

ORDINANCE

An Ordinance to amend and readopt Chapter 7 “Erosion and Sediment Control”.

Chapter 7 EROSION AND SEDIMENT CONTROL

Cross reference(s)—Bedford County Code Chapters 5 & 30--building, development and zoning regulations, as amended.

State law reference(s)--Erosion and Sediment Control Law, Code of Virginia, §§ 10.1-560-10.1-571 as amended; local control programs, § 10.1-562, as amended.

Sec. 7-1. Title, Purpose and Authority

This chapter shall be known as the "Erosion and Sediment Control Ordinance of Bedford County, Virginia." The purpose of this chapter is to conserve the land, water, air and other natural resources of the County of Bedford by establishing requirements for the control of erosion and sediment deposition, and by establishing procedures whereby these requirements shall be administered and enforced.

State law reference-Code of Va., § 10.1-560 et seq.

Sec. 7-2. Definitions.

For the purpose of this chapter, the following words and terms shall have the meanings ascribed to them in this section:

Administrator: The representative of the Board of Supervisors (the permit issuing authority) who has been appointed to serve as the agent of the Board of Supervisors in administering this chapter.

Agreement in lieu of a plan: A contract between the plan-approving authority and the owner/person responsible for the carrying out the plan that specifies conservation measures which must be implemented in the construction of a single-family residence; the County, in lieu of a formal site plan, may execute this contract.

Applicant: Any person submitting an erosion and sediment control plan for approval or requesting the issuance of a permit, when required, authorizing land-disturbing activities to commence.

Board: The Virginia Soil and Water Conservation Board.

Certified inspector: An employee or agent of a program authority who (i) holds a certificate of competence from the board in the area of project inspection or (ii) is enrolled in the board's training program for project inspection and successfully completes such program within one (1) year after enrollment.

Certified plan reviewer: An employee or agent of a program authority who (i) holds a certificate of competence from the board in the area of plan review, (ii) is enrolled in the board's training program for plan review and successfully completes such program within one (1) year after enrollment, or (iii) is licensed as a professional engineer, architect, certified landscape architect or land surveyor pursuant to article 1 (§ 54.1-400 et seq.) of chapter 4 of title 54.1.

Certified program administrator: An employee or agent of a program authority who (i) holds a certificate of competence from the board in the area of program administration or (ii) is enrolled in the board's training program for program administration and successfully completes such program within one (1) year after enrollment.

Clearing: Any activity that removes the vegetation or ground cover, including, but not limited to, the root mat or topsoil.

Conservation plan, erosion and sediment control plan, or plan: A document containing material for the conservation of soil and water resources of a unit or groups of units of land. It shall include appropriate maps, appropriate soil and water inventories, and management information, with needed interpretations and a record of decisions contributing to conservation treatment. The plan shall contain all major conservation decisions to assure that the entire unit or units of land will be so treated to achieve the conservation objectives. The plan shall be signed and sealed by a professional engineer, land surveyor, architect or certified landscape architect, except for single-family dwellings.

Conservation standards or standards: The criteria, guidelines, techniques and methods for the control of erosion and sediment deposition as set forth in the Virginia Erosion and Sediment Control Handbook.

Development: A tract of land developed or to be developed as a single unit under single ownership or unified control, which is to be used for any residential, business, commercial, civic or industrial purpose, or for the purpose of marketing all or a portion of the tract.

Disturbed area: Any area subject to a land-disturbing activity including any area within a public utility easement.

Erosion impact area: An area of land not associated with current land-disturbing activity but subject to persistent soil erosion resulting in the delivery of sediment onto neighboring properties or into state waters. This definition shall not apply to any lot or

parcel of land of ten thousand (10,000) square feet or less used for residential purposes or to shorelines where the erosion results from wave actions or other shoreline processes.

Excavating: Any digging, scooping, or any other method of moving or removing earth material.

Filling: Any depositing or stockpiling of earth material.

Grading: Any excavating or filling of earth material or any combination thereof, including the land in its excavated or filled condition.

Land disturbing activity: Any land change which may result in soil erosion from water or wind and the movement of sediment into waters or onto lands, including but not limited to clearing, grading, excavating, transporting, and filling of land, except that the term shall not include:

- (1) Such minor activities as home gardens and individual home landscaping, repairs and maintenance work.
- (2) Individual service connections.
- (3) Installation, maintenance, or repair of any underground public utility lines, when such activity occurs on existing hard-surface road, street or sidewalk, provided such land disturbing activity is confined to the area of the road, street, or sidewalk which is hard surfaced.
- (4) Septic tank line or drainage fields, unless included in an overall plan for a land-disturbing activity relating to construction of the building to be served by the septic tank system.
- (5) Surface or deep mining.
- (6) Exploration or drilling for oil and gas, including the well site, roads, feeder lines and off-site disposal areas.
- (7) Tilling, planting, or harvesting of agricultural, horticultural, or forest crops, or livestock feed lot operations; including engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11 (§ 10.1-1100 et seq.) of this title or is converted to bona fide agricultural or improved pasture use as described in subsection B of § 10.1-1163.
- (8) Repair or rebuilding of the tracks, right-of-way, bridges, communicating facilities and other related structures and facilities of a railroad company.

- (9) Agricultural engineering operations including, but not limited to, the construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds not required to comply with the provisions of the Dam Safety Act, Article 2 (Sec. 10.1-604 et seq.) of Chapter 6 of Title 10.1, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage and land irrigation.
- (10) Disturbed land areas of less than ten thousand (10,000) square feet in size, unless otherwise included elsewhere in this chapter. The ten thousand (10,000) square foot minimum exemption shall not apply to any person who diverts or disturbs the channel of a stream or where there is probability of sediment being deposited into state waters or upon adjoining property owners. Such activity shall fall within the bounds of this chapter and all chapters and sections shall apply and a land-disturbing permit shall be required.
- (11) Installation of fence and signposts or telephone and electric poles and other kinds of posts and poles.
- (12) Emergency work to protect life, limb and property, and emergency repairs; however, if the land disturbing activity would have required an approved erosion and sediment control plan if the activity were not an emergency, then the land area disturbed shall be shaped and stabilized immediately in accordance with the requirements of the plan-approving authority.

Land disturbing permit: A permit issued by the County for clearing, filling, excavating, grading or transporting, or any combination thereof, on all lands, privately owned or otherwise, except those specifically excluded by this chapter.

Owner: The owner or owners of the freehold of the premises or lesser estate therein, a mortgage or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a property.

Permittee: The person to whom the permit authorizing land-disturbing activities is issued or the person who certifies that the approved erosion and sediment control plan will be followed.

Person: Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, county, town or other political subdivision of this state, any interstate body or any other legal entity.

Plan approving authority: The Board, the program authority, or a department of the program authority, responsible for determining the adequacy of a plan submitted for land disturbing activities on a unit or units of land and for approving plans. The Natural Resources Administrator or his/her designee is the plan approving authority for Bedford County.

Program authority: A district, county, city or town that has adopted a soil erosion and sediment control program which has been approved by the Board. Bedford County is the program authority.

State waters: All waters on the surface and under the ground wholly or partially within or bordering the Commonwealth or within its jurisdiction.

Transporting: Any movement of earth material from one place to another, when such movement results in destroying the vegetative cover, either by tracking or the buildup of earth materials, to the extent that erosion and sediment deposition will result from the area over which such transporting occurs.

Sec. 7-3. Local erosion and sediment control program.

There is hereby established a local erosion and sediment control program consisting of this chapter and the Virginia Erosion and Sediment Control Handbook, as amended from time to time. The Virginia Erosion and Sediment Control Regulations, as amended from time to time, are adopted and incorporated as a part of the county program. All construction practices and requirements shall comply with the specifications of the current edition of the Virginia Erosion and Sediment Control Handbook.

Sec. 7-4. Plan submission, approval requirements and permit issuance.

- (a) Except as otherwise provided in this chapter, no person shall engage in any land disturbing activity in the County until he has submitted to the Administrator an erosion and sediment control plan and associated fees for such land disturbing activity and the plan has been reviewed, approved and a Land Disturbing Permit has been issued. Where land disturbing activities involve lands that extend into the jurisdiction of another local erosion and sediment control program the applicant may, at his option, submit a plan to the Board for review and approval, rather than submission to each jurisdiction concerned.

Where the land disturbing activity results from the construction of a single-family residence, an agreement in lieu of a plan may be substituted for an erosion and sediment control plan if executed by the permit issuing authority, however the permit issuing authority reserves the right to require an erosion and sediment control plan and a Land Disturbing Permit for a single family residence considering such factors as the square footage of disturbed area involved, topography, proximity to water sources or occurrence of violation.

Additionally, any residential land disturbing activity involving more than 10,000 square feet of disturbed area and/or within 200 linear feet of any state water shall require an erosion and sediment control plan.

- (b) When land disturbing activity will be required of a contractor performing construction work pursuant to a construction contract, the preparation, submission and approval of an erosion and sediment control plan shall be the responsibility of the owner. However, any

person contracted to perform land disturbing work as provided in Section 10.1-561 of the Code of Virginia is equally responsible for the approval of an erosion and sediment control plan and issuance of a Land Disturbing Permit prior to commencement of land disturbing activity.

- (c) No land disturbing, building or other permit shall be issued by the County for any work which involves land disturbing activities for which a permit is required unless the applicant submits with his application an erosion and sediment control plan for approval by the Administrator, and certifies by signature upon that application that the plan will be followed.
- (d) Applications for a Land Disturbing Permit to do work in Bedford County, whether residential or commercial, shall adhere to the respective checklist as provided by the Bedford County Department of Natural Resources. If the items contained within the specific checklist are not included in the submittal for application of the Land Disturbing Permit, a review of the erosion and sediment control plan shall not occur until which time the owner or applicant provides all pertinent information for site development.
- (e) Upon receipt of a plan submitted under this chapter, together with the required fees, the Administrator shall act on such plan within forty-five (45) days, by either approving the plan in writing or by disapproving the plan in writing, giving specific reasons for disapproval. The Administrator shall approve the plan if the plan meets the conservation standards of the County's erosion and sediment control program and if the person responsible for carrying out the plan certifies that he will properly perform the erosion and sediment control measures included in the plan and will comply with all provisions of this chapter. In addition, as a prerequisite to land disturbance, the person responsible for carrying out the plan shall provide the name of an individual holding a certificate of competence, as provided by Section 10.1-561 of the Code of Virginia, who will be in charge of and responsible for carrying out the land disturbing activity.

If permanent stormwater management facilities, including but not limited to pipes, basins, trenches, channels or other means of stormwater conveyance, are a part of the approved plan, a Stormwater Facility Maintenance Agreement shall be required outlining in writing the person or party responsible for long-term maintenance on these structures. The Agreement must be completed, signed, notarized and recorded prior to issuance of the Land Disturbing Permit.

- (f) If a plan is determined to be inadequate, the Administrator shall specify such modifications, terms and conditions as will permit approval of the plan and shall communicate such requirements to the party responsible for plan design.
- (g) A plan approved under this chapter may be changed by the Administrator in the following cases:
 - (1) Where inspection reveals the inadequacy of the plan to accomplish the objectives of the plan, or

- (2) When it is found that, because of changed circumstances or for other reasons, the approved plan cannot be effectively carried out.
- (h) In order to prevent further erosion and to protect adjoining land or water resources, the Administrator may identify land as an erosion impact area and require an approved plan, regardless of size, type or location of the land disturbance.
- (i) Any person who conducts land disturbing activities on property having frontage along state waters must, as a requirement of his land disturbing permit, install and maintain rip rap or other specific shoreline protective measures which, as a minimum, shall protect the land area from erosion caused by wave action, water level fluctuation or other water movement, and shall also protect the water from deposition of sediment resulting from erosion of the shoreline. Riprap protection shall be installed according to section 3-19 of the Virginia Erosion and Sediment Control Handbook. Alternate natural methods of shoreline protection are encouraged and may be used, subject to approval of the plan approving authority and other governing organizations.
- (j) Electric, natural gas and telephone utility companies, interstate and intrastate natural gas pipeline companies or railroad companies shall file general erosion and sediment control specifications annually with the Board for review and written comments. If said utilities undertake any land disturbing activities and have not filed an annual plan to the Board, they shall be subject to all requirements and specifications within this chapter. If said utilities have filed an annual plan with the Board and are proposing activities included in subparagraphs (1) and (2) of this subsection, they shall be considered exempt from the provisions of this chapter.
 - (1) Construction, installation and maintenance of electric, natural gas and telephone utility lines and pipelines, and
 - (2) Construction of the tracks, rights-of-ways, bridges, communication facilities and other related structures and facilities of the railroad company.
 - (3) Projects not included in subparagraphs (1) and (2) of this subsection shall comply with the requirements of the County erosion and sediment control program.
- (k) State agency projects are exempt from the provisions of this chapter except as provided for in the Code of Virginia, Section 10.1-564.
- (l) All projects in Bedford County that will disturb 1 (one) acre or more are subject to the Department of Environmental Quality (DEQ) Virginia Pollutant Discharge Elimination System (VPDES) VAR 10 permit.

Sec. 7-5. Requirement of a project surety.

- (a) Prior to the issuance of any land disturbing permit, the Administrator may require an applicant to submit a reasonable performance bond with surety, cash escrow, letter of credit, any combination thereof, or such legal arrangement acceptable to the County Attorney to ensure that measures could be taken by the County at the applicant's expense should he fail, after proper notice, within the time specified to initiate or maintain appropriate conservation action which may be required of him by the approved plan as a result of land disturbing activity. If the County takes such conservation action upon failure by the permittee, the County may collect from the permittee for the difference should the amount of the reasonable cost of such action exceed the amount of the security held.
- (b) The bond requirement may be waived for County-supported agencies, such as the public service authority, school board, nursing home, recreation committee, and fire and rescue units.
- (c) Upon achievement of adequate stabilization of the land disturbing activity, or upon request from the owner, such bond, cash escrow, letter of credit or other legal arrangement or the unexpended or unobligated portion thereof, shall be refunded to the applicant or terminated. All projects approved with means of stormwater conveyance (channels, pipes, etc.) shall have design certification submitted to the plan approving authority prior to release of any surety providing reasonable assurance that all stormwater measures have been constructed as designed, are well stabilized and appear to be in proper working order.
- (d) The amount of surety shall not be reduced or prorated. These requirements are in addition to all other provisions of law relating to the issuance of such permits and are not intended to otherwise affect the requirements for such permits.

Sec. 7-6. Fees.

The fee for a single-family dwelling land disturbing permit shall be fifty dollars (\$50.00) per acre or fraction thereof, of the disturbed area, with a minimum fee of fifty dollars (\$50.00). The fee for a land disturbing permit for all other development shall be one hundred fifty dollars (\$150.00) per acre, or fraction thereof, of the disturbed area, with a minimum fee of one hundred fifty dollars (\$150.00). The disturbed area of a residential subdivision shall be calculated to include all the land within the public utility easement.

Sec. 7-7. Standards to be used in preparation and consideration.

- (a) The current issue of the Virginia Erosion and Sediment Control Handbook shall be used in preparing the plan required by this article. The Administrator, in considering the adequacy of such plan, shall be guided by the guidelines and standards set out in such handbook.

- (b) Plan submission checklists, as set forth in 7-4 (d) of this chapter, shall be used in erosion and sediment control plan submission. Both residential and commercial checklists, as amended from time to time, are available at the Bedford County Department of Natural Resources.
- (c) All work and installation of materials shall be in accordance with the Virginia Erosion and Sediment Control Handbook, manufacturer's specifications, and/or approved and inspected by the plan approving authority of Bedford County.
- (d) Alternative shoreline stabilization shall be allowed upon submittal and approval by the Administrator and other governing organizations.
- (e) Stormwater management facilities shall be designed to hold a 25-year storm of 24-hour duration and release it at the pre-development rate, maintain structural integrity and shall include ultimate development of the project site. In the event stormwater quality measures or Low Impact Design (LID) techniques are incorporated in the overall stormwater proposal, the 25-year-design storm event can be reduced as approved by the Administrator. Incorporation of bioretention, infiltration and use of existing vegetation are highly recommended.
- (f) Design flow summary tables are required with a commercial erosion and sediment control plan. Design flow summary information can be obtained through the Bedford County Department of Natural Resources.

Sec. 7-8. Inspection of land disturbing activities: correction of defects.

- (a) Periodic inspections of land-disturbing activities—those with a Land Disturbing Permit as well as those under an Agreement in Lieu of a Plan—shall be provided by certified personnel from one of the following sources or a combination thereof:
 - (1) Department of Natural Resources personnel,
 - (2) Department of Building Inspections personnel, or
 - (3) other qualified Bedford County Code Enforcement personnel

Enforcement shall be the responsibility of the Administrator; the Administrator may require monitoring and reports from the person responsible for carrying out the plan to ensure compliance with the approved plan, and to determine whether the measures required in the plan are effective in controlling erosion and the movement of sediment. At which time the owner, permittee or person responsible for carrying out the plan makes application for the Land Disturbing Permit, they are hereby notified that inspections shall take place upon the property covered under the plan at any reasonable time and by the personnel listed in subsection (a) above pursuant to 4VAC50-30-60 (b) of the Regulations.

- (b) If the Administrator or his or her designee determines that there is a failure to comply with the plan and/or the erosion and sediment control regulations, a notice of violation shall be communicated to the permittee or person responsible for carrying out the plan by telephone, mail or by delivery to the the agent or employee supervising such activities. The notice shall specify the measures needed to comply with the plan and shall specify the time within which such measures shall be completed. Upon failure to comply within the time specified, a Notice to Comply shall be issued and the permittee or person responsible for carrying out the plan shall be deemed to be in violation of this chapter. A Notice to Comply shall specify all corrective action and provide a timeframe for completion.
- (c) Projects that are under an Agreement in Lieu of a Plan shall have the same notice of a violation as set forth in subsection (b) above, listing the timeframe for completion of corrective action. If the following inspection reveals that all corrective action has not been completed in the time allowed, a Stop Work Order shall be posted and the owner shall be required to obtain a Land Disturbing Permit and correct all violations prior to commencement of any construction activities on the project site.
- (d) If land disturbing activities have commenced without an approved plan, the Administrator shall require that all construction activities be stopped until an erosion and sediment control plan is submitted, erosion and sediment control measures are installed and all required permits are obtained.
- (e) Where the alleged noncompliance is causing, or is in imminent danger of causing, harmful erosion of lands or sediment deposition in waters within the watersheds of the Commonwealth, a Stop Work Order may be issued whether or not the alleged violator has been issued a notice to comply as specified in subsection (b) above. The order shall be posted on-site and shall remain in effect for seven (7) days from the date of service pending application by the enforcing authority or alleged violator for appropriate relief to the Circuit Court of Bedford County. The owner may appeal the issuance of a Stop Work Order to the circuit court of Bedford County. Any person violating or failing, neglecting or refusing to obey an order issued by the Natural Resources Administrator or his designee may be compelled in a proceeding instituted in the Bedford County Circuit Court to obey same and to comply therewith by injunction, mandamus or other appropriate remedy. Upon completion and approval of corrective action and obtaining an approved plan and all required permits, the order shall immediately be lifted. Nothing in this section shall prevent the Administrator or his designee from taking any other action specified in section 7-8.

Sec. 7-9. Closure of land disturbing activities

- (a) It shall be required that all developments shall have achieved final grade and adequate stabilization of the disturbed areas located within the project prior to issuance of the Certificate of Zoning Compliance (CZC) and Certificate of Occupancy (CO). If weather or other extenuating circumstance prevents attainment of final grade and/or final

stabilization, per Section 30-10 of the Bedford County Zoning Ordinance, a temporary CZC shall be granted until which time the owner or person responsible for carrying out the plan can achieve final stabilization.

- (b) Development projects that provide on-site stormwater management facilities (pipes, channels, ditches, basins, etc.) are hereby required to submit, upon completion and stabilization of the project, design certification for all manner of stormwater conveyance. Certification shall be provided by a licensed professional engineer and shall include language and/or as-built drawings as to the conformance of said structures to the plan, their stabilization and working order.

Sec. 7-10. Severability.

If any section, subsection, sentence, clause or phrase of this chapter is for any reason held illegal, invalid, or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereto. The County Board of Supervisors hereby declares that it would have passed this chapter and each section, subsection, sentence, clause, and phrase hereof, irrespective of the fact that any one or more section, subsections, sentences, clauses, or phrases be declared illegal, invalid, or unconstitutional.

Sec. 7-11. Violations of penalty, injunctive relief, civil relief.

- (a) A violation of any provision of this chapter shall be deemed a class 1 misdemeanor.
- (b) Civil penalties:
 - (1) Failure to comply with any of the 19 Minimum Standards as set forth in the Commonwealth of Virginia Erosion and Sediment Control Regulations shall result in a one hundred dollar (\$100.00) per violation per day penalty;
 - (2) Commencement of a land-disturbing activity without an approved Land Disturbing Permit as provided in section 7-2 shall result in a one thousand dollar (\$1,000.00) per violation per day penalty;
 - (3) Failure to obey a stop work order shall result in a one thousand dollar (\$1,000.00) per violation per day penalty; and
 - (4) Each day during which the violation is found to have existed shall constitute a separate offense. However, in no event shall a series of specified violation(s) arising from the same operative set of facts result in civil penalties which exceed a total of three thousand dollars (\$3,000.00), except that a series of violations arising from commencement of land-disturbing activities without an approved plan for any site shall not result in civil penalties which exceed a total of ten thousand dollars (\$10,000.00). The assessment of civil penalties according to this

schedule shall be in lieu of criminal sanctions and shall preclude the prosecution of such violation as a misdemeanor under subsection (a) of this section.

- (c) The County Attorney shall, upon request of the County, take legal action to enforce the provisions of this chapter.
- (d) Individuals who hold a Responsible Land Disturber Certification as issued by the Virginia Department of Conservation and Recreation (DCR) are hereby considered to be the person responsible for carrying out the plan and upon repeated violations, will be reported to DCR for revocation of their certification. A Responsible Land Disturber is also accountable for any and all sanctions included in this chapter and is subject to the same penalties as the owner of a property.
- (e) The County or Board may apply to the circuit court of Bedford County for injunctive relief to enjoin a violation or a threatened violation of the chapter, without the necessity of showing that there does not exist an adequate remedy at law.
- (f) In addition to any criminal or civil penalties provided, any person who violates any provision of this chapter may be liable to the County in a civil action for damages.
- (g) Without limiting the remedies which may be obtained in this section, any person violating or failing, neglecting or refusing to obey any injunction, mandamus or other remedy obtained pursuant to this section shall be subject, in the discretion of the court, to a civil penalty not to exceed two thousand dollars (\$2,000.00) for each violation. The County may bring a civil action for such violation or failure. Any civil penalties assessed by the court shall be paid into the treasury of Bedford County, except that where the violator is the county or its agent, the court shall direct the penalty to be paid to the State treasury.
- (h) With the consent of any person who has violated or failed, neglected or refused to obey any regulation or order of the Administrator, or any condition of a permit or any provision of this chapter, the County may provide, in an order issued by the Administrator against such persons, for the payment of civil charges for violations in specific sums not to exceed the limit specified in subsection (b) of this section. Such civil charges shall be instead of any appropriate civil penalty which could be imposed under subsection (b) or (f).
- (i) Except when land-disturbance requiring a permit has begun without a permit, or when, in the opinion of the Administrator, conditions pose an imminent danger to life, limb, property or to the waters of the Commonwealth, this article shall be enforced in the following steps:
 - (1) Verbal or written notice of violation shall be issued listing the violations noted during inspection and the required corrective action.

- (2) A Notice to Comply shall be issued when the following inspection reveals that the violations cited in the notice of violation have not been corrected. A Notice to Comply shall be issued either upon delivery in person or via certified mail, return receipt requested. Notice will allow five (5) days after receipt for implementation of the corrective actions.
- (3) A Stop Work Order shall be posted on the project site, requiring that all construction work on the site be stopped until the corrective measures noted in the Notice to Comply are implemented. The owner and/or person responsible for carrying out the plan, if not on-site at time of posting, will be notified by telephone of the order. As of this posting, all Zoning and Building Permits will be temporarily suspended and no inspections will be provided for the project. A maximum period of seven (7) days after the receipt of the order shall be allowed to correct the violations. Upon the completion of the corrective actions, and issuance of a Land Disturbing Permit if so required, the Stop Work Order is rescinded and zoning and building permits reinstated.
- (4) Imposition of criminal or civil penalties. Either, but not both, of these penalties may be imposed if the seven-day period in the stop work order passes without the implementation of the necessary corrective actions. The time frame for computing the number of days in violation shall not begin until the seven (7) days allowed for corrective action has expired unless work was not stopped as ordered.
- (j) Compliance with the provisions of this chapter shall be prima facie evidence, in any legal or equitable proceeding for damages caused by erosion, siltation or sedimentation, that all requirements of law have been met and the complaining party must show negligence in order to recover any damages.

Sec. 7-12. Appeals.

- (a) Final decisions of the Administrator under this chapter shall be subject to review by the Board, provided an appeal is filed within thirty (30) days from the date of any written decision by the Administrator which adversely affects the rights, duties or privileges of the person engaging in or proposing to engage in land-disturbing activities.
- (b) Final decisions of the County under this chapter shall be subject to review by the circuit court of Bedford County, provided that an appeal is filed within thirty (30) days from the date of any written decision adversely affecting the rights, duties, or privileges of the person engaging in or proposing to engage in land disturbing activities.
- (c) Final decisions of the Board either upon its own action or upon the review of the action of the Administrator shall be subject to judicial review in accordance with the provisions of the Administrative Process Act.