ATLANTIC BEACH STORMWATER ORDINANCE

I. GENERAL PROVISIONS

A. Purpose

1. The purpose of the Stormwater Ordinance is to protect, maintain, and enhance the environment of the Town and the public health, safety, and general welfare of the citizens of the Town. To prevent and/or minimize the pollution of our natural coastal waters. It is in the public interest that the quality of our waters be maintained and preserved for the enjoyment of present and future generations.

B. Objectives and Rationale

1. A stormwater ordinance sets a community-wide standard for managing stormwater, and complements education programs and incentives for maintaining Phase II NPDES standards. Gives Town the ability to prohibit illicit connections to the Town’s stormwater system. Illicit connections include failed septic tanks, washing machines discharging to roadside ditches, animal waste, garbage, litter, or intentional vehicle oil, anti-freeze, paint, and other household chemical dumping.

2. 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 the Town of Atlantic Beach.

   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 the town and in downstream receiving waters; and
d. alleviate street and property flooding.

3. Comply with state and federal (EPA) stormwater regulations developed pursuant to the Clean Water Act. These requirements include:

   e. Control pollutants from stormwater discharges associated with commercial and industrial activity and the quality of stormwater discharge from residential, commercial and industrial developments;

   f. Prohibit illicit connections to the stormwater drainage system;

   g. Control discharges to the stormwater drainage system from spills and dumping or disposal of materials other than stormwater; and

   h. Control, through intergovernmental agreements, contribution of pollutants from one municipal system to another.

C. Definitions

1. Impervious surface: A surface, which has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. This term includes, but is not limited to, most conventionally surfaced streets, roofs, sidewalks, driveways, and parking lots.

2. Post-development conditions: Those conditions which are expected to exist, or do exist, after alteration, resulting from human activity, of the natural topography, vegetation, and rate, volume or direction of stormwater runoff.

3. Primary drainage system: System that includes the major drainage facilities and appurtenances for conveying stormwater and surface water from watershed.

4. Receiving bodies of water: Any water bodies, watercourses or wetlands into which surface waters flow either naturally, in manmade ditches, or in a closed conduit system.
5. Runoff: That part of rainfall that is not absorbed into the ground, but as surface water, flows from or over the land.

6. Secondary drainage system: System that includes minor storm sewer systems, ditches, swales, and appurtenant structures and systems for conveying stormwater and surface water.

7. Sedimentation facility: Any structure or area, which is designed to retain suspended sediments from collected stormwater runoff.

8. Watercourse: Any natural or artificial stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, street, roadway, swale or wash in which water flows in a definite direction, either continuously or intermittently, and which has a definite channel, bed, or banks.

9. Water body: Any natural or artificial pond, lake, reservoir or other area which ordinarily or intermittently contains water and which has a discernible shoreline.

10. Watershed: A drainage area or drainage basin contributing to the flow of stormwater into a receiving watercourse or water body.

11. Wetlands: Low lying areas that typically exhibits standing water where the US Army Corps of Engineers and or SCDHEC/OCRM have approved delineation.

12. An SMS4 is defined as any conveyance or system of conveyances that is owned or operated by a small local government entity designed for collecting and conveying storm water, which is not part of a Publicly Owned Treatment Works.

13. 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.

14. Best Management Practices (BMPs) means erosion and sediment control and water quality management practices that are the most effective and practicable means of controlling, preventing, and minimizing degradation of surface water, including avoidance of
impacts, construction-phasing, minimizing the length of time soil areas are exposed, prohibitions, and other management practices.

15. **FAILED SYSTEM** – Any SEWAGE disposal system that does not adequately treat and dispose of SEWAGE that consequently creates a public or private nuisance or threat to public health and/or environmental quality, as evidenced by, but not limited to, one or more of the following conditions:

   a. Failure to accept Sanitary Sewage into the building sewer. Building sewage backs up in the structure.
   b. Discharge of Sanitary Sewage to a basement, subsurface drain, surface drain or surface water unless expressly permitted by DHEC.
   c. Sanitary Sewage rising to the surface of the ground over or near any part of an Onsite Sewage Disposal System or seeping down-gradient from the Drainfield at any change in grade, bank or road cut.
   d. Any deterioration or damage to any Onsite Sewage Disposal System that would preclude adequate treatment and disposal of Wastewater (For example, damage from a vehicle driven over the Drainfield or Septic Tank.)
   e. A Septic Tank that is not constructed to be watertight (e.g., bottomless tank) as required to hold Wastewater for primary treatment prior to discharging to a Drainfield.
   f. The presence of a Grease Trap to which kitchen waste is discharged and which is not connected to the Septic Tank or Drainfield.

**D. Acronyms**

1. NPDES – National Pollutant Discharge Elimination System
2. MS4s – Municipal Separate Storm Sewer Systems (SMS4 – Small .)
3. Phase II – 70 SC communities; NOI – Notice of Intent
4. SCDHEC – South Carolina Department of Health and Environmental Control
5. OCRM – Office of Ocean and Coastal Resource Management
6. EPA – (Federal) Environmental Protection Agency
7. BMP – Best Management Practices
8. TMDL – Total Maximum Daily Loads
II. CONSTRUCTION SITE STORM WATER RUNOFF CONTROL

A. No person shall conduct any land disturbing activity that will displace sediment onto adjacent lot(s) or roads both during and after construction. The property must be designed to account for all grading and drainage issues that will keep the stormwater from running off their property and creating a nuisance.

B. All construction projects that will disturb land in excess of one-half (.5) acre shall comply with the Stormwater Management requirements as detailed by the local intergovernmental agreement and the resident must obtain a permit from Horry County Stormwater Department.

III. POST-CONSTRUCTION STORM WATER MANAGEMENT IN NEW DEVELOPMENT OR REDEVELOPMENT

A. All temporary and permanent on-site stormwater management facilities and BMPs required by this article shall be maintained by the owner during and after site development, unless the facility is officially accepted by the Town. The owner shall provide adequate ingress and egress for Town 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.

B. Should the owner fail to properly maintain the drainage system, stormwater management facilities, and BMPs as required by this article, the Town Building Commissioner shall give written notice to the owner of
record as appears on the latest property tax rolls, by certified mail, of the nature of the violation and order the corrective action necessary. Should the owner fail, within a reasonable amount of time up to thirty (30) days from the date of the notice, to take corrective action to the satisfaction of the Building Commissioner or appeal the notice and order, the Town may enter upon the lands, take corrective action as the Building Commissioner may deem necessary, and place a lien on the property of the owner for the costs thereof.

C. For new construction on or within ten (10) feet of any of the Town lakes, a vegetated buffer must be created or maintained for at least ten (10) feet to the water’s edge. A view corridor can be created of a lawn to the water’s edge if it does not exceed one-third (1/3) of the lot’s shoreline. The purpose of a buffer is to reduce erosion, stabilize banks, encourage infiltration of stormwater runoff, control sedimentation, and provide a vegetated area which shades the water and encourages and aquatic species.

IV. ILLICIT DISCHARGE DETECTION AND ELIMINATION

A. Prohibitions:

1. It is unlawful for any person, company, corporation, etc., to throw, drain, run, or otherwise discharge to any component of the Town’s stormwater system, including streets, highways, right-of-ways, or to cause, permit or suffer to be thrown, drain, run, or allow to seep or otherwise discharge into such system, any organic or inorganic matter that shall cause or tend to cause pollution or blockages to such waters, as provided for in this article.

2. The Town exempts the following from the prohibition provision above:

a. Water line flushing performed by a government agency, diverted stream flows, rising ground waters, and polluted ground water infiltration.

b. Unpolluted pumped ground water.

c. Discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water
from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, and street wash water.

d. Discharges or flows from fire fighting.

e. Other unpolluted water.

3. In the event of an accidental discharge to the Town drainage system of any material or substance other than stormwater runoff, the stormwater department per the intergovernmental agreement shall be informed immediately of the nature, quantity and time of occurrence of the discharge. The person responsible shall take immediate steps to contain, treat or take other actions to minimize the effects of the discharge on the Town drainage system and receiving streams. The person responsible shall also take immediate steps to ensure no recurrence of the discharge.

B. Illicit connections:

1. It is unlawful for any person, company, corporation, etc., to connect any pipe, open channel, or any other conveyance system to the Town drainage system that discharges anything except stormwater discharges that are identified on the approved stormwater management and sediment control plan.

2. Improper connections in violation of this article must be disconnected and redirected to an acceptable outlet, as approved by the Town engineer

C. Miscellaneous Requirements

1. Town prohibits the improper or ineffective disposal of waste (faulty or inadequate septic systems). All private septic and sewer systems must be maintained or repaired so as to meet commonly understood standards of performance to prevent contamination of soil and water.

2. If an illegal discharge is detected, the local regulatory authority, DHEC, will be called pursuant to the intergovernmental agreement to confirm the faulty or failed system. The Town recognizes that DHEC has the authority to enter private property after twenty-four
(24) hour notice to test any private systems in the Town pursuant to S.C. Code §48-1-50 (1976, as amended). If DHEC finds an alleged violation, the Town Policeman will issue a misdemeanor citation to the owner of the property and a fine levied of $500 for every ten (10) days the system is not repaired, or in the process of being repaired or replaced or 30 days in jail.

3. Dog waste: Residents must pick up their dog (pet) waste on town property and properly dispose of it. Fine of $50.

4. All chlorinated pools must sit for five (5) days without the addition of more chlorine before the pool water can be discharged onto the soil. Any discharge of any pool cannot go directly into any waters of the town or state. Fine of $50.

5. It is illegal for any person to intentionally litter the public areas. Fine of $50.

6. All persons shall dispose of paint, anti-freeze, oil, and other chemicals in proper receptacles and shall not intentionally dump onto the soil, into storm drains or ditches or into septic systems.

7. Any remodeling of an existing residence that extends the square footage of a residence by five hundred (500) square feet or adds a bedroom or a room with a door that could be used as a bedroom or complete reconstruction of a residence, the owner must apply for a new septic permit from SC DHEC.

V. MISCELLANEOUS PROVISIONS

A. Severability: If a section, subsection, or part of this article shall be deemed or found to conflict with a provision of South Carolina law, or other pre-emptive legal principle, then that section, subsection, or part of this article shall be deemed ineffective, but the remaining parts of this article shall remain in full force and effect.

B. Amendments: This article may be amended in the manner as prescribed by law for its original adoption. Before the town council amends this article, it must seek the advice of the stormwater utility pursuant to the local intergovernmental agreement who will make a recommendation for each amendment within thirty (30) days of this request.
C. Liability: Neither the approval of a plan under the provisions of this article nor the compliance with the provisions of this article 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.

D. Effective date. This article be effective on December 22, 2009.

Charlene Taylor, Acting Mayor

Jake Evans, Council Member

Donnell Thompson, Council Member

Josephine Isom, Council Member

First Reading: 11/17/09
Second Reading: 12/22/09

Attest: Cheryl Finney

Town Clerk