-structural water quality practices must be protected from disturbance through the construction phase of the project.
  - 2) All non-structural water quality practices must be protected in perpetuity through the use of appropriate legal tools. All easement or conservation areas must appear on the final plat and be disclosed to potential buyers.
- b) **STRUCTURAL WATER QUALITY PRACTICES:** Structural post construction best management practices are permanent features constructed to provide treatment of storm water runoff either through storage, filtration, or infiltration.
- 1) All structural water quality practices must be established prior to the completion of the project. Structural water quality practices should be made functional once the disturbed areas on site are stabilized. If detention/retention facilities were used for sediment control during development sediments must be removed prior to the basin being used for post construction storm water quality.
  - 2) **Maintenance.** The post construction water quality practice must be maintained in perpetuity by those parties identified in the SWP3 or the Storm Water Management Maintenance Agreement.

**FEE:** The Zoning Inspector shall collect a deposit of \$150.00 prior to the issuance of the land disturbance permit for disturbances of less than one acre. The applicant will pay the actual invoice cost for all Franklin County Soil and Water services incurred plus 20%. (A portion of which may be refundable in the event total charges are less than the deposit). The Zoning Inspector shall collect a deposit of \$350.00 for review of plans for disturbances of one acre or more prior to issuance of a land disturbance permit. The applicant will pay the actual invoice cost for all Franklin County Soil and Water services incurred plus 20%. (A portion of which may be refundable in the event that the total charges are less than the deposit).

**ENFORCEMENT:** The Zoning Inspector and Board of Trustees shall enforce this regulation relating to land disturbance. All permits are valid for one year. If work under any land disturbance permit has not been completed within twelve months the applicant must re-apply. The Township reserves the right to review the new application with consideration to the regulatory environment and circumstances, which may have evolved over the elapsed time period.

**VIOLATIONS AND PENALTIES:** No person shall disturb any land without a valid land disturbance permit. Failure to obtain any federal, state, or local permit will result in the immediate issuance of a stop work order by the Board.

In addition, any person who violates, disobeys neglects, omits, or refuses to comply with this regulation, shall be issued a notice of violation. If the violation continues for more than thirty days, the Board or the Zoning Inspector shall issue a second notice of violation. If the violation is not cured within fifteen days from the issuance of the second notice of violation, the Board or the Zoning Inspector may issue a stop work order with the written approval of the prosecuting attorney of the county in which the township is located.

The prosecuting attorney may then seek an injunction or other appropriate relief in the court of common pleas to abate excessive erosion or sedimentation and secure compliance with the rules or order. In granting relief, the court of common pleas may order the construction of sediment control improvements or implementation of other control measures and may assess a civil fine of not less than one hundred (\$100) or more than five hundred (\$500) dollars. Each day of violation of a rule adopted or administrative order issued under this section shall be considered a separate violation subject to a civil fine.