

STORMWATER MANAGEMENT
AND
EROSION AND SEDIMENT CONTROL
ORDINANCE

HAMPTON COUNTY, SOUTH CAROLINA

EROSION AND SEDIMENT CONTROL AND STORMWATER
MANAGEMENT ORDINANCE
FOR
HAMPTON COUNTY, SOUTH CAROLINA

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SECTION 1

PURPOSE, AUTHORITY, AND JURISDICTION

1.1 Purpose

In order to protect the general health, safety and welfare of the people of Hampton County, South Carolina, and to protect the natural assets and resources of Hampton County for posterity, this Erosion and Sediment Control Ordinance is enacted to protect the lands and waters from the effects of excessive soil erosion and sedimentation, to prevent siltation of streams and lakes, to prevent clogging of drainage channels, to reduce excessive flood damage, and to prevent damages to the property of adjacent landowners.

1.2 Authority

This ordinance is adopted under the authority and powers granted by the General Assembly of South Carolina in Chapter 13, Title 48, Code of Laws of South Carolina, 1976, and by others powers granted to counties by the General Assembly of South Carolina.

1.3 Jurisdiction

The provisions of this ordinance shall apply to all lands within all unincorporated areas of Hampton County, South Carolina, and those municipalities which, by written agreement executed, contract to have these provisions administered within their corporate limits.

SECTION 2

DEFINITIONS

2.1 Rules of Language and Interpretation

- a) The word "shall" is mandatory; the word "may" is permissive.
- b) The particular shall control the general.
- c) Words used in the present tense shall include the future, and words used in the singular include the plural, and plural the singular, unless the context clearly indicates the contrary.

2.2 Definitions

Words used in this Ordinance shall have their customary meanings as determined by the standard dictionary definition except for the following specific words and terms which are herein defined.

- a) Construction - Any building or erection of a structure or any land disturbance for the same.
- b) County - Hampton County, State of South Carolina.
- c) County Governing Body - The county governing authority (County Council).
- d) Design Storm - For the purpose of this Ordinance, design storms of the frequency and duration specified in Section 5.1 will be used to compute peak flows and design required structures or measures.
- e) Developer - Any person acting in his own behalf as a property owner, or as an agent for a property owner, who makes application for plan approval and a grading permit under the provisions of this Ordinance.
- f) Drainage - A general term applied to the removal of surface or subsurface water from a given area either by gravity via natural means or by systems constructed to so remove water, and is commonly applied herein to surface water.

- g) Drainage System - The surface and subsurface systems for removal of water from the land, including both the natural elements of streams, marshes, swales, and ponds, whether of an intermittent or continuous nature; and the manmade elements such as improved open channels, culverts, retention facilities, and enclosed storm sewers.
- h) Erosion - The general process by which soil and rock fragments are detached and moved by the action of wind, water, ice, and gravity, either naturally or induced.
- i) Erosion and Sediment Control and Stormwater Management Plan - A plan which fully indicates necessary land management and treatment measures, including a timetable of the schedule for their installation, which will effectively minimize soil erosion and sedimentation and which will provide for the successful management of stormwater, which is approved as provided herein for application to a particular area or parcel of ground.
- j) Fill or embankment - A deposit of soil, rock, or other material placed by man.
- k) Grading - Any displacement of soil by stripping, excavating, filling, stockpiling, or any combination thereof; and shall include the land in its excavated or filled state.
- l) Grading permit - A permit issued to perform work pursuant to an approved erosion and sediment control and stormwater management plan prepared under the provisions of this Ordinance.
- m) Land - Any ground, soil, or earth, including marshes, swamps, drainageways, and areas not permanently covered by water.
- n) Land Disturbance - Any activity involving clearing, grading, transporting, filling or any other activity which causes land to be exposed to the danger of erosion, or which might create an alteration in the natural drainageways.

- o) Person - Any individual, partnership, firm, association, joint venture, trust, estate, commission, board, utility, cooperative interstate body, public or private corporation, public or private institution, or any other legal body.
- p) Pre-Developed Conditions - The conditions which existed at the time this Ordinance becomes effective in terms of topography, vegetation, and rate, volume, or directions of surface or groundwater flow as indicated by historical data or engineering calculations.
- q) Professional Soil Conservationist - A person who has successfully completed a four (4) year course of study in an accredited college or university leading to a Bachelor of Science Degree with major study in soil conservation or a closely related natural resource or agricultural field such as agronomy, wildlife biology, agricultural education, or agricultural engineering, with a minimum of thirty (30) semester hours (or the equivalent) in natural resources or agricultural subjects, including the equivalent of three (3) semester hours in soils; and three (3) years experience in the planning and application of erosion and sediment control practices; the experience having been obtained under the supervision of another professional soil conservationist.
- r) Registered Landscape Architect - A person who is registered by the State of South Carolina pursuant to Chapter 28, Title 40, Code of Laws of South Carolina, 1976.
- s) Registered Land Surveyor - A person who is registered by the State of South Carolina as a Tier B Land Surveyor pursuant to Chapter 21, Title 40, Code of Laws of South Carolina, as amended 1986.
- t) Registered Professional Engineer - A person who is registered by the State of South Carolina pursuant to Chapter 21, Title 40, Code of Laws of South Carolina, 1976.
- u) Residential Subdivision - The division of a tract or parcel of land into two (2) or more lots, building

sites or other divisions for the immediate or future purpose of single-family residential development.

- v) Reviewing Authority - A tripartite consisting of the following: (1) The District Soil Conservationist, (2) The Resident Highway Maintenance Engineer, (3) The County Engineer.
- w) Runoff - That portion of the precipitation on the land which reaches the stormwater management system.
- x) Sedimentation - The process which operates at or near the surface of the ground, to deposit soil, debris and other materials either on other ground surfaces or in water channels.
- y) Soil and Water Conservation District Board - The governing body of the Hampton County Soil and Water Conservation District as established pursuant to Chapter 9, Title 48, Code of Laws of South Carolina, 1976.
- z) Stormwater Management - A general term applied to the removal of surface or subsurface water from a given area either by gravity via natural means or by systems constructed to so remove water, commonly applied herein to surface water.
- aa) Stormwater Management System - The surface and subsurface system for the removal of water from the land, including both the natural elements of streams, marshes, swales, and ponds, whether of an intermittent or continuous nature, and man-made elements which includes culverts, retention facilities and storm sewer systems.
- bb) Structure - Anything constructed or erected, the use of which requires a location on the ground, or attached to something having a location on the ground.
- cc) Suspension of Other Work or Stop Work Order - An unappealable order to immediately cease all construction and land disturbance work other than that necessary to bring the project site into conformance with the plan, specifications, and time schedule specified in the Erosion and Sediment Control and

Stormwater management Plan required by this Ordinance, until conformance is achieved.

- dd) Variance - A grant of relief to a person from the requirements of this Ordinance which permits land disturbance in a manner otherwise prohibited by this Ordinance where specific enforcement would result in unnecessary hardship.
- ee) Vegetation - All plant growth, including trees, shrubs, grasses, and mosses.
- ff) County Attorney - A member of the South Carolina Bar designated by Hampton County Council.
- gg) County Engineer - A registered professional Engineer designated by Hampton County Council.
- hh) Director of Public Works - A person elected by the voters of Hampton County for the purpose, or a person designated by Constitutional Authority to this position.
- ii) District Soil Conservationist - A professional soil conservationist designated by the Hampton County Soil and Water Conservation District.
- jj) Issuing Authority - The office of the Hampton County Administration.
- kk) Resident Highway Maintenance Engineer - A person designated by the South Carolina Department of Highways and Public Transportation for the Hampton County Maintenance District who is:
 - 1) a registered Professional Engineer, or
 - 2) a person who has successfully completed an examination for Engineer-in-training conducted by the South Carolina Board of Registration for Professional Engineers and Land Surveyors or by any Board of another State which is recognized by the S.C. Board of Engineering Examiners, or
 - 3) a person who has successfully completed a course of study in an accredited institution leading to a Bachelor of Science degree in any engineering

discipline recognized by the S.C. Board of Engineering Examiners.

SECTION 3

STATEMENT OF OBJECTIVES

The objectives of this Ordinance are to:

- 3.1 Protect human life and health.
- 3.2 Minimize public and private property damage resulting from erosion, sedimentation and flooding.
- 3.3 Regulate development which may, when acting alone or in combination with similar developments, create a demand for public investment in flood-control works by requiring protection against flood damage at the time of initial construction and afterwards.
- 3.4 Insure, as far as possible, an efficient drainage system that will not result in excessive public or private moneys being used for maintenance and replacement of portions of the system.
- 3.5 Insure that the design of the drainage system will be consistent with good engineering practice and design.
- 3.6 Provide temporary and permanent erosion and sediment control measure to protect individuals occupying land adjacent to and downstream from proposed developments from being damaged by sediment originating from within or because of the proposed development.
- 3.7 Provide for development of areas with minimum adverse effects to the natural environment.
- 3.8 Encourage wise use of the County's economic and fiscal resources.
- 3.9 Utilize existing channel capacity for flood flows before suing on-site storage or other structural measures.

- 3.10 Utilize appropriate public open space for both open space users (parks, recreational use, etc.) and the temporary storage of excess storm waters.
- 3.11 Keep the drainage system as natural and aesthetically pleasing as possible.
- 3.12 Develop a comprehensive drainage plan for the area to handle a storm runoff safely and efficiently.
- 3.13 Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
- 3.14 Minimize prolonged business interruptions.
- 3.15 Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges.

SECTION 4

COUNTY ROADS

4.1 Maintenance of Existing Roads

Hampton County maintains certain existing unpaved roads through the Department of Public Works. The Director of Public Works shall continue to maintain the existing roads in their present locations and contours as an exemption to this Ordinance as state in Section 5.2, (i).

4.2 Changes to Existing Roads

- a) Changes in existing roads which significantly alter location contours or drainage shall not be exempt.
- b) A grading permit and formal approval by the Soil and Water Conservation District Board is not required providing that the Reviewing Authority provides plans to the Director of Public Works that are in conformance with the purpose and objectives of this Ordinance, and further provided that the changes shall in all other respects be treated as additional roads.

4.3 Maintenance of Additional Roads

The Department of Public Works shall assume maintenance of additional roads only when notified by the Issuing Authority that these roads have been approved and were properly constructed in accordance with this Ordinance, and when further notified by the County Attorney that easement or right-of-way has been duly recorded.

4.4 New Roads for County Facilities

- a) The Department of Public Works may from time to time construct new roads on County property or for use of Hampton County facilities.
- b) A grading permit and formal approval by the Soil and Water Conservation District Board is not required, providing that the Reviewing Authority furnishes plans to the Director of Public Works that are in conformance with the purposes and objectives of this Ordinance.

4.5 Prohibition

It shall be unlawful to construct or maintain County roads except as provided herein.

SECTION 5

PROCEDURE

5.1 Permit

The surface of land in Hampton County shall not be disturbed or altered for any purpose whatsoever except in accordance with this Ordinance and a grading permit has been duly issued by Hampton County if required. Waiver of Ordinance requirements may be granted by the County Governing Body upon determination that the integrity of this Ordinance will not be violated by such action.

5.2 Exemptions

The provisions of this Ordinance that require the preparation and approval of erosion and sediment control

and stormwater management plans shall not apply to the following activities or conditions. However, all land disturbing activities in the County should be carried out in such a manner to achieve the objectives of erosion and sediment reduction and stormwater management through the use of applicable best management practices (BMP's).

- a) Agricultural, silvicultural and aquacultural land management and cultural practices, or to the construction of on-farm buildings and structures used in a farming operation.
- b) Construction or land improvement of single-family residences or their accessory buildings. A single-family residence property owner may make land improvements on his single lot without an approved erosion and sediment control plan and without obtaining a grading permit.
- c) Mining and mineral resource extraction operations conducted in accordance with a mining permit issued by the Mining and Reclamation divisions of the South Carolina Land Resources Commission.
- d) Federal and State owned and managed lands, and incorporated municipalities that do not choose to have these provisions administered within their corporate limits.
- e) Emergency repairs or maintenance of existing structures and facilities which require ground to be broken.
- f) Construction of transmission lines for electricity, water, telephone, gas, sanitary sewers, and storm sewers and other utility construction which will require disturbing the natural ground surface of less than one (1) acre. The width of the right-of-way shall be considered as the area to be disturbed.
- g) Any site, not otherwise exempted, consisting of one-half acre or less of contiguous disturbed land with a maximum slope of four (4) percent (four feet in 100 feet) anywhere on the site and which will not adversely impact the adjacent properties through increased stormwater runoff, erosion or sedimentation. The Reviewing Authority reserves the right to inspect

sites in this category and to require the development of an approved plan should the development result in damages to the adjacent properties.

- h) All subdivisions recorded prior to the passage of this Ordinance.
- i) All roads maintained by the Hampton County Department of Public Works existing prior to the passage of this Ordinance except as may otherwise be stated in Section 4.

5.3 Existing Disturbed Areas

- a) All disturbed areas in Hampton County existing on the effective date of this Ordinance which resulted from land-disturbing activities not exempted by this ordinance and exceeding one contiguous acre; which are subject to continued accelerated erosion, sedimentation, and stormwater runoff; and are causing, or have the potential to cause, off-site damages from continued erosion, sedimentation, and/or stormwater runoff shall be provided with a ground cover or other protective measures, structures, or devices sufficient to control the accelerated erosion, sedimentation, and stormwater runoff.
- b) The issuing Authority shall serve notice to the respective landowner to comply with the provisions of this Ordinance. This notice shall require that a plan be submitted by the landowner within 30 days.
- c) The Soil and Water Conservation District and the Issuing Authority shall evaluate the plan in terms of the economic feasibility, technology, and quantity of work required and shall set reasonable and attainable time limits for compliance.

5.4 Application for Permit

The developer or other applicable party shall apply in writing to the Issuing Authority for a grading permit. Such application shall be accompanied by three (3) copies of an Erosion and Sediment Control and Stormwater Management Plan prepared in accordance with the provisions of Section 5 of this Ordinance.

5.5 Fee Schedule

The application for a grading permit to disturb or change land in Hampton County shall be accompanied by a non-refundable fee according to the following schedule:

<u>Land Area Disturbed</u>	<u>Fee</u>
Less than 3 acres	\$ 20.00
3 to 5 acres	\$ 30.00
6 to 10 acres	\$ 50.00
11 to 50 acres	\$100.00
51 to 100 acres	\$250.00
Greater than 100 acres	\$500.00

5.6 Approval or Disapproval of Application

- a) Immediately upon receipt of an application for a permit for which the proper fee has been paid, the Issuing Authority shall forward the plan for stormwater management and erosion and sediment control to the Reviewing Authority. If two of the three members of the Reviewing Authority decide that the plan conforms to the requirements of this Ordinance and the Soil and Water Conservation District Board is satisfied that the objections, if any, of the minority member of the Reviewing Authority have been given due consideration by the majority, the District Board shall forward written approval to the Issuing Authority. In considering whether due consideration was given to the minority member's objections, if any the District Board shall require a written letter of objections by the minority and a written reply by the majority.
- b) A grading permit shall be issued by the Issuing Authority within three (3) working days after receiving approval by the District Board.
- c) Review of any submitted or resubmitted plan shall not require more than thirty (30) calendar days from the date of submittal until the time a decision shall be rendered, either approval or denial. If at the end of thirty (30) calendar days a decision has not been reached, the applicant shall be issued a grading permit.
- d) If an application is denied, the applicant may elect to correct the indicated deficiencies in conformance

with the provisions of this Ordinance and resubmit the application.

5.7 Appeals

Any person aggrieved by the decision of the Soil and Water Conservation District may appeal to County Council within thirty (30) days* by written notice to the County Council. The County Council shall take action and notify the appellant in writing of such action within thirty (30) days* after the appeal is submitted. Failure to take such action or notify the appellant in writing within thirty (30) days* will be considered settlement in behalf of the appellant.

Any person who shall feel aggrieved by a decision on an appeal to the County Council may appeal to the Circuit Court of the County, which shall hear the same de novo. Such appeal shall be filed within thirty (30) days.*

5.8 Variances and Exceptions.

The County Council may upon application to it and showing of undue hardship, grant variance and exceptions to any of the provisions of this Ordinance, providing such variance or exception is in harmony with the general purpose and intent of this Ordinance. The County Council shall request and consider the written opinion(s) of the Reviewing Authority before deciding upon any variance and exceptions.

A variance from the terms of this Ordinance may be granted by the County Council upon a finding that:

- a) There are special conditions and circumstances which are peculiar to the land, structure, or building involved which are not applicable to other lands, structures, or buildings in the same area.
- b) A literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by similar properties under the terms of this Ordinance.
- c) Granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to similar lands, structures, or buildings.

- d) The variance requested will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.
- e) The variance requested is the minimum variance that will make possible the legal use of land, building, or structure.

* Thirty days after a decision is hand delivered or, if mailed, postmarked.

5.9 Other Authorization or Requirement

Where any authorization, bonds, permits, or other securities are required by applicable federal, state, or local laws, regulations or ordinances for any part of the proposed work to be done under the plan, the applicant shall, upon request, furnish the County Attorney with satisfactory evidence that such requirements have been met before the commencement of work under an approved application.

5.10 Extension of Time

If the applicant is unable to complete the work within the time specified in the approved plan and grading permit, he may, prior to the expiration of such time, present in writing a request to the Soil and Water Conservation District Board for an extension of time, setting forth the reasons for the requested extensions. The board shall recommend to the County approval or denial of an extension of time subject to such additional minimal measures as may be required.

5.11 Responsibility of Applicant

The applicant shall be responsible for carrying out the proposed work in accordance with the approved erosion and sediment control and stormwater management plan and grading permit, and in compliance with the requirements of the Ordinance.

SECTION 6

PLAN AND APPLICATION REQUIREMENTS

6.1 Standards and Requirements for Preparation of Erosion and Sediment Control and Stormwater Management Plans

Erosion and sediment control and stormwater management plans shall be prepared according to the following. Plans shall include appropriate measures and practices for erosion and sediment control and stormwater management, installed in a timely sequence during the development process, and maintained to insure their proper functioning.

- a) Select land where the drainage pattern, topography, and soils are favorable for the intended use. Tracts of land vary in suitability for different uses. Consider the major characteristics of the land area and the kinds of soil in identifying and evaluating potential erosion, sediment and stormwater problems, and in selecting appropriate control measures.
- b) Expose the smallest practical area of land for the least possible time during development.
- c) When feasible, retain and protect natural vegetation. Save topsoil, where practical, for replacing on graded areas.
- d) Provide for handling the increased runoff caused by changes in topography, soil, and surface conditions. Emphasis should be placed on conservation of existing on-site soil. Effective means include the use of diversion ditches, grasses or surfaced waterways and outlets, enlarged and protected drainage channels, grade control structures, and effective use of street gutters and storm sewers.
- e) Begin installation of interim erosion and sediment control and stormwater management measures within 48 hours of the commencement of land disturbing activities.
- f) Install permanent vegetative cover and other long-term measures as soon as practical in the construction process.

- g) Design stormwater management systems in accordance with the current standards obtained from the local S.C. Highway Department Maintenance Engineer.
- h) Use sediment basins or other forms of silt traps, where practical, to remove heavy sediment loads from runoff waters leaving the disturbed area.
- i) Off-site discharges of closed storm sewers or improved open channels will be permitted only at natural streams or man-made drainage channels acceptable to the Reviewing Authority unless a drainage easement is obtained from the adjoining land owner. When off-site drainage channels are not adequate to accept the additional runoff resulting from development, the Issuing Authority shall have authority to require the developer to install on-site facilities for the detention/storage and controlled release of stormwater runoff designed to limit the runoff rate to predevelopment levels.
- j) Stormwater Detention Facilities shall be designed to restrict the peak runoff rate from a development during its design rainfall to the peak runoff rate that existed prior to development during the same rainfall. The over-flow structures and emergency spillways shall be designed to accommodate a 100-year 24 hours design storm.
- k) As a minimum the first one inch of rainfall from each storm over the developed or redeveloped portion of the site shall be retained on-site for a 10-year, 24 hours design storm to protect water quality.
- l) Operations and maintenance conditions should be included in the plan outlining how the developer intends to provide for such, including:
 - 1) Operations and maintenance during construction;
 - 2) Perpetual operations and maintenance of the project.
- m) When computing peak flows, hydrologic methods based on accepted engineering practices shall be used. The Reviewing Authority shall determine the acceptability

of all calculations submitted as part of the required plan.

- n) Drainage easements shall be provided as follows:
- 1) Underground Storm Sewer Easement - Where development is traversed by a drainage facility, adequate areas for storm drainage, shall be provided.
 - 2) Open channel Easement - In accordance with current standards obtained from the local S.C. Highway Department Maintenance Engineer.
 - 3) Open Channel Easement - In accordance with current standards obtained from the local S.C. Highway Department Maintenance Engineer.
 - 4) All storm drainage easements shall be filed in the Hampton County Courthouse and submitted to the County.
 - 5) The full width of all drainage easements shall be cleared as required by Hampton County Department of Public Works. The drainage easements shall be constructed to minimize erosion.
 - 6) Additional easements along lot lines may be less than above but must be adequate for maintenance, and approved by the County Department of Public Works.

6.2 Types of Erosion and Sediment Control and Stormwater Management Plans.

For the purpose of this Ordinance, erosion and sediment control and stormwater management plans shall be divided into two types: Type 1 and Type 2. The designs, presentations, and submittals shall be the responsibility of the person engaged in or conducting the land disturbing activity.

- (a) Type 1 Erosion and Sediment Control and Stormwater Management Plan

A Type 1 Plan shall be submitted for the following projects: all mobile home developments two (2) acres

or larger; all commercial developments two (2) acres or larger; all multi-family developments two (2) acres or larger and all industrial developments two (2) acres or larger. In addition, a Type 1 Plan shall be submitted for all land disturbing activities in the peak rate of discharge from the site prior to development.

A Type 1 Plan shall be prepared and certified by a Registered Professional Engineer, Registered Landscape architect, Registered Land Surveyor, or Professional Soil Conservationist. The respective registration seal or certification, whichever is appropriate, must be affixed to the plan. However, if the proposed development site results in modifications to the drainage system off of the development site, a Registered Professional Engineer shall prepare and seal the plans required to complete these modifications.

- (b) Type 2 Erosion and Sediment Control and Stormwater Management Plan.

A Type 2 Plan shall be submitted for all land disturbing activities not falling under a Type 1 classification.

A Type 2 Plan does not require sealing or certification by professional. However, if during the construction of the proposed development, erosion, sediment, and stormwater problems develop, Hampton County reserves the right to require the development of a Type 1 Plan to correct the respective problems.

6.3 Plan Requirements

- a) Type 1 Erosion and Sediment Control and Stormwater Management Plans

The Type 1 Plan shall include as a minimum the following data to the extent required by the County:

- 1) A vicinity map sufficient to locate the site and to show the relationship of the site to its general surroundings at a scale of not less than one (1) inch equals one (1) mile.

- 2) A site plan drawn to a workable scale of not less than one (1) inch equals two hundred (200) feet showing:
 - a) the boundary lines of the site on which the land disturbing activity is to take place with the approximate acreage of the site;
 - b) existing contours with intervals of not more than ten (10) feet;
 - c) proposed improvements on the site including present development and future utilization, if known;
 - d) finished contours at the same interval as required or used for existing topography, proposed structures and pavement grades, and the elevations, dimensions, locations, extent, and slope of all proposed grading;
 - e) a time schedule and sequence of operations indicating the anticipated starting and completion dates of each development operation;
 - f) provisions for temporary erosion control during construction and permanent control during the life of the facility;
 - g) provisions for stormwater management during construction and during the life of the facility;
 - h) a complete and adequate grading plan for borrow pits and material processing facilities where applicable, showing the storm drainageways serving such areas; and
 - i) a general description of the predominant soil types on the site.
- 3) Storm drainage calculations and studies, including the estimated runoff from the area, adequacy of outlets, ditch and pipe sizing computations, and maps showing the drainage areas.

- 4) The name and address of the property owner, developer, and petitioner.
- 5) Title, scale, north arrow, date and name of individual or organization preparing plat, with seal.
- 6) The plans and specifications shall be supported by such supplemental reports, data and additional information as the Reviewing Authority may reasonably require.
- 7) The following certifications:

Applicant's Certification

"I (We) hereby certify that all clearing, grading, construction, and/or development will be done pursuant to this plan and will indemnify any person damaged by failure to comply herewith."

Date

Permit Applicant

Designer's Certifications

"I hereby certify that this plan is designed to contain soil on the property concerned to the maximum extent, and to provide for the control of the runoff from the property and that all the provisions are in accordance with the Erosion and Sediment Control and Stormwater Management ordinance for Hampton County, South Carolina."

(seal)
or
Certification

Registered Professional Engineer,
Professional Soil Conservationist,
Registered Landscape Architect, or
Registered Land Surveyor

Date

Soil and Water Conservation District Certification

"I hereby certify that I have checked this plan and that the provisions for erosion, sediment control and stormwater management are in accordance with the Erosion and Sediment Control and Stormwater Management Ordinance for Hampton County, South Carolina."

Date

Reviewing Representative

b) Type 2 Erosion and Sediment Control and Stormwater Management Plan

A Type 2 Plan is comprised of a narrative description of the proposed land disturbing activity and a sketch plan of the site and proposed activity.

The narrative portion of a Type 2 Plan shall include:

- 1) The anticipated starting and completion dates of the various stages of land disturbing activities and the expected date the final stabilization will be completed;
- 2) A description of both temporary and permanent erosion and sediment control and stormwater management practices to be used including a timetable of when these practices are expected to be implemented;
- 3) A general description of adjacent property and a description of existing structures, buildings and other fixed improvements located on surroundings;
- 4) A general description of all drainage provisions, erosion and sediment control measures, vegetative practices, or other protective devices to be constructed in connection with, or as a part of, the proposed work;
- 5) A description of the maintenance program for erosion and sediment control and stormwater management facilities including inspection programs, vegetative establishment of exposed soils, methods and frequency of removal and

disposal of solid waste material removed from control facilities and disposition of temporary structural measures.

The sketch plan (no professional preparation and certification required) to accompany the narrative description shall contain:

- a) A site location drawing of the proposed project, indicating the location of the proposed project in relation to roadways, jurisdictional boundaries, streams and rivers.
- b) The boundary lines of the site on which the work is to be performed.
- c) A topographic map of the site.
- d) The location of temporary and permanent vegetative and structural erosion and sediment control measures.

The requirements contained in (a) through (d) above may be indicated on one map or sketch plan.

6.4 References

Assistance in the development of the plan required under this Ordinance may be found in the latest revision of the following publications. Other publications with accepted technical standards for erosion and sediment control and stormwater management may also be found useful.

- a) Erosion and Sediment Control . . . in developing areas - issued by the U.S. Department of Agriculture, Soil Conservation Service, Strom Thurmond Building, 1835 Assembly Street, Columbia, South Carolina 29201.
- b) Urban Hydrology for Small Watersheds - Technical Release No. 55 issued by the U.S. Department of Agriculture, Soil Conservation Service, Strom Thurmond Building, 1835 Assembly Street, Columbia, South Carolina 29201.

- c) Erosion and Sediment Control Practices for Developing Areas - S.C. Land Resources Commission, 2221 Devine Street, Columbia, South Carolina 29205.

SECTION 7

MAINTENANCE

7.1 Maintenance During Construction

The person engaged in or conducting the land-disturbing activity shall be responsible for maintaining all temporary and permanent erosion, sedimentation, and stormwater management measures and facilities during the development of the site.

7.2 Maintenance Responsibilities After Development

Once installed and a final inspection completed as provided in Section 7.2 of this Ordinance, the temporary and permanent erosion, sedimentation, and stormwater management facilities shall be maintained in one of the following manners:

- a) Facilities maintained by owner - The owner of the property on which work has been done pursuant to this Ordinance, or any other person or agent in control of such property, shall maintain in good condition, and promptly repair and restore all grade surfaces, walls, drains, dams, and structures, vegetation, erosion and sediment control measures, and other protective devices. Such repairs or restorations, and maintenance shall be in accordance with the approved plan.

The facilities to be maintained by the owner shall provide adequate access to permit the County to inspect and, if necessary, to take corrective action. Should the owner fail to properly maintain the facilities under his responsibility, Hampton County shall give such owner written notice of the nature of the corrective action necessary. Should the owner fail, within thirty (30) days from the date of the satisfaction of the County, the County may enter upon lands, take corrective action to place the facilities

in working condition. The owner of the facility shall be assessed the cost of the work and any penalties and there shall be placed a lien on the property to cover such costs and penalties. This lien may be placed on the tax bill and collected as ordinary taxes by Hampton County.

In cases where the owner is a Homeowner Association or other collective/member organization, failure to maintain common facilities will be the basis for corrective action by the County Council to be funded by the imposition of a special taxing unit or other arrangement designed to provide funds for such corrective actions.

- b) Facilities maintained by the County - All facilities to be maintained by Hampton County must be designed and constructed with the requirements of this Ordinance and dedicated to Hampton County by Deed with attached record drawings and accepted by the Hampton County Council. These deeds shall include sufficient easements to allow the County to properly maintain these facilities.

The owner shall maintain and be responsible for the facilities for two (2) years after the facilities have been accepted by the Hampton County Council.

SECTION 8

ADMINISTRATION AND ENFORCEMENT

8.1 Notification

The Issuing Authority shall provide proper notification of this Ordinance to those persons applying for a grading permit and shall provide the necessary forms required for application for securing approval of the Erosion and Sediment Control and Stormwater Management Plan by Issuing Authority and the Hampton County Soil and Water Conservation District Board. A copy of this Ordinance shall be made available upon request.

8.2 Inspection and Enforcement

A representative of the County and/or the S.C. Department of Highways and Public Transportation and/or the Soil and Water Conservation District Board shall periodically inspect the sites of land-disturbing activities for which permits have been issued to determine if the activities are being conducted in accordance with the approved Erosion and Sediment Control and Stormwater Management Plan and if the measures required by the Plan are effective in controlling erosion, sedimentation, and stormwater runoff.

Upon completion of the land-disturbing activity, a final inspection shall be made by a representative of the County and/or the Soil and Water Conservation District. If the work has been completed in accordance with the approved plan, the Issuing Authority shall issue to the applicant a letter of satisfactory completion with a copy to the Soil and Water Conservation District.

If, through inspection, it is determined that a person engaged in land-disturbing activities, as defined herein, has failed to comply with the approved plan or if the measures required in the approved plan are not effective in controlling erosion, sedimentation, and stormwater runoff, a written notice to comply shall be served upon that person. The notice shall include a copy of the inspection report and provide an explanation of the areas that are not in compliance with the approved plan and/or the measures that are not effective in controlling erosion, sedimentation, and stormwater runoff and shall state the time within which such measures must be completed. This notice may provide suggestions or measures needed to achieve compliance. However, it is the responsibility of the person engaged in the land-disturbing activity to control erosion, sedimentation, and stormwater runoff caused by the land-disturbing activity. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this Ordinance and subject to the provisions of Section 7.3 of this Ordinance.

The Issuing Authority and/or the Reviewing Authority shall have the power to conduct such investigations as it may reasonably deem necessary to carry out their respective duties as prescribed in this Ordinance, and for this purpose to enter at reasonable time upon any property, public or private for the purpose of investigating and inspecting the sites of land-disturbing activities.

No person shall refuse entry or access to any authorized representative or agent who requests entry for purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties.

8.3 Penalties

If it is determined that the land-disturbing activity is not being carried out in accordance with the approved plan, that the measures required by the approved plan are not effective in controlling erosion, sedimentation or stormwater runoff, or that any project subject to this Ordinance is being carried out without first obtaining a grading permit when required, the following actions shall be taken by Hampton County:

- a) If a plan required by this Ordinance has not been submitted for approval, the person engaged in the land-disturbing activity will be given 48 hours to apply for a grading permit and submit the required plans. If a plan is not submitted, an immediate stop-work order may be issued by the Issuing Authority.
- b) If a plan has been submitted and approved, but violations of the plan are occurring or if the measures required by the plan are not effective in controlling erosion, sedimentation, and stormwater runoff, written notification will be provided to the person engaged in the land-disturbing activity, including a time schedule for implementing the required measures to comply with the Ordinance. If the person engaged in the land-disturbing activity fails to comply with the provisions of this written notification, an immediate stop-work order may be issued by Hampton County.
- c) If violations remain uncorrected and/or stop-work orders are not obeyed, the violator shall be deemed guilty of a misdemeanor and punishable by a fine not to exceed one thousand (\$1,000) dollars or imprisonment for not more than six (6) months, or both. Each day such violation shall be permitted to exist shall constitute a separate offense. Notice of violation shall be sufficient if directed to the

owner, the agent of the owner, or the contractor, or the responsible person and left at his known place of residence or place of business.

SECTION 9

LEGAL STATUS

9.1 Relationship with other Laws, Regulations, and Ordinances

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

9.2 Repeal of Conflicting Regulations

All ordinances and resolutions regulating erosion and sediment control and stormwater management adopted prior to this Ordinance are hereby repealed.

9.3 Separability

If any section, clause, or portion of this Ordinance shall be held by a court of competent jurisdiction to be invalid or unconstitutional, such finding shall not affect any other section, clause, or portion of this Ordinance.

9.4 Amendments

This Ordinance may be amended in the same manner as prescribed by law for its original adoption.

9.5 Effective Date

This Ordinance shall take effect and be enforced from and after _____, _____.

9.6 Adoption

NOW THEREFORE, BE IT ORDAINED, that Hampton County Council adopts the Stormwater Management and Erosion and Sediment Control Ordinance this 9th day of September, 1989.

Hampton COUNTY COUNCIL

15/ Lee D. Bowers

15/ HB Harvey

ATTEST:

15/ Aline Newton
Clerk to Council

15/ Willingham Cohen, Sr.

15/ WE Wilson

15/ J. Sinclair
County Administrator

15/ JH Wood, Jr

First Reading June 19, 1989

Second Reading July 3, 1989

Public hearing September 5, 1989

Third Reading September 5, 1989

AMENDMENT TO STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL ORDINANCE, ADOPTED BY COUNTY COUNCIL OF HAMPTON COUNTY ON SEPTEMBER 9, 1989.

The following Sections of this Ordinance are hereby amended as follows:

SECTION 5.5 FEE SCHEDULE

The application for a grading permit to disturb or change land in Hampton County shall be accompanied by a non-refundable fee of twenty (\$20.00) dollars plus one (\$1.00) dollar per acre of land area.

SECTION 5.6 APPROVAL OR DISAPPROVAL OF APPLICATION

- c) Review of any submitted or resubmitted plan shall be accomplished in as expeditious a manner as is consistent with the purpose of this Ordinance. The Reviewing Authority may consult with appropriate state or federal agencies or persons as is in their judgement desirable. And either the Reviewing Authority or the District Board may convoke a public hearing to hear testimony that is related to the purpose of this Ordinance as either considers this appropriate. If the plan submitted, or resubmitted, includes an area which does not exceed twenty (20) acres, and if in the opinion of the Reviewing Authority no unusual or serious drainage or erosion problems are expected, review shall not exceed forty-five (45) days from the date of submittal. If at the end of forty-five (45) days a decision has not been reached and the Reviewing Authority has not communicated an opinion that an unusual or serious drainage or erosion problem is anticipated the applicant shall be issued a grading permit. No application for a permit may be denied without written reason therefore.

SECTION 5.7 APPEALS

- a) Any person aggrieved by the decision of the Soil and Water Conservation District may appeal to the County Council within thirty (30) days* by written notice to the County Council. The County Council shall within

forty-five (45) days issue a written decision which confirms or reverses the decision of the Soil and Water Conservation District or the County Council may issue a written opinion stating why additional time is required to reach a decision. Failure to reply to the appellant within forty-five (45) days will be considered settlement in favor of the appellant.

- b) Any person aggrieved by a decision on an appeal to the County Council may appeal to the Circuit Court in Hampton County, which shall hear the same de novo providing such appeal has been filed within thirty (30) days* after the County Council has issued a written decision.

*Thirty (30) days after a decision is hand delivered or, if mailed, postmarked.

1st Reading: December 4, 1989
2nd Reading: December 18, 1989
3rd Reading: January 2, 1990



HAMPTON COUNTY
BUILDING INSPECTION DEPARTMENT
B.T. DELOACH BUILDING, RM. 146
201 Jackson Avenue West
Hampton, South Carolina 29924
Telephone: (803) 914-2127 Fax: (803) 914-2130

CLEARING, GRADING, AND CONSTRUCTION PERMIT

“I (We) hereby certify that all clearing, grading, construction, and/or development will be done pursuant to this plan and will indemnify any person damaged by failure to comply herewith.

Date

Permit Applicant

Designer’s Certifications

“I hereby certify that this plan is designed to contain soil on the property concerned to the maximum extent, and to provide for the control of the runoff from the property and that all the provisions are in accordance with the Erosion and Sediment Control and Stormwater Management ordinance for Hampton County, South Carolina.”

(seal)
or
Certification

Registered Professional Engineer,
Professional Soil Conservationist,
Registered Landscape Architect, or
Registered Land Surveyor

Date

Soil and Water Conservation District Certification

“I hereby certify that I have checked this plan and that the provisions for erosion, sediment control and stormwater management are in accordance with the Erosion and Sediment Control and Stormwater Management Ordinance for Hampton County, South Carolina.”

Date

Reviewing Representative

“Helping to provide Hampton County with safe buildings”