

**GENERAL ORDINANCE AMENDING CHAPTER 1 AND  
ADDING A NEW CHAPTER 17 TO THE BUILDING  
CODE OF THE CITY OF SYRACUSE, RELATING TO  
REQUIREMENTS FOR SITE PREPARATION WORK**

**BE IT ORDAINED**, that the Building Code of the City of Syracuse which has been amended from time to time be and is hereby further amended as follows to amend Chapter 1 and add a new Chapter 17 relative to site preparation requirements to preserve the quality of the natural environment and protect the health and welfare of the citizens of Syracuse:

(1) Paragraph A of Article 1.1.1 of the Syracuse Building Code is amended in its entirety to read as follows:

A. No person shall commence or perform any general construction work of any kind including, but not limited to, new construction, and the remodeling, conversion, alteration, demolition, moving, or additions to existing structures; the erection of fences, banners, signs, and retaining walls; and all types of site work, including excavation, filling, grading, paving, stripping and general site preparation; within the City of Syracuse without first obtaining a permit as provided herein for the work to be performed.

(2) Paragraph B of Article 1.1.1 of the Syracuse Building Code is amended in its entirety to read as follows:

B. Application for a Permit shall be made on forms provided by the Director and shall contain the following information:

1. Application.

a. The full name, address, telephone number and signature of the applicant.

b. A brief description of the nature of the proposed work.

c. The business name, business address, business telephone number of the person, firm or corporation who will do the work.

d. The name and location by street, lot number and number of the building shall be clearly given, and also the exact use and occupancy for which the structure is built, and the name, address, and signature of the owners or agents thereof.

e. A statement of the present and proposed use and occupancy of the premises where the work is to be done.

2. Each application for a Permit shall be accompanied by triplicate copies of plans and specifications setting forth all relevant details of the existing site and/or structure and the proposed work.

The aforementioned relevant details should include the following:

a. The complete property lines and dimensioned distances from these to all parts of the building shall be fully shown, either on a separate plot plan or on the basement or ground floor plans. Where the existing topography is to be

altered, computations shall be provided showing the cubic feet, square feet, square yards or other area to be impacted.

b. The drawings shall show the present and finished grade lines, heights of the building above the grade, and depth of foundations below the grade, all story heights, and the accurate arrangement of all exterior openings; the size and arrangement of all windows, doors, openings, rooms, walls, partitions, columns, beams and other permanent parts for each side of the building, and for the basement, each floor, and roof shall be clearly indicated.

c. Complete information shall be given on all materials and the thickness or size of all parts of the building, including the structural work, sufficient to accurately calculate all dead loads. This information shall cover the partitions, flooring, sub-flooring, and any other fill thereunder, and other such items.

d. The materials to be used for protecting any structural member or any part of the building against fire shall be fully noted and details given.

e. The foundations shall be designed for the character of soil assumed to exist and shall be subject to revision after the excavation is completed.

f. The materials, including the mix of mortars for masonry work, shall be fully described. The kind and grade of all structural lumber and timber shall be noted. The exact materials and mixes of concrete work, and the sizes and details of all reinforcing for concrete shall be fully shown. Structural steel shall be detailed to show its relation to other parts and the method of supporting the joists or slabs of the floor construction. Live loads used in the structural design shall be noted

on the plans, and a complete schedule showing the computed loads on all columns for all stories, including foundation loads, shall be given.

g. The sizes of all structural materials shall be given, and also the weight of structural steel. Details of all structural connections shall give full information on riveting, bolting, thickness, area of bearing, and other items necessary to determine all stresses.

h. Details of specific equipment required by the Building Code, such as elevator protection, fire doors, ventilating devices, etc., shall be filed.

i. The loads of elevators, tanks, machinery, or other special equipment shall be noted on the plans, including the method of support.

j. Plans for one to four car garages, not over 800 square feet in area to be built on private property, may be drawn on the application provided by the Director, giving the dimensions and materials, and the location on the lot not only of the garage but also of all other buildings.

k. The name, signature and address of the person or firm responsible for preparation of such drawings and specifications shall be provided. The seal of the engineer(s), surveyors, landscape architects or architect(s) responsible for the preparation of such drawings and specifications shall be stamped on each drawing and signature affixed thereto in accordance with Article 145 or 147 of the Education Law of the State of New York.

l. Amendments, if any, to the application or to the plans and specifications accompanying the same shall be filed with the Division and approval

therefor obtained prior to the commencement of any change in the work.

3. The applicant shall also be required to comply with the requirements of Chapter 17 when the plans and specifications evidence that the scope of the site preparation element of the project meets any of the following thresholds:

a. Site preparation on sites which exceed fifteen percent (15%) slope or result in slopes in excess of fifteen percent (15%). However, when this is the only threshold met, the Director may deem small projects, which in his judgment do not present an adverse environmental impact, as not meeting this threshold.

b. Excavation which affects more than three hundred (300) cubic yards of material within any parcel or any contiguous area;

c. Stripping which affects more than ten thousand (10,000) square feet of ground surface within any parcel or any contiguous area;

d. Grading which affects more than ten thousand (10,000) square feet of ground surface within any parcel or any contiguous area;

e. Filling which exceeds a total of three hundred (300) cubic yards of material, within any parcel or contiguous area;

4. Each application shall be accompanied by the applicable fee as provided in Paragraph F. When an application includes, as required herein, detailed plans and specifications, and in the event such application is not approved, or the Permit is not issued for any reason the applicant shall be entitled to a refund of fifty percent (50%) of the fee paid or any amount in excess of Twenty-Five Dollars (\$25.00), whichever is higher, provided no work has been commenced. If work has been started,

no part of the fee shall be refunded.

5. Incomplete applications or plans and/or specifications deficient in any respect shall be rejected. Likewise, plans or specifications containing statements to the effect that the work and materials, either in whole or in part, are to be done in accordance with the applicable codes and regulations without stating specifically the proposed materials or sizes thereof, shall be considered incomplete and may be rejected by the Division.

(3) Paragraph C of Article 1.1.1 of the Syracuse Building Code is amended in its entirety to read as follows:

C. Issuance or Denial of Permit

1. All applications for Permits shall be dated, numbered and taken up in the order received. The Director shall examine or cause to be examined, within ten (10) working days of submittal, all applications for Permits and the plans, specifications and documents filed therewith. Nothing herein shall require the Director to approve or disapprove the application within such period if necessary reviews by other agencies or departments have not been completed.

2. If the Director determines that the application and the work described therein conform to all the requirements of the applicable laws, codes and regulations, and upon receipt of the legal fees therefor, the Director shall approve the application and issue a Permit to the applicant upon the form prescribed and shall affix the date and his signature or cause his signature to be affixed thereto. The Director in his discretion may attach such conditions to this approval of the application and issuance

of the Permit as may be required to assure compliance with this Ordinance and other applicable laws or regulations. Where the work to be done includes the installations of pre-fabricated or pre-engineered equipment or appliances, the Permit shall be issued subject to the conditions that such installation shall conform to the manufacturer's specifications.

3. Upon approval of the application, each set of plans and specifications shall be endorsed with the date and the work "Approved". One set of such approved plans and specifications shall be retained in the files of the Department; one set shall be kept by the applicant at the building site open to inspection by the Director or his authorized representative at all reasonable times.

4. If the application, together with the plans, specifications and other documents filed therewith, describe proposed work which does not confirm to all of the requirements of the applicable laws, codes and regulations, the Director shall disapprove the same and shall return the plans and specifications to the applicant. Upon the request of the applicant, the Director shall cause such refusal, together with the reasons therefor, to be transmitted to the applicant in writing.

5. No permit shall be issued for site preparation work or the site preparation phase of a project where:

a. The proposed work would cause hazards to the public safety, health, or welfare.

b. The work as proposed by the applicant will damage any public or private property or interfere with any existing drainage course in such a manner

as to cause damage to any adjacent property or result in the depositing of debris or sediment on any public way or into any waterway or create an unreasonable hazard to persons, property, or wildlife;

c. The land area for which grading is proposed is subject to geological hazard to the extent that no reasonable amount of corrective work can eliminate or sufficiently reduce settlement, erosion, slope instability, or any other such hazard to persons or property;

6. An application which has been disapproved may be resubmitted with such modifications and support data as the applicant believes will overcome the objections to its approval, and the Director in his discretion may waive the payment of additional fees therefore if such application is resubmitted within one hundred eighty (180) days of the return to the applicant of the original plans.

7. The issuance of a Permit or the approval of drawings and specifications shall not be construed to be a Permit for, nor an approval of, any violation of or deviation from the provisions of the New York State Uniform Fire Prevention and Building Code, or any other ordinance, law, rule or regulation. When any violations are discovered in completed work, the Permit may be revoked unless the project shall be made to conform with the applicable provisions of the applicable codes, rules, and regulations within a timeframe specified by the Director.

8. The issuance of a Permit, based upon plans and specifications, shall not prevent the Division from thereafter requiring the correction of errors in said plans and specifications or from stopping non-conforming work.

9. Where a Permit is issued and such Permit is found to be a duplication, or the job is located outside the City, the Permit shall not be transferable or refundable.

(4) Paragraph D of Article 1.1.1 of the Syracuse Building Code is amended in its entirety to read as follows:

**D. Responsibilities of Permit Holder**

All work shall conform to the approved application, approved plans and specifications, and all approved modifications to said plans and specifications, and shall be performed in accordance with the provisions herein and any applicable laws, ordinances, rules and regulations. The issuance of a Permit shall not be deemed to be a waiver of any requirements of applicable laws, codes, or regulations, unless otherwise expressly provided herein. Any work started and not completed shall be left in a safe and secure condition.

(5) Paragraph E of Article 1.1.1 of the Syracuse Building Code is amended in its entirety to read as follows:

**E. Expiration and Renewal**

1. Any Permit issued hereunder shall expire:

a. If the work authorized by such Permit is not commenced within six (6) months after the date such Permit was issued, or within such shorter period as the Director or his duly authorized representative in his discretion may specify at the time the Permit is issued.

b. If the work is suspended or abandoned for a period of sixty (60) days, or such shorter period as the Director or his duly authorized representative may specify at the time the Permit issued, after the work has been started.

2. For good cause, the Director may allow an extension of the foregoing period at his discretion.

3. Expired Permits shall be cancelled and no refund of the Permit fee shall be made. Before the work can be commenced or resumed, a new Permit shall be obtained. The fee therefore shall be twice the amount required for the original Permit, provided that no substantial changes have been made in the original plans and specifications, and provided further, that such suspension or abandonment has not exceeded one (1) year. The Director may waive the fee for such new Permit if the imposition of such fee would pose a hardship on the applicant.

4. Permits shall be prominently displayed in a conspicuous location upon the premises at all times during the progress of said work.

(6) Paragraph G of Article 1.1.1 of the Syracuse Building Code is amended in its entirety to read as follows:

**G. Revocation of Permit**

1. The Director or his duly authorized representative may revoke a Permit theretofore issued in the following instances:

a. Where he finds that there has been any false statement or misrepresentation as to a material fact in the application, plans or specifications on

which the Permit was based:

b. Where he finds that the Permit was issued in error and should not have been issued in accordance with the applicable law;

c. Where he finds that the work detailed under the Permit is not being performed in accordance with the provisions of the application, plans or specifications or with applicable laws, codes, regulations or conditions of the Permit; or

d. Where the person to whom a Permit has been issued fails or refuses to comply with a stop order issued by the Director or his duly authorized representative.

2. Notice of such revocation and the reason therefor shall be in writing and shall be served upon the owner and the person to whom the Permit was issued, if other than the owner. Such revocation shall be effective forthwith.

(7) Paragraph H of Article 1.1.1 of the Syracuse Building Code is amended in its entirety to read as follows:

**G. Stop Work Orders**

Whenever the Director or his designee has reasonable grounds to believe that work on any building, structure or property is being performed in violation of the provisions of the applicable laws, codes or regulations, or is not in conformity with the provisions of the application, plans, specifications, or the conditions on the basis of which the Permit was issued, or is being performed in an unsafe and dangerous manner, he shall order the owner of the property, and the person to whom the Permit was issued, if other than the owner, to suspend all work, and any such persons shall forthwith stop

such work and shall take such precautionary measures as required for the protection of the public, until the stop order has been rescinded. A written copy of such order and notice stating the conditions under which the work may be resumed shall immediately thereafter be served upon a person to whom it is directed. No work shall be resumed on such building, structure or property unless the Division has rescinded such stop work order. Upon refusal or failure to comply with such order, in addition to the penalties otherwise provided herein, the Director may initiate the necessary action to compel the cutting of appropriate general utilities to such installation until the same has been placed in a safe condition, if he deems such measure necessary for the protection of the public.

(8) Article 1.2.5 of the Syracuse Building Code is amended in its entirety to read as follows:

Article 1.2.5 Violations and penalties.

A. Scope of Responsibility

Whenever, by any provision of this Code, the performance of any act is required, or the performance of any act is prohibited, a failure to comply with such provision shall constitute a violation of this Code. Each such violation shall be the responsibility of the owner, occupant, mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, agent or any other person, firm or corporation directly or indirectly in control of the building, structure, premise or part thereof. Likewise, any person, firm or corporation who has obtained a permit, pursuant to this Code, shall be responsible for the conduct of himself, his agents and employees.

B. Liability

Any person, firm or corporation who violates any provision of this Code shall, upon conviction thereof, be subject to the penalties described herein.

C. Procedure

1. The Director or his designee shall give written notice of such violation or alleged violation to the person or persons responsible for such violation.

2. Such notice shall:

a. Specify the alleged violations;

b. Provide thirty (30) days for compliance or such lesser period(s) of time where an emergency exists as may be determined by the Director; and

c. Inform the person to whom it is directed of his right to apply, within the shortest period of time given to correct any violation in said notice, for a hearing before the Director or his designated representative. When an application for a hearing is properly made, the Director shall set a time and place for such hearing. The rules of evidence prevailing in courts of record shall not be controlling in such hearings.

3. Such notice may contain an outline of remedial action, which, if taken shall effect compliance with the provisions of this Code.

4. The Director may, for good cause shown in his discretion, extend the compliance time specified in any notice and order issued under the provisions of this Code.

5. It shall be sufficient service of a notice and order of the Division if said notice is posted in a conspicuous place upon the premises affected and a copy

thereof mailed to the person to whom it is directed at the address filed by him in the Division or in the office of the Department of Finance, and if his address is not so filed in the Division or the office of the Department of Finance, then in such case such notice shall be sent by certified mail to his last known address or place of residence.

D. Penalties

1. Any person(s) who shall knowingly and wilfully violate or assist in the violation of this Code shall be guilty of an offense and upon conviction shall be punishable by a fine of not less than ten dollars (\$10.00) nor more than one hundred fifty dollars (\$150.00) or imprisonment for not more than fifteen (15) days, or both, for each offense. Each day after conviction that such violation continues shall constitute a separate offense.

2. Any person(s) who shall violate any requirement of this code, shall be subject to a civil penalty not to exceed \$500.00 for each individual violation, to be collected by the Corporation counsel by civil action or proceeding.

3. The penalties provided for herein shall be cumulative and not exclusive, and shall be in addition to any other remedies provided by law. Any and all penalties may be pursued concurrently or consecutively, and the pursuit of any penalty shall not be construed as an election or the waiver of the right to pursue any and all of the others.

(9) Chapter 2 of the Syracuse Building Code is amended in its entirety to add the following new definitions as follows:

**"Accelerated Soil Erosion"**- The increased loss of the land surface that occurs as a result of human activities.

**"Certification of Completion"** - A signed written statement by the Director of Code Enforcement that specific constructions, inspections, and tests, where required, have been performed and completed in accordance with the applicable requirements of this Chapter or other applicable regulations.

**"Engineer"** - The City Engineer or his duly authorized representative.

**"Debris"** - A term applied to loose refuse or earth material not suitable for use as presently situated or constituted, as determined by the Director of Code Enforcement.

**"Director"** - The Director of Code Enforcement or his duly authorized designee.

**"Drainage"** - The gravitational movement of water or other liquids by surface run-off or subsurface flow.

**"Earth Change"** - Any excavation or cut, fill or grading as herein defined.

**"Erosion"** - The process by which the ground surface is worn and carried away by the action of wind, water, gravity or a combination thereof.

**"Excavation or Cut"** - Any act by which soil or rock is cut into, dug, quarried, uncovered, removed, displaced or relocated.

**"Fill" or "Filling"** - Any activity which deposits natural or artificial material so as to modify the surface or subsurface conditions of land, lakes, ponds or water-courses.

**"Floodplain"** - That area which would be inundated by storm run-off or flood water equivalent to that which would occur with a rainfall or flood of one hundred (100) year recurrence frequency after total development of the watershed, as determined by

Flood Insurance Rate maps prepared pursuant to requirements of the Federal Emergency Management Agency.

**"Grade" or "Grading"** - Any stripping, excavating, filling, stockpiling or any combination thereof, and shall include the land in its excavated or filled condition.

**"Grading Permit"** - A permit issued to authorize work to be performed under this Section.

**"Haul Road"** - An on-site roadway constructed to prevent the spread of debris onto the public right-of-way.

**"Hazard"** - Any danger to public health, welfare and safety including exposure to risk of damage to property or liability for personal injury; or risk of harm to land, air or water resulting in environmental degradation. Hazards can include, but are not limited to, flooding and ponding, compaction and settling, landslides, earthquakes, toxic chemicals, radiation, fire and disease, etc.

**"Mulching"** - The application of a layer of plant residue or other suitable material for the purpose of effectively controlling erosion.

**"Natural Features"** - Shall include, but not be limited to existing watercourses, soils, and vegetation (trees in excess of six (6) inches breast height diameter and also any other groups of trees over four (4) feet in height located in wooded areas.

**"Natural Ground Surface"** - Any ground surface in its original state before any grading, excavation, filling, etc.

**"New York Guidelines for Urban Erosion & Sediment Control"**- Refers to the October, 1991 edition prepared by the Soil Conservation Service, U.S. Department of

Agriculture.

**"Non-Erosive Velocity"** - Means a rate of overland flow of run-off water which is not conducive to the development of accelerated soil erosion.

**"Permanent Soil Erosion Control Measures"** - Means those control measures which are installed or constructed to control soil erosion and which are maintained after project completion.

**"Professional Engineer"** - A professional engineer, duly registered or otherwise authorized by the State of New York.

**"Rational Method"** - A method of estimating the run-off in a drainage basin at a specific point and time by means of the rational run-off formula.

**"Sediment"** - Solid material, both mineral and organic, that is in suspension, is being transported, has been deposited, or has been removed from its site of origin by erosion.

**"Site"** - Any lot or parcel of and or combination of contiguous lots or parcels of land where disturbance is occurring.

**"Site Preparation"** - Site preparation shall include, but is not limited to; excavating, filling, stripping of vegetation, grading, altering existing topography for any purpose whatsoever.

**"Slope"** - Any inclined, exposed surface or a fill, excavation, or natural terrain.

**"Soil"** - All unconsolidated mineral or non-living organic material of whatever origin which overlies bedrock.

**"Soil Erosion Control Facility"** - A facility or measure placed or constructed as necessary for the successful control or abatement of accelerated soil erosion.

**"Stabilization"** - The proper placement grading and/or covering of soil or rock to insure their resistance to soil erosion, sliding or other earth movement.

**"Stockpiling"** - The depositing of earth materials or rock for temporary periods of time in accordance with the requirements of this Section for the purpose of facilitating construction operations.

**"Stripping"** Any activity which removes or significantly disturbs the vegetative surface cover, including cutting, clearing and grubbing operations.

**"Temporary Soil Erosion Control Measures"** - Interim control measures which are installed or constructed to control soil erosion until permanent soil erosion control is effected.

**"Topsoil"** - The natural surface layer of soil, usually darker than subsurface layers, to a depth of at least six (6) inches within an undisturbed area of soils.

**"Watercourse"** - Any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drainage way, gully, ravine, or wash, in which water flows in a definite direction or course, either continuously or intermittently, and which has a definite channel, bed, and banks, and any area adjacent thereto, subject to inundation by reason of overflow, flood, or storm water.

**"Wetlands"** - Areas of aquatic or semi-aquatic vegetation, or any areas which have been mapped as such by the New York State Department of Environmental Conservation (April 24, 1986), under the New York State Freshwater Wetlands Act or the

United States Department of the Interior, Fish and Wildlife Service for the National Wetlands Inventory.

(10) The Syracuse Building Code is amended in its entirety to add a new Chapter 17 to read as follows:

## CHAPTER 17

### CONSTRUCTION SITE PREPARATION

#### Article 17.1.

#### Purpose

It is the purpose of these regulations to protect health, safety, and welfare in the City of Syracuse (hereinafter referred to as the "City") by regulating site preparation activities, including, but not limited to excavation, filling, grading, and stripping, so as to prevent damage to the environment from erosion, sedimentation, and improper drainage.

The regulations provided herein are designed to protect the quality of the natural environment from the adverse effects of land disturbance. These adverse effects include, but are not limited to, pollution of water resources from silt and other materials; unnecessary destruction of vegetation; excessive exposure of soil to erosion; unnecessary modification of natural topography or geological features; and failure to restore sites to attractive natural conditions. In addition, these regulations provide for the protection of people and properties from the adverse effects of land disturbance. These adverse effects include, but are not limited to, increased run-off; erosion and

sedimentation; increased threat to life and property from flooding or storm waters; increased slope instability; landslide and slumping hazards; and detrimental modifications of the ground water regime.

The regulations provided herein shall serve to protect the City and other governmental bodies from having to undertake, at public expense, provisions for repairing roads and other public facilities and providing flood protection facilities due to the adverse effects of land disturbance. Furthermore, these regulations will prevent excessive particulants from entering the stormwater system.

**Article 17.2. Plans, Specifications and Performance Bond**

A. In addition to the requirements contained in Paragraph C of Article 1.1.1, permit applicants for projects in which the scope of the site work reaches any of the thresholds set forth in Article 1.1.1.B.3. shall provide the following:

1. An existing survey prepared by a land surveyor licensed and registered to practice in the State of New York. The proposed survey shall be prepared at a scale no smaller than one (1) inch to twenty (20) feet and shall indicate:

a. The boundaries of all parcels on which site preparation activities are proposed to be undertaken;

b. All structures or appurtenances, easements and rights of way to all contiguous properties of the parcel(s) on which site preparation activities are proposed to be undertaken, the structures identified by their uses and the roads identified by their surface material and width of pavement;

c. All watercourses contiguous of the parcels on which site preparation activities are proposed to be undertaken;

d. Existing topography at contour intervals not to exceed two (2) feet to all contiguous properties of the parcel(s) on which site preparation activities are proposed to be undertaken;

e. All sewer, water, gas, and electric lines and all other utilities within the parcels on which site preparation activities are proposed to be undertaken;

f. Major wooded areas and tree clusters contiguous to the parcel(s) on which site preparation activities are proposed to be undertaken;

g. All vegetation areas on the site proposed for site preparation activities, including areas of grass and other herbaceous cover, areas of shrub cover, wooded areas, tree clusters and individual trees over six (6) inches diameter at four (4) feet six (6) inches height;

h. The depth to bedrock on the site proposed for site preparation activities, and;

i. The depth to water table on the site proposed for site preparation activities.

2. Operations map(s) at a scale no smaller than one (1) inch equals twenty (20) feet (1 inch = 20 feet), which present a complete erosion and sediment control plan and which indicate:

a. All excavation, filling, and grading proposed to be undertaken, identified as to the depth, volume, and nature of the materials involved;

b. All stripping, identified as to the nature of vegetation affected;

c. All areas where topsoil is removed and stock-piled and where topsoil is ultimately placed, identified as to the depth of topsoil in each such area;

d. All temporary and permanent vegetation to be placed on the site, identified as to planting type, size, and extent;

e. All temporary and permanent drainage, erosion and sediment control facilities, including such facilities as ponds and sediment basins, identified as to the type of facility, the materials from which it is constructed, its dimensions, and its capacity in gallons;

f. The anticipated pattern of surface drainage during periods of peak runoff, upon completion of site preparation and construction activities, identified as to rate and direction of flow at all major points within the drainage system;

g. The location of all roads, driveways, sidewalks, structures, utilities, and other improvements; and

h. The final contours of the site in intervals of no greater than two (2) feet.

3. A time schedule which is keyed to the operations map(s), indicating:

- a. When major phases of the proposed project to be initiated and completed;
- b. When major site preparation activities are to be initiated and completed;
- c. When the installation of temporary and permanent vegetation and drainage, erosion, and sediment control facilities are to be completed;  
and
- d. The anticipated duration (in days) of exposure of all major areas of site preparation before the installation of erosion and sediment control measures.

4. A description of the material used in filling operations, the total volume of material proposed to be deposited on-site, and a listing of the points of origin of the proposed fill material which include:

5. A notarized affidavit signed by the owner of the source material which states that the material is free of any hazardous waste.

**Article 17.3. Minimum Design Standards**

The October, 1991 edition of the New York Guidelines for Urban Erosion and Sediment Control as promulgated by the United States Department of Agriculture Soil Conservation Service, is hereby incorporated into this Chapter by reference as the minimum design standard for erosion and sediment control.

Article 17.4      Responsibility of Permit Holder and/or Owner

A.      During grading and filling operations the Permit Holder and/or Owner shall be responsible for:

1.      The prevention of damage to any public utilities or the interruption of utility services within the limits of grading and along any routes of travel of the equipment.

2.      The prevention of damage to adjacent property. No person shall grade on land so close to the property line as to endanger any adjoining public street, sidewalk, alley or any public or private property without supporting and protecting such property from settling, cracking or other damage which might result.

3.      Carrying out the proposed work in accordance with the approved plans and in compliance with all the requirements of the permit and this Chapter.

4.      The prompt removal of all soil, miscellaneous debris or other material applied, dumped or otherwise deposited on public streets, highways, sidewalks or other public thoroughfares during transit to and from the construction site where such spillage constitutes a public nuisance or hazard. The construction of a haul road or other approved vehicle cleaning method may be required by the Engineer to prevent the spread of debris on areas that must be kept free of said debris.

5.      All earth changes being designed, constructed and completed in such a manner which shall limit the exposed area of any disturbed land for the shortest possible period of time, within the approved construction sequence.

6. Sediment caused by accelerated soil erosion being removed from run-off water before it leaves the site of the earth change.

7. Any temporary or permanent facility designed and constructed for the conveyance of water around, through or from the earth change area being designed to limit the water flow to a non-erosive velocity.

8. Temporary soil erosion control facilities being removed and earth change areas graded and stabilized with permanent soil erosion control measures.

9. Permanent soil erosion control measures for all slopes, channels, ditches or any disturbed land area being completed within five (5) calendar days after final grading or the final earth change has been completed. When it is not possible to permanently stabilize a disturbed area after an earth change has been completed or where significant earth change activity ceases, temporary soil erosion control measures shall be implemented with fifteen (15) calendar days. All temporary soil erosion control measures shall be maintained until permanent soil erosion controls are implemented.

10. The approved plans and permit being made available for inspection at all times at the site of the earth change.

11. All earth changes being conducted in such a manner which will effectively reduce accelerated soil erosion and resulting sedimentation.

B. Following the completion of the site preparation project the owner and all subsequent owners shall be responsible to maintain all permanent anti-erosion devices, retaining walls, structures, plantings and the protective devices.

**Article 17.5. Inspection Review and Enforcement**

A. The requirements of these regulations shall be enforced by the Director. The Site Preparation Plan shall be reviewed by the Engineer and approved by the Director. The Director upon the recommendation of the Engineer shall approve, disapprove or require modification of an application for an earth change permit within thirty (30) calendar days following receipt of the completed application or each submission of modified applications. Upon approval, the Director shall provide the Engineer with a copy of the permit. The permit holder shall cause the work to be inspected by a professional engineer to assure compliance with the requirements of these regulations. The Engineer shall inspect each stage of the project. If the Engineer finds any existing conditions not as stated in any application, grading permit or approved plan, the Engineer may refuse to approve further work until approval of a revised grading plan which will conform to the existing conditions or take actions in accordance with Chapter 1 of this Code.

**Article 17.6. Failure to Complete Work**

A. In the event of failure to complete the work or failure to comply with all the requirements, conditions and terms of the permit, the Director may order such work as is necessary to eliminate any dangerous conditions and to leave the site in a safe condition, or the Director may order the work authorized by permit to be completed in a safe condition as determined by the Engineer. The applicant posting the certified check or performance bond shall continue to be firmly bound under a continuing obligation for the payment of all necessary costs and expenses that may be incurred or

expended by the City in causing any and all such work to be done.

**Article 17.7. Certificate of Occupancy**

A. No Certificate of Occupancy for any building or structure will be issued unless the applicant for said Certificate shall have complied with the requirements of this Chapter and related regulations and shall have completed any defined soil erosion and sediment control measures.

**Article 17.8. Extension of Time**

A. If the applicant is unable to complete the work within the specified time, he/she may, prior to the expiration of the permit, present in writing to the Director a request for an extension of time setting forth the reasons for the requested extension. If in the opinion of the Engineer, such an extension is warranted, the Director may grant additional time for the completion of the work.

**Article 17.9. Modifications of Approved Plans**

A. All modifications of the approved grading plans must be submitted and approved by the Director. All necessary reports shall be submitted with any proposal to modify the approved grading plan. No grading work in connection with any proposed modification shall be permitted without the approval of the Director.

**Article 17.10. Project Closeout**

A. A Certificate of Completion shall be issued by the Director when all of the following have been submitted to the Engineer or verified as specified elsewhere in these regulations, including:

1. Written verification from a New York State licensed land surveyor, professional engineer, registered architect, or landscape architect that the final grading, fill and placement of fill and contours conform with the requirements of the approved site plan.

**Article 17.11. Liability**

A. Neither the issuance of permits, under the provisions of this Code, nor the compliance with the provisions hereto, or with any condition imposed by the Director hereunder, shall relieve any person from the responsibility for damage to any persons or property otherwise imposed by law, nor impose any liability upon the City of Syracuse for damages to persons or property.

**Article 17.12. Severability**

A. Should any section or provision of this Chapter be declared to be unconstitutional or invalid by the courts, such decision shall not affect the validity of the balance of this Chapter.

(11) Be it further ordained, that this Ordinance shall take effect immediately.