AN ORDINANCE AMENDING SPARTANBURG COUNTY ORDINANCE O-09-02
CODIFIED AS CHAPTER 30, ARTICLE IV IN ITS ENTIRITY AND REPLACING IT WITH
THE FOLLOWING IN ORDER TO PROTECT, MAINTAIN, AND ENHANCE THE PUBLIC
HEALTH, SAFETY, AND GENERAL WELFARE BY ESTABLISHING MINIMUM
REQUIREMENTS AND PROCEDURES TO CONTROL THE ADVERSE EFFECT OF
INCREASED STORMWATER RUNOFF ASSOCIATED WITH BOTH FUTURE LAND
DEVELOPMENT AND EXISTING DEVELOPED LAND WITHIN THE COUNTY OF
SPARTANBURG. PROPER MANAGEMENT OF STORMWATER RUNOFF WILL
MINIMIZE DAMAGE TO PUBLIC AND PRIVATE PROPERTY, INSURE A FUNCTIONAL
DRAINAGE SYSTEM, REDUCE THE EFFECTS OF DEVELOPMENT ON LAND AND
STREAM CHANNEL EROSION, ASSIST IN THE ATTAINMENT AND MAINTENANCE
OF WATER QUALITY STANDARDS, ENHANCE THE LOCAL ENVIRONMENT,
ASSOCIATED WITH THE DRAINAGE SYSTEM, REDUCE LOCAL FLOODING,
MAINTAIN AS NEARLY AS POSSIBLE THE PRE-DEVELOPED RUNOFF
CHARACTERISTICS OF THE AREA, AND FACILITATE ECONOMIC DEVELOPMENT
WHILE MITIGATING ASSOCIATED FLOODING AND DRAINAGE IMPACTS.

BE IT ORDAINED BY THE SPARTANBURG COUNTY COUNCIL:

DIVISION 1 GENERAL PROVISIONS

Sec. 1.1 Title.

This Ordinance shall be known as the “Storm Water Management Ordinance of Spartanburg
County, South Carolina.

Sec. 1.2 Authority.

This Ordinance is adopted pursuant to the authority conferred upon Spartanburg County by the
South Carolina Constitution, Act No. 194 of the Acts and Joint Resolutions of 1971 enacted by the
General Assembly of the State of South Carolina, approved April 23, 1971, in 1976 South Carolina
Code of Laws Sections 4-9-30, 4-9-40 and Chapter 14, Title 48, as amended. The Ordinance is also promulgated to ensure compliance with the requirements imposed upon Spartanburg County by the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges from Regulated Small Municipal Separate Storm Sewer System (SMS4) Permit SCR030000 issued in accordance with the federal Clean Water Act and regulations adopted thereunder.

Sec. 1.3 Jurisdiction.

The provisions of this Ordinance shall apply to all lands within the unincorporated area of Spartanburg County, and those municipalities which, by approval of SCDHEC and by written agreement executed with Spartanburg County, contract to have this Ordinance administered by Spartanburg County within their corporate limits. All lands under the jurisdiction of another entity with the power of eminent domain are exempt from the provisions of this Ordinance.

The floodplain management provisions of this Ordinance shall apply to all special flood hazard areas within the jurisdiction of Spartanburg County as identified by the Federal Emergency Management Agency in its most recent Flood Insurance Study with accompanying maps and other supporting data that are hereby adopted by reference and declared to be a part of this Ordinance.

Sec. 1.4 Findings.

The Spartanburg County Council makes the following findings:

(a) Uncontrolled storm water runoff may have significant, adverse impact on the health, safety and general welfare of Spartanburg County and the quality of life of its citizens. The potential impacts of uncontrolled storm water can lead to the degradation of water quality and general riverine ecosystem through excessive or illegal pollutant discharges, erosion, and flooding thereby limiting or removing its designated and potential uses.

(a) Spartanburg County is required by federal law [33 U.S.C 1342(p) and 40 CFR 122.26] to obtain a National Pollutant Discharge Elimination System permit from the South Carolina Department of Health and Environmental Control ("SCDHEC") for storm water discharges from the Spartanburg County storm water system. The NPDES permit requires Spartanburg County to impose controls to reduce the discharge of pollutants in storm water to the maximum extent practicable (MEP) using management practices; control techniques and system, design and engineering methods; and such other provisions which are determined to be appropriate for the control of such pollutants.

(b) Additionally, certain facilities that discharge storm water associated with an industrial activity, including construction activities, are required by the South Carolina Stormwater Management and Sediment Reduction Act [S.C. Code 48-14-10 et seq.] to obtain NPDES permits for land-disturbances.

Sec. 1.5 Purpose.

(a) It is the purpose of this Ordinance to ensure the protection, maintenance, and enhancement of water quality and the environment of Spartanburg County and the short-term and long-term
public health, safety, and general welfare of the citizens of Spartanburg County. This Ordinance is also designed to minimize property damage by establishing requirements and procedures to control the potential adverse effects of increased storm water runoff and related pollutant loads associated with both future development and existing developed land. Proper management of storm water runoff will further the purpose of this Ordinance to insure a functional drainage system, reduce the effects of development on land and stream channel erosion, attain and maintain water quality standards, enhance the local environment associated with the drainage system, reduce local flooding, maintain to the maximum extent practical pre-developed runoff characteristics of the area in terms of flow rate, volume and pollutant concentration, and facilitate economic development while mitigating associated pollutant, flooding, erosion, and drainage impacts.

(b) It is further the purpose of this Ordinance to direct the development of a Storm Water Management Plan (SWMP) to establish procedures at a minimum to:

1. Comply with NPDES General Permit SCR030000;

2. Prohibit illicit connections and discharges to the Spartanburg County MS4;

3. Control the discharge of spills and prohibit dumping or disposal of materials other than storm water into the Spartanburg County SMS4;

4. Address specific categories of non-storm water discharges and similar other incidental non-storm water discharges listed in the Storm Water Management Program (SWMP);

5. Require erosion and sediment controls to minimize the discharge of pollutants to the maximum extent practicable (MEP) and protect water quality on all new and re-development projects;

6. Require storm water discharge rate and volume control during and following development, redevelopment, or construction and preserve stream base flows to the maximum extent practicable (MEP);

7. Define procedures for site plan review and site inspection of all construction projects applicable to this Ordinance within Spartanburg County. Such procedures will include inspections, defining bonding issues during development phases, and ownership of the storm water management system;

8. Control the discharge of pollutants to the Spartanburg County SMS4 in such quantity that water quality standards are met or to otherwise address post-construction, long-term water quality to minimize the discharge of pollutants to the maximum extent practicable (MEP) and protect water quality. This includes all necessary means needed to comply with State and Federal regulations regarding storm water management quantity and quality;

9. Define procedures for addressing citizen complaints within Spartanburg County;
(10) Ensure adequate long term operation and maintenance of Best Management Practices (BMPs);

(11) Carry out all inspection, surveillance and monitoring procedures necessary to determine compliance and noncompliance with permit conditions including the prohibition on illicit discharges to the Spartanburg County SMS4;

(12) Encourage to the maximum extent practicable non-traditional strategies to control the release of storm water discharge;

(13) Encourage to the maximum extent practicable the creation of stream buffers and preservation of natural spaces to provide areas that could be used for flood storage, storm water treatment and control. Such areas may be required in special protection areas to ensure water quality and protect property from existing flooding problems;

(14) Develop, implement, and enforce action plans to address pollutant load reductions required in impaired watersheds and to comply with Total Maximum Daily Loads (TMDLs) established by EPA or SCDHEC and to otherwise meet water quality standards.

(15) Enable enforcement of all said authorizations.

(a) The application of this Ordinance and the provisions and references expressed herein shall be the minimum storm water management requirements. The application of this Ordinance shall not be deemed a limitation or repeal of any other powers granted by statute.

(b) This Ordinance is to be construed to further its purpose of controlling and reducing pollutant discharges, runoff volumes, and runoff rates to the Spartanburg County SMS4 to assure the obligations under Permit SCR030000.

Sec. 1.6 Construction and Scope.

(a) The provisions of this Ordinance shall apply throughout the unincorporated areas of Spartanburg County and in incorporated areas that have written agreements with Spartanburg County to have this Ordinance administered by Spartanburg County within their corporate limits.

(b) The Spartanburg County Engineer or his designee shall be primarily responsible for the coordination and enforcement of the provisions of this Ordinance and the SWMP.

(c) The Floodplain Manager or his designee shall be primarily responsible for the coordination and enforcement of the provisions of the floodplain management sections of this Ordinance and for compliance with the Federal Emergency Management Agency (FEMA) and the National Floodplain Insurance Program (NFIP).
Sec. 1.7 Severability.

Should any word, phrase, clause or provision of this Ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, such declaration shall not affect this Ordinance as a whole or any part hereof except that specific provision declared by such court to be invalid or unconstitutional.

Sec. 1.8 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 the plural the singular, unless the context clearly indicates the contrary.

(d) All public officials, bodies and agencies to which reference is made are those of Spartanburg County, unless otherwise indicated.

Sec. 1.9 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 contained in this article shall prevail. Whenever the provisions of any other law, regulation or ordinance require more restrictive standards than are required in this article, the requirements of such law, regulation or ordinance shall prevail. Whenever the provisions of this Ordinance are in conflict with any state or federal law or regulation, the provisions of the state or federal law or regulation shall prevail.

Sec. 1.10 Amendments.

The Spartanburg County Council, may, in its discretion and following procedures specified by State law, amend or change this Ordinance or adopt additional regulations or resolutions to implement this Ordinance, comply with Permit SCR030000, implement the SWMP, or to otherwise further the goal of protecting the quality of the waters into which the Spartanburg County SMS4 outfalls flow through the control of runoff volume and rate and pollutant concentrations and loads.

Sec. 1.11 Conflicting Ordinances Repealed.

All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed. This Ordinance shall prevail in any and all conflicts with guidelines, manuals, or other publications.

Sec. 1.12 Definitions.

For the purpose of this Ordinance, the following definitions shall apply: Words used in the singular shall include the plural, and the plural shall include the singular; words used in the present tense shall include the future tense. The word "shall" is mandatory and not discretionary. The word "may" is
permissive. Words not defined in this section shall be construed to have the meaning given by common and ordinary use as defined in the latest edition of Webster's Dictionary.

**Channel.** A natural or artificial watercourse with a definite bed and banks that conducts flowing water continuously or periodically.

**Construction activity.** The construction industrial activity as defined at § 122.26(b)(14)(x) of S.C. Regulation 61-9 and incorporated here by reference. A large construction activity includes clearing, grading, and excavating resulting in a land disturbance that will disturb equal to or greater than five acres of total land area but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than five acres. Large construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the site.

Small construction activity includes clearing, grading, and excavation resulting in a land disturbance that:

1. Will disturb equal to or greater than 5,000 square feet of land and less than five acres of land;
2. Will disturb less than 5,000 square feet of total land area but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than 5,000 square feet and less than five acres.

**Discharge.** Dispose, deposit, spill, pour, inject, seep, dump, leak or place by any means, or that which is disposed, deposited, spilled, poured, injected, seeped, dumped, leaked, or placed by any means including any direct or indirect entry of any solid or liquid matter into waters of the state.

**Easement.** An acquired privilege or right of use or enjoyment that a person, party, firm, corporation, municipality or other legal entity has in the land of another.

**Enforcement Response Plan (ERP)** – document which sets potential responses to violations concerning illicit discharges and permit/SWPPP violations.

**Erosion.** The removal of soil particles by the action of water, wind, ice or other geological agents, whether naturally occurring or acting in conjunction with or promoted by anthropogenic activities or effects.

**Erosion and sediment control plan.** A written plan (including drawings or other graphic representations) that is designed to minimize the accelerated erosion and sediment runoff at a site during construction activities.

**FEMA.** The Federal Emergency Management Agency.

**Illicit connections.** Illegal and/or unauthorized connections to the municipal separate storm water system whether or not such connections result in discharges into that system.

**Illicit discharge.** Defined at South Carolina Water Pollution Control Permits Regulation 61-912.26(b)(2) and refers to any discharges to a small municipal separate storm sewer system (SMS4)
that is not composed of storm water, except discharges authorized under an NPDES permit (other than the NPDES permit for discharges from the SMS4) and discharges resulting from fire fighting related activities.

Land disturbing activity. Any activity on property that results in a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land-disturbing activities include, but are not limited to, development, re-development, demolition, construction, reconstruction, clearing, grading, filling, and excavation.

Maintenance. Any activity that is necessary to keep a storm water facility in good working order so as to function as designed. Maintenance shall include complete reconstruction of a storm water facility if reconstruction is needed in order to restore the facility to its original operational design parameters. Maintenance shall also include the correction of any problem on the site property that may directly impair the functions of the storm water facility.

Municipal separate storm water system (MS4) or separate storm sewer system or small municipal separate storm water system (SMS4). The conveyances owned or operated by the municipality for the collection and transportation of storm water, including the roads and streets and their drainage systems, catch basins, curbs, gutters, ditches, man-made channels, and storm drains.

National pollutant discharge elimination system permit (NPDES). A permit issued to a discharger pursuant to regulations for all point source discharges into surface waters.

Person. Any and all persons, natural or artificial, including any individual, firm or association and any county, municipal or private corporation organized or existing under the laws of this or any other state or country.

Person responsible for the land disturbing activity.

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

(2) The landowner or person in possession or control of the land who directly or indirectly allowed the land disturbing activity or has benefited from it or who has failed to comply with any provision of this article, or local ordinance adopted pursuant to the act as imposes a duty upon him.

Runoff. Precipitation from rain or snowmelt flows over the ground. Impervious surfaces like driveways, sidewalks, and streets prevent storm water from naturally soaking into the ground.

Sediment. Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface either above or below sea level.

Small Municipal Separate Storm Sewer System (SMS4). Is defined at South Carolina Water Pollution Control Permits Regulation 61-9 122.26(b)(16) and refers to all small separate storm sewer systems that are owned or operated by the United States, a state, city, town, boroughs, county, parish,
district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States, but is not defined as "large" or "medium" municipal separate storm sewer system. This term includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings.

**Storm Water Design Manual.** A mechanism that establishes the minimum requirements, processes and guidance on the design, evaluation and implementation of land disturbing or pollutant discharging activities associated with storm water management.

**Storm Water.** Storm water runoff, snow melt runoff, surface runoff, street wash waters related to street cleaning or maintenance, infiltration and drainage.

**Storm water management.** The programs to maintain quality and quantity of storm water runoff to pre-development levels.

**Storm water management facilities.** The drainage structures, conduits, ditches, combined sewers, sewers, and all device appurtenances by means of which storm water is collected, transported, pumped, treated or disposed of.

**Storm Water Management Plan (SWMP).** The set of drawings and other documents that comprise all the information and specifications for the programs, drainage systems, structures, BMPs, concepts and techniques intended to maintain or restore quality and quantity of storm water runoff to pre-development levels.

**Storm water runoff.** Flow on the surface of the ground, resulting from precipitation.

**Structural BMP's.** Devices that are constructed to provide control of storm water runoff.

**Surface water.** Includes waters upon the surface of the earth in bounds created naturally or artificially including, but not limited to, streams, other watercourses, lakes and reservoirs.

**Watercourse.** A permanent or intermittent stream or other body of water, either natural or man-made, that gathers or carries surface water.

**Watershed.** All the land area that contributes runoff to a particular point along a waterway.

**Waters of South Carolina, or Water of the State.** Lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic Ocean within the territorial limits of the state, and all other bodies of surface or underground water, natural or artificial, public or private, inland or coastal, fresh or salt, which are wholly or partially within or bordering the State or within its jurisdiction and all waters of the United States within the political boundaries of the state of South Carolina. Waste treatment systems, including treatment ponds or
lagoons designed to meet the requirements of CWA are not waters of the South Carolina. This exclusion applies only to man-made bodies of water which neither were originally created in waters of South Carolina (such as disposal areas in wetlands) nor resulted from the impoundment of waters of South Carolina.

**Waters of the United States, or Waters of the U.S.:**

(1) All waters, which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all water, which are subject to the ebb and flow of the tide;

(2) All interstate waters, including interstate "wetlands";

(3) All other waters such as interstate lakes, rivers, streams (including intermittent streams), mudflats, sand flats, wetlands, sloughs, wet meadows, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters;

(4) All impoundments of waters otherwise defined as waters of South Carolina under this definition;

(5) Tributaries of waters identified in subsections (1) through (4) of this definition;

(6) The territorial sea; and

(7) Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in subsections (1) through (6) of this definition.

**Sec. 1.13** Reserved.

**DIVISION 2 ORGANIZATION AND ADMINISTRATION**

**Sec. 2.1 Spartanburg County Storm Water Management Program.**

The SWMP developed by Spartanburg County to implement the purposes of this Ordinance shall serve as the basis for directing Spartanburg County’s efforts to control storm water. The SWMP, as amended from time to time by Spartanburg County, is hereby adopted for the life of Spartanburg County’s Storm Water NPDES permit as the official operational plan. The SWMP plan shall be viewed as an extension of this Ordinance and is hereby given identical authority to see that its requirements are both complied with and enforced.

**Sec 2.2 Spartanburg County Floodplain Management Program.**

The Floodplain Management Program developed by Spartanburg County to comply with the NFIP serves as the basis for Spartanburg County’s program implementation and administration. The County Engineer is hereby given authority to develop, implement and administer this Program as defined in Chapter 38 of the County of Spartanburg Code, as amended from time to time by Spartanburg County, for the life of Spartanburg County’s participation in the NFIP.
Sec. 2.3 Coordination with Other Agencies.

The Engineering Division of the Department of Public Works (Engineering Division) shall coordinate Spartanburg County’s activities with other federal, state, and local agencies, which manage and perform functions relating to the protection of receiving waters. Authority not expressly reserved for other agencies or restricted by statute is placed with the Engineering Division for the protection and preservation of receiving waters. The Engineering Division shall coordinate with State and Federal Agencies having jurisdiction.

Sec. 2.4 Cooperation with Other Governments.

Spartanburg County may enter into agreements with other governmental and private entities to carry out the purposes of this Ordinance. These agreements may include, but are not limited to, enforcement, resolution of disputes, cooperative monitoring, cooperative management of storm water systems, and cooperative implementation of storm water management programs.

Nothing in this Ordinance or in this Section shall be construed as limitation or repeal of any Ordinances of these local governments or of the powers granted to these local governments by the South Carolina Constitution or South Carolina statutes, including, without limitation, the power to require additional or more stringent storm water management requirements within their jurisdictional boundaries.

Sec. 2.5 Right-of-Entry.

(a) The County Engineer or his designee shall have right-of-entry on or upon the property of any person subject to this Ordinance and any permit/document issued thereunder. Right of Entry shall be with probable cause and after actual notice to the Landowner. The County Engineer or his designee shall be provided ready access to all parts of the premises for the purposes of inspecting, monitoring, sampling, inventorying, examining and copying of records, and performing any other duties necessary to determine compliance with this Ordinance.

(b) Where a/the property owner or lessee has security measures in force requiring proper identification and clearance before entry onto the premises, the person shall make necessary arrangements with the necessary parties so that, upon presentation of suitable identification, the County Engineer or his designee will be permitted to enter without delay for the purposes of performing such responsibilities identified in (a).

(c) The County Engineer or his designee shall have the right to set up on the person’s property such devices as are necessary to conduct sampling and/or metering of the person’s operations as they relate to storm water management.

(d) Any temporary or permanent obstruction to access to the necessary areas to perform the said responsibilities shall be removed promptly by the property owner or lessee at the written or verbal request of the County Engineer or his designee. The costs of clearing such access shall be borne by the property owner or lessee.
In cases where the County Engineer or his designee has reasonable cause to believe that a person is violating or is threatening to violate the provisions of this Ordinance, the County Engineer or his designee shall notify and inform such person to immediately restrain the violation or threatened violation. Upon such notification, if such person fails to take immediate action to restrain the violation or threatened violation, Spartanburg County may institute a civil action for injunctive relief to restrain the violation or threatened violation. In such event, Spartanburg County shall be entitled to recover its attorney's fees and costs in bringing the action.

Sec. 2.6  Reserved.

DIVISION 3  STORM WATER QUANTITY AND QUALITY MANAGEMENT REQUIREMENTS

Sec. 3.1  Regulations.

(a) Federal regulations governing storm water management, as specified in State Code of Laws 40 C.F.R. 122.26, and State Code of Regulations R. 61-9 et. seq. and R. 72.300 et seq. are adopted as the minimum requirements for the management of storm water within Spartanburg County as defined in the respective regulations.

(b) The Engineering Division shall be responsible for day to day coordination, implementation, and enforcement of this Ordinance and the SWMP as well as the long-term management of the County's SMS4. Without limitation, the Engineering Division shall have the following specific powers and duties:

(1) To issue any permit, certification or license that may be required to comply with this Ordinance and Federal and State regulations pertaining to storm water management.

(2) To deny a facility connection to the SMS4 or discharge to waters of the State if State, Federal Regulations and this Ordinance are not met.

(3) To create and enact the Spartanburg County Storm Water Management Design Manual for approval by Spartanburg County Council. The Design Manual shall be used to convey design and engineering standards, construction management processes and procedures, and other aspects necessary for compliance with this Ordinance.

(4) To require the submittal of a Land Disturbance Permit Application for all construction activities that result in a land disturbance of greater than or equal to five thousand (5,000) square feet and would otherwise require a building or grading permit. These applications must include a plan to control storm water pollutants and other components detailed in the Spartanburg County Storm Water Management Design Manual.

(5) To require design, installation and maintenance of stormwater quality Best Management Practices for new and re-development projects that disturbs one acre or more of land.

(6) To require the development of a Storm Water Pollution Prevention Plan (SWPPP) for all new and re-development projects and enforcement of the SWPPP.
(7) To approve land disturbance plans and to require as a condition of such approvals, structural or non-structural controls, practices, devices, operating procedures, or other mechanisms to protect public and private property from flooding and erosion and attain TMDL-mandated pollutant load reductions and water quality standards.

(8) To require performance bonds of any person to secure that person's compliance with their Land Disturbance Permit, as well as other permits, certificates, licenses or authorizations issued or approved by the Engineering Division pursuant to this Ordinance, the SWMP and Federal and State laws. The Engineering Division shall coordinate processes with the Spartanburg County Planning Department letters of credit to accommodate development phases and property ownership transfers.

(9) To comply with all Federal and State regulatory requirements, promulgated or imposed pursuant to the Clean Water Act, the South Carolina Stormwater Management and Erosion Reduction Act applicable to the management of storm water discharges to or from the Spartanburg County MS4.

(10) To conduct all activities necessary to carry out the SWMP and other requirements included in Permit SCR030000 and this Ordinance, and to pursue the necessary means and resources required to properly fulfill this responsibility.

(11) To develop and implement strategic plans for complying with TMDLs. Such plans shall include initial due diligence procedures to fully assess the problem and alternative solutions so as to proceed with cost-effective solutions.

(12) To enter into agreements with other governmental entities or private persons or entities to provide or procure services to conduct and carry out such activities as authorized by this Ordinance.

(13) To maintain the small municipal separate storm water system consistent with the provisions of the SWMP and this Ordinance.

(14) To direct, review and recommend for approval by Spartanburg County Council, the storm water management operating budget.

(15) To direct, review and recommend for approval by Spartanburg County Council necessary changes to the existing storm water management programs.

(16) To determine appropriate fees, to impose penalties, and to take necessary and appropriate actions to collect any fee or enforce any penalty assessed pursuant to this Ordinance and the ERP. The Engineering Division shall seek approval from County Council on development and revision of the fee and penalty schedules.

Sec. 3.2 Prohibitions and Exemptions.

No person shall (1) develop any land, (2) engage in any industry or enterprise, (3) construct, operate or maintain any landfill, hazardous waste treatment, disposal or recovery facility, or any other
industrial or related facility, (4) dispose of any hazardous or toxic substance or other pollutant or (3) transport sediment or other pollutants associated with storm water runoff beyond property boundaries without having provided for compliance with this Ordinance.

The following development activities are exempt from the provisions of this Ordinance.

(1) Construction or improvement of single family residences or their accessory buildings which are separately built and not part of multiple construction of a subdivision development and which are anticipated to disturb an area of less than 5,000 square feet.

(2) Land disturbing activities undertaken on forestland for the production and harvesting of timber and timber products and conducted in accordance with best management practices and minimum erosion protection measures established by the South Carolina Forestry Commission pursuant to Section 48-18-70 of the 1976 Code of Laws of South Carolina, as amended.

(3) Land disturbing activities on agricultural land for production of plants and animals, including but not limited to: forages and sod crops, grains and feed crops, tobacco, cotton, and peanuts; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats, including the breeding and grazing of these animals; bees, fur animals, and aquaculture. The construction of an agricultural structure that requires the disturbance of 5,000 square feet or more of land, such as, but not limited to, broiler houses, machine sheds, repair shops, coops, barns, and other major buildings shall require the submittal and approval of a Land Disturbance permit prior to the start of the land disturbing activity.

(4) Activities undertaken by persons who are otherwise regulated by the provisions of Chapter 20 of Title 48, the South Carolina Mining Act.

(5) Certain land disturbing activities undertaken by persons who are exempt from the provisions of the Storm Water Management and Sediment Reduction Act as set forth in Section 48-14-60(F) of the 1976 Code of Laws of South Carolina as amended.

(6) Discharges of dredged or fill material into waters of the United States which are regulated under section 404 of the Clean Water Act (CWA).

Sec. 3.3 Design and Engineering Standards.

Design and engineering standards must define the desired level of quality and performance for storm water management systems on all land disturbance projects and existing facilities in order to meet the purpose of this Ordinance. The standards establish the minimum technical requirements needed to express compliance through calculations, maps and drawings, or others as necessary.

The Engineering Division is authorized to develop and adopt policies, criteria, specifications, and standards for the proper implementation of the requirements of this Ordinance, Federal and State laws and the SWMP and to provide a sound technical basis for the achievement of storm water management, including water quality and quantity objectives. These standards shall be included in and shall be made a part of the Spartanburg County Storm Water Management Design Manual. The
standards defined in the most current version of the Manual shall serve as the requirements to meet this Ordinance.

It shall be the responsibility of the property owner, lessee or person responsible for land disturbing activities to provide adequate controls to meet the design and engineering standards.

Sec 3.4 Land Disturbance Permit Application Process.

All construction activities that result in land disturbing activities greater than or equal to 5,000 square feet shall require the creation and submittal of a Land Disturbance Permit Application for review by the Engineering Division.

It shall be the responsibility of the applicant (property owner, lessee or person responsible for land disturbing activities) to provide a complete Land Disturbance Application Package that meets all the requirements of this Ordinance, the SWMP, and other State and Federal regulations.

Sec. 3.5 Storm Water Management Design Manual.

Minimum requirements shall be established for processes and guidance regarding the evaluation and implementation of land disturbing or pollutant discharging activities and the design of storm water management conveyances and facilities in Spartanburg County. The Engineering Division shall develop additional policies, criteria, processes, specifications, and standards for the proper implementation of the requirements of this Ordinance, Federal and State laws and the SWMP for inclusion in the Spartanburg County Storm Water Management Design Manual. The Manual shall include design standards, procedures and criteria for conducting hydrologic, hydraulic, pollutant load evaluations, and downstream impact for all components of the storm water management system. Although the intention of the manual is to establish uniform design practices, it neither replaces the need for engineering judgment nor precludes the use of information not presented. Other accepted engineering procedures may be used to conduct hydrologic, hydraulic and pollutant load studies if approved by the Engineering Division.

The Spartanburg County Storm Water Management Design Manual, and all revisions and amendments to it, shall be approved by Spartanburg County Council and, upon such council approval, shall be used by Spartanburg County for conveyance and BMP design, construction and maintenance.

Sec. 3.6 Ownership and Spartanburg County Participation.

(a) All permanent storm water management facilities shall be privately owned and maintained unless Spartanburg County accepts the facility for shared County maintenance. Spartanburg County shall accept ownership and maintenance of all or part of a storm water system that meets County construction and maintenance standards upon dedication to Spartanburg County of said improvements in accordance with land development policies.

(b) Prior to the issuance of a Land Disturbance Permit, the property owner or lessee shall execute a legal document entitled “Storm Water Management Facility Ownership and Maintenance Agreement” (“The Covenants”). The property owner or the lessee, as the case may be, shall record the Covenants in the Office of the Spartanburg County Register of Deeds. The location of the facility, the recorded location of the Covenants document, and a note stating the
property owner’s or Lessee’s responsibility shall be shown on a plat, or in the case of a Lessee, as an exhibit attached to the Lessee’s Covenants, that is also recorded in the Office of the Spartanburg County Register of Deeds. In the case of a lessee, the property owner shall be named on any Covenant and be required to conduct maintenance activities upon the termination of a lease agreement.

(c) Spartanburg County shall have the right of entry to private property for the purpose of determining if a land disturbing activity is being conducted without an approved storm water sediment and control plan, conducting inspections and taking enforcement actions. Right of entry shall be with probable cause.

(d) Storm water quantity and quality control facilities shall be located so that required easements can be effectively used and ownership and maintenance responsibility can be clearly defined in deeds and plats.

(e) The Covenants shall specify minimum maintenance requirements to be performed at necessary intervals by the property owner or lessee, as the case may be.

(f) If a facility or any portion of the storm water system is not being maintained as required, the County Engineer or his designee will notify the property owner or Lessee, as the case may be, in writing. If property owner or Lessee, as the case may be, fails to repair or maintain the facility within the allotted time, the Engineering Division may authorize the work to be performed by the County or others. In such cases, the property owner or Lessee, as the case may be, shall reimburse the County for its direct and related expenses. If the property owner or Lessee, as the case may be, fails to reimburse the County, the County is authorized to file a lien for said costs against the property or the Lessee’s leasehold interest, as the case may be, and to enforce the lien by judicial foreclosure proceedings.

(g) A property owner or lessee may hire or contract others to perform necessary maintenance actions, but Spartanburg County will hold the person named in the Covenants as the responsible party should legal actions described in (f) be necessary.

(h) When the County Engineer or his designee determines that additional storage capacity or pollution reduction beyond that required by the applicant for on-site storm water management is necessary in order to enhance or provide for the public health, safety and general welfare, to correct unacceptable or undesirable existing conditions or to provide protection in a more desirable fashion for future development, Spartanburg County may require additional storm water controls required to prevent degradation of water quality or increase downstream flooding.

Sec. 3.7 Maintenance, Construction, Inspection, and Notice of Termination (NOT)

Maintenance of the storm water management system is critical for the achievement of its purpose of controlling storm water runoff quantity and quality and the short-term and long-term public health, safety, and general welfare of the citizens of Spartanburg County.

(a) A permanent maintenance plan for the storm water management system shall be included in the Land Disturbance Permit Application. As part of the maintenance plan, the property
owner or lessee of such facility shall specifically agree to be responsible for permanent maintenance. In order to transfer maintenance responsibility, a letter of acceptance by the new owner(s) accepting permanent maintenance responsibility shall be filed with the Engineering Division.

(b) As part of the Land Disturbance Permit Application, the applicant shall submit construction and BMP maintenance and inspection schedules. Required and recommended schedules for BMP maintenance and inspection are to be provided in the Storm Water Management Design Manual.

(c) If the construction is to be phased, no stage work, related to the construction of storm water management: facilities shall commence until the preceding stage of work is completed in accordance with the approved Land Disturbance Permit.

(d) The permittee shall notify the County Engineer or his designee before commencing any work to implement the approved Land Disturbance Permit and upon completion of any phase or designated component of the site. The contractor and/or owner shall hold a pre-construction conference a minimum of 48-hrs prior to the commencement of work. All self-inspections, maintenance actions, BMP replacements, and changes to the approved Land Disturbance Permit shall be documented and presented upon request to the County Engineer or his designee.

(e) The permittee shall notify the Engineering Division that the site, or portion of the site, is sufficiently stabilized to begin the NOT process. If portions of the site are to be completed prior to others (e.g. phased construction), a proposed schedule shall be included in the approved Land Disturbance Permit. The NOT process shall at a minimum require:

1. a final plat showing the location of all storm water easements and responsible party for the maintenance of the system. References shall be made to any and all ownership and lessee Covenants established for ensuring the maintenance and long term functioning of the storm water system. The plats shall also show conflicts with other new or existing easements;

2. documentation from the owner of the approved Land Disturbance Permit, including any revisions and as-built construction drawings, inspection reports, and storm water system ownership transfers;

3. verification from the design professional that all components of the storm water management system meet the approved Land Disturbance Permit and specifications or achieve the function for which they were designed. In addition, the site shall be cleared of all construction trash and debris from the storm water system and the site as a whole;

4. a final inspection conducted by the County Engineer or his designee.

(f) Permit Notice of Termination (NOT) procedures shall be developed by the Engineering Division and shall include inspection procedures to assure that the work has been carried out in accordance with the permit and this Ordinance. The project NOT process may include phasing so that portions of a project can be closed out at various time periods and provided
that the necessary documentation is submitted for approval. This process and documentation requirements are detailed in the Storm Water Management Design Manual.

Sec. 3.8 Watercourse Protection

Every person owning property through which a watercourse passes, or such person's lessee, shall take reasonable steps to keep and maintain that part of the watercourse within the property free of trash, debris, and other manmade obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse.

New storm water systems created as the result of any new and re-development project shall be connected to the existing drainage system in a manner so as not degrade the integrity of the existing system, whether natural or manmade, and shall have demonstrated this to the Engineering Division prior to issuance of the LOT. Discharge points shall be confined to connections with an existing natural or man-made drainage system. When storm water discharges are to flow into collection systems not owned and maintained by Spartanburg County, the owners of all such systems, private or public, shall be notified and provided the opportunity to review such plans. The owners of these systems shall maintain the right to disapprove connections to their system. Private systems shall include all those on private property, including private ponds. Inline ponds shall be included as jurisdictional waters of the State and are not included as private systems, but instead protected by this Ordinance as any other water of the State.

Sec. 3.9 Notification of Spills

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation and maintenance, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or waters of the State, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. The person shall also take immediate steps to ensure no recurrence of the discharge. In the event of such a release of hazardous materials, including but not limited to oils, greases, engine fluids and fuels, chemicals, herbicides and pesticides, and fertilizers, said person shall immediately notify all necessary agencies of the occurrence via emergency dispatch services. This shall include the Spartanburg County Public Safety Department and Engineering Division. Notifications shall be confirmed by written notice addressed and mailed to the Engineering Division within five (5) business days of the spill event. In the event of a release of non-hazardous materials, said person shall record an on-site written record of the spill. The owner or operator of such establishment shall retain an onsite written record of any and all spills that will include information on cleanup measures taken and the actions to prevent its recurrence. Such records shall be retained for at least five (5) years. Failure to provide notification of a release as provided above is a violation of this Ordinance.

The owner, operator, or other designated responsible party will bear all costs of cleaning up any spills. In the event that Spartanburg County departments clean up a spill, the owner, operator, or designated responsible party will be required to reimburse the County for funds used in the clean-up.
Sec 3.10  Reserved.

DIVISION 4  DETECTION AND REMOVAL OF ILLICIT CONNECTIONS AND DISCHARGES AND IMPROPER DISPOSAL

Sec. 4.1  Illicit Connections and Illicit Discharges.

(1) It is unlawful for any person to connect any pipe, open channel, or any other conveyance system that discharges anything, except storm water or unpolluted water which is approved by the Engineering Division, into the SMS4.

(2) It is unlawful for any person to continue the operation of any such illicit connection regardless of whether the connection was permissible when constructed. Improper connections in violation of this Ordinance must be disconnected and redirected, if necessary, to the satisfaction of the County Engineer or his designee and any other federal, state, or local agencies or departments regulating the discharge.

(3) It is unlawful for any person to throw, drain, or otherwise discharge to the County's SMS4 or to cause, permit, or allow a discharge that is composed of anything except storm water or unpolluted water which is approved by the Engineering Division.

(d) The Engineering Division shall develop procedures for detecting, tracking, and eliminating illicit discharges and improper disposals to the storm water system.

(e) The following activities are exempt from the provision of this section and are not considered illicit discharge:

(1) Unpolluted industrial cooling water, but only under the authorization and direction of the County Engineer or his designee and appropriate NPDES permit.

(2) Water line flushing performed or required by a government agency, diverted stream flows, rising ground waters, and unpolluted pumped ground waters, and unpolluted ground water infiltration.

(3) Discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual car washing, dechlorinated swimming pool discharges, flows from riparian habitats and wetlands, and street wash water.

(4) Discharges or flows from firefighting activities.

(f) The County Engineer or designated representative may require controls for, or exempt from, the prohibition provision in (a), (b), (c), occasional incidental non-storm water discharges provided that they are not a significant source of pollution.
Sec. 4.2 Detection of Illicit Connections and Improper Disposal.

(a) The Engineering Division shall take appropriate steps to detect, prohibit and eliminate illicit connections to the Spartanburg County SMS4, including the adoption of a program to screen illicit discharges, identify their source or sources, perform inspections, issue corrective actions to abate and eliminate illicit discharges and levy fines if not removed.

(b) The Engineering Division shall take appropriate steps to detect and eliminate improper discharges. These steps may include programs to screen for disposal, programs to provide for public education and public information, inspection, levy fines, and other appropriate activities to facilitate the proper management and disposal of used oil, toxic materials, and household hazardous waste.

Sec 4.3 Waste Disposal Prohibitions.

No person shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, left, or maintained, in or upon any public or private property, driveway, parking area, street, alley, sidewalk, component of the small municipal separate storm water system, or water of the U.S., any refuse, rubbish, garbage, litter, pet fecal matter, or other discarded or abandoned objects, articles, and accumulations, so that the same may cause or contribute to pollution. Yard debris, including natural foliage, may be deposited in the public right of way but not in or on any storm water conveyance structures, including inlets and gutters, but only if a collection service is available. Wastes in proper waste receptacles may be placed in the street for collection, but again only if collection by or through the County is in place. No waste or yard debris shall be placed in the street without such a collection service.

Sec. 4.4 Discharges in Violation of Industrial or Construction Activity NPDES Storm Water Discharge Permit.

Any person subject to an industrial or construction activity NPDES Storm Water Discharge Permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the County Engineer or his designee prior to or as a condition of the issuance of a Land Disturbance Permit, and/or a building permit.

Sec. 4.5 Reserved.

DIVISION 5 MONITORING AND INSPECTIONS

Sec.5.1 Monitoring.

The Engineering Division may monitor the quantity and concentration of pollutants in storm water discharges from the areas and/or locations designated in Spartanburg County's SWMP.

Sec. 5.2 Inspections.

(a) The County Engineer or his designee, bearing proper credentials and identification, may enter and inspect all properties for regular inspections, periodic investigations, monitoring,
observation measurement, enforcement, sampling and testing, to effectuate the provisions of this Ordinance and the SWMP programs. The County Engineer or his designee shall duly notify the owner of said property or the representative on site and the inspection shall be conducted at reasonable times. Right of Entry shall be with probable cause.

(b) Upon refusal by any property owner to permit an inspector to enter or continue an inspection, the inspector shall terminate the inspection or confine the inspection to areas concerning which no objection is raised. The County Engineer or his designee shall document the refusal and the grounds for such and promptly seek appropriate compulsory process.

(c) In the event that the County Engineer or his designee reasonably believes that discharges from the property into the Spartanburg County MS4 may cause an imminent and substantial threat to human health or the environment, the inspection may take place at any time and without notice to the owner of the property or a representative on site. The inspector shall present proper credentials upon reasonable request by the owner or representative.

(d) Inspection reports shall be maintained in a permanent file located in the Engineering Division’s office.

Sec. 5.3 Reserved.

DIVISION 6 ENFORCEMENT, PENALTIES, AND ABATEMENT

Sec. 6.1 Enforcement.

(a) When the County Engineer or his designee finds that work done under any Land Disturbance permit for new development and re-development issued under the provisions of this Ordinance fails to conform to the approved Land Disturbance Permit, or that the work has not been done, the County Engineer or his designee may, as deemed necessary and after due process, by written Notice of Violation (NOV), direct conformity to said Permit(s). Actions may include:

(1) issuing a written order to comply, to suspend work, or to revoke the permit issued;

(2) seeking redress through legal action;

(3) withholding the release of permanent electric power to the site; and/or

(4) withholding other needed permits for the site.

The NOV shall serve as a legal requirement to remove the violation(s). The written NOV shall be provided to the owner or the person responsible for land disturbing activities stating the nature of the violation, the amount of time in which to correct deficiencies, the date on which an inspection will be made to make sure that corrective action has been performed, and the proposed penalty structure if corrective action is not taken by the inspection date. After the issuance of the NOV and following due process, the County Engineer or his designee is hereby given the authority to levy fines as described in this section.
(b) When the County Engineer or his designee determines that an owner has failed to maintain a storm water management facility, written NOV shall be provided to the owner or the person in possession, charge or control of such property stating the nature of the violation, the amount of time in which to correct deficiencies, the date on which an inspection will be made to make sure that corrective action has been performed, and the proposed penalty structure if corrective action is not taken. It shall be sufficient notification to deliver the notice to the person to whom it is addressed, or to deposit a copy of such in the United States Mail, properly stamped, certified and addressed to the address used for tax purposes. The NOV may address the entire site or a specific portion of the site so as not to unduly impede the development of areas being managed for the control of storm water runoff and associated pollutants.

(c) When the County Engineer or his designee determines that an owner of any property is causing or partially causing flooding, erosion, has an illicit discharge or improper disposal, or non-compliance with the water quality standards of this Ordinance, upon providing valid proof of such impacts, the County Engineer or his designee can require owners to remove the proven impact in a concerted, prudent manner. A written NOV shall be issued to the owner containing the information stated above. Following the issuance of the NOV and due process, the County Engineer or his designee is hereby given the authority to levy fines as described in this section.

(d) The County Attorney is hereby directed to take all legal actions necessary to correct situations described in (a), (b) and (c), including actions that are necessary to remove from the property such objectionable conditions constituting non-compliance with this Ordinance.

(e) Nothing contained in this Ordinance shall impair the right or ability of the County Attorney to exercise any and all other remedies available, of law or in equity, including without limitation, the pursuit of injunctive relief, in order to address any non-compliance with the terms and provisions of this Ordinance.

Sec. 6.2 Civil Penalties.

(a) Any person violating any provision of this Ordinance shall be subject to a civil penalty of not more than one thousand dollars ($1,000) for each violation. No penalty may be assessed until the person alleged to be in violation has been notified of the violation. Each separate day of a violation, constitutes a new and separate violation.

(b) The County shall determine the amount of the civil penalty to be assessed under this section for violations of this Ordinance. It shall make a written demand for payment upon the person responsible for the violation and set forth in detail the violation for which the penalty has been invoked. If payment is not received or equitable settlement reached within thirty (30) days after demand for payment is made, a civil action may be filed by the County Attorney in the Spartanburg County Circuit Court to recover the amount of the penalty.
Sec. 6.3 Additional Legal Measures.

(a) Where Spartanburg County is fined and/or placed under a compliance schedule by the state or federal government for a violation(s) of its NPDES permit, and Spartanburg County can identify the person(s) who caused such violation(s) to occur, Spartanburg County may pass through the penalty and cost of compliance to that person(s).

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

Sec. 6.4 Criminal Penalties.

In addition to any applicable civil penalties, any person who negligently, willfully or intentionally violates any provision of this Ordinance shall be guilty of a misdemeanor and shall be punished within the jurisdictional limits of the magistrate court. Each day of a violation shall constitute a new and separate offense.

Sec. 6.5 Stop Work.

Any person who shall proceed with any work which requires a Land Disturbance Permit hereunder without first submitting a plan and obtaining the permit, where applicable, shall have automatically placed on the subject property a stop work order which may carry with it a civil penalty. A stop work order shall be issued on all projects proceeding without a pre-construction conference. A stop work order may be issued for violations of the conditions of the Land Disturbance Permit Application approval, construction not in accordance with the letter or intent of the approved plans, or the existence of an immediate and substantial danger to a downstream area in the judgment of the County Engineer or his designee. The stop work order may allow or require correction of NOV issues, but shall otherwise stop all other project related activities. Any person in violation of a stop work order is subject to payment of all fees, bonds, and penalties prior to the lifting of the stop work order. The land disturbance permit applicant is responsible for scheduling a pre-construction conference before construction begins.

Sec. 6.6 Permit Suspension and Revocation.

Land Disturbance permit may be suspended or revoked for non-compliance with correction notice(s) or stop work order(s), or the existence of an immediate and substantial danger to a downstream area in the judgment of the County Engineer or his designee.

Sec. 6.7 Reserved.

DIVISION 7 VARIANCES

Sec. 7.1 Management Variances.

The Land Management Board of Appeals may grant a variance from the requirements of this Ordinance if exceptional circumstances applicable to a site exist such that strict adherence to the
provisions of this Ordinance will result in unnecessary hardship and will not fulfill the intent of this Ordinance.

A written request for a variance shall be required and shall state the specific variance sought and the reasons, with supporting data, a variance should be granted. The request shall include all information necessary to evaluate the proposed variance.

Any person aggrieved by the decision of the Board may appeal such decision to the Spartanburg County Circuit Court.

Sec. 7.2 Reserved.

DIVISION 8 APPEALS

Sec. 8.1 Appeals Process.

An owner or the person in possession, charge or control of the property subject to the provisions of this Ordinance may request an administrative hearing to determine the propriety and appropriateness of a denial or revocation of a permit for storm water management and sediment control, the requirements imposed by the County for approval of the storm water management and sediment reduction plan, the issuance of a notice of violation or non-compliance with the approved storm water management and sediment reduction plan, the issuance of fines by the County and the issuance of a stop work order by the County. An administrative hearing may also be requested by a citizen to address the citizen’s complaint concerning the operation of the storm water management and sediment control programs set forth in this Ordinance. All requests for an administrative hearing, with the exception of those addressing a citizen’s complaint concerning the operation of the herein-described programs, shall be made to the County Engineer or to his designee within thirty (30) days of receipt of written notification from the County of the action which is the subject of the hearing. The administrative hearing shall be conducted in accordance with the procedures set forth in South Carolina Administrative Regulation 72-313C through 72-313Q.

Sec. 8.2 Reserved.

DIVISION 9 CHARGES AND FEES

Sec. 9.1 Funding.

In addition to all other charges, fees, and penalties, Spartanburg County shall have the right to develop and impose a Storm Water Service Fee to fund implementation of this Storm Water Management Ordinance and its associated programs and plans. Establishment and revision of such fees shall be approved by the Spartanburg County Council.

Sec. 9.2 Connection to Conveyances.

The Engineering Division shall have the right to establish a schedule of appropriate fees for any person or property owner establishing a new discharge to the Spartanburg County SMS4 or to a wet weather conveyance. Such fee shall be payable as part of any permit application or submission, regulating the discharge of storm water runoff (i.e. plan review fees). Permit fees shall be established on the basis of facility classes relating to the quantity and quality of permitted discharge. Establishment and revision of such fees shall be approved by the Spartanburg County Council.
Sec. 9.3 Field inspection.

Costs associated with field inspection of land development or construction activities other than those routinely performed by the Engineering Division as part of compliance monitoring shall be assessed a fee representing the cost in labor, equipment, and materials expended in the conduct of the inspection. Establishment and revision of such fees shall be approved by the Spartanburg County Council.

Sec. 9.4 Plan Review.

A fee associated with the plan review of land development construction documents shall be assessed. Establishment and revision of such fees shall be approved by the Spartanburg County Council.

Sec. 9.5 Effective date

This Ordinance shall take effect upon third reading approval.

By:

SPARTANBURG COUNTY COUNCIL

ATTESTED:

Katherine L. O’Neill
County Administrator

First Reading: September 15, 2014
Second Reading: October 20, 2014
Public Hearing: October 20, 2014
Third Reading: November 17, 2014