STATE OF SOUTH CAROLINA
COUNTY OF HORRY
CITY OF MYRTLE BEACH

AN ORDINANCE TO ENACT
AND AMEND CHAPTER 18,
ARTICLES I, II, AND III OF THE
CODE OF ORDINANCES OF THE
CITY OF MYRTLE BEACH TO
MEET TO THE NEW
STANDARDS OF THE
NATIONAL POLLUTANT
DISCHARGE ELIMINATION
SYSTEM AS REQUIRED THE
STATE OF SOUTH CAROLINA
AND TO ADD ADDITIONAL
REQUIREMENTS FOR SINGLE
FAMILY HOMES

It is ordained that Chapter 18, Article I, II and III are hereby enacted and amended as
follows:

ARTICLE I. IN GENERAL

Sec. 18-1. Objectives.
The objectives of this chapter are to protect, maintain and enhance the health, safety and
general welfare of the citizens of the city; to decrease the degradation of the beaches; to prevent
damage to property from improper drainage and flooding; and to protect drinking water supplies.
The following regulatory documents govern the criteria set forth in this ordinance:
(1) Standards of Stormwater Management and Sediment Reduction SCDHEC
Regulation 72-305 'Permit Application and Approval Process' and 72-307 'Specific
Design Criteria, Minimum Standards, and Specifications'.
(2) NPDES General Permit for Stormwater Discharges from Large and Small
Construction Activities [Permit No.: SCR100000].
(3) NPDES General Permit for Stormwater Discharges from Regulated Small Municipal
Separate Storm Sewer Systems (MS4s) [Permit No.: SCR030000].
(4) South Carolina Department of Health and Environmental Control Office of Ocean
and Coastal Resource Management’s (SCDHEC-OCRMs) Coastal Zone Management
Plan [Coastal Zone Management Act, South Carolina State Law, Title 48, Chapter 39]
Stormwater Management Guidelines.
Sec. 18-2. Short title.

This chapter shall be known and cited as the Myrtle Beach Stormwater Management Ordinance

Sec. 18-3. Definitions.

(a) Unless the context specifically indicates otherwise, the meanings of words and terms used in this chapter shall be as set forth in S.C. Code § 48-14-20 and 26, and South Carolina Land Resources Conservation Commission Regulation 72-301, mutatis mutandis.

(b) The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Adverse impact* is any modifications, alterations or effects on a feature or characteristics of community lands, water, beaches or wetlands, including their quality, quantity, hydrodynamics, surface area, species or natural uses, which are or may potentially be harmful or injurious to human health, welfare, safety or property, to biological productivity, diversity or stability, or which unreasonably interfere with the enjoyment of life or property, including outdoor recreation. The term includes secondary and cumulative as well as direct impacts.

*Apartment building* means a structure with three or more dwelling units on a single parcel of land where the land and units are under the same ownership.

*Applicant* is the record owner, or authorized representative, of a tract of land that is the site of development or development activity within the scope of this chapter.

*City engineer* means the duly designated staff person of the Department of Public Works designated to perform the duties as specified in this chapter, or his duly authorized agent.

*Commercial property* means any site not exclusively residential as defined herein, including, but not limited to, hotels, motels, and apartment buildings or other rental properties.

*Condominium* means a structure with multiple dwelling units, each of which is under separate ownership, on a single parcel of land, where the owners share in common ownership of the common areas in the development. Condominiums can be owner occupied or non-owner occupied rental units.

*Construction project* means the building or assembly of any structure on a site or sites.

*Demolition* means the tearing-down of buildings and other structures.

*Detention* is the collection and storage of stormwater runoff in a surface or subsurface facility for subsequent controlled discharge to a watercourse or waterbody.

*Developer* means any person who engages in development either in his own behalf or as the agency of an owner of property.

*Development or development activity* is any activity that meets the applicability criteria of section 18-21 and includes the following:

1. The construction, installation, demolition or removal of a structure, impervious surface or drainage facility;
(2) Clearing, scraping, grubbing, killing or otherwise removing the vegetation from a site;

(3) Adding, removing, exposing, excavating, leveling, grading, digging, burrowing, dumping, piling, dredging or otherwise significantly disturbing the soil, mud, sand or rock of a site.

Director of public works means the duly designated director of the department of public works of the City of Myrtle Beach.

Drainage facility means any component of the drainage system.

Drainage system is the system through which water flows from the land. It includes all closed piped structures, watercourses, waterbodies and wetlands.

Duplex means two dwelling units that are attached either vertically or horizontally.

Easement means a grant or reservation by the owner of land for the use of such land by others for a specific purpose, and which will run with the land and be binding on all successors, heirs, and assigns.

Equivalent residential unit (ERU) means the average impervious area of a representative sample of all developed residential properties in the single family residential category. The equivalent residential unit is 5,000 square feet of impervious surface area.

Erosion is the wearing or washing away of soil by the action of wind or water.

Final stabilization means a uniform perennial vegetative cover with a density of 70% of native background vegetative cover established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures such as riprap or geotextiles have been employed.

Flood is a temporary rise in the level of any waterbody, watercourse or wetland that results in the inundation of areas not ordinarily covered by water.

Hydrograph means a graph or discharge versus time for a selected outfall point.

Illicit discharge means any discharge to a municipals separate storm sewer or surface water that is not composed entirely of storm water except discharges pursuant to an NPDES permit (other than the NPDES permit for discharges from the municipal separate storm sewer) and discharges resulting from fire fighting activities.

Impervious surface means a surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. The term includes most conventionally surfaced streets, roofs, sidewalks, parking lots and other similar structures.

Key outfall means any outfall to the Atlantic Intercoastal Waterway from the jurisdictional city limit, any accessible major outfalls to the Atlantic Ocean, or any additional outfall determined to be significant by city personnel due to a waterbody or watercourse being placed on the 303(d) Impaired Water list.

Land disturbing activity means any use of the land by any person that results in a change in the natural cover or topography that may cause erosion and contribute to sediment and alter the quality and quantity of stormwater runoff.

Letter of Acceptance means a written contract made by city personnel to accept the dedication of a stormwater drainage system for operation and maintenance purposes, and
provides confirmed city ownership of fee simple titles or drainage easement access where appropriate.

Letter of Agreement means a written notification of the willingness of the city to accept the operation and maintenance of a stormwater drainage system and a pledge by the property owner to grant drainage easements and/or fee simple titles of ownership to the city where appropriate.

Major municipal separate storm sewer outfall (or major outfall) means a municipal separate storm sewer outfall that discharges from a single pipe with an inside diameter of 36-inches or more or its equivalent (discharge from a single conveyance other than circular pipe which is associated with a drainage area of more than 50 acres), or for municipal separate storm sewers that receive storm water from lands zoned for industrial activity an outfall that discharges from a single pipe with an inside diameter of 12 inches or more or its equivalent (discharge from other than a circular pipe associated with a drainage area of 2 acres or more).

Mobile home means a dwelling unit built on axles that can be transported.

Mobile Home Park means a single parcel of land in which spaces are leased to mobile home owners; the owner of the land may also own and lease mobile homes on the parcel of land.

Municipal separate storm sewer system (MS4) means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):
   (a) Owned by the City of Myrtle Beach;
   (b) Designed or used for the collecting or conveying of stormwater; and
   (c) Which is not a combined sewer.

Natural systems means systems which predominantly consist of or use those communities of plants, animals, bacteria and other flora and fauna which naturally occur on the land, in the soil or in the water.

Non-compliance means a violation that meets one or more of the following criteria:

(1) Failure to act in accordance with the parameters set forth in the written notice of violation, which states the nature of the violation and provides a reasonable time limit for the satisfactory correction thereof.


(3) Failure to be in compliance with the NPDES General Permit for Stormwater Discharges from Large and Small Construction Activities [ Permit No.: SCR100000].

(4) Failure to be in compliance with the NPDES General Permit for Stormwater Discharges from Regulated Small Municipal Separate Storm Sewer Systems (MS4s) [Permit No.: SCR030000].
(5) Failure to be consistent with the South Carolina Department of Health and Environmental Control Office of Ocean and Coastal Resource Management’s (SCDHEC-OCRM’s) Coastal Zone Management Plan [Coastal Zone Management Act, South Carolina State Law, Title 48, Chapter 39] Stormwater Management Guidelines.

NPDES means the national pollutant discharge elimination system as defined in section 402 of the Federal Water Pollution Act and any subsequent amendment thereto; amendments of 1972 (Public Law 92-500).

Outfall is a point at which the drainage terminates and water is released into another conveyance.

Owner is the person in who is vested the fee ownership, dominion or title of property, i.e., the proprietor. This term may also include a tenant, if changeable under his lease for the maintenance of the property, and any agent of the owner of tenant including a developer.

Person responsible for land disturbing activity means:

(1) The person who has or represents having financial or operational control over the land disturbing activity; and/or

(2) The owner or person in possession or control of the land who directly or indirectly allowed the land disturbing activity or who has benefited from it or who has failed to comply with any provision of this chapter.

Predevelopment conditions are those natural conditions that existed prior to any development as defined above.

Post Construction conditions are those conditions that exist after any development or redevelopment takes place and the site or sites achieve final stabilization.

Receiving bodies of water shall mean any waterbodies, watercourses or wetlands into which surface waters flow.

Release rate is the volume of water passing off a site in a given period of time.

Residential property means any site developed exclusively for residential purposes, including single family homes, mobile homes, duplexes, townhouses, and owner occupied condominiums.

Retention refers to the collection and storage of runoff without subsequent discharge to surface waters except as may be added through overflow.

Sediment is solid material, whether mineral or organic, that is in suspension, is being transported, or has moved from its site of origin by air, water or gravity.

Site means any tract, lot or parcel of land or combination of tracts, lots or parcels of land which are in one ownership where development is to be performed as part of a unit, subdivision or project or in the case of multiple lot or area stormwater plans all of the individual properties contributing stormwater to the area system.

Stormwater means any flow occurring during or immediately following any form or natural precipitation and resulting therefrom.

Stormwater management facilities mean those structures or facilities that are designed for the collection, conveyance, storage, detention, treatment, and disposal of stormwater runoff into and through the drainage system.
Stormwater management fee means the monthly monetary amount charged to an owner of real property for the services provided by the stormwater management program.

Stormwater management and sediment control plan refers to the detailed analysis required by article II for activities described in section 18-21. The plan includes quantity and quality components.

Stormwater management program means the program established for the purposes of planning, designing, maintaining and financing stormwater management, sediment control, and flood control programs and projects.

Structure means anything constructed, installed or portable, the use of which requires a location on a parcel of land.

Subdivision is the use of land defined in the subdivision regulations of the city.

Swale is an open drainage conveyance with side slopes not greater than 17 percent and maximum depth not to exceed 12 inches.

Townhouse means a dwelling unit where the owner has interest in the land beneath the dwelling unit and may share in common ownership of the common areas in the development.

Vegetation means all plant growth, especially trees, shrubs, vines, ferns, mosses and grasses.

Water quality means those characteristics of stormwater runoff from a land disturbing activity that relate to the physical, chemical, biological, or radiological integrity of water.

Water quantity means those characteristics of stormwater runoff that relate to the rate and volume of stormwater runoff to downstream areas resulting from land disturbing activities.

Waterbody means any natural or artificial pond, lake, reservoir, ocean, swash or other area which ordinarily or intermittently contains water and which has a discernible shoreline.

Watercourse means any natural or artificial stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, 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, and shall include any adjacent area which is subject to flooding.

Watershed means the drainage area contributing stormwater runoff to a single point.

Watershed master plan means a plan for a designated watershed that analyzes the impact of existing and future land uses and land disturbing activities in the entire watershed and includes strategies to reduce nonpoint source pollution, to manage stormwater runoff and control flooding.

Wetlands means those areas where:

(1) The soil is ordinarily saturated with water or flooded seasonally or having a water table within six inches of the ground surface at least three months of the year.

(2) Wetlands vegetation is the dominant plant community.

Sec. 18-4. Interpretation.

In interpreting and applying the provisions of this chapter, the provisions shall be held to be minimum requirements necessary to uphold the purpose of this chapter. It is not intended by
this chapter to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, where this chapter imposes greater restriction on the subdivision and/or use of buildings or land, or requires more open space or more stringent development standards than required by other resolutions, ordinances, rules or regulations, or by easements, covenants, or agreements, the provisions of this chapter shall govern. When the provisions of any other statute require more restrictive standards than are required by the regulations of this chapter, the provisions of such statute shall govern.

**Sec. 18-5. Prohibition of non-stormwater discharges into stormwater management facilities or waters of the State.**

(a) **Prohibitions.** No person shall discharge or cause to be discharged into the city stormwater management facilities or waters of the State any of the following:

(1) **Oils and grease.**

(2) **Explosive mixtures.** Pollutants that create a fire or explosion hazard. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylenes, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides.

(3) **Noxious material.** Noxious or malodorous solids, liquids or gases which, either singly or by interaction with other chemicals, are capable of creating a public nuisance or hazard to life, or may prevent entry into a storm sewer for its maintenance and repair.

(4) **Garbage.** Garbage is any commercial or household debris not natural to the stormwater system, which will or may cause obstruction to the flow in a storm sewer, or other interference with the proper operation of the stormwater management facilities. Prohibited materials include, but are not limited to, appliances, shopping carts, bags of household garbage and/or yard waste, tires, bicycles, construction materials, and similar materials.

(5) **Solid or floatable waste.** Solid or floatable discharges which will or may cause interference with the proper operation of the stormwater management facilities. Prohibited materials include, but are not limited to, grease, garbage, animal feces, ashes, embers, sand, spent limestone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, wastepaper, wood, plastic, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, and similar substances.

(6) **Excessive discharge rate.** Stormwater discharged at a flow rate, which is excessive relative to the capacity of the approved stormwater discharge rate for a site.

(7) **Heavy metals and toxic substances materials.** No heavy metals or toxic materials shall be discharged into storm sewers.

(8) **Discolored materials.** Discharges with objectionable color not native to the stormwater management facility.

(9) **Odorous materials.** Discharges with objectionable odor not native to the stormwater management facility.
(10) Corrosive wastes. Any waste which will cause corrosion or deterioration of the stormwater management facilities. Prohibited materials include, but are not limited to, acids, sulfides, concentrated chloride and fluoride compounds and substances which will react with water to form acidic products.

(11) Heat. No person shall discharge heated waste of any nature that may interfere with the proper operation of the stormwater management facilities.

(12) Swimming pool discharges. Swimming pool discharges containing harmful levels of chlorine or other chemicals that exceed SCDHEC approved standards, filter backwash, algae or harmful bacteria, or any debris/vegetation are prohibited.

(b) Non-stormwater discharges that are deemed to be exempt include:

(1) Water line flushing;

(2) Diverted stream flows;

(3) Rising ground waters;

(4) Uncontaminated groundwater infiltration;

(5) Uncontaminated pumped groundwater;

(6) Discharges from potable water sources;

(7) Foundation drains;

(8) Air conditioning condensate;

(9) Irrigation water;

(10) Springs;

(11) Water from crawl space pumps;

(12) Individual residential car washing;

(13) Natural flows from riparian habitats and wetlands;

(14) Swimming pool discharges containing no harmful levels of chlorine or other chemicals that exceed SCDHEC approved standards and discharges must be under controlled release as to not cause erosion;

(15) Street wash water;

(16) Discharges or flows from fire fighting and emergency management activities; and

(17) Approved occasional incidental non-stormwater discharges, including, but not limited to, charity vehicle and watercraft wash events.

   (a) Attempt to prevent wash water from entering local closed drainage system if the charity wash event occurs on a paved surface;

   (b) Suggest use of biodegradable, phosphate-free environmentally friendly detergents for washing; and

   (c) Use hoses with nozzles that automatically turn off when left unattended.
Sec. 18-6. Illicit discharge detection and elimination program.

The NPDES General Permit for Stormwater Discharges from Regulated Small Municipal Separate Storm Sewer Systems (MS4s) requires that MS4s develop, implement and enforce a program to detect an eliminate illicit discharges as defined in South Carolina Water Pollution Control Permits Regulation 61-9 122.26(b)(2).

The Illicit Discharge Detection and Elimination Program will be administered by the Director of Public Works or his duly authorized agent. The effective date of implementation of the Illicit Discharge Detection and Elimination Program will be immediate upon adoption of this ordinance.

(a) Priority Areas:

The city will evaluate all key outfalls located within the city. Key outfalls refer to any outfall to the Atlantic Intertidal Coastal Waterway from the jurisdictional city limit, any accessible major outfall to the Atlantic Ocean, or any additional outfall determined to be significant by city personnel due to a waterbody or watercourse being placed on the 303(d) Impaired Water list. Key outfalls will be inspected semi-annually for evidence of potential illicit discharge activities.

(b) Field Inspections:

Illicit discharge field inspections will be scheduled and unscheduled. The Illicit Discharge Detection and Elimination Manual will serve as guidance when city personnel perform the illicit discharge inspections.

Because of public health duties and under general police power to address public health concerns arising from illicit discharge, City personnel may enter and inspect. Upon request, property owners shall disarm security systems and remove obstructions for safe and easy access to the property.

(c) Removal or Correcting an Illicit Discharge:

Once the source of the discharge is identified the discharge must be removed from the system, or terminated. The city will determine who is responsible for repairs (physical and environmental) to the drainage system. If the responsible party is the city, then a work order will be issued and completed within a timely manner. If the responsible party is a private property owner, then a written notice of correction will be distributed. Non-compliance with the notice of correction will prompt enforcement measures and penalties in accordance with the city stormwater ordinance, Section 18-44 ‘Enforcement’ and Section 18-45 ‘Penalties’.

(d) Emergency Spill Response:
Emergency spill responses will be coordinated with the city public works, police, and fire departments. The Standard Operating Guidelines (EMER-7) from the fire department will be the governing procedural document for emergency spills.

ARTICLE II. CONSTRUCTION PLAN REQUIREMENTS AND STANDARDS AND POST CONSTRUCTION STORMWATER RUNOFF CONTROL REQUIREMENTS

Sec. 18-21. Applicability.

Any person, unless otherwise exempted in section 18-22, shall have an approved stormwater management and sediment control plan when applying to the city for approval for any construction or reconstruction of the site or any structures on the site (excluding signs); to change the use of land; to construct a new structure; to subdivide land; to alter any shoreline; or to perform any activity which will alter or disrupt the drainage characteristics of a site.

Further:

No person may build any structures or modify the property in any manner such that it backs up stormwater on another property or changes the flow of water onto or off of another property.

No person may discharge stormwater off their property in a different location, different volumes, or at different rates of flow such that other property, developed or undeveloped, is negatively impacted.

No person may remove stormwater management and sediment control measures until a demolition site or construction site achieves final stabilization.

An approved stormwater management and sediment control plan must be in compliance with the following, except as modified by more stringent requirements of this chapter:


2. NPDES General Permit for Stormwater Discharges from Large and Small Construction Activities [Permit No.: SCR100000].

3. NPDES General Permit for Stormwater Discharges from Regulated Small Municipal Separate Storm Sewer Systems (MS4s) [Permit No.: SCR030000].


Those construction plans, construction activities, and post-construction activities found to be non-compliant with the criteria set forth in this ordinance are subjected to enforcement and penalties described in Sections 18-44 and 18-45, respectively.

Sec. 18-22. Exemptions.
The following activities may be exempt from the requirements of this chapter when it is determined by the Public Works Director or his designee that no adverse impact is created:

(1) Maintenance, alteration, renewal, use or improvements to an existing drainage structure.

(2) The construction or renovation of single family dwellings and duplexes and accessory structures in the single family residential zoning districts upon determination by the Engineering Division that such construction meets each of the following conditions:

(a) The development does not exceed 2 dwelling units.

(b) The development is considered within a master stormwater management and sediment control plan.

(c) All approved erosion and sediment control structures will be installed and remain in place during the construction phase of the single family dwelling, duplex, or accessory structures.

(d) Provisions of 18-24-h shall be met.

(3) Agricultural and forestry pursuits.

(4) Where discharge is to a preapproved stormwater management system operated by the city in which case only a drainage plan and a soil erosion plan will be required.

Sec. 18-23. Responsibility of applicant.

(a) It is the responsibility of the applicant to include sufficient information in the stormwater management and sediment control plan to enable evaluation of the environmental qualities of the affected area, the potential and predicted impacts of the proposed activity of affected waters, and the effectiveness and acceptability of the measures proposed by the applicant for preventing or reducing adverse impacts. The plan shall contain as appropriate, maps, charts, graphs, tables, photographs, narrative descriptions, explanations and citations to supporting references. All maps and photos shall be at a scale appropriate to assess the projects.

(b) The stormwater management and sediment control plan shall be prepared and certified by a professional engineer registered in the state, a registered landscape architect, or Tier B Land Surveyor, where appropriate, for all development activities subject to this chapter. The preparer shall certify that all approved land disturbing activities will be accomplished pursuant to the approved stormwater management and sediment control plan and that responsible personnel will be assigned to the project. Five copies of the stormwater management and sediment control plan shall be filed with the construction services department.

(c) The stormwater management and sediment control plan shall contain acknowledgement by the person responsible for the land disturbing activity of the right of regulatory agencies to perform on-site inspections.

(d) The applicant acknowledges that approved stormwater management and sediment control plans remain valid throughout the duration of the project under the following conditions:
Minor plan amendments are permitted on the project site with the requirement that
notations of the amended action(s) be written, signed, and dated by all parties involved on
the onsite copy of the plans. City inspectors must be notified of the minor plan
amendment(s) upon their next site visit.

Major design modifications to the plans are not permitted without the approval of the
stormwater management and sediment control plans preparer, and city staff must perform
a formal review of the design modifications.

(e) It is the responsibility of the applicant to comply with all construction general permit
regulatory obligations stated within NPDES General Permit for Stormwater Discharges
from Large and Small Construction Activities [Permit No.: SCR100001] and NPDES
General Permit for Stormwater Discharges from Regulated Small Municipal Separate
Storm Sewer Systems (MS4s) [Permit No.: SCR30000].

(f) The applicant must submit a $5,000 minimum bond for sites up to one-half acre. For
sites greater than one-half acre, an additional $1000 per tenth of an acre bond will be
required prior to issuance of a demolition to ensure final stabilization is achieved on the
site prior to project termination.

Sec. 18-24. Required information, standards.

(a) Legal and institutional. The following legal and institutional information shall be
required for a stormwater management and sediment control plan:

(1) The name, address and telephone number of applicant and the owner, if
different from the applicant.

(2) Name and address of the professional engineer, landscape architect, or Tier B
land surveyor.

(3) Identify entity responsible for operation and maintenance of the system,
including those areas to be dedicated or deeded as public.

(4) If the operation and maintenance of the system is to be the responsibility of
the City of Myrtle Beach a willingness to accept letter of agreement from the
Public Works Director or his designee is required prior to construction.

Once construction of the system is complete, all site inspections are satisfactory,
and as-built drawings are submitted and approved by city personnel, a final letter
of acceptance from the Public Works Director or his designee and a deed of
conveyance are required prior to the issuance of the certificate of occupancy.

(b) Existing environmental and hydrologic conditions. The existing environmental and
hydrologic conditions of the predeveloped site along the receiving waters and wetlands
shall be described in detail and mapped, including the following:

(1) Detailed location sketch showing the parcel, roads, waterbodies and existing
drainage patterns showing the direction of flow.

(2) Topographic map of the site with contour intervals at a scale adequate to
assess drainage patterns in detail. Generally, one-foot contours on sites of less
than two acres are required.

(3) Location and identification of all areas on the site where surface water
collects.
(4) Identification of soils characteristics of the site indicating seasonal water table elevations and general soils suitability particularly where ponding or infiltration will occur.

(5) Location and identification of vegetation cover, soils characteristics, dunes and wetlands at a scale of 1" = 200' or less if necessary to describe critical areas.

(6) A description of all watercourses, waterbodies, wetlands or dunes on or adjacent to the site or into which surface waters flow or which might be adversely affected by the proposed development with names and addresses of owners of these facilities.

(7) Location of 100-year floodplain.

(8) Federal Emergency Management Agency flood map and Federal and State wetland maps, where appropriate.

(9) Existing lowest floor elevations where applicable.

(10) Any above and below grade structures.

(c) Proposed environmental and hydrologic conditions. The environmental and hydrologic conditions of the site after development shall be described in adequate detail and mapped, including the following:

(1) Paving, grading and drainage plans along with locations and sizes of roads and buildings (including all above and below grade structures) and their proposed elevations including special delineation of areas where impervious surfaces will be located and where percolation, infiltration, detention or retention is expected to occur.

(2) A description of those management practices to be used on the site to control stormwater runoff and erosion.

(3) Rights-of-way and easement locations for the drainage system, including any areas to be dedicated for public stormwater management purposes.

(4) Drainage basin boundaries on a map at a scale of 1" = 200' showing direction of flow and showing offsite runoff through or around the site and general land uses or designations of property in the basin.

(5) How future land uses in the land use plan could affect the project.

(6) Plans for maintenance requirements for the drainage system to maintain its proper design function and to prevent the area from creating a mosquito or odor nuisance.

(d) Calculations.

(1) Predevelopment and proposed hydrographs, flow rates and volumes of design storm runoffs at the point where the stormwater leaves the site for the design storm.

(2) Acreage and percentage of property proposed as: impervious surfaces; pervious surfaces (natural); pervious surfaces (porous materials); lakes, canals, channels, detention areas, retention areas; total acreage of projects; and other.
(e) Impact analysis. A description and analysis of the predicted impacts of the development including the impact of the stormwater management and sediment control plan on:

1. Surface water quality on the runoff.
2. Upstream and downstream stormwater facilities.
3. Erosion, aesthetics and water quality of oceanfront beach areas.
5. The existing stormwater conveyance system, including any necessary improvements to the system to accommodate the proposed flows without creating adverse impacts.
6. Onsite water elevations for the 100-year, 24-hour storm.

(f) Soil erosion and sediment control plan. Proper erosion control measures are required on each construction site such that soil or sand will not be transported off the property by stormwater runoff. A soil erosion and sediment control plan shall be prepared and submitted as part of the stormwater management and sediment control plan. This plan will be included in and be a part of the final approved project drawings and will be kept on the construction site. The purpose of the soil erosion and sediment control plan is to provide measures to control erosion and sedimentation generated by removal of ground surface cover.

1. Soil erosion and sediment control plan guidelines.

(a) Slopes should be protected from erosion by quick establishment of vegetative cover, benches or terraces, slope protection structures, mulches, or a combination of these practices as required. It is hereby recommended that Pensacola Bahia or other rapid root development grasses be utilized as a permanent vegetative cover.

(b) Drainage channels should be designed to avoid erosion problems. Wide channels with flat side slopes lined with grass or other vegetation shall be utilized where feasible. Where channel gradients are steep, concrete linings or grade control structures, such as stone check dams, may be required. Every effort should be made to preserve natural channels.

(c) Sediment basins shall be constructed to discharge stormwater runoff while trapping sediment loads. Sediment basins may either be temporary or permanent, as required by the city engineer, and be designed with 80 percent total suspended solids removal efficiency.

(d) Detention basins may also be used to trap sediment during and after development. Where used for this purpose, the basin shall continue to detain stormwater in accordance with the hydraulic design criteria, but allow for the settlement and containment of sediment in the basin. Sediment shall be removed periodically to ensure the intended performance of the detention basin.

(e) Existing vegetation, adequate to control erosion, shall be preserved. Regeneration of wood plants shall be encouraged.
(f) Silt fences or other measures may be placed around storm sewer inlets and at the boundaries of disturbed areas to trap sediment on site.

(g) Other measures specifically approved by the city engineer or engineering division personnel.

(2) Contents of soil erosion and sediment control plan.

(a) Location, scope and manner of performing temporary and permanent erosion control measures;

(b) Procedures shall provide that all sediment and erosion controls are inspected at least once every 7-calendar days or at least once every 14-calendar days and within 24 hours of the end of a storm event of 0.3 inches or greater.

(c) Proposed construction sequence and time schedule for all earth-disturbing activities and installation of provisions for erosion and sediment control and stormwater management; and

(d) Design computations and applicable assumptions for all structural measures for erosion and sediment control. Volume and velocity must be given for all surface water conveyance measures and pipe discharges.

(g) Permanent Flow Control Design standards.

(1) The peak rate of discharge from a site after the proposed development or redevelopment shall approximate the peak rate of discharge from the site prior to development or redevelopment and shall not exceed the latter for 25-year-frequency, 24-hour duration storms. In addition, the cumulative impact of the outflow hydrograph on downstream flows shall be considered. Runoff rates in excess of predevelopment rates shall be accommodated in an approved manner on site.

(2) The volume of runoff from a site after development or redevelopment shall approximate the volume of runoff from the site prior to development or redevelopment and shall not exceed the latter volume for a 25-year-frequency storm unless the intent of this provision will be met through detention of the difference between said volumes, in which case said volume differences may be released over not less than a 24-hour period of time nor more than 72 hours.

(3) As a minimum the first inch of rainfall from each storm over the developed portion of the site shall be retained on site. For soil conditions or groundwater table conditions, which do not permit the percolation of this volume within the five days following a storm event, the city engineer may approve detention with filtration systems in lieu of retention.

(4) Channeling runoff directly on the beach shall be prohibited.

(5) Runoff from higher adjacent or upstream offsite lands shall be considered and provision for such runoff shall be included.

(6) Water shall be released into watercourses and wetlands at a rate and in a manner approximating the natural flow that would have occurred before development and outflows shall be designed to minimize erosion.
(7) Vegetated buffer strips shall be created and/or preferably retained in their natural state along the banks of all watercourses, waterbodies or wetlands. The buffer shall be wide enough to allow for periodic flooding, provide access to the waterbody and act as a filter to trap sediment in runoff.

(8) The use of drainage facilities and vegetated buffer strips as open space, recreation and conservation areas shall be encouraged.

(9) No direct connections shall be permitted between roof drains and the offsite storm sewer system. Water should be routed through stormwater management facilities.

(10) The city engineer may require such data as he determines necessary from the applicant to prove the adequacy of the design of the stormwater system.

(11) The hydrologic requirements for sites over two acres in size, mandated by this chapter, shall be developed in accordance with the latest releases and revisions of the U.S. Department of Agriculture, Soil Conservation Services’ Technical Release No. 55, entitled “Urban Hydrology for Small Watersheds,” and SCS National Engineering Handbook, Section 4, entitled “Hydrology.” Sites two acres or less may be assessed by the Rational Method.

(12) If an identified storm drainage basin is master planned for discharging storm water to the Atlantic Ocean or Atlantic Intracoastal Waterway, conditions may be met to waive the requirement for retention and/or detention as follows: During a 25-year, 24-hour rainfall event, if the discharge structure and the internal collection system can transport the total amount of run-off from impervious surface areas that do not exceed 90 percent of the total surface area for the run-off basin, then the city may waive the quantity requirements of this section provided that the quality standards set for the basin are met through the use of Best Management Practices (BMP) accepted by OOCR and the city. The city’s waiver of the quantity requirements must be approved by the OOCR. If the basin discharges to the Atlantic Ocean, direct discharge over the tidal beach will not be allowed. For the purpose of this section, BMP is a structural or nonstructural device designed specifically to improve the quality of stormwater runoff. OCRM means the Office of Ocean and Coastal Resource Management and is a division of the South Carolina Department of Health and Environmental Control with regulatory authority over receiving bodies of water.

(h) Single Family and Duplex Residences.

(1) A permit application for a single family house or duplex shall include a site development drawing containing the following features:

(a) Tax map number, subdivision name and lot and block number.

(b) A site development map to scale (1 inch = 20 feet or larger). Survey data should be on this map or on a separate attached map.

(c) Elevation of the center of the road, all property corners, at 25-feet intervals along and 5-feet beyond each property line, and at any distinguishing feature on or off site that could in any way impact stormwater flow from the property.

(d) Any existing and proposed watercourse, wetland, ditches, swales, pipes, culverts, catch basins, etc.
(e) Proposed house footprint and finished floor elevation, including proposed ground elevations at house corners.

(f) Footprints and elevations of any swimming pools, spas, decks, driveways, etc.

(g) Any fence location and type of construction.

(h) Include drainage flow direction arrows.

(i) Roof downspouts and associated piping.

(j) Adjacent roads, ditches, pipelines and culverts.

(2) The Public Works Director or his designee may waive any of the above requirements at its sole discretion.

(3) The Public Works Department reserves the right to perform an on site visit to all construction sites of single-family homes and duplexes prior to plan review and approval.

Sec. 18-25. Responsibility for maintenance.

(a) The applicant engaged in or conducting the development activity shall be responsible for maintaining all temporary stormwater runoff control measures and facilities during the development of a site.

(b) The responsibility for maintaining all permanent runoff control measures and facilities after site development is completed shall lie with the landowner unless a facility is officially accepted by the city for city maintenance. That will be allowed only when the system is part of a subdivision, a multiple lot or area plan, or when the improvements are completely contained in a dedicated right-of-way.

(c) Sufficient inspection shall be made to ensure compliance with the specifications set forth in this chapter. A registered engineer, employed by the developer, shall certify in writing to the city that he has inspected each phase of the construction of the storm drainage improvements required in this chapter. The city, however, shall make a final inspection of said improvements before accepting any such improvements for dedication to the city for permanent maintenance.

(c) Once installed and inspected, the stormwater control facilities shall be maintained in one of the following ways and approved as part of the stormwater management and sediment control plan:

(1) Facilities maintained by owner. The system(s) to be maintained by the owner shall provide adequate access to permit the city to inspect and, if necessary, to take corrective action. Should the owner fail to properly maintain the system(s) under his responsibility, the city shall give such owner written notice of the nature of the corrective action necessary. Should the owner fail, within 30 days from the date of the notice, to take, or commence taking, corrective action to the satisfaction of the city, the city may enter upon lands, take corrective action and place a lien on the property of the owner for the costs thereof or enter into condemnation proceedings. For purposes of this section, the term "owner" shall also mean "homeowner association" or other collective member organizations.
(2) **Facilities maintained by the city.** All areas and/or structures to be maintained by the city must be designed and constructed consistent with the requirements of this chapter and dedicated to the city by deed with attached record drawings and a one-year warranty for defects in materials and workmanship.

A letter of credit or a maintenance bond shall be provided to the city in an amount equivalent to ten percent of the cost of the improvements dedicated to the city. Such letter of credit or maintenance bond shall be held by the city for a one-year period following dedication of said improvements to the city.

**Sec. 18-26. Drainage easements and public stormwater facility ownership.**

Drainage easements for those systems or portions of systems dedicated to the city for maintenance shall be provided in accordance with the following criteria:

1. **Underground storm sewer easement.** Where development is traversed by a drainage facility, adequate areas for storm drainage, including ponding, shall be allocated, conforming substantially with the lines of such drainage facility, and be of sufficient width to carry off storm drainage. Adequate access for maintenance and equipment will be required. For underground storm drain pipe the minimum width of the easement shall not be less than 20 feet or shall be the outside diameter of the pipe(s) plus eight feet on each side, whichever is the greater.

2. **Open channel easement.** For minor ditches which drain into a collector or main ditch or into a piped drainage system, the width of the drainage easement shall be equal to the maximum top width plus an additional 20 feet. In all cases, those ditches in excess of three feet in depth shall be piped.

3. **Open swale easements.** For minor swale ditches along lot lines draining a small area where street drainage is not involved and where the depth of a swale does not exceed one foot, a drainage easement not less than 15 feet in width shall be provided.

4. **Submital.** All storm drainage easements shall be submitted in deed form to the city for acceptance and recording.

5. **Clearing.** The full width of all drainage easements shall be cleared as required by the city.

**Systems or portions of systems dedicated to the city for maintenance that serve as a regional stormwater retention/detention facility shall be provided for in accordance with the following criteria:**

1. **Detention or retention ponds fee simple ownership.** The pond footprint and an adjacent 15-foot top of bank maintenance area shall be deeded to the city under a fee simple title.

**Sec. 18-27. Fee schedule.**

A schedule of fees shall be applied toward each application. This schedule may be changed by resolution of city council and is on file in the city clerk's office.
Sec. 18-28. Multiple lot area plans.

The city may, at its option, allow multiple lot or area stormwater management and sediment control plans. Where approved these plans will plan for all water contributory to the area but may allow for pass through for water originating outside of the area.

Permanent provisions for maintenance shall be provided and approved by the city. The city may agree to accept systems for city maintenance where suitable easements and fee simple deeds are provided. Where city maintenance is not provided each benefited lot will individually have full access to the stormwater facilities and will individually have full responsibility to provide all necessary maintenance. The city will approve suitable legal documents granting access and requiring maintenance.

Nothing in this article will preclude the city from providing multiple lot or area stormwater management systems.

All minimum design standards and required information required for individual site stormwater management and sediment control plans will apply to multiple lot or area plans.

Soil erosion measures as set forth in this article will be required for each individual lot within a multiple lot or area stormwater plan.

Sees. 18-29-18-40. Reserved.

ARTICLE III. ADMINISTRATION*

Sec. 18-41. Plan adherence.

(a) The owner/applicant shall be required to adhere strictly to the stormwater management and sediment control plan as approved on construction and permanent basis for the project. Any changes or amendments to the plan must be approved by the city in accordance with the procedures set forth hereafter for obtaining stormwater management and sediment control plan approval. As permitted by state law, code enforcement officers are vested with the powers and duties conferred by law upon constables and shall exercise their powers on all private and public property within the municipality. Enforcement officials shall be granted inspection rights and right of entry privileges in order to ensure compliance with the requirements of this chapter.

(b) The applicant, property owner, or public entity, is required to maintain on-site stormwater systems in adequate working order and properties of all land uses are subject to random site stormwater inspections by city personnel. Enforcement officials shall be granted inspection rights and right of entry onto properties in order to ensure stormwater systems are in compliance by operating adequately. Any public or private stormwater systems found to be non-compliant are subjected to enforcement and penalties described in Sections 18-44 and 18-45, respectively.

Sec. 18-42. Appeal.

Determinations of the city regarding the enforcement or provisions of this chapter may be appealed, in writing, to the zoning board of adjustment within ten days of receipt of notification of action by the city.
Sec. 18-43. Variance.

The zoning board of adjustment may modify or waive certain requirements of this chapter in response to a written request from the applicant specifying the modifications or waiver requested. Modifications or waivers to the requirements may be granted, in writing, if:

(1) There are special circumstances applicable to the property or its intended use that do not apply to other properties or uses in the same class of activity; and specifically in the case of exceptionally irregular, narrow, shallow or steep lots, or other exceptional physical conditions, whereby strict application would result in unnecessary hardship which would deprive an owner of the reasonable use of his land. Economic considerations are not valid grounds for the issuance of a variance.

(2) The applicant demonstrates that the modification or waiver will not nullify the intent or purpose of this chapter and that the public welfare, interest of the city and the surrounding area shall be protected.

Sec. 18-44. Enforcement.

If the city determines that a construction project is not being carried out in accordance with the approved plan, any project subject to this chapter is being carried out without approval, an illicit discharge is not terminated, or public or private stormwater system is failing to meet the approved performance measures, the Director of Construction Services or the Director of Public Works or their designee is authorized to issue any of the following:

(1) Written notice. Issue written notice to the owner specifying the nature and location of the alleged noncompliance, with a description of the remedial actions necessary to bring the project into compliance within a reasonable specified time.

(2) Stop-work order. Issue a stop-work order directing the applicant, or owner, to cease and desist all or any portion of the work, which violates the provisions of the chapter.

(3) Emergency cease and desist order. Issue emergency cease and desist order directing a property owner by requiring immediate compliance with the stormwater ordinance by halting operations/terminating discharge. The emergency cease and desist order may be written or verbal.

(4) Cost of abatement of the violation/property lien. Applies when the City is obligated, under nuisance law, to initiate corrective action associated with the abatement of a stormwater system that is in non-compliance. The property owner is required to immediately repay the City the actual cost of the abatement activities, or the city will place a lien on the property.

(5) Revocation of approval. Should the applicant, or owner, not bring the project into compliance with the written notice and stop-work order, he shall then be subject to immediate revocation of the building permit and to the penalties described in section 18-45.

(6) Citation. Issuance of an ordinance summons, or other appropriate charging document, as an initiation of criminal process by code enforcement officers designated by the Manager.
Sec. 18-45. Penalties.

(a) It shall be unlawful for any person to violate any provision of this chapter, and any such violation shall be punished as prescribed in section 1-9 of this Code. Each day a violation continues constitutes a separate offense.

(b) In addition to any other penalties provided in this chapter, a civil penalty not to exceed $1,000.00 may be assessed by the city against any person violating any provision of this chapter. In setting the amount of the civil penalty, the type, duration, and severity of the violation and the responsiveness of the person against whom the penalty is assessed in remedying the violation shall be considered. Each day a violation continues constitutes a separate violation that may be the subject of such a penalty. Written demand for payment of the civil penalty upon the person shall be made, including an explanation of the basis of the violation and penalty. If full payment of the penalty is not made within 30 days after such demand is mailed or delivered to the person, the city attorney may commence a civil action in the appropriate court to recover the penalty.

(c) In addition to any other penalties or remedies provided in this chapter, the city manager has the authority upon the recommendation of the city attorney to institute a civil action in the appropriate court to obtain compliance with the provisions of this chapter or remedy or prevent the violation or threatened violation of any provision of this chapter.

Sec. 18-46. Municipal liability.

Nothing in this chapter and no action or failure to act under this chapter shall or may be construed to:

(1) Impose any liability on the city or its departments, agencies, officers or employees for the recovery of damages; or

(2) Relieve any person responsible for land disturbing activity of duties, obligations, responsibilities or liabilities arising from or incident to operations associated with such activity.

Sec. 18-47. Severability.

It is declared the intent of city council that the sections, sub sections, paragraphs, sentences, clauses and phrases of this chapter are severable; and if any such provision shall be declared unconstitutional or otherwise invalid or unenforceable by a court of competent jurisdiction, it shall not affect the validity or enforceability of any remaining provisions of this chapter, and it is the intent of council that such provisions continue in full force and effect.

Secs. 18-48–18-59. Reserved.

ARTICLE IV. STORMWATER MANAGEMENT FEE

Sec. 18-60. Title of article; statutory authority.
Sec. 18-61. Stormwater management fee.

(a) The stormwater management fee shall be charged to all developed sites located within the corporate limits of the city, as they may exist from time to time.

(b) City council shall establish a fee schedule under this article, which sets forth the amounts and classifications of fees to be implemented to recover the costs of maintaining and operating the stormwater system. Fees may be changed by resolution of city council from time to time and are on file in the city clerk's office. City council shall consider, among other things, the following criteria in establishing fees:

(1) The fee system shall be apportioned on a reasonable basis with due regard for the benefits conferred. City council recognizes that these benefits, while substantial, in many cases cannot be measured directly;

(2) Design, construction, maintenance, and the overall operation of the stormwater management program shall be borne proportionately by all classifications of property owners in the city in that all will enjoy the direct and indirect benefits of an improved and well-maintained system;

(3) In establishing the fee, the following costs may be considered:

(a) Stormwater management and sediment control planning and preparation of comprehensive watershed master plans for stormwater management;

(b) Regular inspections of public and private stormwater management facilities during construction and operation;

(c) Maintenance and improvement of stormwater management facilities that have been accepted by the city for that purpose;

(d) Plan review and inspection of sediment control and stormwater management and sediment control plans, measures, and practices;

(e) Retrofitting designated watersheds to reduce existing flooding problems or to improve water quality;

(f) Acquisition of interests in land, including easements;

(g) General administration, enforcement, billing and collection; and

(h) Water quantity and water quality management, including monitoring and surveillance.

(4) Practical difficulties and limitations shall be considered in establishing, calculating, and administering such fees; and

(c) The rate for one ERU is the standard for calculating the fee for each developed site.

Sec. 18-62. Calculation of fee and methods of assessment.

(a) The fee is a function of the number of ERUs multiplied by the rate for one ERU.
(b) The minimum fee imposed for any developed site shall be the rate for one ERU.

c) The fee for single family homes, mobile homes, mobile home parks, duplexes and
townhouses shall be determined as follows:

(1) The fee imposed for individually metered single family homes, mobile
homes, as well as duplexes and townhouses that have an individual meter for
each unit shall be the rate for one ERU.

(2) The fee imposed for duplexes, townhouses, and mobile home parks served
by a master meter shall be the rate for one ERU multiplied by the number of units
served by the meter.

d) The fee for apartment buildings with three or more units, and condominiums shall be
determined as follows:

(1) The fee imposed for apartment buildings with three or more units, and
condominiums shall be the rate for one ERU multiplied by the number of
calculated ERUs. For apartment building sites with three or more units, and
condominium sites, an average impervious surface area factor of 80 percent of
the total area of the site has been determined for calculating the fee. The
calculation of the number of ERUs shall be based on the area of the site
multiplied by 0.8, and then divided by the ERU factor of 5,000 square feet.

(2) The fee imposed for individual units in apartment buildings with three or
more units, and condominiums that have an individual meter for each unit shall
be the rate for one ERU multiplied by the number of ERUs, divided by the
number of units.

e) The fee imposed for schools and churches shall be the rate for one ERU multiplied
by the number of ERUs as calculated by measuring the actual impervious surface area of
the site and dividing it by the ERU factor of 5,000 square feet.

f) The fee for commercial sites shall be determined as follows:

(1) The fee imposed for commercial properties shall be the rate for one ERU
multiplied by the number of calculated ERUs. For commercial sites, an average
impervious surface area factor of 80 percent of the total area of the site has been
determined for calculating the fee. The calculation of the number of ERUs shall
be based on the area of the site multiplied by 0.8, and then divided by the ERU
factor of 5,000 square feet.

(2) The fee imposed for individual tenants of a commercial site with multiple
tenants, each of whom is served by an individual meter shall be prorated by the
percentage of the total square footage of the structure occupied by the tenant.

(3) The fee imposed for an individual building on a commercial site containing
multiple buildings each of which is served by an individual meter shall be
prorated by the percentage of the total area of the site occupied by the building.
The stormwater management fee shall be billed monthly to users. Payment schedule and
discontinuance of utilities service will be governed by the relevant provisions of the current water
and sewer customer service policies and procedures, a copy of which is available in the offices of
the utility billing and collections division. Where a user does not have a utility account, the
occupant will be billed separately on a regular cycle. Owners of vacant improved real estate will
likewise be billed on a regular cycle. Where an owner does not have a utility account, any bill
remaining unpaid for 30 days after mailing shall constitute a lien upon the property collectible in
the same manner as taxes assessed against such property.

Sec. 18-64. Requests for adjustment.

(a) An owner or lawful occupant obligated for payment of the stormwater management
fee may request an adjustment of the fee calculated by the city engineer. Such request
will most often involve the determination of the amount of impervious area on the
property, but can question any element of the calculation. The request must be in writing
and be filed with the director of public works.

(b) The director of public works will review the request and provide a written decision
to the requestor within 30 days after receipt of the request.

(c) The request shall be made upon such forms and be accompanied by such information
as the city, by written policy, shall require. The owner or occupant requesting the
adjustment may be required, at his own cost, to provide supplemental information to the
director of public works, including but not limited to, survey data and engineering reports
approved by either a registered professional land surveyor or professional engineer.
Failure to provide such information may result in denial of the adjustment request.

(d) Requests for adjustment of the impervious surface area used in calculating the fee
will only be accepted from owners or occupants of nonresidential sites and must be
accompanied by a site survey approved by a registered professional land surveyor.

(e) If the requestor disagrees with the decision of the director of public works, he or she
may appeal that decision to the city manager in writing within 15 days of receipt of the
decision. The decision of the city manager to affirm or modify the decision of the director
of public works will be provided in writing within 15 days after receipt of the appeal and
will be final.

(f) Any adjustment to the fee approved by the director of public works or the city
manager will be applied prospectively only.

(g) No provision of this article allowing for a request for adjustment shall be deemed to
suspend the due date of the fee with payment in full. Any adjustment in the fee for the
person pursuing a request shall be made by refund of the amount due.
This ordinance shall take effect immediately upon adoption.

ATTEST:

JOAN GROVE, CITY CLERK

First reading: 7/24/07
Second reading: 8/14/07
Attest: Joan Grove, City Clerk