



# City of Gautier

## COMMUNITY SERVICES DEPARTMENT

P.O. Box 670  
3305 Gautier - Vancleave Road  
Gautier, MS 39553

Community Services  
Anthony Matheny, Director  
Phone: (228) 497-1878  
Fax: (228) 497-1038

Dear Contractor:

### LOT CLEARING AND SITE WORK GENERAL GUIDELINES

All lot clearing and site work in the City of Gautier must implement and adhere to Best Management Practices (BMPs) as described in the attached Gautier City Ordinances pertaining to Stormwater Management and Land Disturbances. The following steps must be taken before any Gautier lot is cleared or site work is performed.

1. A *written* Stormwater Pollution & Prevention Plan (SWPPP) must be provided to the Community Services Department describing stormwater and drainage measures to be implemented (on any lot *larger than one (1) acre*), before, during and after the lot is cleared, graded and improved. On any lot smaller than one acre, *you must still implement stormwater and drainage measures*, but a written plan will not normally be necessary, unless you establish a history of not implementing such measures on other jobs. A site plan showing stormwater and drainage measures to be implemented is *strongly recommended*;
2. No fill is be hauled-in until the appropriate stormwater and drainage measures have been implemented;
3. All protected trees must be identified and protected per our Tree Protection Ordinance. Any request to cut protected trees should be brought to the Community Services Department.
4. The General Contractor will be our primary contact. If a subcontractor is experiencing difficulty or has a complaint, please have them direct their concerns to you so that we can have one point of contact.

You will be provided a copy of our Stormwater Ordinance, Land Alteration and Disturbances Ordinance and Tree Ordinance when you apply for a permit to clear a lot and do site work. This information can also be accessed online at:

<http://www.municode.com/RESOURCES/gateway.asp?pid=11978&sid=24>

Additionally, *no building permit will be issued* until the Community Services and the Streets departments have inspected the site and have verified that the above steps have been followed per our satisfaction.

We look forward to you doing business in the City of Gautier and are available to answer any questions you may have.

Thanks.



Anthony Matheny  
Community Services Director  
City of Gautier  
228-497-8015

Keith Young



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Keith Young  
Streets Manager  
City of Gautier  
228-497-8084

## ARTICLE I. IN GENERAL

### Sec. 13-1. Introduction.

It is the intention of the City Council of the City of Gautier (the council) to protect the health and safety of the citizens and visitors of the community and to prevent damage to private property and public facilities through the proper design and construction of both onsite and regional stormwater management and/or detention facilities that prevent or adequately reduce increases in peak flow rates of runoff that may otherwise increase the risk of flooding and the associated risk of public endangerment, property damage and erosion. To accomplish this goal, the council finds it is necessary to provide stormwater management practices for drainage and control of flood and surface waters within the city. This is to insure that storm and surface waters may be properly drained and controlled, pollution may be reduced and environment enhanced, and that the health property, safety and welfare of the city and its inhabitants may be safeguarded and protected.

Stormwater runoff is a major contributor to degradation and pollution of receiving waters. Discharges into a stormwater runoff system may occur because of stormwater runoff, spills, dumping, and/or improper connections to the stormwater system from developments, residential, industrial, commercial, or institutional establishments. Such discharges not only impact waterways individually, but geographically dispersed, small volume discharges can have a cumulative impact on receiving waters, which can adversely affect public health and safety, drinking water supplies, recreation, fish and other aquatic life, property values and other uses of lands and waters. The city council endorses promulgation of this chapter to address the impacts of stormwater runoff, spills, improper dumping, and/or illegal connections to the city runoff program. This chapter applies to all lands within the corporate limits of the City of Gautier.

(Ord. No. 172-2007, (Art. 1.0), 4-17-07)

### Sec. 13-2. Purpose.

(a) The purpose of this chapter is to protect the environment, public health, safety, property and general welfare of the citizens of Gautier, Mississippi, through the regulation of stormwater runoff and illicit discharges into the city storm drainage or any separate storm sewer system, to the maximum extent practicable as required by federal and state law. This chapter establishes methods for controlling the introduction of pollutants into the city drainage system in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process.

(b) This chapter is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this chapter are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this chapter imposes restrictions different from those imposed by any other ordinance, rule, regulations, or other provision of law. Whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

(Ord. No. 172-2007, (Art. 1.0, § A), 4-17-07)

### Sec. 13-3. Objectives.

(a) The objectives of this chapter are:

(1) To regulate or restrict the introduction of pollutants that may potentially enter the city

drainage system;

- (2) To prohibit illegal connections and discharges to any separate storm sewer system;
- (3) To identify, define, and regulate erosion, sediment and detention controls related to stormwater runoff;
- (4) To prevent discharges that may occur as a result of spills, inappropriate dumping or disposal, and/or improper connections to the city drainage system, whether from residential, industrial, commercial or institutional establishments;
- (5) To provide the city with the authority to effectively manage stormwater runoff nonconformance and illicit discharges, and to establish enforcement actions for those persons or entities found to be in noncompliance or that refuse to allow access to their facilities;
- (6) To establish legal authority to carry out all inspection, surveillance, monitoring, and enforcement procedures necessary to ensure compliance with this chapter.

(Ord. No. 172-2007, (Art. 1.0, § B), 4-17-07)

#### **Sec. 13-4. Definitions.**

*Accidental discharge.* A discharge prohibited by this chapter, which occurs by chance, and without planning or thought prior to occurrence.

*Authorized enforcement agency.* Employees or designees of the agency designated to enforce this chapter including the city, the Mississippi Department of Environmental Quality (MDEQ) and the U.S. Environmental Protection Agency (EPA).

*Best management practices (BMPs).* Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices designed to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

*Best management practices (BMPs)--Nonstructural.* A policy, practice or preventative action that involves operational planning and source controls designed to provide a proactive approach to stormwater management.

*Best management practices (BMPs)--Structural.* A physical device designed and constructed or manufactured to trap or filter pollutants from runoff, to reduce runoff velocities, or to minimize or prevent the impacts and effects of soil erosion caused by stormwater runoff.

*Clean Water Act.* The federal Water Pollution Control Act (33 U.S.C., 1251 et seq.), and any subsequent amendments thereto.

*Construction activity.* Activities subject to NPDES construction permits. These include construction projects resulting in land disturbances. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

*City drainage system (CDS).* Any city maintained or designated roadways, ditches, culverts, channels, or conduits intended to direct water flows.

*Facility.* A structure, installation, or system that is designed to serve a particular purpose, service, or function.

*Hazardous materials.* Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety,

property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

*Illegal connections.* An illegal connection is defined as any of the following: Any pipe, open channel, drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the drainage system including but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, wash water, or any other such discharge, to enter the storm drain system and any connections to the storm drain system from any source, regardless of whether such pipe, open channel, drain, connection, or source had been previously allowed, permitted, or approved by an authorized enforcement agency.

*Illicit discharge.* Any direct or indirect discharge into a stormwater drainage system that is not composed entirely of stormwater.

*Industrial activity.* Activities subject to NPDES industrial permits as defined in 40 CFR, Section 122.26 (b)(14).

*National Pollutant Discharge Elimination System (NPDES) stormwater discharge permit.* A permit issued by EPA (or by a state under authority delegated pursuant to 33 USC, 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

*Nonstormwater discharge.* Any discharge to the storm drain system that is not composed entirely of stormwater.

*Person.* Any individual, association, organization, partnership, firm, trust, estate, commission, board, public or private institution, utility, cooperative, city, county or other political subdivision of the state, any interstate body or other legal entity, joint venture, public or private corporation, or other entity recognized by law and acting as either the owner or as the owner's agent.

*Pollutant.* Any substance, which causes or contributes to pollution. Pollutants may include, but are not limited to paints, varnishes, solvents, petroleum hydrocarbons, automotive fluids, cooking grease, detergents (biodegradable or otherwise), degreasers, cleaning chemicals, nonhazardous liquid and solid wastes, yard wastes, refuse, rubbish, garbage, litter, discarded or abandoned objects, munitions, accumulations that may cause or contribute to pollution, any floatables, pesticides, herbicides, fertilizers, hazardous substances and wastes, sewage, fecal coliform and pathogens, dissolved and particulate metals, animal wastes, wastes and residues that result from constructing a building or structure including concrete/cement (this includes water from washing out cement trucks) and noxious or offensive matter of any kind or any other substance which has been or may be determined to be a pollutant.

*Pollution.* The contamination or other alteration of any water's physical, chemical or biological properties by the addition of any substance or condition including but not limited to, a change in temperature, taste, color, turbidity, or odor of such waters, or waters as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety, welfare, or environment, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

*Premises.* Any parcel or portion of land whether improved or unimproved.

*Separate storm sewer system.* Any facility designed or used for collecting and/or conveying stormwater, including but not limited to streets or roads with drainage systems, gutters, inlets, catch basins, piped storm drains, pumping facilities, structural stormwater controls, ditches, swales, natural and manmade or altered drainage channels, reservoirs, and other drainage structures, and which are:

- (1) Owned or maintained by the city;
- (2) Not part of publicly owned treatment works.

*State waters.* Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, well, and other bodies of surface and subsurface water, natural or artificial, lying

within or forming a part of the boundaries of the state, which are not entirely confined and retained completely upon the property of a single person.

*Storm drainage system.* Any one (1) or more of various devices used in the collection, treatment or disposition of storm, flood or surface drainage waters, including but not limited to any roads with drainage systems, natural and humanmade or altered drainage channels, reservoirs, manmade structures and natural watercourses and/or floodplains for the conveyance of runoff, such as detention or retention areas, berms, swales, improved gutters, pumping stations, pipes, ditches, siphons, catch basins, inlets, and other equipment and appurtenances and all extensions, improvements, remodeling, additions and alterations thereof, and any and all rights or interests in such stormwater facilities.

*Stormwater/stormwater runoff.* Any surface flow, runoff, and/or drainage consisting entirely of water from any form of natural precipitation, which is not absorbed, transpired, evaporated or left in surface depressions, and which then flows controlled or uncontrolled into a watercourse or body of water.

*Stormwater pollution prevention plan (SWPPP).* A document which describes the best management practices (BMPs) and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

*Structural stormwater control.* A structural stormwater management facility or device that controls stormwater runoff and changes the characteristics of that runoff, including but not limited to, the quantity and quality, the period of release or the velocity of flow.

*Wastewater.* Any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

*Watercourse.* Any stream, river, drainage easement, that transverses property in the city.

(Ord. No. 172-2007, (Art. 2.0), 4-17-07)

### **Sec. 13-5. Applicability.**

This chapter shall apply to any and all water entering a storm drainage system generated on any developed or undeveloped lands throughout all of the corporate limits of the City of Gautier unless explicitly exempted by an authorized enforcement agency. The standards set forth herein and promulgated pursuant to this chapter are minimum standards; therefore this chapter does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants.

(Ord. No. 172-2007, (Art. 3.0), 4-17-07)

### **Sec. 13-6. Responsibility for administration.**

The city council or designee shall administer, implement, and enforce the provisions of this chapter. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the director of the authorized enforcement agency to persons or entities acting in the beneficial interest of or in the employ of the agency.

(Ord. No. 172-2007, (Art. 4.0), 4-17-07)

### **Sec. 13-7. Severability.**

The provisions of this chapter are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this chapter or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this chapter.

(Ord. No. 172-2007, (Art. 5.0), 4-17-07)

### **Sec. 13-8. Policy.**

No owner of any parcel of land or property, whether with or without a structure thereupon, shall permit the erosion or escape of soil, sand, gravel, or similar material from said parcel onto any adjoining property, public street or into any drainage channel that receives rainwater runoff from said parcel in such quantities as to harm said adjoining property, public street, drainage channel, or stormwater drainage system. In the development or use of any site, the owner or their agents shall not construct or conduct any activity so as to cause the discharge of rainwater runoff in such a manner as to cause erosion or to increase blockage of such channel or storm drainage system. This includes both preconstruction and post-construction.

(Ord. No. 172-2007, (Art. 6.0), 4-17-07)

### **Sec. 13-9. Permitting.**

Stormwater permits and stormwater pollution prevention plans (SWPPP) are required as follows:

0--9 Acre of land disturbed: No permit or SWPPP currently required.

1--5 Acres of land disturbed: Permit required from the city code enforcement office (See appendix). A notice of intent (NOI) and SWPPP must be submitted to the planning department (See appendix B and C for examples).

Above 5 Acres: Permit required from MDEQ. SWPPP must also be submitted to MDEQ.

(Ord. No. 172-2007, (Art. 6.0, § A), 4-17-07)

Secs. 13-10--13-20. Reserved.

## Section 9. Land alterations and disturbances.

The purpose of this section is to set forth regulations governing the excavation, clearing and draining of properties within the City of Gautier. Because the alteration of land, particularly large areas, impacts hydrologic characteristics of most land areas, it is imperative that the activity takes into account the immediate and long-term impact of such work on adjoining and downstream properties. Specifically, the intent of these regulations is to assure that any land alteration results in a zero increase in sedimentation and storm water volumes and rates beyond that which existed prior to alteration or disturbance.

(a) *Clearing and grubbing, haul roads, waste areas, plant sites or other areas occupied by the contractor.* Clearing and grubbing on erodible areas, including the construction site, or other areas occupied by the contractor in connection with the work shall include adequate protection for preventing excessive erodible material from entering water or waterways on land not occupied by the contractor and preventing dust created by hauling equipment. Temporary measures as necessary shall be employed by the contractor from the beginning of the work. These measures may consist of the expeditious use of brush, vegetation or other residue from clearing and grubbing, temporary or permanent terraces, berms, dikes, dams, sediment basins or other effective means of containing sediment. All temporary or permanent erosion control features shall be maintained in an effective manner so long as essential to the abatement of siltation.

(b) *Excavation* (Note: This section is presently in ordinance form under Article III, Section 9 of the City's zoning ordinance, but addresses excavation only). No excavation of land greater than one thousand (1,000) square feet shall be made, unless approval has been given for a use permit after a public hearing. Excavations shall be made in an acceptable manner to the city engineer and shall be left in a sightly condition when completed:

- (1) A plot plan, drawn to scale, showing dimension of excavation, depth, slopes, distances from other property and entrances and exits shall be submitted.
- (2) Excavations shall be dug on a 3 to 1 slope.
- (3) Topsoil from pits shall be dressed down on slopes and grassed to prevent erosion.
- (4) Bottom of pits shall be graded in a generally level contour.
- (5) Edge of slope at ground level shall be no closer than thirty-five (35) feet from any property line, nor closer than three hundred (300) feet from a public road.
- (6) The maximum depth of the excavation shall be determined by the city engineer.

Upon approval, a permit for an excavation shall be issued for a one-year period and shall be reviewed and considered for additional periods of time by the planning commission.

(c) *Land clearing and drainage.*

(1) *Structures, grading, and other construction.* The contractor shall perform all work in such a manner and with such protective features to control and contain siltation within the limits of the work. He shall prevent or minimize undesirable siltation in connection with excavation and construction.

(2) It is the intent of these specifications that the work shall proceed in a manner and sequence to ensure the earliest possible establishment of permanent

erosion control items.

(3) Parcels of land greater than one acre: No parcel of property in excess of one acre or series of contiguous lots the combined area of which exceeds one acre shall be cleared prior to submitting to the Gautier Planning Department a site clearing plan. Such plans shall include but are not limited to access routes, proposed culvert locations, existing drainage systems on the property, plans for future drainage, and measures to address erosion control. Plans of this nature may be included with and made a part of the building permit application.

Erosion and sedimentation controls shall be generally accepted best management practices and may include vegetative fences, silt screens, retention ponds, or other practices deemed appropriate by the planning director. The planning director may, upon determining that a previously approved erosion control plan is inadequate, issue a stop work notice to the contractor and order corrective measures sufficient to deter siltation of adjoining ditches, properties, or bayous and streams.

(4) Parcels of land greater than three (3) acres: Proposed new developments in excess of three (3) acres shall not be cleared until an overall project plan has been submitted to the planning department. Such plans shall, in addition to the above referenced requirements, include detailed storm water run off control measures including retention and/or detention ponds capable of retaining both "during construction" and "post-construction" sediments and of holding a volume of storm water equal to a five-year storm based on south Mississippi average rainfalls for urbanized areas wherein the rainfall duration is one (1) hour at a rainfall intensity of three (3) inches per hour. Run off shall be drained onsite to retention ponds and allowed to discharge at a rate no greater than the average discharge prior to development.

Provisions shall be set forth by the developer and approved by the planning commission, prior to issuance of a certificate of occupancy or approval of final plats, for a maintenance of such storm water control facilities. Spillways and discharge systems shall be constructed in accordance with accepted engineering practices and shall be maintained in good working order at all times.

(Ord. No. 92, § 1, 2-20-96)

## ARTICLE II. TREES AND SHRUBS\*

**\*Editor's note:** Ordinance No. 56, adopted July 2, 1991 did not specifically amend the Code; hence, inclusion of §§ 1--8 as Ch. 18.5, Art. II, §§ 18.5-21--18.5-28, was at the discretion of the editor.

**Cross references:** Landscaping, § 18.5-41 et seq.

### Sec. 18.5-21. Purpose and intent.

The intent of this article is to establish protective regulations for the trees to preserve the natural beauty and defend the ecological integrity of the City of Gautier.

(Ord. No. 56, § 1, 7-2-91)

### Sec. 18.5-22. Definitions.

(a) **Protected trees.** All Live Oaks and Magnolias trees that are 57 inches in circumference (eighteen (18) inches in diameter) or greater measured at a height of four (4) feet above the ground.

(b) **Tree Protective Zone.** The entire City of Gautier shall be a Tree Protective Zone.

(c) **Tree board.** A board not to exceed ten (10) members appointed by the mayor and council for the purpose of serving in an advisory capacity to the council and staff; for acting in a review capacity for appeals to decisions by the city staff; for developing an annual program for the protection of trees on public properties; and, for the purpose of promulgating the preservation of significant tree resources in the City of Gautier.

(Ord. No. 56, § 2, 7-2-91; Ord. No. 97, § 104, 8-19-97; Ord. No. 107, § 1, 11-18-97)

### Sec. 18.5-23. Tree removal.

**Approval required for removal of trees:**

(1) To prevent the unnecessary destruction of trees during development or redevelopment of any tract or lot within the city, protected trees shall not be cut or otherwise damaged or destroyed, except in accordance with the provisions of this article and not without prior approval of the planning director.

(2) In order to assure that large areas are not stripped bare of all trees during development, owners or developers shall flag and set aside for protection a minimum of ten (10) percent of all trees excluding protected trees. It shall be the responsibility of the developer, with the concurrence of the planning director, to assure to the maximum extent possible, that such trees remain undamaged so that their future growth is guaranteed.

(3) It shall be the responsibility of all developers of property which is being subdivided for the purpose of constructing commercial, industrial or residential lots to remove any and all land clearing debris including but not limited to limbs, stumps, tree trunks, building materials and other biodegradable materials. It shall be unlawful for the

developer of such parcels to bury such materials on the property which, by virtue of its being cleared, is slated for future construction sites.

Further, it shall be unlawful for the developer of such property to ~~burn land clearing~~ debris including but not limited to limbs, stumps, tree trunks, building materials or other burnable by-products unless appropriate permits have been obtained from the Gautier Fire Department.

(Ord. No. 56, § 1, 7-2-91; Ord. No. 110, § 1, 12-15-98)

#### **Sec. 18.5-24. Prohibited acts.**

- (a) It shall be unlawful for any person to cut or in any way to disfigure, mutilate, injure, or destroy any protected tree.
- (b) No person shall pave with concrete, asphalt, or other impervious material within a distance deemed inappropriate by the planning director from any protected tree.

(Ord. No. 56, § 4, 7-2-91)

#### **Sec. 18.5-25. Submission of site plans.**

A site plan for the development or improvement of any tract of land shall be submitted to the city along with the application for a building permit identifying all protected trees located within the site. Specific notation shall be made on the site plan of trees to be removed and limits of impervious material. Upon written request by the property owner, the planning director may modify this provision where its enforcement can be shown to result in a practical hardship.

(Ord. No. 56, § 5, 7-2-91)

#### **Sec. 18.5-26. Exception.**

- (a) In the case of emergency, such as wind storms or other disasters, the requirements of this article may be waived by the mayor during the emergency period, so that efforts to restore order to the city will not be hampered.
- (b) Utility companies which, as a matter of routine maintenance, must trim tree limbs from utility lines are exempted from permit requirements; however, trimming should be accomplished in a professional manner so as to minimize damage to protected trees.

(Ord. No. 56, § 6, 7-2-91)

#### **Sec. 18.5-27. Violations.**

- (a) Any person who shall violate the provisions of this article shall be deemed guilty of a misdemeanor and shall on conviction, be fined not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) per tree that has been unlawfully removed, damaged, or destroyed.
- (b) Any protected tree that is unlawfully destroyed shall be replaced by the responsible person at no less than a two to one ratio. It shall be the prerogative of the planning director to specify alternate public property locations for planting of required replacement trees. Said replacement trees shall be planted in accordance with the city ordinance requirements. The type, size and number of replacement trees shall be determined by the planning director.

(Ord. No. 56, § 7, 7-2-91; Ord. No. 107, § 1, 11-18-97)

**Sec. 18.5-28. Right of appeal and review.**

The mayor and the city council shall have the right to review the acts, conduct, and decisions of the planning director. Any person may appeal from any ruling or order of the planning director to the mayor and city council who may hear the matter and make final decision.

(Ord. No. 56, § 8, 7-2-91)

**Sec. 18.5-29. Tree board.**

(a) There is hereby created a tree board which shall consist of members not to exceed ten (10), to be appointed by the Gautier mayor and members of the council for four (4) year terms. The terms of the board shall be staggered so that no more than one fourth of its membership terms shall end in any given year.

(b) It shall be the responsibility of the board to establish its by-laws addressing at least but not limited to the establishment of meeting times, dates and places, election of officers, and the processes by which reviews and/or appeals are heard. It shall also be the responsibility of the board to develop annual plans and or programs that would promote the preservation of significant trees within the city.

(c) The board will act in an advisory capacity only, on all issues dealing with the management of trees on public properties; and, in an appeal capacity to staff decisions relative to permits for development properties within the city or relative to the removal of protected trees from privately owned properties within the city.

(Ord. No. 104, § 1, 8-19-97)

**Editor's note:** At the editor's discretion, Ord. No. 104, § 1, entitled Section 3. Tree Board, was included in the Code as § 18.5-29.

Secs. 18.5-30--18.5-40. Reserved.