

Addendum to Agenda Item 11b.  
Ordinance 2014-44  
October 28, 2014

## Georgetown County, South Carolina

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# Stormwater Management Ordinance 2014

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As of October 28, 2014

**STORMWATER MANAGEMENT ORDINANCE**  
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## **ARTICLE I. GENERAL PROVISIONS**

### **SECTION A. Title Authority, Purpose, Objectives, Application**

#### **Title**

The provisions of this Ordinance shall constitute and be known as the “Stormwater Management Ordinance 2014 for Georgetown County, South Carolina”.

#### **Authority**

This Ordinance is adopted pursuant to the authority conferred upon Georgetown County (the “County”) by the South Carolina Constitution, the South Carolina General Assembly and in compliance with the requirements imposed upon the County by National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges from Regulated Small Separate Storm Sewer Systems (SMS4), SCR030000 issued in accordance with the Federal Clean Water Act, the South Carolina Pollution Control Act, and regulations promulgated there under.

#### **Purpose**

The purpose of this Ordinance is to protect, maintain, and enhance the public health, safety, and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased stormwater runoff associated with both future land development and existing developed land within the County. Proper management of stormwater runoff will minimize damage to public and private property, ensure a functional drainage system, reduce the effects of development on land and stream channel erosion, assist in the attainment and maintenance of water quality standards, enhance the local environment associated with the drainage system, reduce local flooding, maintain as nearly as possible the pre-developed runoff characteristics of the area, and facilitate economic development while mitigating associated flooding and drainage impacts.

#### **Objectives**

The objectives of this Ordinance include the following.

1. Protect, maintain, and enhance the short-term and long-term public health, safety, and general welfare. This objective will be achieved by:
  - a. Establishing minimum requirements and procedures to control the adverse effects of increased stormwater runoff associated with both future land development and existing developed land within Georgetown County;
  - b. Providing proper management of stormwater runoff to minimize damage to public and private property and reduce the effects of land disturbing activities on land and stream channel erosion;
  - c. Protecting, preserving, and enhancing water quality and fish and wildlife habitat within Georgetown County and in downstream receiving waterbody; and,

- d. Alleviating street and property flooding and its adverse impacts caused by urban development.
2. Comply with Federal and corresponding state stormwater discharge (NPDES) regulations (40 CFR 122.26 and SC Regulation 61-9.122.26) developed pursuant to the Clean Water Act and to assure Georgetown County the authority to take any action required by it to obtain and comply with its National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges from Regulated Small Separate Storm Sewer Systems (SMS4), SCR030000. Among other things, these regulations require Georgetown County to establish legal authority which authorizes or enables Georgetown County at a minimum to:
    - a. Comply with State and Federal requirements related to stormwater management developed pursuant to the Clean Water Act;
    - b. Prohibit illicit connections and discharges to the Georgetown County stormwater collection system (or SMS4);
    - c. Control the discharge of spills and prohibit dumping or disposal of materials other than stormwater into the Georgetown County SMS4;
    - d. Control the contribution of pollutants from stormwater discharges associated with construction land disturbance activities and the quality of stormwater discharge from residential, commercial and industrial developments;
    - e. Require erosion and sediment controls to minimize the discharge of pollutants to protect water quality to the maximum extent practicable
    - f. Define procedures for site plan review, inspection, and enforcement;
    - g. Define procedures for receipt and consideration of information submitted by the public;
    - h. Require installation, implementation, and maintenance of control measures for owners/operators of construction sites, new development and redevelopment to minimize the discharge of pollutants to the Maximum Extent Possible (MEP) and to protect water quality;
    - i. Request from operators of construction sites, new or redeveloped land, including industrial and commercial facilities information including, but not limited to, specific requirements to control construction and post-construction discharges of pollutants in Stormwater, and enforce, penalize, stop work, and require compliance for controlling pollutants from these sources;
    - j. Carry out all inspection, surveillance and monitoring procedures necessary to determine compliance and noncompliance with permit conditions including the prohibition of illicit discharges to the Georgetown County SMS4;
    - k. Enable enforcement of all said authorizations against responsible parties and require

recovery and remediation costs from responsible parties and escalate corrective response consistent with its enforcement response plan developed for persistent non-compliance, repeat or escalating violations, or incidents of major environmental harm; and

- l. Implement the programs of the Georgetown County Stormwater Management Plan (SWMP).
  - m. To ensure that no property owner shall obstruct or alter the flow, location or carrying capacity of a stream, channel or drainage swale to the detriment of any other property owner, whether upstream or downstream.
3. This Ordinance is to be construed to further its purpose of controlling and reducing pollutant discharges to the Georgetown County Stormwater System and to the Waters of the State to assure the obligations under its NPDES permit issued by the Department of Health and Environmental Control (DHEC) as required by 33 USC 1342 and 40 CFR 122.26.
  4. Require plans to minimize the transport of pollutants to the local stormwater drainage system by requiring approval and implementation of Stormwater Management and Sediment Control Plans for an example but not limited to activities which may have an adverse impact on Georgetown County waters.
  5. Establish procedures, which minimize damage from flooding caused by development, while recognizing that natural fluctuations in water levels are beneficial.
  6. Require construction, where possible, of drainage facilities/systems, which aesthetically and functionally approximate natural systems.
  7. Establish procedures for the planning and implementation of stormwater improvements using a basin-wide or sub-basin approach which considers the total stormwater basin system, or major portions of the basin system, beyond individual subdivisions and developments.
  8. To design, construct, and maintain stormwater management facilities to minimize mosquito-related problems.
  9. To protect the water quality of the ocean and the physical characteristics of the beach area by minimizing the rates, volumes, and velocities of stormwater entering drainage systems discharging to the beach.

### **Application**

- (a) The application of this Ordinance and the provisions expressed herein shall be the minimum stormwater management requirements and shall not be deemed a limitation or repeal of any other powers granted by State statute. In addition, if site characteristics indicate that complying with these minimum requirements will not provide an adequate design or protection for local property or residents, the designer should work with the stormwater division that best meets the reasonable application and intent of this ordinance. The Stormwater Engineer or designee shall be responsible for the coordination and enforcement of the provisions of this Ordinance.

- (b) It is the goal of the Georgetown County Council that the provisions of this Ordinance will result in a reduction of the discharge of pollutants to the Georgetown County Stormwater System and its receiving waterbody to the maximum extent practicable using management practices, control techniques and system, design and engineering methods or such other programs or controls as are required by Georgetown County's NPDES SMS4 general permit or authorized by law.
- (c) The provisions of this Ordinance apply throughout the unincorporated areas of Georgetown County.

SECTION B. Definitions

For the purpose of this Ordinance, definitions contained in South Carolina Code of Regulations 61-9.122.2 and 72-301, and SC Construction General Permit 2013, are incorporated herein by reference. Where the same words are defined in both the aforementioned regulations, but are not the same, the definitions contained in R. 61-9.122.2 will be used for the purposes of this Ordinance.

1. Accidental Discharge shall mean a discharge prohibited by this Ordinance into the drainage system, which occurs by chance and without planning or consideration prior to occurrence.
2. Adequate channel shall mean a natural or man-made channel or pipe which is capable of conveying the runoff from the design storm events without flooding existing structures or causing property damage.
3. As-built plan shall mean a set of engineering or site drawings that delineate the specific permitted stormwater management facility (ies) and BMPs as actually constructed, as outlined in the Georgetown County Stormwater Design Criteria Manual.
4. Berm shall mean a mound of soil, either natural or man-made, intended to buffer land uses or limit access.
5. Best management practices (BMPs) shall mean a wide range of management procedures, schedules of activities, prohibitions on practices and other management practices which have been demonstrated to effectively control the quality and/or quantity of stormwater runoff and which are compatible with the planned land use.
6. Buffer shall mean an area within a property or site, generally adjacent to and parallel with the property line, consisting of natural existing vegetation, designed to treat stormwater runoff from construction activities.
7. Construction General Permit (CGP) NPDES General Permit for Stormwater Discharges from Construction Activities SCR 1000000 authorizes Stormwater discharges from large and small construction activities where those discharges enter Surface Waters of the State or a Municipal Separate Storm Sewer System (MS4) leading to Surface Waters of the State subject to the conditions as set forth in the permit. The permit also addresses post-construction discharges, both water quality and quantity, through the regulations listed under SC Code of Regulations 72-307, Specific Design Criteria, Minimum Standards and Specifications.
8. County shall mean Georgetown County, South Carolina.

9. County Council shall mean the duly elected council within Georgetown County.
10. Stormwater Engineer shall mean the Stormwater Engineer of Georgetown County, South Carolina.
11. Clean Water Act shall mean the Federal Water Pollution Act, as amended (33 U.S.C. 1251 et.seq).
12. Conveyance shall mean stormwater features designed for the movement of stormwater through the drainage system, such as concrete pipes, ditches, depressions, swales, channels etc.
13. Culvert shall mean a structure designed to convey a watercourse under a roadway, railway, pedestrian walk, or through an embankment.
14. Design report shall mean the report that accompanies the Stormwater Management and Sediment Control Plan and includes data used for engineering analysis, results of all analysis, design and analysis calculations (including results obtained from computer programs), and other engineering data that would assist the Stormwater Engineer in evaluating proposed stormwater management facilities.
15. Design storm events shall mean the frequency storm used for the design of stormwater management facilities (two, ten, twenty-five and 100 year frequency storms).
16. Designer shall mean a registered professional with the State of South Carolina who is licensed to prepare plans and studies required by this Ordinance.
17. Detention structure shall mean a permanent stormwater management structure whose primary purpose is to temporarily store stormwater runoff and release the stored runoff at controlled rates.
18. Developed land use conditions shall mean the land use conditions according to the current County Land Use Map or proposed site plan. Also the conditions which exist following the completion of the land disturbing activity in terms of topography, vegetation, land use and rate, quality, volume or direction of stormwater runoff.
19. Developer shall mean the legal or beneficial owner(s) of a parcel of any land included in a proposed development. Also, the holder of an option or contract to purchase, or any other person having enforceable legal or proprietary interest in such land.
20. Development activity should generally mean any of the following actions undertaken by a public or private individual or entity:
  - a. the division of a parcel of land into two (2) parcels or other divisions by plat or deed and is part of larger common plan of development;
  - b. the construction, installation or alteration of a structure, impervious surface, or drainage facility;
  - c. any land change, including, without limitation, demolition, clearing, tree removal, grubbing, stripping, dredging, grading, excavating, transporting and filling of land; and,
  - d. adding, removing, exposing, excavating, leveling, grading, digging, burrowing, dumping, piling, dredging, or otherwise disturbing the soil, vegetation, mud, sand or rock of a site.

21. Drainage System shall mean all structures used to convey stormwater runoff.
22. Easement shall mean a grant of one (1) or more property rights by a property owner to or for use by another person or entity, not inclusive of fee simple ownership.
23. Erosion shall mean the wearing away of land surface by the action of wind, water, gravity, ice, or any combination of those forces.
24. Erosion and sediment control shall mean the restriction and management of solid material, both mineral and organic, during a land disturbing activity to prevent its transport out of the disturbed area by means of air, water, gravity, or ice.
25. Exemption shall mean those land disturbing activities that are not subject to the sediment and stormwater requirements contained in this Ordinance.
26. Existing land use conditions shall mean the land use conditions shown on the 2005 GIS Map aerial photos available on the Georgetown County Website.
27. Filter strips shall mean vegetated sections of land designated to accept runoff as overland sheet flow from upstream developments.
28. Flood shall mean a general and temporary condition of partial or complete inundation of land areas from the overflow of inland waters, tidal conditions, or the unusual and rapid accumulation of runoff of surface waters from any source.
29. Grading shall mean excavating, filling (including hydraulic fill) or stockpiling of earth material or any combination thereof, including the land in its excavated or filled condition.
30. Illicit connection shall mean a connection to the drainage system of any discharge that is not composed entirely of stormwater runoff and is expressly prohibited by this Ordinance.
31. Impervious shall mean the condition of being impenetrable by water.
32. Imperviousness shall mean the degree to which a site is impervious.
33. Impervious surface shall mean a surface that has been highly compacted or covered with a layer of material so that it is highly resistant to infiltration by water.
34. Infiltration shall mean the passage or movement of water through the soil profile.
35. Land disturbing activity shall mean any use of the land by any person that results in a change in the physical characteristics or topography that may cause erosion and contribute to sediment and alter the quality and/or quantity of stormwater runoff.
36. Linear Projects shall mean any project that is over 1,000 total linear feet.
37. Lot shall mean a piece, parcel, tract or plot of land intended as a unit for building development or other purpose, for purposes of sale, rent, or lease.

38. Maintenance shall mean any action necessary to preserve stormwater management facilities in proper working condition, in order to serve the intended purposes set forth in this Ordinance and to prevent structural failure of such facilities. Maintenance shall not include actions taken solely for the purpose of enhancing the aesthetics aspects associated with stormwater management facilities and BMPs.
39. Minor Subdivision shall mean the division of land as defined in the current Georgetown County Land Development Regulations.
40. Non-erodible shall mean a material, e.g., natural rock, riprap, concrete, plastic, etc., that will not experience surface wear due to natural forces of wind, water, ice, gravity or a combination of those forces.
41. Nonpoint source pollution shall mean pollution contained in stormwater runoff from undefined, diffuse sources.
42. One hundred-year frequency storm shall mean a storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in 100 years. It also may be expressed as an exceedance probability with a 1 percent chance of being equaled or exceeded in any given year.
43. On-site stormwater management shall mean the design and construction of a facility necessary to control stormwater runoff within and for a single development.
44. Owner shall mean the person in who is vested the fee ownership, dominion, or title of the property. This term may also include a tenant, if chargeable under his lease for the maintenance of the property, and any agent of the owner or tenant including a developer.
45. Person shall mean any association, company, corporation, firm, individual, organization, or partnership, singular or plural, of any kind.
46. Person responsible for the land disturbing activity shall mean the:
  - a. person who has or represents having financial or operational control over the land disturbing activity; and/or
  - b. landowner or person in possession or control of the land who directly or indirectly allowed the land disturbing activity or has benefited from it or who has failed to comply with any provision of this Ordinance.
47. Pollution shall mean the contamination or other alteration of any water's physical, chemical or biological properties, including change in temperature, taste, color, turbidity, or odor of such waters or the discharge of any liquid, gaseous, solid, radioactive, or other substance into any such waters that is harmful, detrimental or injurious to the public health, safety or welfare or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish, or other aquatic life.
48. Preliminary plat shall mean the preliminary plat pursuant to the current Georgetown County Land

Development Regulations.

49. Private shall mean property or facilities owned and maintained by individuals, corporations, and other organizations and not by Georgetown County.
50. Procedure shall mean a procedure adopted by Georgetown County to implement a regulation or regulations adopted under this Ordinance, or to carry out other responsibilities as may be required by this Ordinance or other codes, ordinances, or resolutions of Georgetown County.
51. Receiving Water Body is all regularly tidally influenced salt and fresh water marsh areas, all lakes or ponds which are used primarily for public recreation or a public drinking water supply, and other water bodies within the coastal zone, excluding wetlands, swamps, ditches and stormwater management ponds which are not contiguous via an outfall or similar structure with a tidal water body.
52. Regional stormwater management shall mean the design and construction of a facility necessary to control stormwater runoff within or outside a development and for one or more developments.
53. Registered Civil Engineer shall mean a registered professional engineer in good standing with the South Carolina Board of Registration for Professional Engineers and Land Surveyors.
54. Registered Land Surveyor shall mean a professional registered land surveyor in good standing with the South Carolina Board of Registration for Professional Engineers and Land Surveyors.
55. Registered Landscape Architect shall mean a landscape architect properly registered and licensed to conduct work in South Carolina.
56. Responsible personnel shall mean any foreman, superintendent, or similar individual that is the on-site person in charge of land disturbing activities.
57. Retention structure shall mean a permanent structure whose primary purpose is to permanently store a given volume of stormwater runoff. Release of the given volume is by infiltration, overflow structures, and/or evaporation.
58. Sediment shall mean solid particulate matter, both mineral and organic, that has been or is being transported by water, air, ice, or gravity from its site of origin.
59. Site shall mean any lot, plot, parcel or tract of land.
60. Single family residence – separately built shall mean a noncommercial dwelling that is occupied exclusively by one family and not part of a residential subdivision development permitted prior to 1992.
61. Stabilization shall mean the installation of vegetative or structural measures to establish a soil cover to reduce soil erosion by stormwater runoff, wind, ice and gravity.
62. Stage work or stage construction shall mean a plan for the staged construction of stormwater facilities where portions of the facilities will be constructed as different stages of the proposed development are started or completed.

63. Stop-work order shall mean an order directing the person responsible for the land disturbing activity to cease and desist all work on the site.
64. Stormwater Concept Plan shall mean the overall proposed concept for a storm drainage system to serve the entire development including future phases. The concept plan shall include stormwater management structures and BMPs, and supporting documentation as specified in this Ordinance and the Georgetown County Stormwater Design Manual, for each proposed private or public development to the extent permitted by law. Also included are the supporting engineering calculations and results of any computer analysis, if necessary.
65. Stormwater management shall mean, for: quantitative control, a system of vegetative or structural measures, or both, that control the increased volume and rate of stormwater runoff caused by manmade changes to the land; qualitative control, a system of vegetative, structural, or other measures that reduce or eliminate pollutants that might otherwise be carried by stormwater runoff.
66. Stormwater Management and Sediment Control Plan shall mean the set of drawings and other documents that comprise all of the information and specifications for the drainage systems, structures, concepts and techniques that will be used to control stormwater and sediment as required by this Ordinance and the County Stormwater Design Criteria Manual. Also included are the supporting engineering calculations and results of any computer analysis.
67. Stormwater Design Manual (Georgetown County) shall mean the current version of the manual of design, performance, and review criteria for stormwater management practices, prepared under the direction of the Stormwater Administrator. A pdf version of the current manual can be downloaded on the Georgetown County Website. Those persons seeking reliance on the manual shall assume the burden of ensuring that the manual to which they refer is the most current version.
68. Stormwater management facilities shall mean those structures and facilities that are designed for the collection, conveyance, storage, treatment and disposal of stormwater runoff into and through the drainage system. In most cases stormwater management facilities will refer to facilities whose primary purpose is related to the quantity of stormwater while BMPs primary purpose will be related to water quality concerns of stormwater.
69. Stormwater runoff shall mean the direct response of a watershed to precipitation and includes the surface and subsurface runoff that enters a ditch, stream, storm drain or other concentrated flow during and following the precipitation.
70. Subdivision shall mean a division of a parcel of land as defined by the Georgetown County Land Development Regulations, as amended. The definition includes all land divisions involving a new street or change in existing streets. It includes re-subdivisions involving the further division or relocation of lot lines of any lot or lots within a previously approved or recorded subdivision as well as combinations of recorded lots. The following exceptions are included within this definition only for the purpose of requiring that Georgetown County Stormwater be informed and have a record of the subdivisions.
  - a. Combining or re-combining portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the ordinance standards.
  - b. Dividing land into parcels of five (5) acres or more where no new street is involved.

- c. Combining or re-combining entire lots of record where no new street or change of existing street is involved.
71. Swale shall mean a structural measure with a lining of grass, riprap or other materials, which can function as a detention structure or BMP and convey stormwater runoff without causing erosion.
  72. Ten-percent point is the location in the drainage system downstream from the proposed development, where the proposed development represents less than ten (10) percent of the total watershed draining to this location.
  73. Two-Year frequency storm shall mean a storm that is capable of producing rainfall expected to be equal or exceeded on the average of once in 2 years. It may also be expressed as an exceedance probability with a 50 percent chance of being equaled or exceeded in any given year.
  74. Ten-year frequency storm shall mean a storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in 10 years. It may also be expressed as an exceedance probability with a 10 percent chance of being equaled or exceeded in any given year.
  75. Twenty-five year frequency storm shall mean a storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in 25 years. It may also be expressed as an exceedance probability with a 4 percent chance of being equaled or exceeded in any given year.
  76. Hundred -Year frequency storm shall mean a storm that is capable of producing rainfall expected to be equal or exceeded on the average of once in 100 years. It may also be expressed as an exceedance probability with a 1 percent chance of being equaled or exceeded in any given year.
  77. Variance shall mean the modification of the minimum stormwater management requirements for specific circumstances where strict adherence of the requirements would result in unnecessary hardship and not fulfill the intent of this Ordinance.
  78. Violation shall mean any action (knowingly or otherwise) that creates or has the potential to create an adverse impact due to flooding or water quality impairment, as a result of non-conformance with the Stormwater Management Ordinance.
  79. Waiver shall mean the relinquishment from stormwater management requirements by the Stormwater Administrator for a specific land disturbing activity on a case-by-case review basis, based on detailed engineering analysis submitted by the owner or their representative.
  80. Water quality shall mean those characteristics of stormwater runoff from a land disturbing activity that relate to the physical, chemical, biological, or radiological integrity of water.
  81. Water quantity shall mean those characteristics of stormwater runoff that relate to the rate and volume of the stormwater runoff within the development and to downstream areas resulting from land disturbing activities.
  82. Watershed shall mean the drainage area contributing stormwater runoff to a single point.
  83. Wetland shall mean those areas that are inundated or saturated by surface or ground water at a

frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include swamps, marshes, bogs, and similar areas as determined by the South Carolina Department Health and Environmental Control or the United States Army Corps of Engineers.

SECTION C. Scope of Ordinance

1. No person shall conduct any land disturbing activities without having provided for appropriate stormwater management measures that control or manage stormwater runoff, in compliance with this Ordinance, unless exempted.
2. The provisions of this Ordinance shall apply throughout the unincorporated areas in Georgetown County, South Carolina.
3. The County Stormwater Division shall be responsible for the coordination and enforcement of the provisions of this Ordinance,
4. The Georgetown County Stormwater Design Manual shall give guidance to persons preparing Stormwater Management and Sediment Control Plans, and designing or operating stormwater management systems.
5. The application of this Ordinance and the provisions expressed herein shall be the minimum stormwater management requirements and shall not be deemed a limitation or repeal of any other local requirements authorized by State or Federal statutes. Where other requirements are more stringent those shall apply. This Ordinance does not eliminate the necessity for obtaining other permits as may be required by other governmental entities.
6. The same design standards will be used for drainage systems, stormwater management facilities, and BMPs that will be either privately or publicly owned/maintained.
7. No person shall conduct any land disturbing activity that will displace sediment onto adjacent parcels, public property, or roads both during and after construction. The property must be designed to account for all grading and drainage issues that will keep the sediment from running off the offending property and creating a private action/nuisance.

SECTION D. Authority of the Department

1. The Public Services Department, administered by the County Stormwater Division, shall have the authority to carry out and enforce all regulations and procedures adopted to implement this Ordinance.
2. The County Stormwater Division can:
  - a. administer, coordinate and oversee, the design, construction, and operation and maintenance of County stormwater facilities and conveyances;
  - b. establish or oversee establishment of development standards and guidelines as it relates to

stormwater;

- c. determine the manner in which stormwater facilities should be operated;
- d. inspect private systems which discharge to a public drainage system;
- e. require compliance with maintenance requirements;
- f. advise the other County Departments and Divisions on issues related to stormwater;
- g. protect facilities and properties controlled by the County and prescribe how they are used by others as it relates to stormwater;
- h. require proposed developments, not exempt from this Ordinance, to comply with the terms of this Ordinance;
- i. develop programs or procedures to control the discharge of pollutants into the public drainage system; and
- j. Implement the Stormwater Management Plan (SWMP) as submitted to DHEC for compliance with the MS4 NPDES permit for Georgetown County, South Carolina.

#### SECTION E Permitting Requirements and Exemptions

All land disturbance activities are required to obtain a Georgetown County Land Disturbance Permit unless otherwise exempt from the provisions of the Ordinance and the requirements of providing stormwater management measures.

- Sites disturbing 25 acres or more shall be required to submit a written quantitative and qualitative assessment showing that the selected BMP will control the discharge of the pollutant or pollutants of concern from construction and post-construction within a Total Maximum Daily Load (TMDL) watershed or to a water on the 303(d) List of Impaired Waters. In addition, the permittee shall conduct onsite water quality monitoring during construction and provide the analysis to the County Stormwater Division as part of the permit compliance, during construction.
- Site disturbing land that discharge to a TMDL watershed or to impaired waters must notify Georgetown County Stormwater Division when applying for a Land Disturbance Permit. Permittees must identify the pollutant of concern and demonstrate how their land disturbance activity shall not discharge that pollutant as part of the review process.

Even if exempt from this Ordinance, the following, as well as all land disturbing activity is not allowed to divert water to adjacent property to cause a nuisance and/or property damage and should comply with the intent of this ordinance. The following exempt activities are also not exempt from implementing proper sediment, water diversion, and erosion control best management practices.

The following activities are exempt from the Georgetown County Land Disturbance Permitting Requirements:

1. Construction or improvement of a single-family residence (single family residence – separately

built), as defined by this ordinance, or their accessory buildings, or mobile home.

2. Minor land disturbing activities that disturb less than one (1.0) acre of land area and is not part of larger common plan of development and not with ½ mile of a receiving water body.
3. Any maintenance or renovation of an existing structure or system not materially changing, or creating land disturbance to do so, or affecting the rate, concentration or volume of stormwater runoff.
4. Land disturbing activities on agricultural land for production of plants and animals useful to man, including but not limited to: forages and sod crops, grains and feed crops, tobacco, cotton, and peanuts; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats, including the breeding and grazing of these animals; bees; fur animals and aquaculture, except that the construction of an agricultural structure of one or more acres, such as broiler houses, machine sheds, repair shops and other major buildings and which require the issuance of a building permit will require the submittal and approval of a drainage plan prior to the start of the land disturbing activity.
5. Land disturbing activities undertaken on forest land for the production and harvesting of timber and timber products under the condition that the practices included in the South Carolina Forestry Commission's "Best Management Practices for Forestry" are implemented.
6. Activities undertaken by persons who are otherwise regulated by the provisions of the Stormwater Management and Sediment Reduction Act as set forth in Section 48-14-40 of the 1976 Code of Laws of South Carolina as amended.
8. Activities undertaken by persons who are otherwise regulated by the provisions of Chapter 20 of Title 48, the South Carolina Mining Act Discharges of dredged or fill material into waters of the United States which are regulated under section 404 of the Clean Water Act (CWA).

#### SECTION F. Stormwater Design Manual

To assist in the design and evaluation of stormwater management facilities in Georgetown County, a Stormwater Design Manual has been developed. Design procedures and criteria are presented for conducting hydrologic, hydraulic evaluations and evaluation of Best Management Practices (BMPs). Although the intention of the manual is to establish uniform design practices, it neither replaces the need for engineering judgment nor precludes the use of information not presented. Other accepted engineering procedures may be used to conduct hydrologic and hydraulic studies if approved by the County. This Stormwater Design Manual is adopted by Georgetown County by reference in this Ordinance. The Georgetown County *Stormwater Design Manual* will be reviewed and updated, if necessary, and any changes adopted by the Georgetown County Council by resolution.

### **ARTICLE II. STORMWATER CONCEPT, STORMWATER MANAGEMENT AND SEDIMENT CONTROL PLANS**

#### SECTION A. Scope of plans

1. The following items relate to the general scope of plans required by this Ordinance.
  - a. In developing plans for subdivisions, individual lots in a residential development may be considered to be separate land disturbing activities and may require individual permits. The subdivision development, as a whole, shall be considered to be a single land disturbing activity. Hydrologic parameters that reflect the ultimate subdivision development shall be used in all engineering calculations.
  - b. If individual lots or sections in a subdivision are being developed by different property owners, all land disturbing activities related to the subdivision shall be covered by the approved Stormwater Management and Sediment Control Plan for the subdivision. A statement shall be included on the final plat that all activities, including activities by individual lot owners, will be carried out in accordance with the approved Stormwater Management and Sediment Control Plan and the recorded BMP agreement for the subdivision.
  - c. For developments that have different planned phases of development, one permit will be issued for each phase of development and new permits will be required for each phase of development. A detailed phasing plan and calculations can submitted for review and conceptually approval to expedite the permitting process for each future phase of development. The sequencing of sediment controls and the stormwater management facilities shall be required for each phase of development.
2. In subdivisions, the following requirements apply.
  - a. The design surface runoff across lots shall not have erosive velocities.
  - b. Lots shall be graded such that surface runoff does not cross more than one lots before it is collected in a conveyance system of either an open ditch less than three (3) feet in depth, closed conduits, or a combination of both.
3. General Grading: the following requirements apply:
  - a. Must meet Georgetown County's Flood Damage Prevention Ordinance, or the current building code requirements whichever is stricter.
  - b. In cases where the lot is designed to be lower than the road and is intended to drain away from the road to a rear or side lot swale, ditch, pond or water course, the first floor shall be at least 12 inches above all surrounding ground at a distance of 10 feet around the structure.
4. For all land disturbing activities, concentrated stormwater runoff leaving a development site must be discharged directly into a well-defined, natural or man-made point of legal positive outfall consisting of a receiving channel or culvert pipe. If the receiving outfall system is found to be inadequate, the developer must either improve the receiving outfall system to an adequate condition, or attenuate the runoff from the site to a discharge rate that can be accommodated by the outfall system. Newly constructed channels shall be designed to adequately convey the runoff from the upstream drainage basin. Velocity dissipation devices and/or erosion control measures shall be placed at the outfall of all stormwater management facilities as necessary to provide a protected flow

path(s). If a stormwater system is discharged into existing wetlands, the proposed water surface elevation, within and adjacent to the wetlands, must be determined and maintained for design conditions that will not significantly disrupt the hyperperiod of the wetland or alter the ground water elevations.

The development site should be designed to maximize the amount of rainfall that infiltrates into the soils and minimize the amount of direct flow into public drainage facilities, adjoining streets, waterbodies, watercourses, and wetlands, to the extent feasible.

5. Design configurations, which create stagnant water conditions, such as hydraulically dead end canals, are prohibited regardless of the type of development.
6. Concentrated stormwater shall not be discharged directly into wetlands without first routing through some type of approved water quality BMP.
7. Linear projects shall require detailed Erosion and Sediment control plan as well as a C-SWPPP as required under DHEC CGP regulations.
8. For redevelopment sites show the ten (10) and twenty five (25) – year flood elevations for any Flood Prone Areas on or within one hundred (100) feet of the property. The source of these elevations shall also be shown on the plans.
9. A downstream analysis shall be provided to determine the effects from the project downstream and any potential flooding issues. The procedures to provide the analysis are found in the Georgetown County Stormwater Design Manual.

#### SECTION B. Stormwater Management and Sediment Control Plans and Approval Process

1. Unless granted an exemption from this Ordinance, a Stormwater Plan for each land disturbing activity shall be submitted for review and approval by the Stormwater Administrator prior to submission of the Stormwater Management and Sediment Control Plan and construction plans for the entire land disturbing activity, or any portion thereof.
2. The Stormwater Plan may be reviewed, with the designer, after the County's review, where it will be approved, approved with changes, or rejected. If rejected, changes, additional analysis, or other information needed shall be identified and presented to the designer.
3. Upon approval of the Stormwater Plan, the applicant may proceed with the development of the Stormwater Management and Sediment Control Plan, prepared in accordance with the Georgetown County Stormwater Design Manual (as part of the construction plans).
4. All plans which are subject to approval by the Georgetown County Planning Commission shall be submitted to the Planning Department and shall be subject to the review and approval time frames established by the Planning Commission. The required set of plans will correspond to those established by the Planning Department. These plans shall not be forwarded to the Georgetown County Planning Commission for their review and consideration until the Stormwater Management and Sediment Control Plans have been approved by the Stormwater Division.

5. All other Stormwater Management and Sediment Control Plans as required by this Ordinance shall be submitted to the Georgetown County Stormwater Division for review and approval. The applicant shall submit one (1) copy (unless the plans are submitted digitally) or three (3) copies of the final plans in accordance with the Georgetown County Stormwater Design Manual.
6. All minor and major subdivision plats for the development shall be consistent with the Stormwater Plan required in Paragraph 1 above.
7. Should any Stormwater Management and Sediment Control Plan involve any stormwater management facilities or land to be dedicated to public use, the same information shall also be submitted for review and approval to the division having jurisdiction over the land and the Stormwater Administrator for stormwater management review and approval. This Stormwater Management and Sediment Control Plan shall serve as the basis for all subsequent construction.
8. A Stormwater Management and Sediment Control Plan shall not be considered approved without the inclusion of a Georgetown County approval stamp with a signature and date of a County Stormwater Division Staff member on the plans. The Georgetown County stamp of approval on the plans is solely an acknowledgement of satisfactory compliance with the requirements of these regulations. The Georgetown County approval stamp does not constitute a representation or warranty to the applicant or any other person concerning the safety, appropriateness or effectiveness of any provision, or omission from the Stormwater Management and Sediment Control Plan.
9. Upon approval of the Stormwater Management and Sediment Control Plan a conditional letter of approval (CLA) shall be issued to the applicant or their representative for projects within the MS4 Area. The CLA shall be submitted to DHEC within 90 days for a NPDES permit, if after 90 days the NPDES permit has not been applied for then the approvals shall become null and void. The plans shall have to be resubmitted or a variance will have to be given by the Stormwater Administrator. Upon receiving the NPDES permit from DHEC, Georgetown County shall issue a Land Disturbance permit which shall remain valid for five (5) years from the date of issuance. If the project has not been started, or completed within the required time frame another permit will have to be applied for along with a new NPDES permit.
10. A Notice of Intent (as per DHEC most recent approved forms) shall be submitted along with the Stormwater Management and Sediment Control Plans, and shall be completely filled out and signed by the owner or person financially responsible for the project.
11. A properly executed Stormwater BMP Maintenance Agreement with attachment "A" BMP Maintenance Plan and Inspection Form shall be submitted with the permit application.

#### SECTION C. Stormwater Plan Requirements

Stormwater Plan requirements are contained within the Georgetown County Stormwater Design Manual.

#### SECTION D. Approval and Permit Requirements

1. No site development or subdivision plan approval shall be issued or modified without the following items, unless exempted by this ordinance.

- a. An approved Stormwater Concept Plan or Stormwater Management and Sediment Control Plan, as appropriate.
  - b. An approved NPDES permit issued by DHEC.
  - c. Right of entry given to Georgetown County for County personnel to enter property for inspections or emergency maintenance if necessary.
  - d. Any off-site easements needed. Easements for stormwater management facilities should be identified and recorded prior to issuance of any land disturbance permit.
  - e. The drainage plan will not be considered approved without the inclusion of an approval stamp with a signature and date on the plans by the Stormwater Division. The stamp of approval on the plans is solely an acknowledgement of satisfactory compliance with the requirements of these regulations. The approval stamp does not constitute a representation or warranty to the applicant or any other person concerning the safety, appropriateness or effectiveness of any provision, or omission from the drainage plan.
  - f. Wetland areas shall not be disturbed or altered until documentation is provided to the Stormwater Division showing that the applicant has received all state and federal permits, including Nationwide Wetland Permits, and a copy of the Corp of Engineers letter of verification for wetlands.
2. No final certificate of occupancy permit shall be issued without the following items.
    - a. Recorded easements for stormwater drainage systems, management facilities, and BMPs.
    - b. Receipt of an as-built plan, signed and sealed by a registered professional engineer stating that the project was built in compliance with the permitted stormwater plan.
  3. In addition to the plans and permits required from Georgetown County, applicants shall obtain all state and Federal permits required for the proposed development.

SECTION E. Financial Guarantees

1. General. Financial guarantees may be posted in lieu of completing improvements required by this Ordinance to allow for the recording of a final plat or to obtain building permits for properties for which ownership will be transferred or to receive certificates of occupancy. A financial guarantee is not required to be posted prior to obtaining model home permits once a preliminary plan has received conditional approval. Acceptance of financial guarantees is discretionary and Georgetown County reserves the right to refuse a financial guarantee for any remaining improvements and require that such improvements be completed before the recording of a final plat or issuance of building permits or issuance of certificate of occupancy. Acceptance of a financial guarantee by Georgetown County shall not be construed as an obligation to any other agency, utility or property owner within affected developments.
2. Submittal. Financial guarantees shall be submitted to the Stormwater Division and follow

procedures enumerated below. Failure to follow these procedures may delay the approval of such guarantee and recording of a final plat or issuance of building permits or certificates of occupancy. An itemized cost estimate shall be submitted for the improvements that the financial guarantee will cover. Such estimate shall bear the original signature and seal of a licensed professional engineer, be on company letterhead, and be in a form acceptable to the Stormwater Division. Cost estimates may include, but are not limited to the following:

- a. Storm drainage systems and erosion control measures.
- b. Street improvements including curbs, gutter, temporary cul-de-sacs and required grassing or landscaping within the rights-of-way or easements.
- c. South Carolina State road right-of-way improvements upon agreement between Georgetown County and South Carolina Department of Transportation.

Upon receipt of an itemized cost estimate, the Stormwater Division shall forward such estimate to the appropriate departments or agencies for review.

1. Acceptance of Financial Guarantees. The Stormwater Division may accept letters of credit or cash deposits as financial guarantees to ensure the completion of public or private improvements in accordance with the requirements enumerated below. Approved guarantees shall be independent of the development project's construction loan. The Stormwater Division shall not accept any guarantee that requires drawdowns for monthly expenditures. Approved letter of credit shall adhere to the following standards:
  - (a) Be equal to 125% of the approved cost estimate;
  - (b) Be issued for an initial coverage period not less than 12 months from the date that the final plat is submitted for recording;
  - (c) Be irrevocable, unconditional and subject to presentation for drawing within the State of South Carolina;
  - (d) Be payable to Georgetown County;
  - (e) Be for no less than \$10,000 of construction cost; and
  - (f) Be issued by a bonafide financial institution authorized to do business and located within the State of South Carolina.

Approved cash deposits shall adhere to the following standards:

- (a) Be equal to 125% of the approved cost estimate;
- (b) Be for no less than \$1,000 of construction cost; and
- (c) Made payable by cashier's check to Georgetown County.

Cash deposits are deposited upon receipt with the Georgetown County Finance Department. Improvements

guaranteed by such deposits shall be completed within 12 months. After 12 months, the County, or its contractor, may enter upon the lot or parcel of land and use the funds set forth by the financial guarantee to complete the improvements such that no life safety issues are present.

#### SECTION F. Professional Registration Requirements

Stormwater and Stormwater Management and Sediment Control Plans and design reports that are incidental to the overall or ongoing site design shall be prepared, and stamped/sealed by a qualified registered Professional Engineer, Tier 2B Land Surveyor or Landscape Architect, using acceptable engineering standards and practices. All other Stormwater Concept and Stormwater Management and Sediment Control Plans and design reports shall be prepared, and stamped/sealed by a qualified registered Professional Engineer, using acceptable engineering standards and practices.

The engineer, surveyor, or landscape architect shall provide services only in areas of their competence, and shall undertake stormwater engineering only when qualified by education and/or experience in stormwater engineering. In addition, the engineer, surveyor, or landscape architect must certify that the plans have been designed in accordance with this Ordinance and the standards and criteria stated or referred to in this Ordinance.

#### SECTION G. Fees

A Schedule of Fees is included in the Georgetown County Stormwater Design Manual.

### **ARTICLE III. OWNERSHIP AND COUNTY PARTICIPATION**

#### SECTION A. Ownership of Stormwater Management Facilities and BMPs

1. All stormwater management facilities and BMPs shall be privately owned and maintained. The owner of all private facilities shall grant to the County, a perpetual, non-exclusive easement that allows for public inspection and emergency access.
2. All stormwater management measures relying on designated vegetated areas or special site features shall be privately owned and maintained as defined on the Stormwater Management and Sediment Control Plan.

#### SECTION B. County Participation

When a project site is located in areas that experience flooding or in an area predetermined to flood with additional impervious area, the Stormwater Division may determine that additional storage capacity beyond what is required by the applicant for on-site stormwater management is necessary to enhance or provide for the public health, safety and general welfare, to correct unacceptable or undesirable existing conditions or to provide protection in a more desirable fashion for future development, the Stormwater Division may:

1. Require that the applicant grant any necessary easements over, through or under the applicant's property to provide access to or drainage for such a facility;
2. Require that the applicant attempt to obtain from the owners of property over, through or under where the stormwater management facility is to be located, any easements necessary for the

construction and maintenance of same (and failing the obtaining of such easement the County may, at its option, assist in such matter by purchase, condemnation, dedication or otherwise with any cost incurred thereby to be paid by the County);

#### **ARTICLE IV. CONSTRUCTION, INSPECTION AND MAINTENANCE**

##### **SECTION A. Construction and Inspection**

1. Before commencing any work the applicant shall notify the Stormwater Division and schedule a pre-construction meeting prior to implementing the Stormwater Management and Sediment Control Plan for all projects requiring a land disturbance permit. At which time, the Georgetown County Land Disturbance Permit shall be issued for that project.
2. The Stormwater Engineer or its designee, bearing proper credentials and identification, may enter and inspect all County permitted properties for regular inspections, periodic investigations, monitoring, observation measurement, enforcement, sampling and testing, to effectuate the provisions of this ordinance during construction.
3. The Stormwater Division shall maintain a file of inspection reports that includes the following.
  - a. The date and location of the site inspection.
  - b. Whether the approved plan has been properly implemented.
  - c. Any approved plan deficiencies and any actions taken.
4. Any portion of the work, which does not comply with the approved permitted Stormwater Management and Sediment Control Plan, shall be noted and promptly corrected by the applicant.

##### **SECTION B. Maintenance Responsibility**

A permanent maintenance plan for each stormwater management facility will be included in the application to perform a land disturbance activity. As part of the maintenance plan, the owner of such facility shall specifically agree to be responsible for permanent maintenance and provide a BMP Maintenance Agreement with Attachment "A" describing the maintenance of each BMP for the facility. An inspection form shall be included for review and approval. This agreement, maintenance plan, and inspection form must be recorded with the County Register of Deeds prior to and as part of the issuance of County Land Disturbance permit. To transfer maintenance responsibility, a letter of acceptance by the entity accepting permanent maintenance responsibility shall be filed with the Stormwater Division.

All temporary and permanent on-site stormwater management facilities and BMPs required by this Ordinance shall be maintained by the owner during and after site development. The owner shall provide adequate ingress and egress for Georgetown County personnel to inspect the premises at reasonable times. For purposes of this section, the term owner shall also mean Homeowner Association or other collective member organizations.

All subdivision and/or land development plans containing streams, channels, drainage swales, storm sewers or other conveyance systems that cross property boundaries shall contain the following note and is enforceable by this ordinance:

"No property owner shall obstruct or alter the flow, location or carrying capacity of a stream, channel or drainage swale to the detriment of any other property owner, whether upstream or downstream. "

SECTION C. Failure to Maintain

Should the owner fail to properly maintain the drainage system, stormwater management facilities, and/or BMPs as required by this Ordinance, the Stormwater Division shall give written notice to the owner of record as appears on the latest property tax rolls in accordance with the enforcement section of this ordinance to order the corrective action necessary. Should the owner fail, within the time frame provided in the enforcement section from the date of the notice, to take corrective action to the satisfaction of the Stormwater Administrator or appeal the notice and order, the County may enter upon the lands, take corrective action as the Stormwater Engineer may deem necessary, and file an action against the owner for the costs thereof.

**ARTICLE V. DETECTION AND REMOVAL OF ILLICIT CONNECTIONS AND DISCHARGES AND IMPROPER DISPOSAL**

SECTION A. Illicit Connections, Illicit Discharges and Improper Disposal

1. It is unlawful for any person to connect any pipe, open channel, or any other conveyance system that discharges anything except stormwater or unpolluted water, which is approved by the Stormwater Division, into receiving waters.
2. It is unlawful for any person to continue the operation of any such illicit connection regardless of whether the connection was permissible when constructed. Improper connections in violation of this ordinance will be disconnected and redirected, if necessary and at no cost to the owner, to the satisfaction of the Stormwater Division and any other federal, state, or local agencies or departments regulating the discharge.
3. It is unlawful for any person to throw, drain, run or otherwise discharge to any component of Georgetown County's Stormwater System or to the Waters of the State or to cause, permit or allow to suffer to be thrown, drained, run, or allow to seep or otherwise discharge into such system or receiving water all matter of any nature excepting only such stormwater or surface water runoff as herein authorized.
4. The following activities are exempt from the provision of this section and are not considered illicit discharge:
  - a. Unpolluted industrial cooling water, but only under the authorization and direction of the Stormwater Administrator or his designee and appropriate NPDES permit.
  - b. Water line flushing required by a government agency, diverted stream flows, rising ground waters, and unpolluted pumped ground waters, and unpolluted ground water infiltration.
  - c. Discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual car washing, dechlorinated swimming pool discharges, flows from riparian habitats and wetlands, and street wash water.
  - d. Discharges or flows from firefighting activities.

5. In the event of an accidental discharge or an unavoidable loss into the Georgetown County Stormwater System of any pollutant, the person concerned will inform the Georgetown County Stormwater Division as soon as possible, of the nature, quantity and time of occurrence of the discharge. The person concerned must take immediate steps to contain the discharge, treat the discharge or other actions to minimize effects of the discharge on the Stormwater System and receiving waters. The person will also take immediate steps to ensure no recurrence of the discharge.

#### SECTION B. Detection of Illicit Connections and Improper Disposal

1. The Stormwater Division will take appropriate steps to detect and eliminate illicit connections to Georgetown County Stormwater System, including the adoption of a program to screen illicit discharges and identify their source or sources.
2. The Stormwater Division shall take appropriate steps to detect and eliminate improper discharges, including programs to screen for disposal and programs to provide for public education, public information on proper disposal.

#### SECTION C. Stormwater Monitoring

The Stormwater Division may monitor the quantity of, and the concentration of pollutants in stormwater discharges from the areas and/or locations designated in the County's Stormwater Management Plan.

#### SECTION D. Illicit (Dry-weather) Inspections

1. The Stormwater Administrator or its designee, bearing proper credentials and identification, may enter and inspect all properties for regular inspections, periodic investigations, monitoring, observation measurement, enforcement, sampling and testing, to effectuate the provisions of this ordinance. The Stormwater Division will duly notify the owner of said property or the representative on site.
2. Upon refusal by any property owner to permit an inspector to enter or continue an inspection, the inspector may terminate the inspection or confine the inspection to areas concerning which no objection is raised. The inspector shall follow current procedures for inspection for illicit discharges and illegal connections.
3. In the event that the Stormwater Division appropriately credentialed designee reasonably believes that discharges from the property into the Georgetown County Stormwater System may cause an imminent and substantial threat to human health or the environment, the inspection may take place at any time and without notice to the owner of the property or a representative on site. The inspector should present proper credentials upon reasonable request by the owner or representative.
4. Inspection reports shall be maintained in a permanent file located in the Stormwater Division's office.

### **ARTICLE VI. NOTICE OF VIOLATIONS, PENALTIES, and ABATEMENT**

#### SECTION A. Notice of Violations

Upon determination that a violation of any of the provisions of this Ordinance has occurred, the Stormwater

Division shall provide the property owner, permittee, and/or the violator notification as follows:

1. Verbal notification at the time of inspection or discovery of violation if owner, permittee, and/or violator are present. Correction Notice documenting violation and description of remedy shall be sent via certified mail following the inspection.
2. Written notification using a correction notification. A correction notification contains but is not limited to the following information:
  - the date,
  - owner or permittee,
  - permit number when applicable,
  - location of violation,
  - description of violation, including the applicable Ordinance section related thereto;
  - time frame (date) to make corrections
3. Once a correction notification time frame passes without corrections made a Stop Work order shall be issued.
4. If a violation of this Ordinance is occurring, causing significant damage to downstream property or structures, the Stormwater Division can issue an immediate stop-work order.

#### SECTION B. Issuance of stop-work orders

A stop-work order may be issued if one or more of the following violations have been committed:

1. Violation(s) of the conditions of the Stormwater Management and Sediment Control Plan approval;
2. Construction not in accordance with the intent of the approved stormwater plans;
3. Approval of a Stormwater Management and Sediment Control Plan has not been obtained;
4. Non-compliance with correction notice(s); or
5. The existence of an immediate danger in a downstream area

If one or more of these conditions are found a written stop work order shall be, as soon as practicable, served upon the owner or authorized representative and the time in which to correct the deficiencies shall be specified. All work on site or at the specified location must stop immediately. Correction of these violations must be started immediately or the owner shall be deemed in violation of this Ordinance. All other inspections for the site shall be discontinued until the deficiencies are addressed and field verified.

Prior to lifting of the stop work order, a stop work order fee as per the Schedule of Fees listed in the Design Manual with a minimum of \$250, shall be paid.

#### **Corrective Action**

In the event a violation of this Ordinance has not been corrected within the determined timed period for correction, the County, or its contractor, may enter upon the lot or parcel of land and correct the violation, and the costs incurred as a result of such action (including inspection, administration, labor and equipment costs, and fees) will be collected from the financial guarantee, if in place and sufficient to cover such costs, or an action may commence against the property owners(s) or contractor to collect the costs.

### SECTION C: Permit Suspension and Revocation

A Georgetown County Land Disturbance Permit may be suspended or revoked if one or more of the following violations have been committed:

1. Violations of the conditions of the approved and stamped Stormwater Management Plan
2. Construction not in accordance with the letter or intent of the approved stamped plans
3. Non-compliance with the correction notice or stop work order(s),
4. The existence of an immediate danger in an area negatively impacted by the permitted site.

Work authorized by permits issued under this Ordinance must be completed within five years after the date of issuance. The time limit may be extended for good cause showing that due diligence toward completion of the work has been made as evidenced by significant work progress. An extension only may be granted if the permittee agrees to accept additional conditions which would bring the project into compliance. The time periods required by this subsection must be acted upon during the decision process of an administrative or a judicial appeal of the permit issuance.

### SECTION D: After-the-fact Permits

The Georgetown County Stormwater Division does not have authority to consider an after-the-fact application unless:

1. All fines are paid before application.
2. The permit would legitimize an activity that is a routine permitting matter that will meet all of the standards set forth by this Ordinance.
3. Any portion of the activity or structure that is in violation of the Ordinance is corrected prior to the approval of an after-the-fact permit.
4. Mitigation for any damage caused by the activity has been completed.

### SECTION E: Civil and Criminal Penalties

#### **Civil Penalties**

Any person or entity that violates any provision of this Ordinance shall be assessed a violation and subsequent violation fee. Violations are defined in the definition section of this ordinance and a Schedule of Fees is outlined in the Georgetown County Stormwater Design Manual.

#### **Criminal Penalties**

In addition to any applicable civil penalties, any person or entity that negligently, willfully or intentionally violates any provision of this Ordinance will be charged by the Stormwater Division with a misdemeanor and shall be upon being found guilty by the Georgetown County Magistrate's Court, punished within the jurisdictional limits of Court.

### SECTION F: Additional Legal Measures

1. Where the County is fined and/or placed under a compliance schedule by the state or federal government for a violation(s) of its NPDES permit, and the County can identify the person(s) who caused such violation(s) to occur, the County may pass through the penalty and cost of compliance to that person(s) to be enforced through an action filed in the 15<sup>th</sup>, judicial circuit or other appropriate Court.
2. The County Attorney, or his designee, may institute injunctive, mandamus or other appropriate

action or proceedings at law or equity, including criminal conviction, for the enforcement of this Ordinance or to correct violations of this Ordinance, and any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus or other appropriate forms of remedy or relief.

#### SECTION G. Waivers

An applicant may submit for a waiver from the provisions provided for by this Ordinance as allowed in the Stormwater Design Manual. The applicant must submit a written request for a waiver stating the reason for requesting the waiver, with supporting data, for granting the request. The request shall include descriptions, drawings, calculations and any other information that is necessary to evaluate the waiver.

#### SECTION H. Variances from requirements

The Director of Public Services may grant a variance from the requirements of this ordinance if exceptional circumstances applicable to a site exist such that strict adherence to the provisions of the ordinance will result in unnecessary hardship and will not fulfill the intent of the ordinance.

1. A written request for a variance shall be required and shall state the specific variance sought and the reasons, with supporting data, for their granting. The request shall include descriptions, drawings, calculations and any other information that is necessary to evaluate the proposed variance.
2. The Stormwater Engineer will conduct a review of the request for a variance and submit a report to the Director of Public Services within 30 days.

A variance review fee is required upon submitting a project requesting a variance from the Ordinance. The Stormwater Design Manual has a schedule of fees to follow when submitting for a variance.

#### SECTION I. Appeals

Any person aggrieved by a decision or Notice of Violation may appeal the same by filing a written notice of appeal with the County within 30 days of the issuance of said decision or Notice of Violation. No extensions will be granted once the 30-day period of appeal has expired if the person to whom the decision or notice of violation is directed fails or neglects to appeal the notice of violation within 30 days of the issuance of said decision or Notice of Violation, the decision or violation becomes final. The County shall provide an appeals form to the applicant for use in submitting for a decision of appeal. The form will contain the name of the party requesting review of the decision or notice of violation, the permit number or other information sufficient to identify the decision, order, action or inaction which is the subject of review; and the relief requested. The County Council shall appoint a Stormwater Appeals Board for the purposes of hearing appeals to decisions by the Stormwater Engineer regarding the enforcement and interpretation of this ordinance.

##### Appeal of Decision

Any person aggrieved by the decision of the County may appeal the decision of the Stormwater Division as follows:

1. The aggrieved party shall make a written request to the Stormwater Division of an

- appeal of the Stormwater Division's decision.
2. The Director of Public Services, within a reasonable time, shall schedule a meeting of the Stormwater Appeals Board.
  3. The aggrieved party will be allowed to present its appeal to the Stormwater Appeals Board as outlined in procedures developed by the Board for the hearing of appeals.
  4. The Board will then make a decision related to the appeal and will inform the applicant of the results of its decision.
  5. Should the applicant disagree with the decision of the Stormwater Appeals Board, they may appeal the decision to the Georgetown County Court of Common Pleas in accordance with its rules and procedures.

#### SECTION J: Stormwater Appeals Board (SWAB)

There is hereby created the Georgetown County Stormwater Appeals Board to be composed of seven (7) members appointed in accordance with the Chapter 2, Article IV, Division 1 of the Georgetown County Code of Ordinances outlining General Provisions for all Georgetown County Boards and Commissions.

The composition of the committee shall be comprised of a number of Georgetown County residents including, if available, resident technical advisors that to some degree possess past or present experience in the field of storm water management and associated subjects.

##### Purpose

The principal purpose of the Stormwater Appeals Board is to act as an appeals board for citizen storm water appeals pursuant to the Appeals section of this Ordinance and shall also serve as the Stormwater Advisory Committee as needed.

##### Decision of the Board

The Board shall adopt by-laws reflecting their purpose and shall make all appeals decisions based upon the evidence presented before it while utilizing this Ordinance and no other as its guide and shall notify the owner and the Stormwater Administrator in writing thereof. The Board shall meet no more than once a month, if needed, and the date of its meeting shall be reflected in the by-laws.

##### Oversight

The Stormwater Engineer for Georgetown County shall act as the liaison for the Stormwater Appeals Board. The Stormwater Administrator shall report all actions taken by the committee to the Director of Public Services and in turn the Director shall report all actions to the County Administrator for dissemination to Georgetown County Council.

### **ARTICLE VII. MISCELLANEOUS PROVISIONS**

#### SECTION A. Public Review and Input

All Georgetown County Land Disturbance Permits applications submitted for approval shall be given Public Notice as follows:

1. Georgetown County will advertise each application on the County website home page for a period

of ten days.

2. A sign advertising that this site is under review for a Land Disturbance Permit with the Georgetown County Stormwater Division, shall be placed on the main parcel of the project being submitted for land disturbance permit review for a period of ten days.
3. A letter shall be sent to all adjacent property owners informing them of the submittal to Georgetown County Stormwater for a land disturbance permit.
4. Comments received as a result of the County advertisement will be reviewed by the County Stormwater Division.
5. The County Stormwater Division Manager shall have the sole discretion to act on comments received.
6. A public hearing will be scheduled and held by the County Stormwater Division when 20 or more comments are received.

#### SECTION B. Conflict with other laws

Whenever the provisions of this Ordinance impose more restrictive standards than are required in or under any other ordinance, the regulations herein contained shall prevail. Whenever the provisions of any other ordinance require more restrictive standards than are required herein, the requirements of such shall prevail.

#### SECTION C. Severability

If any term, requirement or provision of this Ordinance or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this Ordinance or the application of such terms, requirements and provisions to persons or circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby and each term, requirement or provision of this Ordinance shall be valid and be enforced to the fullest extent permitted by law.

#### SECTION D. Amendments

This Ordinance may be amended in the manner as prescribed by law for its original adoption. Before the Georgetown County Council amends this Ordinance, it must seek the advice of the Stormwater Administrator who will make a recommendation for each amendment within thirty (30) days of this request.

#### SECTION E. Liability

Neither the approval of a plan under the provisions of this Ordinance nor the compliance with the provisions of this Ordinance shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor shall it impose any liability upon the County for damage to any person or property.

SECTION F. Effective date

The Ordinance shall be effective upon the third reading.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

**GEORGETOWN COUNTY COUNCIL**

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Johnny Morant - Chairperson - District 7

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Jerry Oakley - District 1

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Ron Charlton - District 2

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Leona Myers-Miller - District 3

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Lillie Johnson - District 4

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Austin Beard – District 5

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Bob Anderson – District 6

**ATTEST**

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Theresa Floyd, Clerk to Council

FIRST READING:

SECOND READING:

THIRD READING: