

Chapter 13 1 2

SOIL EROSION AND SEDIMENT CONTROL*

* **Editors Note:** An ordinance of Aug. 26, 1991, amended Ch. 13 1/2, §§ 13 1/2-1--13 1/2-14 to read as herein set out. Former Ch. 13 1/2 pertained to similar subject matter and derived from an ordinance of Sept. 6, 1989, §§ 16.1--16.13 and 45-46-6.

Charter References: Department of public works, Art. X; planning board, Art. XII.

Cross References: Town planner, § 2-3.1; conservation commission, § 2-9 et seq.; buildings and structures, Ch. 4; building inspector, § 4-1; building code, § 4-3; health and sanitation, Ch. 8; sewers and sewage disposal, § 8-26 et seq.; soil and earth removal operations, § 11-33 et seq.; excavation of streets and highways, § 14-32 et seq.; zoning, App. A; planned development, App. A, §§ 5.4.12 and 5.6.3.9; freshwater wetlands, App. A, § 6.1; flood hazard areas, App. A, § 6.18; zoning board of review, App. A, § 9.

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Sec. 13 1 2-1./Purpose.

The town council hereby finds that excessive quantities of soil are eroding from certain areas that are undergoing development for nonagricultural uses such as housing development, industrial areas, recreational facilities and roads. This erosion makes necessary costly repairs to gullies, washed-out fills, roads, and embankments. The resulting sediment clogs the storm sewers, road ditches, and muddies streams, leave deposits of silt in ponds and reservoirs and is considered a major water pollutant.

The purpose of this chapter is to prevent soil erosion and sedimentation from occurring as a result of nonagricultural development within the town by requiring proper provisions for water disposal, and the protection of soil surfaces during and after construction, in order to promote the safety, public health and general welfare of the town.

(Ord. of 8-26-91)

Sec. 13 1 2-2./Definitions of selected terms.

Applicant: Any person(s), corporation, or public or private organization proposing a development which would involve disturbance to the natural terrain as herein defined.

Cut: An excavation. The difference between a point on the original ground and a designated point of lower

elevation on the final grade. Also, the material removed in excavation.

Development project: Any construction, reconstruction, demolition, or removal of structures, roadways, parking, or other paved areas, utilities, or other similar facilities, including any action requiring a building permit by the town.

Erosion: The removal of mineral and/or organic matter by the action of wind, water, and/or gravity.

Excavate: Any act by which earth, sand, gravel, rock, or any other similar material is dug into, cut, removed, displaced, relocated, or bulldozed, and shall include the conditions resulting therefrom.

Fill: Any act by which earth, sand, or other material is placed or moved to a new location aboveground. The fill is also the difference in elevation between a point of existing undisturbed ground and a designated point of higher elevation of the final grade.

Land disturbing activity: Any physical land development activity which includes such actions as clearance of vegetation, moving or filling of land, removal or excavation of soil or mineral resources, or similar activities.

Sediment: Solid material, both mineral and/or organic, that is in suspension, is being transported, or have been moved from its site or origin by wind, water, and/or gravity as a product of erosion.

Soil erosion and sediment control plan: The (approved) document required before any person may cause a disturbance to the natural terrain within the town as herein regulated. Also, herein referred to as erosion and sediment control plan, approved plan.

Runoff: The surface water discharge or rate of discharge of a given watershed after a fall of rain or snow and including seepage flows that do not enter the soil but run off the surface of the land. Also, that portion of water that is not absorbed by the soil, but runs off the land surface.

Watercourse: The term watercourse shall be held to mean any tidewater or coastal wetland at its mean high water level, and any freshwater wetland at its seasonal high water level, including but not limited to, any river, stream, brook, pond, lake, swamp, marsh, bog, fan, wet meadow, or any other standing or flowing body of water. The edge of the watercourse as herein defined shall be used for delineation purposes.

(Ord. of 8-26-91)

Sec. 13 1 2-3./Applicability.

This chapter shall be applicable to any situation involving any disturbance to the terrain, topsoil or vegetation ground cover upon any property within the town after determination of applicability by the building inspector or his/her designee based upon criteria outlined below. This chapter shall not apply to existing quarrying operations actively engaged in excavating rock. Compliance with the requirements as described herein shall not be construed to relieve the owner/applicant of any obligations to obtain necessary state or federal permits.

(Ord. of 8-26-91)

Sec. 13 1 2-4./Determination of applicability.

(a) It shall be unlawful for any person to disturb any existing vegetation, grades, and contours of land in a manner which may increase the potential for soil erosion, without first applying for a determination of applicability from the building inspector or his/her designee. Upon determination of applicability, the owner/applicant shall submit a soil erosion and sediment control plan for approval by the building inspector or his/her designee, as provided in section 13 1/2-4. The application for determination of applicability shall describe the location, nature, character, and time schedule of the proposed land disturbing activity in sufficient detail to allow the building inspector or his/her designee to determine the potential for soil erosion and sedimentation resulting from the proposed project.

In determining the applicability of the soil erosion and sediment control ordinance to a particular land disturbing activity, the building inspector or his/her designee shall consider site topography, drainage patterns, soils, proximity to watercourses, and other such information as deemed appropriate by the building inspector or his/her designee. A particular land disturbing activity shall not be subject to the requirements of this chapter if the building inspector or his/her designee finds that erosion resulting from the land disturbing activity is insignificant and represents no threat to adjacent properties or to the quality of any coastal feature or watercourse, as defined herein. The current "Rhode Island Soil Erosion and Sediment Control Handbook" (U.S. Department of Agriculture Soil Conservation Service, Rhode Island Department of Environmental Management, and Rhode Island State Conservation Committee) shall be consulted in making this determination.

The building inspector or his/her designee shall accept satisfactory evidence in writing from persons who have been conducting excavation and sand and gravel operations for more than one year prior to the date of the determination of applicability. The evidence shall show that the excavation and the sand and gravel operations have been actively operating for five years and that the procedures followed at the existing operations accomplish the objectives of the statute as such procedures prevent soil erosion and sedimentation from occurring and procedures regarding water disposal and soil surfaces promote the safety, public health and general welfare of the town.

(b) No determination of applicability shall be required for the following:

- (1) Construction, alteration or use of any additions to existing single-family or duplex homes or related structures, provided the grounds coverage of such addition is less than 1,000 square feet, and such construction, alteration and use does not occur within 100 feet of any watercourse, and the slopes at the site of land disturbance do not exceed ten percent.
- (2) Use of a home garden in association with onsite residential use.
- (3) Accepted agricultural management practices such as seasonal filling and harvest activities associated with property utilized for private and/or commercial agricultural or silver purposes.
- (4) Excavations for improvements other than a dwelling described in subsection 13 1/2-1(b)(1) which exhibits all of the following characteristics:
 - a. Does not result in a total displacement of more than 50 cubic yards of material;

- b. Has no slopes steeper than ten feet vertical in 100 feet horizontal or approximately ten percent; and
 - c. Has all disturbed surface areas promptly and effectively protected to prevent soil erosion and sedimentation.
- (5) Grading, as a maintenance measure, or for landscaping purposes on existing developed land parcels or lots, provided that all bare surface is immediately seeded, sodded or otherwise protected from erosive actions and all of the following conditions are met:
- a. The aggregate of areas of such activity does not exceed 2,000 square feet; and
 - b. The change of elevation does not exceed two feet at any point; and
 - c. The grading does not involve a quantity of fill greater than 18 cubic yards; except where fill is excavated from another portion of the same parcel and the quantity does not exceed 50 cubic yards.
- (6) Grading, filling, removal, or excavation activities and operations undertaken by the town under the direction and supervision of the director of public works for work on streets, roads, or rights-of-way dedicated to public use, provided, however, that adequate and acceptable erosion and sediment controls are incorporated in engineering plans and specifications and employed. Appropriate controls shall apply during construction as well as after the completion of these activities. All such work shall be undertaken in accordance with the performance principles provided for in section 13 1/2-6(c), performance principles and such standards and definitions as may be adopted to implement said performance principles.

(Ord. of 8-26-91)

Sec. 13 1 2-5./Provisions of plan--Procedures.

(a) *Plan.* To obtain approval for a land disturbing activity as found applicable by the building inspector or his/her designee under section 13 1/2-3, an applicant shall first file an erosion and sediment control plan signed by the owner of the property, or authorized agent, on which the work subject to approval is to be performed. The plan or drawings, as described in section 13 1/2-5 of this chapter, shall include proposed erosion and sediment control measures to be employed by the applicant or his agent.

When the preexisting use is a gravel extraction operation, the property owner shall conduct the operation in a manner so as not to devalue abutting properties, to protect abutting property from wind erosion and soil erosion from increased runoff, sedimentation of reservoirs and drainage systems, and to limit the depth of extraction so as not to interfere with the nearby water table. Where any portion of a proposed development requires approval under the Rhode Island Freshwater Wetlands Act (G.L. 2- 1-15 et seq.), as amended, and where said approval contains provision for soil erosion and sediment controls, that approved plan shall be a component of the overall soil erosion and sediment control plan required hereunder for the development.

(b) *Fees.* The town may collect fair and reasonable fees from each applicant requesting approval of a soil erosion and sediment control plan for the purposes of administering this chapter.

- (1) Time of payment. At the time of submission of a soil erosion and sediment control plan to the office of the building inspector, the applicant shall pay a filing fee specified below in Attachment A. This fee is in addition to any required by the Rhode Island Freshwater Wetlands Act.
- (2) Waivers of fee. The building inspector or his/her designee may waive the filing fee for an applicant who demonstrates that imposition of the filing fee will result in substantial hardship, or that the imposition of the filing fee will make unnecessarily difficult a project which should enjoy routing approval or which could be beneficial to soil, water, or land resources. Any such determination waiving a filing fee shall be based upon documentation provided to the building inspector or his/her designee prior to the application for plan approval.

The building inspector or his/her designee may waive the filing fee for an application or request filed by a town office or agency.

- (3) Use of fees. The building inspector or his/her designee may draw upon the fees for costs and expenses in processing applications, plans, and requests; copying plans, technical reports, and other documents for review; advertising, circulating, or otherwise publishing notices and information regarding applications and other matters pending; conducting hearings, meetings, field inspections and other professionally contracted reviews; and communicating with federal and state agencies, consultants and engineers, provided that only those costs and expenses are reasonably attributable to review, approval, disapproval, or other action on plans and determinations of applicability.
- (4) Fees commensurate with expenses. This filing fee schedule has been determined by the town to be commensurate with the expenses of providing these municipal services to applicants.

(c) *Plan review.*

- (1) Within ten working days of the receipt of a completed plan, the building inspector or his/her designee shall send a copy of the plan to the review authorities which may include the public works department, the planning board, or planning department and conservation commission for the purpose of review and comment.

The building inspector or his/her designee may also within the above time frame submit copies of the plan to other local departments or agencies, including the conservation district that services their county, in order to better achieve the purposes of this chapter. Failure of the aforementioned review authorities to respond within 45 days of their receipt of the plan shall be deemed as no objection to the plan as submitted.

- (2) The time allowed for plan review shall be commensurate with the proposed development project, and shall be done simultaneously with other reviews.

(d) *Plan approval.* The building inspector or his/her designee shall take action in writing either approving or disapproving the plan with reasons stated within ten days after the building inspector has received the written opinion of the aforementioned review authorities. Failure of the aforementioned authorities to respond

within 21 days of the receipt of the plan shall be deemed as no objection to the plan submitted.

In approving a plan, the building inspector or his/her designee may attach such conditions deemed reasonably necessary by the aforementioned review authorities to further the purposes of this ordinance. The conditions pertaining to erosion and sediment control measures and/or devices, may include, but are not limited to, the erection of walls, drains, dams, and structures, planting vegetation, trees and shrubs, furnishings, necessary easements, and specifying a method of performing various kinds of work, and the sequence or timing thereof. The applicant/owner shall notify the building inspector or his/her designee in advance of his or her intent to begin clearing and construction work described in the erosion and sediment control plan. The applicant shall have the erosion and sediment control plan on the site during grading and construction.

(e) *Appeals.*

(1) Administrative procedures. If the ruling made by the building inspector or his/her designee is unsatisfactory to the applicant/owner, the applicant/owner may file a written appeal. The appeal of plans for soil erosion and sediment control shall be in the zoning board of review or other appropriate board of review, as determined by the town council. Appeal procedures shall follow current requirements for appeal to boards above. During the period in which the request for appeal is filed, and until such time as a final decision is rendered on the appeal, the decision of the building inspector or his/her designee shall remain in effect.

(2) Expert opinion: The official or his/her designee and/or the zoning board of review or other board of review, may seek technical assistance on any soil erosion and sediment control plan. The expert opinion must be made available in the office of the building inspector or his/her designee as a public record prior to the appeals hearing.

(Ord. of 8-26-91)

ATTACHMENT A. FEE SCHEDULE

The following fee schedule shall apply and be used to calculate all fees and shall be paid at the time of plan submission or subsequent inspection/site visit by the building inspector or his/her designee.

SOIL EROSION AND SEDIMENT CONTROL
PLAN REVIEW

Single-Family Subdivisions

1 lot \$ 82.50

2--4 lots 137.50

5--9 lots 275.00

10--15 lots 412.50
16--25 lots 550.00
26--50 lots 715.00
51--100 lots 880.00
100 plus lots 880.00

Plus \$20.00/lot for each over 100

Site Plans (Multifamily, Commercial,
Industrial, Parking Lots, Utilities,
Land Grading, Quarrying, Demolition, etc.)

Up to 30,000 sq. feet \$137.50
30,000 sq. ft.--1.5 acres 192.50
2 acres--5 acres 275.00
6 acres--10 acres 412.50
11 acres--20 acres 550.00
21 acres--50 acres 715.00
51 acres--75 acres 935.00
76 plus acres 935.00

\$935.00 plus \$20.00/acre for each over 75

SITE INSPECTION FEES

Single Family Subdivisions

1 lot \$ 45.00
2--4 lots 82.50

5--9 lots	110.00
10--15 lots	137.50
16--25 lots	165.00
26--50 lots	220.00
51--100 lots	330.00
100 plus lots	440.00

Site Plans

Up to 30,000 sq. ft.	\$ 55.00
30,000 sq. ft.--1.5 acres	82.50
2 acres--5 acres	110.00
6 acres--10 acres	137.50
11 acres--20 acres	192.50
21 acres--50 acres	275.00
51 acres--75 acres	385.00
76 plus acres	400.00

Sec. 13 1 2-6./Soil erosion and sediment control plan.

(a) *Plan preparation.* The erosion and sediment control plan shall be prepared by a registered engineer, or landscape architect or a soil and water conservation society certified erosion and sediment control specialist and copies of the plan shall be submitted to the building inspector or his/her designee.

(b) *Plan contents.* The erosion and sediment control plan shall include sufficient information about the proposed activities and land parcel(s) to form a clear basis for discussion and review and to assure compliance with all applicable requirements of this chapter. The plan shall be consistent with the data collection, data analysis, and plan preparation guidelines in the current "Rhode Island Soil Erosion and Sediment Control Handbook," prepared by the U.S. Department of Agriculture, Soil Conservation Service, Rhode Island Department of Environmental Management and Rhode Island State Conservation Committee and at a minimum, shall contain:

- (1) A narrative describing the proposed land disturbing activity and the soil erosion and sediment

control measures and stormwater management measures to be installed to control erosion that could result from the proposed activity. Supporting documentation, such as a drainage area, existing site, and soil maps shall be provided as required by the building inspector or his/her designee.

- (2) Construction drawings illustrating in detail existing and proposed contours, drainage features, and vegetation; limits of clearing and grading, the location of soil erosion and sediment control and stormwater management measures, detail drawings of measures; stock piles and borrow areas; sequence and staging of land disturbing activities; and other such information needed for construction.
- (3) Other information or construction plans and details as deemed necessary by the building inspector or his/her designee for thorough review of the plan prior to action being taken as prescribed in this chapter. Withholding or delay of such information may be reasons for the building inspector or his/her designee to judge the application as incomplete and grounds for disapproval.

(c) *Performance principles:* The contents of the erosion and sediment control plan shall clearly demonstrate how the principles, outlined below, have been met in the design and are to be accomplished by the proposed development project:

- (1) The site selected shall show due regard for natural drainage characteristics and topography.
- (2) To the extent possible, steep slopes shall be avoided.
- (3) The grade of slopes created shall be minimized.
- (4) Post development runoff rates should not exceed predevelopment rates, consistent with other stormwater requirements which may be in effect. Any increase in storm runoff shall be retained and recharged as close as feasible to its place of origin by means of detention ponds or basins, seepage areas, subsurface drains, porous paving, or similar technique.
- (5) Original boundaries, alignment, and slope of watercourses within the project locus shall be preserved to the greatest extent feasible.
- (6) In general, drainage shall be directed away from structures intended for human occupancy, municipal or utility use, or similar structures.
- (7) All drainage provisions shall be of such a design and capacity so as to adequately handle stormwater runoff, including runoff from tributary upstream areas which may be outside the locus of the project.
- (8) Drainage facilities shall be installed as early as feasible during construction, prior to site clearance, if possible.
- (9) Fill located adjacent to watercourses shall be suitably protected from erosion by means of rip-rap, gabions, retaining walls, vegetative stabilization, or similar measures.

- (10) Temporary vegetation and/or mulching shall be used to protect bare areas and stockpiles from erosion during construction; the smallest areas feasible shall be exposed at any one time; disturbed areas shall be protected during the nongrowing months, November through March.
- (11) Permanent vegetation shall be placed immediately following fine grading.
- (12) Trees and other existing vegetation shall be retained whenever feasible; the area beyond within the dripline shall be fenced or roped off to protect trees from construction equipment.
- (13) All areas damaged during construction shall be resodded, reseeded, or otherwise restored. Monitoring and maintenance schedules, where required, shall be predetermined.

(Ord. of 8-26-91)

Sec. 13 1 2-7./Enforcement.

(a) *Performance bond.* Before approving an erosion sediment control plan, the building inspector or his/her designee may require the applicant/owner to file a surety company performance bond or deposit of money or negotiable securities or other method of surety, as specified by the building inspector or his/her designee. When any land disturbing activity is to take place within 100 feet of any watercourse or coastal feature or within an identified flood hazard district, or on slopes in excess of ten percent, the filing of a performance bond shall be required. The amount of the bond, as determined by the public works department, or in its absence, the building inspector or his/her designee, shall be sufficient to cover the cost of implementing all erosion and sediment control measures as shown on the plan.

The bond or negotiable security filed by the applicant shall be subject to approval of the form, content, amount, and manner of execution by the public works director and the town solicitor.

A performance bond for an erosion sediment control plan for a subdivision may be included in the performance bond of the subdivision. The posting of the bond as part of the subdivision performance bond does not, however, relieve the owner of any requirement(s) of this chapter.

- (b) *Notice of default on performance secured by bond.*
 - (1) Whenever the building inspector or his/her designee shall find that a default has occurred in the performance of any term(s) or condition(s) of the bond or in the implementation of measures secured by the bond, written notice thereof shall be made to the applicant and to the surety of the bond by the town solicitor. The notice shall state the nature of default, work to be done, the estimated cost thereof, and the period of time deemed by the building inspector or his/her designee to be reasonably necessary for the completion of the work.
 - (2) Failure of the applicant to acknowledge and comply with the provisions and deadlines outlined in such notice of default shall mean the institution, by the town solicitor, without further notice of proceedings whatsoever, of appropriate measures to utilize the performance bond to cause the required work to be completed by the town, by contract or by other appropriate means as determined by the town solicitor.

(c) *Notice of default on performance secured by certified check.* If a certified check has been posted by the applicant, notice and procedure shall be the same as provided for in the subsection (b) above.

(d) *Release from performance bond conditions.* The performance bonding requirement shall remain in full force and effect for 12 months following completion of the project, or longer if deemed necessary by the building official or his/her designee.
(Ord. of 8-26-91)

Sec. 13 1 2-8./Approval; expiration; renewal.

Every approval granted herein shall expire at the end of the time period set forth in the conditions. The developer shall fully perform and complete all of the work required within the specified time period.

If the developer is unable to complete the work within the designated time period, he or she shall, at least 30 days prior to the expiration date, submit a written request for an extension of time to the building inspector or his/her designee, setting forth the reasons underlying the requested time extension. If the extension is warranted, the building inspector or his/her designee may grant an extension of time up to a maximum of one year from the date of the original deadline. Subsequent extensions under the same conditions may be granted at the discretion of the building official.
(Ord. of 8-26-91)

Sec. 13 1 2-9./Maintenance of measures.

Maintenance of all erosion-sediment control devices under this chapter shall be the responsibility of the owner. The erosion-sediment control devices shall be maintained in good condition and working order on a continuing basis. Watercourses originating and located completely on private property shall be the responsibility of the owner to their point of open discharge at the property line or at a communal watercourse within the property.
(Ord. of 8-26-91)

Sec. 13 1 2-10./Liability of applicant.

Neither approval of an erosion and sediment control plan nor compliance with any condition of this chapter shall relieve the owner/applicant from any responsibility for damage to persons or property, nor impose any liability upon the town for damages to persons or property.
(Ord. of 8-26-91)

Sec. 13 1 2-11./Inspections.

(a) *Inspections.* The provisions of this chapter shall be administered and enforced by the building official or his or her designee. All work shall be subject to periodic inspections by the building inspector or his or her designee. All work shall be performed in accordance with an inspection and construction control schedule approved by the building official or his or her designee, who shall maintain a permanent file on all of his or her inspections. Upon completion of the work, the developer or owner(s) shall notify the building official or his/her designee that all grading, drainage, erosion and sediment control measures and devices, and vegetation and

ground cover planting has been completed in conformance with the approval, all attached plans, specifications, conditions, and other applicable provisions of this chapter.

(b) *Final inspection.* Upon notification of the completion by the owner, the building inspector or his/her designee shall make a final inspection of the site in question and shall prepare a final summary inspection report of its findings which shall be retained in the office of the zoning officer/building inspector and in the department of public works permanent inspections file. The applicant/owner may request the release of his/her performance bond from the building inspector or his/her designee 12 months after the final site inspection has been completed and approved. In the instance where the performance bond has been posted with the recording of a final subdivision, the bond shall be released after the building inspector or his/her designee has been notified by the town planner of successful completion of all plat improvements by the applicant/owner.

(Ord. of 8-26-91)

Sec. 13 1 2-12./Notification; noncompliance.

If, at any stage, the work-in-progress and/or completed under the terms of an approved erosion and sediment control plan does not conform to the plan, a written notice from the building inspector or his/her designee to comply shall be transmitted by certified mail to the owner. The notice shall set forth the nature of the temporary and permanent corrections required and the time limit within which corrections shall be completed as set forth in subsection 13 1/2-12(b). Failure to comply with the required corrections within the specified time limit shall be considered in violation of this chapter, in which case the performance bond or cash or negotiable securities deposit shall be subject to notice of default, in accordance with subsections 13 1/2-7(b) and (c) and 16.6.3 of this chapter.

(Ord. of 8-26-91)

Sec. 13 1 2-13./Penalties.

(a) *Revocation or suspension of approval.* The approval of an erosion and sediment control plan under this chapter may be revoked or suspended by the building inspector and all work on the project halted for an indefinite time period by the building inspector after written notification is transmitted by the building inspector to the developer for one or more of the following reasons:

- (1) Violation of any condition of the approved plan, or specifications pertaining thereto;
- (2) Violation of any provision of this chapter or any other applicable law, ordinance, rule, or regulation related to the work or site of work; and
- (3) The existence of any condition or the performance of any act constituting or creating a nuisance, hazard, or endangerment to human life or the property of others, or contrary to the spirit or intention of this chapter.

(b) *Other penalties.* In addition thereto, whenever there is a failure to comply with the provisions of this chapter, the town shall have the right to notify the applicant/owner that he must cease work immediately and/or has 24 hours from the receipt of notice to temporarily correct the violations and 30 days from receipt of notice to permanently correct the violations. Should the applicant/owner fail to take the temporary corrective measures within the twenty-four-hour period and the permanent corrective measures within the thirty-day period,

the town shall then have the right to take whatever actions it deems necessary to correct the violations and to assert a lien on the subject property in an amount equal to the costs of remedial actions. The lien shall be enforced in a manner provided or authorized by law for the enforcement of common law liens on personal property. The lien shall be recorded with the records of land evidence of the municipality, and the lien shall incur legal interest from the date of recording. The imposition of any penalty shall not exempt the offender from compliance with the provisions of this chapter, including revocation of the performance bond or assessment of a lien on the property by the town.

(Ord. of 8-26-91)

Sec. 13 1 2-14./Severability.

If any provision of this chapter or any rule or determination made hereunder, or application hereof to any person, agency, or circumstances is held invalid by a court of competent jurisdiction, the remainder of this ordinance and its application to any person, agency or circumstances shall not be affected thereby. The invalidity of any section or section of this chapter shall not affect the validity of the remainder of this chapter.

(Ord. of 8-26-91)