

ORDINANCE NO. 98-348

**AN ORDINANCE ESTABLISHING STORMWATER MANAGEMENT AND
SEDIMENT CONTROL REGULATIONS, PROCEDURES, FEES
PENALTIES, AND OTHER MATTERS RELATED THERETO**

**STORMWATER MANAGEMENT AND SEDIMENT CONTROL ORDINANCE
FOR THE SUMTER COUNTY, SOUTH CAROLINA**

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SECTION 1

PURPOSE, AUTHORITY, AND JURISDICTION

1.1 Purpose

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

1.2 Authority

This Ordinance is adopted under the authority and powers granted by the General Assembly of South Carolina in Chapter 14, Title 48, Code of Laws of South Carolina, 1976, and by other powers granted to local governments by the General Assembly of South Carolina.

1.3 Jurisdiction

The provisions of this ordinance shall apply to all lands within the incorporated areas of the Sumter County.

SECTION 2

INTERPRETATION AND DEFINITIONS

2.1 Rules of Language and Interpretation

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

2.2 Definitions

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

- A. "**Adverse Impact**" means a significant negative impact to land, water and associated resources resulting from a land disturbing activity. The negative impact includes

increased risk of flooding; degradation of water quality; increased sedimentation; reduced groundwater recharge; negative impacts on aquatic organisms; negative impacts on wildlife and other resources; and threatened public health.

- B. **“Appeals and Hearing Board”** means the Stormwater Management Appeals Board, as appointed by the County Council, Sumter County, to hear appeals and conduct administrative hearings associated with the provisions and requirements of this ordinance.
- C. **“Applicant”** means a person, firm, or governmental agency who executes the necessary forms to obtain approval or a permit for a land disturbing activity.
- D. **“Appropriate Plan Approval Agency”** means the Commission, Local Government, or Conservation District that is responsible in a jurisdiction for review and approval of Stormwater management and sediment control plans. For the purposes of this Ordinance, this function shall be carried out by the Sumter County Soil and Water Conservation District.
- E. **“As-Built Plans or Record Documents”** means a set of engineering or site drawings that delineate the specific permitted Stormwater management facility as actually constructed.
- F. **“Best Management Practices”** means a wide range of management procedures, schedules of activities, prohibitions on practices and other management practices which have been demonstrated to effectively control the quality and/or quantity of Stormwater runoff and which are compatible with the planned land use.
- G. **“Commission”** or **“Department”** as used herein means the South Carolina Department of Health and Environmental Control. The terms “Commission” and “Department” may be used interchangeably herein to refer to the Department of Health and Environmental Control.
- H. **“Conservation District”** means the Sumter County Soil and Water Conservation District, created pursuant to Chapter 9, Title 48, S.C. Code of Laws.
- I. **“Detention Structure”** means a permanent Stormwater management structure whose primary purpose is to temporarily store Stormwater runoff and release the stored runoff at controlled rates.
- J. **“Develop Land”** means to change the runoff characteristics of a parcel of land in conjunction with residential, commercial, industrial, or institutional construction or alteration.
- K. **“Developer”** means a person undertaking, or for whose benefit, activities covered by these regulations are commenced and/or carried out.

- L. “**Drainage Area**” means that area contributing runoff to a single point.
- M. “**Easement**” means a grant or reservation by the owner of land for the use of such land by others for a specific purpose or purposes, and which must be included in the conveyance of land affected by such easement.
- N. “**Erosion**” means the wearing away of land surface by the action of wind, water, gravity, ice, or any combination of those forces.
- O. “**Erosion and Sediment Control**” means the control of solid material, both mineral and organic, during a land disturbing activity to prevent its transport out of the disturbed area by means of air, water, gravity, or ice.
- P. “**Exemption**” means those land-disturbing activities that are not subject to the sediment and Stormwater requirements contained in these regulations.
- Q. “**Grading**” means excavating, filling (including hydraulic fill) or stockpiling of earth material, or any combination thereof, including the land in its excavated or filled condition.
- R. “**Implementing Agency**” means the Commission, local government, or conservation district with the responsibility for receiving Stormwater management and sediment control plans for review and approval, reviewing plans, issuing permits for land disturbing activities, or conducting inspections and enforcement action in a specified jurisdiction. For the purposes of this Ordinance, the Implementing Agency is the Sumter County, by and through the Sumter County Soil and Water Conservation District in accordance with an inter-agency agreement enacted for the purposes of implementing the Sumter County Stormwater Management and Sediment Control Ordinance.
- S. “**Infiltration**” means the passage or movement of water through the soil profile.
- T. “**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.
- U. “**Natural Waterways**” means waterways that are part of the natural topography. They usually maintain a continuous or seasonal flow during the year and are characterized as being irregular in cross-section with a meandering course. Construction channels such as drainage ditches shall not be considered natural waterways.
- V. “**Nonerodible**” means a material, e.g., natural rock, riprap, concrete, plastic, etc., that will not experience surface wear due to natural forces of wind, water, ice, gravity or a combination of those forces.

- W. “**Nonpoint Source Pollution**” means pollution contained in Stormwater runoff from ill-defined, diffuse sources.
- X. “**One Hundred Year Frequency Storm**” means a storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in 100 years. It also may be expressed as an exceedence probability with a one (1%) percent chance of being equaled or exceeded in any given year.
- Y. “**Person**” means any State or Federal agency, individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, municipality or other political subdivision of this State, any interstate body or any other legal entity.
- Z. “**Person Responsible for the Land Disturbing Activity**” means:
- a. the person who has or represents having financial or operational control over the land disturbing activity; and or
 - b. 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 the act, these regulations, or any order or local ordinance adopted pursuant to this act as imposes a duty upon him.
- AA. “**Post-Development**” means the conditions which exist following the completion of the land disturbing activity in terms of topography, vegetation, land use and rate, volume or direction Stormwater runoff.
- BB. “**Pre-Development**” means the conditions which existed prior to the initiation of the land disturbing activity in terms of topography, vegetation, land use and rate, volume or direction of Stormwater runoff.
- CC. “**Redevelopment**” means a land disturbance activity that alters the current use of the land but does not necessarily alter the pre-development runoff characteristics.
- DD. “**Responsible Personnel**” means any foreman, superintendent, or similar individual who is the on-site person in charge of land disturbing activities.
- EE. “**Retention Structure**” means a permanent structure whose primary purpose is to permanently store a given volume of Stormwater runoff. Release of the given volume is by infiltration and/or evaporation.
- FF. “**Sediment**” means solid particulate matter, both mineral and organic, that has been or is being transported by water, air, ice, or gravity from its site of origin.
- GG. “**Single Family Residence-Separately Built**” means a noncommercial dwelling that is occupied exclusively by one family and not part of a residential and subdivision development.

- HH. “**Stabilization**” means the installation of vegetative or structural measures to establish a soil cover to reduce soil erosion by Stormwater runoff, wind, ice and gravity.
- II. “**Stop Work Order**” means an order directing the person responsible for the land disturbing activity to cease and desist all or any portion of the work which violates the provisions of this act.
- JJ. “**Stormwater Management**” means, for: (a) quantitative control, a system of vegetative or structural measures, or both, that control the increased volume and rate of Stormwater runoff caused by manmade changes to the land; (b) qualitative control, a system of vegetative, structural, or other measures that reduce or eliminate pollutants that might otherwise be carried by Stormwater runoff.
- KK. “**Stormwater Management and Sediment Control Plan**” means a set of drawings, other documents, and supporting calculations submitted by a person as a prerequisite to obtaining a permit to undertake a land disturbing activity, which contains all of the information and specification required by an implementing agency.
- LL. “**Stormwater Runoff**” means direct response of a watershed to precipitation and includes the surface and subsurface runoff that enters a ditch, stream, storm sewer or other concentrated flow during and following the precipitation.
- MM. “**Subdivision**” means all divisions of a tract, parcel or lot of land into two or more lots, building sites, or other divisions, or parcels less than five acres for the purpose, whether immediate or future, of sale, legacy, or building development, or includes all division of land involving a new street or a change in existing streets, and includes re-subdivision of land. Provided, however, pursuant to §6-7-1010 of the Code of Laws of South Carolina, 1976, as amended, and the Sumter County Subdivision Ordinance, certain exempt subdivisions, as defined in Article VII thereof, shall not be considered subdivisions for the purposes of this Ordinance herein.
- NN. “**Swale**” means a structural measure with a lining of grass, riprap or other materials which can function as a detention structure and convey Stormwater runoff without causing erosion.
- OO. “**Ten-Year Frequency Storm**” means a storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in ten (10) years. It may also be expressed as an exceedence probability with a ten (10%) percent chance of being equaled or exceeded in any given year.
- PP. “**Twenty-Five Year Frequency Storm**” means a storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in twenty-five (25) years. It also may be expressed as an exceedence probability with a four (4%) percent chance of being equaled or exceeded in any given year.

- QQ. “**Two-Year Frequency Storm**” means a storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in two years. It may also be expressed as an exceedence probability with a fifty (50%) percent chance of being equaled or exceeded in any given year.
- RR. “**Variance**” means the modification of the minimum sediment and Stormwater management requirements for specific circumstances where strict adherence of the requirements would result in unnecessary hardship and not fulfill the intent of these regulations.
- SS. “**Waiver**” means the relinquishment from sediment and Stormwater management requirements by the appropriate plan approval authority for a specific land disturbing activity on a case-by-case review basis.
- TT. “**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.
- UU. “**Water Quantity**” means those characteristics of Stormwater runoff that relate to the rate and volume of the Stormwater runoff to downstream areas resulting from land disturbing activities.
- VV. “**Watershed**” means the drainage area contributing Stormwater runoff to a single point.
- WW. “**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. The plan must be developed for the entire watershed, regardless of political boundaries, and must include appropriate physical, institutional, economic and administrative data needed to justify the plan.
- XX. “**The Act**” means the South Carolina Stormwater Management and Sediment Reduction Act, as set forth in §48-14-10, *et seq.* of the Code of Laws of South Carolina, 1976, as amended.
- YY. “**Plan Approval Agency**” means the Sumter County Soil and Water Conservation District.

SECTION 3

PERMITTING PROCEDURES, EXEMPTIONS AND WAIVERS

3.1 Permit

Unless otherwise provided within this Ordinance, the surface of land in the unincorporated areas of the Sumter County shall not be disturbed or altered for any purpose whatsoever, except in accordance with the Sumter County Stormwater Management and Sediment Control Ordinance.

3.2 Exemptions

The provisions of the Ordinance that require the preparation and approval of erosion and sediment control and Stormwater management plans shall not apply to the following activities or conditions. However, the Sumter County encourages all persons engaged in land disturbing activities in the Sumter County, even if such activities are exempt from the provision of this Ordinance, to carry out such activities in a manner to achieve the objectives of erosion and sediment reduction and Stormwater management through the use of applicable best management practices (BMP's).

- A. The following activities are exempt from both the sediment control and Stormwater management requirements established by these regulations:
1. Land disturbing activities on agricultural land for production of plants and animals useful to man, including but not limited to: forages and sod crops, grains and feed crops, poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules, or goats, including the breeding and grazing of these animals; bees; fur animals and aquaculture; except that the construction of an agricultural structure or structures which, singularly or collectively total one or more acres, such as broiler houses, machine sheds, repair shops and other major buildings and which require the issuance of a building permit shall require the submittal and approval of a Stormwater management and sediment control plan prior to the start of the land disturbing activity.
 2. Land disturbing activities undertaken on forest land for the production and harvesting of timber and timber products.
 3. Activities undertaken by persons who are otherwise regulated by the provisions of Chapter 20 of Title 48, the South Carolina Mining Act.
 4. Construction or improvement of single-family residences or their accessory buildings that are separately built and not part of multiple construction in a subdivision development.

5. Land disturbing activities, other than activities identified in Section 3.2.A(6), that are conducted under another certification program where the state or federal environmental permit, license, or certification is conditioned in compliance with the minimum standards and criteria developed under this act.
6. Certain land disturbing activities undertaken by any person who provides gas, electrification, or communications services, subject to the jurisdiction of the South Carolina Public Service Commission, or corporations organized and operating pursuant to Section 33-49-10 *et seq.* of the Code of Laws of South Carolina, 1976, as amended, such activities being delineated in Section 48-14-40(F).
7. Activities relating to the routine maintenance and/or repair or rebuilding of the tracks, rights-of-way, bridges, communication facilities and other related structures and facilities of a railroad company.
8. Activities undertaken on state-owned or managed lands that are otherwise regulated by the provisions of Chapter 18 of this title, the Erosion and Sediment Reduction Act.
9. Activities undertaken by local governments or special purpose or public service districts relating to the repair and maintenance of existing facilities and structures.

3.3 **Waivers**

Waivers may be granted from the Stormwater management requirements of these regulations for individual land disturbing activities provided that a written request is submitted by the applicant containing descriptions, drawings, and any other information that is necessary to evaluate the proposed land disturbing activity. A separate written waiver request shall be required if there are subsequent additions, extensions, or modifications which would alter the approved Stormwater runoff characteristics to a land disturbing activity receiving a waiver.

- A. A project may be eligible for a waiver of Stormwater management for both quantitative and qualitative control if the applicant can demonstrate that the proposed project will return the disturbed are to a pre-development runoff condition and the pre-development land use is unchanged at the conclusion of the project.
- B. A project may be eligible for a waiver or variance of Stormwater management for water quantity control if the applicant can demonstrate that: (1) The proposed project will have no significant adverse impact on the receiving natural waterway or downstream properties; or (2) The imposition of peak control requirements for rates of Stormwater runoff would aggravate downstream flooding.

- C. The implementing agency will conduct its review of the request for waiver within ten (10) working days. Failure of the implementing agency to act by end of the tenth working day will result in the automatic approval of the waiver.

3.4 Variances

The implementing agency with responsibility for plan review and approval may grant a written variance from any requirement of these regulations if there are exceptional circumstances applicable to the site such that strict adherence to the provisions of these regulations will result in unnecessary hardship and not fulfill the intent of these regulations. A written request for variance shall be provided to the plan approval agency and shall state the specific variance sought and the reasons with supporting data for their granting. The plan approval agency shall not grant a variance unless and until sufficient specific reasons justifying the variance are provided by the applicant. The implementing agency will conduct its review of the request for variance within ten (10) working days. Failure of the implementing agency to act by the end of the tenth working day will result in the automatic approval of the variance.

3.5 Existing Disturbed Areas

All disturbed areas which existed on May 27, 1992 as a result of a land disturbing activity and which are resulting in off-site damage from sediment and Stormwater runoff, must be provided with ground cover or other protective measures, structures, or devices sufficient to control off-site sediment and nonpoint source pollution.

Sumter County, acting by and through the Sumter County Soil and Water Conservation District, shall serve a notice to comply upon the landowner or other person in possession or control of the land by depositing in the mail a certified letter. The notice must state the measures needed and the time allowed for compliance. The Sumter County Soil and Water Conservation District shall consider the economic feasibility, technological expertise, and quality of work required, and shall establish reasonable time limits.

3.6 Application for Permit

The person responsible for the land disturbing activity shall apply in writing, on forms provided by the Sumter County Soil and Water Conservation District, to said District for a grading permit. Such application shall be accompanied by five (5) copies of the Stormwater Management and Sediment Control Plan prepared in accordance with the provisions of Section 4 of this Ordinance.

3.7 Fee Schedule

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

- A. The fee for any application for any permit or plan approval required by this ordinance shall be Fifty and No/100 (\$50.00) Dollars per disturbed are. Provided, however, in

no event shall any application fee charged hereunder exceed One Thousand and No/100 (\$1,000.00) Dollars.

- B. The fee for any determination or documentation of any waiver or exemption from any requirements of this ordinance shall be Fifty and No/100 (\$50.00) Dollars.

3.8 Types of Stormwater Management and Sediment Control Plans

For the purpose of this ordinance, Stormwater management and sediment control plans shall be divided into three types: Type 1, Type 2, Type 3. The designs, presentations and submittals shall be the responsibility of the person responsible for the land disturbing activity.

- A. Type 1 Stormwater Management and Sediment Control Plans shall be submitted for all for all land disturbing activities with disturbed areas of five areas of greater. A Type 1 Plan shall be prepared in accordance with the requirements of Section 4.1 of this Ordinance.
- B. Type 2 Stormwater Management and Sediment Control Plans shall be submitted for all land disturbing activities of greater than two acres but less than five acres which are not part of a larger common plan of development or sale. A Type 2 Plan shall be prepared in accordance with the requirements of Section 4.2 of this Ordinance.
- C. Type 3 Stormwater Management and Sediment Control Plans shall be submitted for all land disturbing activities of two acres or less which are not part of a larger common plan of development or sale. A Type 3 Plan shall be prepared in accordance with the requirements of Section 4.3 of this Ordinance.

3.9 Approval or Disapproval of Application

- A. Specific requirements of the permit application and approval process are generally based on the extent of the land disturbing activity. The permit application and approval procedure is as follows:
 - 1. For land disturbing activities involving two (2) acres or less of actual land disturbance which are not part of a larger common plan of development or sale, the person responsible for the land disturbing activity shall submit a Type 3 Stormwater Management and Sediment Control Plan. This plan does not require approval by the implementing agency and does not require preparation or certification by the designers specified in Sections 3.9.G. and H.
 - 2. For land disturbing activities involving more than two (2) acres and less than five (5) acres of actual land disturbance which are not part of a larger common plan of development or sale, a Type 2 Stormwater Management and Sediment control Plan is required. Plans and specifications for these activities will be prepared by the designers cited in Section 3.8.G. and H. The Sumter County

Soil and Water Conservation District will review these submissions within a ten working day period. If action is not taken by the end of the review period, the plan will be considered approved.

3. For land disturbing activities more than five (5) acres a Type 1 Stormwater Management and Sediment Control Plan is required. However, the use of measures other than ponds to achieve water quality improvement are recommended on sites containing less than ten (10) disturbed acres. Plans and specifications for these activities will be prepared by the designers specified in Section 3.9.G and H. Upon receipt of a completed application for sediment and Stormwater management, the appropriate plan approval agency shall accomplish its review and have either the approval or review comments transmitted to the applicant within twenty (20) working days. If notice is not given to the applicant or if action is not taken by the end of the twenty (20) working day period, the applicant's plan will be considered approved.
 4. These requirements may be modified on a case-by-case basis to address specific Stormwater quantity or quality problems or to meet S.C. Coastal Council or other regulatory requirements. Request for waivers or variances from these requirements will be made in accordance with the provisions of Section 3.3.
 5. When the land disturbing activity consists of the construction of a pond, lake or reservoir which is singly built and not part of a permitted land disturbing activity, the following procedures will apply:
 - a. A Stormwater Management and Sediment Control Plan will not be required if the pond, lake or reservoir is permitted under the S.C. Dams and reservoirs Safety Act or has received a Certificate of Exemption from the S.C. Dams and Reservoirs Safety Act. Best management practices should be used to minimize the impact of erosion and sediment.
 - b. A Stormwater Management and Sediment Control Plan will be required for the construction of all ponds, lakes or reservoirs not meeting the conditions in Section 3.2.B (5)(a) that otherwise meet the size requirements for Stormwater Management and Sediment Control Plan approval.
- B. A Stormwater Management and Sediment Control Plan or an application for a waiver shall be submitted to the appropriate plan approval agency by the person responsible for the land disturbing activity for review and approval for a land disturbing activity, unless otherwise exempted. The Stormwater Management and Sediment Control Plan shall contain supporting computations, drawings, and sufficient information describing the manner, location, and type of measures in which Stormwater runoff will be managed from the entire land disturbing activity. The appropriate plan approval agency shall review the plan to determine compliance with the requirements

of these regulations prior to approval. The approved Stormwater Management and Sediment Control Plan shall serve as the basis for water quality and water quality control on all subsequent construction.

- C. All Stormwater Management and Sediment Control Plans submitted for approval shall contain certification by the person responsible for the land disturbing activity that the land disturbing activity will be accomplished pursuant to the approved plan and that responsible personnel will be assigned to the project.
- D. All Stormwater Management and Sediment Control Plans shall contain certification by the person responsible for the land disturbing activity of the right of the Commission or implementing agency to conduct on-site inspections.
- E. The Stormwater and Sediment Management Plan shall not be considered approved without the inclusion of an approval stamp with a signature and date on the plans by the appropriate plan approval agency. The stamp of approval on the plans is solely an acknowledgment of satisfactory compliance with the requirements of these regulations. The approval stamp does not constitute a representation or warranty to the applicant or any other person concerning the safety, appropriateness or effectiveness of any provision, or omission from the Stormwater and Sediment Plan.
- F. All Type 1 and Type 2 Stormwater and Sediment Control Plans submitted to the appropriate plan approval agency for approval shall be certified by the designer. The following disciplines may certify and stamp/seal plans as allowed by their respective licensing act and regulations:
 - 1. Registered professional engineers as described in Title 40, Chapter 22.
 - 2. Registered landscape architects as described in Title 40, Chapter 28, Section 10, item (b).
 - 3. Tier B land surveyors as described in Title 40, Chapter 22.
- G. Pursuant to Title 40, Chapter 22, Section 460, Stormwater Management and Sediment Control Plans may be prepared by employees of the federal government and submitted by the person responsible for the land disturbing activity to the appropriate plan approval agency for approval.
 - 1. This ordinance does not prohibit other disciplines or Certified Professionals, including, but not limited to, Certified Professional Erosion and Sediment Control Specialists, which have appropriate background and experience from taking active roles in the preparation of the plan and design process. All plans and specifications submitted to the appropriate plan approval agency for approval shall be stamped/sealed by those listed in Section 3.9.G. or prepared by employees of the federal government under Section 3.9.H.

H. Approval plans remain valid for 5 years from the date of an approval. Extensions or renewals of the plan approvals will be granted by the plan approval agency upon written request by the person responsible for the land disturbing activity.

I. Approvals of land disturbing activities, which were approved, by the Commission or its designee prior to the effective date of these regulations shall remain in effect for the original term of the approval. For land disturbing activities which were responsible for the land disturbing activity shall resubmit the Stormwater Management and Sediment Control Plan to the appropriate plan approval agency for review and approval subject to the requirements of these regulations.

3.10 Other Authorization or Requirement

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

3.11 Extension of Time

If the applicant is unable to complete the work within the time specified in the approved plan and grading permit, he may, prior to the expiration of such time, present in writing a request for an extension of time, setting forth the reasons for the requested extension. The Sumter County Soil and Water Conservation District shall respond to this request within ten (10) working days of submission.

3.12 Responsibility of Applicant

The applicant shall be responsible for carrying out the proposed work in accordance with the approved Erosion and Sediment Control and Stormwater Management Plan and grading permit, and in compliance with the requirements of this ordinance.

3.13 Appeals and Administrative Hearings

- A. The Sumter County Council shall appoint a five-member appeals board to carry out the provisions of this section. The appeals board shall be constituted as follows, and shall serve staggered three-year terms:
- Two grading contractors, or persons who have experience in grading or similar field;
 - One designer meeting the requirements of Section 3.9.G. of this ordinance;
 - Two members at large.

In order to provide continuity in the composition and operation of this board, the initial appointments of the grading contractors referenced above shall be one such contractor for an initial one-year term, and one such contractor for an initial two-year term. The designer

referenced above shall be appointed for an initial one-year term. Upon expiration of such initial terms, the appointments thereafter shall be for three-year terms.

The County Engineer or County Director of Public Works, and the County Engineer or County Director of Public Works, shall serve ex officio, as advisory, non-voting members of the board.

The appeals and hearing board shall select a chairperson at its inception; the chair shall be rotated on an annual basis. No member shall be appointed to more than three (3) consecutive terms.

- B. A meeting of the local appeals and hearing board shall be called when the local government receives appeals. No business shall be conducted at such meeting without a quorum. A quorum shall consist of three (3) of the five (5) board members. A simple majority of those members present and voting at any meeting shall be required to carry any motion or action.
- C. A hearing by the board is available following a request to determine the propriety of:
 - 1. the denial of revocation of a grading permit;
 - 2. a citizen complaint concerning program operation;
 - 3. the issuance of a notice of violation or non-compliance with the plan;
 - 4. the regulations included in this ordinance;
 - 5. the issuance of fines as a result of this ordinance; and/or
 - 6. the issuance of a stopwork order as a result of this ordinance.

A hearing may be initiated by any applicant/citizen, provided that a written request is received within thirty (30) days after notice is given to the applicant/citizen of the adverse action.

- D. All hearings shall be scheduled via correspondence approved by the appeals and hearing board, which shall give notice to all parties of the hearing.
 - 1. All parties must receive notice of the hearing of not less than thirty (30) days;
 - 2. The notice shall be sent by the chairman of the hearing board;
 - 3. The notice shall include:
 - a. A statement of the time, place, and nature of the hearing;
 - b. A statement of the legal authority and jurisdiction under which the hearing is to be held;
 - c. A reference to the particular sections of the statutes and rules involved;
 - d. A short and plain statement of the matters asserted. If the hearing officers are unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter, upon application, a more definite and detailed statement shall be furnished.

- E. All hearings shall be conducted by the chairman of the appeals and hearings board.

- F. All hearings shall be conducted in accordance with Section 1-23-10 *et seq.* of the 1976 South Carolina Code of Laws.
- G. The hearing officers shall issue a proposal for decision which shall be mailed to the parties.
- H. Within twenty (20) days after mailing of the proposal for decision, any party may file exceptions to the hearing officers' proposal for decision.
 - 1. Such exceptions shall be in written form, addressed to the Chairman of the Hearing Board, and served upon all adverse parties;
 - 2. The exceptions shall list all the grounds upon which the exceptions are based.
- I. If the appeals and hearings board receives no exceptions within the twenty (20) day period following the mailing of the proposal for decision, the appeals and hearings board shall issue a final decision.
 - 1. Of timely exceptions are received, the hearings board shall send notice to the parties that the appealing party(s) has thirty (30) days to submit a brief. Following the service of the appealing party's brief, or upon the expiration of the thirty (30) day period, whichever shall occur first, the other party shall have thirty (30) days to submit a brief. All briefs must be served on the opposing parties and filed with the appeals and hearings board.
- J. Following receipt of all briefs, the appeals and hearings board shall schedule an oral argument if requested to do so by either party.
- K. The request for an oral argument must be in writing addressed to the chairman of the appeals and hearings board, and submitted with that party's brief.
- L. The oral argument shall be scheduled following the filing of the last working day of the month.
- M. The oral argument shall be heard by the members of the appeals and hearing board and shall be held in accordance with the following format:
 - 1. The appealing party shall be given twenty minutes to present his case;
 - 2. The opposing party shall be given twenty minutes to present his case;
 - 3. The appealing party shall be given a rebuttal period of five minutes.
- N. The parties by written stipulation may agree that the hearing officer's decision shall be final and binding upon the parties.
- O. The final order shall be issued by the appeals and hearing board, and the decision of such board shall be made in accordance with Section 3.14 (A) of this ordinance.

- P. The final order shall be written and shall comply with the provisions of Section 1-23-10 *et seq.* of the 1976 South Carolina Code of Laws.

SECTION 4

PLAN AND APPLICATION REQUIREMENTS

4.1 Standards and Requirements for Preparation of Type 1 Stormwater Management and Sediment Control Plans

- A. General submission requirements for all projects requiring Stormwater Management and Sediment Control Plan approval will include the following information as applicable:
1. A standard application form,
 2. A vicinity map indicating north arrow, scale, and other information necessary to locate the property or tax parcel,
 3. A plan at an appropriate scale accompanied by a design report and indicating at least:
 - a. The location of the land disturbing activity shown on a USGS 7.5 minute topographic map or copy.
 - b. The existing and proposed topography, overlaid on a current plat showing existing and proposed contours as required by the implementing agency. The plat and topographic map should conform to provisions of Article 4, Regulations 400-490.
 - c. The proposed grading and earth disturbance including:
 - i. Surface area involved; and
 - ii. Limits of grading including limitation of mass clearing and grading whenever possible.
 - d. Stormwater Management and Stormwater drainage computations, including:
 - i. Pre- and post-development velocities, peak rates of discharge, and inflow and outflow hydrographs of Stormwater runoff at all existing and proposed points of discharge from the site,
 - ii. Site conditions around points of all surface water discharge including vegetation and method of flow conveyance from the land disturbing activity, and
 - iii. Design details for structural controls.
 - e. Erosion and sediment control provisions, including:
 - i. Provisions to preserve top soil and limit disturbance;
 - ii. Details of site grading; and
 - iii. Design details for structural controls which includes diversions and swales.

- iv. Federal Emergency Management Agency flood maps and federal and state wetland maps, where appropriate.
- v. The implementing agency with responsibility for plan approval shall require that plans and design reports be sealed by a qualified design professional that the plans have been designed in accordance with approved sediment and Stormwater ordinance and programs, regulations, standards and criteria.
- vi. Additional information necessary for a complete project review may be required by the appropriate plan approval agency as deemed appropriate. This additional information may include items such as public sewers, water lines, septic fields, wells etc.

B. Specific requirements for the erosion and sediment control portion of the Stormwater Management and Sediment Control Plan approval process include, but are not limited to, the following items. The appropriate plan approval agency may modify the following items for a specific project or type of project.

1. All plans shall include details and descriptions of temporary and permanent erosion and sediment control measures and other protective measures shown on the Stormwater and Sediment Management Plan. Procedures in a Stormwater and Sediment Management Plan shall provide that all sediment and erosion controls are inspected at least once every seven-calendar day and after any storm event of greater than 0.5 inches of precipitation during any 24-hour period.
2. Specifications for a sequence of construction operations shall be contained on all plans describing the relationship between the implementation and maintenance of sediment controls, including permanent and temporary stabilization and the various stages or phases of earth disturbance and construction. The specifications for the sequence of construction shall, at a minimum, include the following activities:
 - a. Clearing and grubbing for those areas necessary for installation of perimeter controls;
 - b. Installation of sediment basins and traps;
 - c. Construction of perimeter controls;
 - d. Remaining clearing and grubbing;
 - e. Road grading;
 - f. Grading for the remainder of the site;
 - g. Utility installation and whether storm drains will be used or blocked until after completion of construction;
 - h. Final grading, landscaping, or stabilization; and
 - i. Removal of sediment controls.

Changes to the sequence of construction operations may be modified by the person conducting the land disturbing activity or their representative and do not constitute a violation unless measures to control Stormwater runoff and sediment are not utilized.

3. The plans shall contain a description of the predominant soil types on the site, as described by the appropriate soil survey information available through the local Conservation District.
4. When work in a live waterway is performed, precautions shall be taken to minimize encroachment, control sediment transport and stabilize the work area to the greatest extent possible during construction.
5. Vehicle tracking of sediments from land disturbing activities onto paved public roads carrying significant amounts of traffic (ADT of 25 vehicles/day or greater) shall be minimized.

C. Specific requirements for the permanent Stormwater Management portion of the Stormwater Management and Sediment Control Plan approval process include, but are not limited to, the following items. The implementing agency may modify the following items for a specific project or type of project.

1. Stormwater Management shall be addressed on a watershed basis to provide a cost effective water quantity and water quality solution to the specific watershed problems.
2. All hydrologic computations shall be accomplished using a volume based hydrograph method acceptable to the implementing agency. The storm duration for computational purposes for this method shall be the 24-hour rainfall event, applicable NRCS distribution with a 0.1 hour burst duration time increment. The rational and/or modified rational methods are acceptable for sizing individual culverts or storm drains that are not part of a pipe network or system and do not have a contributing drainage area greater than 20 AC. The storm duration for computational purposes for this method shall be equal to the time of concentration of the contributing drainage area or a minimum of 0.1 hours, whichever is less.
3. Stormwater Management requirements for a specific project shall be based on the entire area to be developed, or if phased, the initial submittal shall control that area proposed in the initial phase and establish a procedure and obligation for total site control.
4. Water quantity control is an integral component of overall Stormwater Management. The following design criteria for flow control is established for water quantity control purposes, unless a waiver is granted based on a case-by-case basis:
 - a. Post-development peak discharge rates shall not exceed pre-development discharge rates for the 2- and 10-year frequency 24-hour duration storm event. Implementing agencies may utilize a less frequent storm event (e.g. 25-year, 24-hour) to address existing or future stormwater quantity or quality problems. In areas identified as critically impaired watersheds, post-development discharge will be reduced to 75% of pre-development discharge. Critically impaired watersheds will be officially designated at the pleasure of the Sumter City-County Planning Commission.

- b. Discharge velocities shall be reduced to provide a nonerosive velocity flow from a structure, channel, or other control measure or the velocity of the 10-year, 24-hour storm runoff in the receiving waterway prior to the land disturbing activity, whichever is greater.
 - c. Watersheds, other than Designated Watersheds, that have well documented water quantity problems may have more stringent, or modified, design criteria determined by the local government that is responsible to the specific needs of that watershed.
5. Water quality control is also an integral component of stormwater management. The following criteria is established for water quality protection unless a waiver or variance is granted on a case-by-case basis.
- a. When ponds are used for water quality protection, the ponds shall be designed as both quantity and quality control structures. Sediment storage volume shall be calculated considering the clean out and maintenance schedules specified by the designer during the land disturbing activity. Sediment storage volumes may be predicted by the Universal Soil Loss Equation or methods acceptable to the Commission.
 - b. Stormwater runoff that drains to a single outlet from land disturbing activities which disturb ten acres or more shall be controlled during the land disturbing activity by a sediment basin where sufficient space and other factors allow these controls to be used until the final inspection. The sediment basin shall be designed and constructed to accommodate the anticipated activity and meet a removal efficiency of 80 percent suspended solids or 0.5 ML/L peak settleable solids concentration, whichever is less. The outfall device or system design shall take into account the total drainage area flowing through the disturbed area to be served by the basin.
 - c. Other practices may be acceptable to the appropriate plan approval agency if they achieve an equivalent removal efficiency of 80 percent for suspended solids or 0.5 ML/L peak settleable solids concentration, which ever is less. The efficiency shall be calculated for disturbed conditions for the 10-year 24-hour design event.
 - d. Permanent water quality ponds having permanent pool shall be designed to store and release the first ½ inch of runoff from the site over a 24-hour period. The storage volume shall be designed to accommodate, at least, ½ inch of runoff from the entire site.
 - e. Permanent water quality ponds, not having permanent pool, shall be designed to release the first inch of runoff from the site over a 24-hour period.
 - f. Permanent infiltration practices, when used, shall be designed to accept, at a minimum, the first inch of runoff from all impervious areas.

6. Where ponds are the proposed method of control, the person responsible for the land disturbing activity shall submit to the approving agency, when required, a analysis of the impacts of stormwater flows downstream in the watershed for the 10 and 100-year frequency storm event. The analysis shall include hydrologic and hydraulic calculations necessary to determine the impact of hydrograph timing modifications of the proposed land disturbing activity, with and without the pond. The results of the analysis will determine the need to modify the pond design or to eliminate the pond requirement. Lacking a clearly defined downstream point of constriction, the downstream impacts shall be established, with the concurrence of the implementing agency.
7. Where existing wetlands are intended as a component of an overall stormwater management system, the approved stormwater management and sediment control plan shall not be implemented until all necessary federal and state permits have been obtained.
8. Designs shall be in accordance with standards developed or approved by the Commission.
9. Ease of maintenance must be considered as a site design component. Access to the stormwater management structure must be provided.
10. A clear statement of defined maintenance responsibility shall be established during the plan review and approval process.
11. Infiltration practices have certain limitations on their use on certain sites. These limitations include the following items:
 - a. Areas draining to these practices must be stabilized and vegetative filters established prior to runoff entering the system. Infiltration practices shall not be used if a suspended solids filter system does not accompany the practice. If vegetation is the intended filter, there shall be, at least a 20-foot length of vegetative filter prior to stormwater runoff entering the infiltration practice;
 - b. The bottom of the infiltration practice shall be at least 0.5 feet above the seasonal high water table, whether perched or regional, determined by direct piezometer measurements which can be demonstrated to be representative of the maximum height of the water table on an annual basis during years of normal precipitation, or by the depth in the soil at which mottling first occurs;
 - c. The infiltration practice shall be designed to completely drain of water within 72 hours;
 - d. Soils must have adequate permeability to allow water to infiltrate. Infiltration practices are limited to soils having an infiltration rate of at least 0.30 inches per hour. Initial consideration will be based on a

review of the appropriate soil survey, and the survey may serve as a basis for rejection. On-site soil borings and textural classifications must be accomplished to verify the actual site and seasonal high water table conditions when infiltration is to be utilized;

- e. Infiltration practices greater than three feet deep shall be located at least 10 feet from basement walls;
- f. Infiltration practices designed to handle runoff from impervious parking areas shall be a minimum of 150 feet from any public or private water supply well;
- g. The design of an infiltration practice shall provide an overflow system with measures to provide a non-erosive velocity of flow along its length and at the outfall;
- h. The slope of the bottom of the infiltration practice shall not exceed five percent. Also, the practice shall not be installed in fill material as piping along the fill/natural ground interface may cause slope failure;
- i. An infiltration practice shall not be installed on or atop a slope whose natural angle of incline exceeds 20 percent.
- j. Clean outs will be provided at a minimum, every 100 feet along the infiltration practice to allow for access and maintenance.

12. A regional approach to Stormwater Management is an acceptable alternative to site specific requirements and is encouraged.

D. All Stormwater Management and Sediment Control practices shall be designed, constructed and maintained with consideration for the proper control of mosquitoes and other vectors. Practices may include, but are not limited to:

- 1. The bottom of retention and detention ponds should be graded and have a slope not less than 0.5 percent.
- 2. There should be no depressions in a normally dry detention facility where water might pocket when the water level is receding.
- 3. Normally dry detention systems and swales should be designed to drain within three (3) days.
- 4. An aquatic weed control program should be utilized in permanently wet structures to prevent an overgrowth of vegetation in the pond. Manual harvesting is preferred.
- 5. Fish may be stocked in permanently wet retention and detention ponds.
- 6. Normally dry swales and detention pond bottoms should be constructed with a gravel blanket or other measure to minimize the creation of tire ruts during maintenance activities.

E. A Stormwater Management and Sediment Control plan shall be filed for a residential development and the buildings constructed within, regardless of the phasing of construction.

- 1. In applying the Stormwater Management and Sediment Control criteria, in R.72-307, individual lots in a residential subdivision development shall not be

considered to be separate land disturbing activities and shall not require individual permits. Instead, the residential subdivision development, as a whole, shall be considered to be a single land disturbing activity. Hydrologic parameters that reflect the ultimate subdivision development shall be used in all engineering calculations.

2. If individual lots or sections in a residential subdivision are being developed by different property owners, all land-disturbing activities related to the residential subdivision shall be covered by the approved Stormwater Management and Sediment Control plan for the residential subdivision. Individual lot owners or developers may sign a certificate of compliance that all activities on that lot will be carried out in accordance with the approved Stormwater Management and Sediment Control plan for the residential subdivision. Failure to provide this certification will result in owners or developers of individual lots developing a Stormwater Management and Sediment Control plan meeting the requirements of Section 4.1.
 3. Residential subdivisions which were approved prior to the effective date of these regulations are exempt from these requirements. Development of new phases of existing subdivisions which were not previously approved shall comply with the provisions of these regulations.
- F. Risk analysis may be used to justify a design storm event other than prescribed or to show that rate and volume control is detrimental to the hydrologic response of the basin and therefore, should not be required for a particular site.
1. A complete watershed hydrologic/hydraulic analysis must be done using a complete model/procedure acceptable to the implementing agency. The level of detail of data required is as follows:
 - a. Watershed designation on the 7.5 minute topo map exploded to a minimum of 1" = 4001.
 - b. Inclusion of design and performance data to evaluate the effects of any structures which effect discharge. Examples may be ponds or lakes, road crossings acting as attenuation structures and there may be others which must be taken into account.
 - c. Land use data shall be taken from the most recent aerial photograph and field checked and updated.
 - d. The water surface profile shall be plotted for the conditions of pre and post-development for the 10 and 100-year 24-hour storm.
 - e. Elevations of any structure potentially damaged by resultant flow shall also be shown.
 2. Based on the results of this type of evaluation, the certified plan review representing the implementing agency shall review and evaluate the proposed regulation waiver or change.

4.2 Type 2 Stormwater Management and Sediment Control Plans

The Stormwater Management and Sediment Control plan for land disturbing activities greater than two (2) acres but less than five (5) acres which are not part of a larger common plan of development or sale shall contain the following information, as applicable:

1. An abbreviated application form;
2. A vicinity map sufficient to locate the site and to show the relationship of the site to its general surroundings at a scale of not smaller than one (1) inch to one (1) mile.
3. The site drawn to scale of not smaller than one (1) inch to 200 feet, showing:
 - a. The boundary lines of the site on which the work is to be performed, including the approximate acreage of the site;
 - b. Existing contours and proposed contours as required by the implementing agency;
 - c. Proposed physical improvements on the site, including present development and future utilization if future development is planned;
 - d. A plan for temporary and permanent vegetative and structural erosion and sediment control measures which specify the erosion and sediment control measures to be used during all phases of the land disturbing activity and a description of their proposed operation;
 - e. Provisions for stormwater runoff control during the land disturbing activity and during the life of the facility, including a time schedule and sequence of operations indicating the anticipated starting and completion dates of each phase and meeting the following requirements:
 - i. Post-development peak discharge rates shall not exceed pre-development discharge rates for the 2 and 10-year frequency 24-hour duration storm event. Implementing agencies may utilize a less frequent storm event (e.g. 25-year, 24-hour) to address existing or future stormwater quantity or quality problems.
 - ii. Discharge velocities shall be reduced to provide a nonerosive velocity flow from a structure, channel, or other control measure or the velocity of the 10-year, 24-hour storm runoff in the receiving waterway prior to the land disturbing activity, whichever is greater.
 - f. A complete and adequate grading plan for borrow pits and material processing facilities where applicable, including restoration and revegetation measures;
 - g. A general description of the predominant soil types on the site;
 - h. A description of the maintenance program for stormwater management and sediment control facilities including inspection programs.
4. All stormwater management and sediment control plans submitted for approval shall contain certification by the person responsible for the land

disturbing activity that the land disturbing activity will be accomplished pursuant to the approved plan.

4.3 Type 3 Stormwater Management and Sediment Control Plans

The stormwater management and sediment control plan required for land disturbing activities of the two (2) acres or less which are not part of a larger common plan of development or sale shall contain the following information, as applicable:

- (1) An anticipated starting and completion date of the various stages of land disturbing activities and the expected date the final stabilization will be completed;
- (2) A narrative description of the Stormwater management and sediment control plan to be used during land disturbing activities;
- (3) General description of topographic and soil conditions of the tract from the local soil and water conservation district;
- (4) A general description of adjacent property and a description of existing structures, buildings, and other fixed improvements located on surrounding properties;
- (5) A sketch plan (engineer's, Tier B surveyor's or landscape architect's seal not required) to accompany the narrative which shall contain:
 - a. A site location drawing of the proposed project, indicating the location of the proposed project in relation to roadways, jurisdictional boundaries, streams and rivers;
 - b. The boundary lines of the site on which the work is to be performed;
 - c. A topographic map of the site if required by the implementing agency;
 - d. The location of temporary and permanent vegetative and structural stormwater management and sediment control measures.
- (6) Stormwater management and sediment control plans shall contain certification by the person responsible for the land disturbing activity that the land disturbing activity will be accomplished pursuant to the plan.
- (7) All stormwater management and sediment control plans shall contain certification by the person responsible for the land disturbing activity of the right of the Commission or implementing agency to conduct on-site inspections.

The requirements contained above may be indicated on one plan sheet.

SECTION 5

MAINTENANCE REQUIREMENTS AND OFF-SITE DAMAGE CORRECTION

5.1 Maintenance Requirements

The person responsible for maintenance shall perform or cause to be performed preventive maintenance of all completed stormwater management practices to ensure proper functioning. The responsible inspection agency shall ensure preventive maintenance through inspection of all stormwater management practices.

- A. Inspection reports shall be maintained by the responsible inspection agency on all detention and retention structures and shall include the following items (as applicable):
 1. The date of inspection;
 2. The name of the inspector;
 3. The condition of (if applicable):
 - a. Vegetation,
 - b. Fences,
 - c. Spillways,
 - d. Embankments,
 - e. Reservoir area,
 - f. Outlet channels,
 - g. Underground drainage,
 - h. Sediment load, or
 - i. Other items which could affect the proper function of the structure.
 4. Description of needed maintenance.
- B. The Sumter County Soil and Water Conservation District shall provide procedures to ensure that deficiencies indicated by inspections are rectified. The procedures shall include the following:
 1. Notification to the person responsible for maintenance of deficiencies including a time frame for repairs;
 2. Subsequent inspection to ensure completion of repairs; and
 3. Effective enforcement procedures or procedures to refer projects to the Commission if repairs are not undertaken or are not done properly.

5.2 Off-Site Damage Correction

The following criteria shall be used by the appropriate implementing agency in evaluating and for correcting off-site damages resulting from the land disturbing activity:

- A. Determine the extent of damage by sediment resulting from non-compliance with the approved stormwater management and sediment control plan;
- B. Determine the classification of the impaired waterbody, if any;
- C. Determine the impact and severity of the damage resulting from non-compliance with the approved stormwater management and sediment control plan;
- D. Develop an agreement with landowners for cleanup and corrections, including a schedule of implementation;
- E. Evaluate the alternatives for correction of the damage and prevention of future damage; and
- F. Failure to implement the agreement in the required schedule will constitute a violation of these regulations.

SECTION 6

ADMINISTRATION AND ENFORCEMENT

6.1 Notification

The Sumter County Soil and Water Conservation District shall provide proper notification of this ordinance to those persons desiring to conduct a covered land disturbing activity and shall provide the necessary forms required for application for securing approval of the erosion and sediment control and stormwater management and sediment control plan. A copy of this ordinance shall be made available, for a reasonable charge, upon request.

6.2 Inspection and Enforcement

- A. The person responsible for the land disturbing activity shall notify the appropriate inspection agency before initiation of construction and upon project completion when a final inspection will be conducted to ensure compliance with the approved stormwater management and sediment control plan.
- B. The person responsible for the land disturbing activity shall, if required by the implementing agency during the plan approval process, submit "As Built or Record Document" plans. In addition, the person responsible for the land disturbing activity may be required to submit written certification from the professional engineer, landscape architect, or Tier B land surveyor responsible for the filed supervision of the land

disturbing activity that the land disturbing activity was accomplished according to the approved stormwater management and sediment control plan or approved changes.

C. The responsible inspection agency shall, for inspection purposes, do all of the following items:

- (1) Ensure that the approved stormwater management and sediment control plans are on the project site and are complied with;
- (2) Ensure that every active site is inspected for compliance with the approved plan on a regular basis;
- (3) Provide the person responsible for the land disturbing activity, a written report after every inspection that describes:
 - a. The date and location of the site inspection;
 - b. Whether the approved plan has been properly implemented and maintained;
 - c. Approved plan or practice deficiencies; and
 - d. The action taken.
- (4) Notification of the person responsible for the land disturbing activity in writing when violations are observed, describing the:
 - a. Nature of the violation;
 - b. Required corrective action; and
 - c. Time period for violation correction.

D. The appropriate plan approval agency may require a revision to the approved plans as necessary due to differing site conditions. The appropriate plan approval agency shall establish guidelines to facilitate the processing of revised plans where field conditions necessitate plan modification. Where changes to the approved plan are necessary those changes shall be in accordance with the following:

- (1) Major changes to approved stormwater management and sediment control plans, such as the addition or deletion of a sediment basin, shall be submitted by the applicant to the appropriate plan approval agency for review and approval.
- (2) Minor changes to stormwater management and sediment control plans may be made in the field review report. The appropriate inspection agency shall develop a list of allowable field modifications for use by the construction inspector.

E. Stormwater management construction shall have progress inspections accomplished as needed, in the judgment of the Sumter County Soil and Water Conservation District.

- F. The agency responsible for construction inspection may, in addition to local enforcement options, refer a site violation to the Commission for review. Such referrals will be made solely at the option of the Sumter County Soil and Water Conservation District, with or without cause to believe that a violation of any provision of this Ordinance has occurred. Notwithstanding any other provision of this Ordinance, the implementing agency may refer any proposed project or application to the Department of Health and Environmental Control, if in the opinion of the implementing agency and/or said Department, the proposed project or application reveals the potential for a significant adverse impact on water quality.
- G. Referral of a site violation to the Commission may initiate a Commission construction inspection of the site to verify site conditions. That construction inspection may result in the following actions:
- (1) Notification through appropriate means to the person engaged in a land disturbing activity to comply with the approved plan within a specified time frame; and
 - (2) Notification of plan inadequacy, with a time frame for the person engaged in a land disturbing activity to submit a revised sediment and stormwater plan to the appropriate plan approval agency and to receive its approval with respect thereto. The Commission shall notify the local inspection agency within five working days of what recommendation, if any, for enforcement action should be taken on the site.
- H. Failure of the person engaged in the land disturbing activity contractor to comply with Commission requirements may result in the following actions in addition to other penalties as provided in Chapter 14 of Title 48 of the Code of Laws of South Carolina, 1976, as amended.
- (1) The Commission shall have the power to request the implementing agency to order any person violating any provision of said Chapter 14 and/or these regulations to cease and desist from any site work activity other than those actions necessary to achieve compliance with any administrative order.
 - (2) The Commission may request that the appropriate plan approval agency refrain from issuing any further building or grading permits to the person having outstanding violations until those violations have been remedied.
 - (3) The Commission may recommend fines to be levied by the implementing agency.
- I. The Sumter County Soil and Water Conservation District may utilize “stop work orders” as a part of its inspection and enforcement program in accordance with the following procedures:
- (1) The implementing agency may issue a stop work order if it is found that a land disturbing activity is being conducted in violation of this Ordinance or of any regulation adopted or order issued pursuant to, in connection with or otherwise related to this Ordinance, that the violation is knowing and willful, and that either:

- a. Off-site sedimentation resulting from non-compliance with the approved stormwater management and sediment control plan has eliminated or severely degraded a use in a lake or natural waterway or that such degradation is imminent.
 - b. Off-site sedimentation resulting from non-compliance with the approved stormwater management and sediment control plan has caused severe damage to adjacent land.
 - c. The land disturbing activity which requires an approved plan under this Ordinance and is being conducted without the required approved plan.
- (2) The stop work order shall be in writing and shall state what work is to be stopped and what measures are required to abate the violation. The order shall include a statement of the findings made by the implementing agency pursuant to paragraph (1) of this section and shall list the conditions under which work that has been stopped by the order may be resumed. The delivery of equipment and material which does not contribute to the violation may continue while the stop work order is in effect. A copy of this section shall be attached to the order.
- (3) The stop work order shall be served by the Sumter County Sheriff, any of his officers, Sumter County Codes Enforcement Officers, or by some other person duly authorized by law to serve process, and shall be served on the person at the site of the land disturbing activity who is in operational control of the land disturbing activity. The Sheriff or other person duly authorized by law to serve process shall post a copy of the stop work order in a conspicuous place at the site of the land disturbing activity. The implementing agency shall also deliver a copy of the stop work order to any person that the implementing agency has reason to believe may be responsible for the violation.
- (4) The directives of a stop work order become effective upon service of the order. Thereafter, any person notified of the stop work order who violated any of the directives set out in the order may be assessed a civil penalty as provided in Section 6.3. A stop work order issued pursuant to this section may be issued for a period not to exceed three calendar days.
- (5) The implementing agency shall designate an employee to monitor compliance with the stop work order. The name of the employee so designated shall be included in the stop work order. The employee so designated shall rescind the stop work order if all the violations for which the stop work order are issued are corrected, no other violations have occurred, and all measures necessary to abate the violations have been taken. The implementing agency shall rescind a stop work order that is issued in error.
- (6) The issuance of a stop work order shall be a final agency decision subject to judicial review in the same manner as an order in a contested case pursuant to Title 1, Chapter 23, Section 380 of the Code of Laws of South Carolina, 1976. The petition for judicial review shall be filed in the circuit court of the county in which the land disturbing activity is being conducted.

6.3 Penalties

- A. Any person who violates any provisions of this ordinance or who initiates or continues a land disturbing activity for which a stormwater management and sediment control plan is required except in accordance with the terms, conditions, and provisions of an approved plan, is subject to a civil penalty of not more than one thousand dollars for each violation thereof. No penalty may be assessed until the person alleged to be in violation has been notified of the violation. Each day of a violation constitutes a separate violation.
- B. The implementing agency shall determine the amount of the civil penalty to be assessed under this section for violations under its jurisdiction. It shall make 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 days after demand for payment is made, a civil action may be filed in the circuit court in the county in which the violation is alleged to have occurred to recover the amount of the penalty.

SECTION 7

LEGAL STATUS

7.1 Relationship With Other Laws, Regulations, and Ordinances

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

7.2 Repeal of Conflicting Regulations

All ordinances and resolutions regulating erosion and sediment control and stormwater management adopted prior to this Ordinance, which ordinances or resolutions conflict with this Ordinance, are hereby repealed.

7.3 Separability

If any section, clause, or portion of this ordinance shall be held by a court of competent jurisdiction to be invalid or unconstitutional or otherwise unenforceable, such finding shall not affect any other section, clause, or portion of this Ordinance, and the remaining portions of this ordinance shall be valid and shall be enforced to the fullest extent provided by law.

7.4 Amendments

This ordinance may be amended in the same manner as prescribed by law for its original adoption. Provided, however, before the governing body of The Sumter County amends this ordinance, it shall seek the review and advice of the Sumter County Soil and Water Conservation

District, which shall have not less than thirty (30) days to make its recommendation concerning any proposed amendment.

7.5 Effective Date

This Ordinance shall take effect and be enforced from and after August 4, 1998.

7.6 Civil Liability

Neither the approval of a plan under the provisions of this ordinance, nor compliance with the provisions herein shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law or equity, nor shall such approval and/or compliance operate to impose any liability upon the Sumter County or the Sumter County Soil and Water Conservation District for damage to any person or property.

7.7 Adoption

NOW THEREFORE, BE IT ORDAINED, that the County Council of the Sumter County, South Carolina, in Council duly assembled, adopts the Stormwater Management and Sediment Control Ordinance this 12th day of May, 1998.

THE COUNTY COUNCIL OF
SUMTER COUNTY, SOUTH CAROLINA

BY: _____
James A. Campbell
ITS: Chairman

ATTEST:

BY: _____
Mary Lewis
ITS: Clerk

First Reading: 4-14-98
Second Reading: 4-28-98
Hearing Notice:
Public Hearing: 5-12-98
Third Reading: 5-12-98

ORDINANCE NO. 99-372

**AN ORDINANCE ADOPTING A NEW ZONING AND
DEVELOPMENT STANDARDS ORDINANCE FOR THE COUNTY OF
SUMTER, SOUTH CAROLINA**

**BE IT ORDAINED BY THE COUNTY COUNCIL OF COUNTY OF
SUMTER, SOUTH CAROLINA, IN MEETING DULY ASSEMBLED AND BY THE
AUTHORITY THEREOF, THAT:**

- I. The Zoning and Development Standards Ordinance pursuant to S.C. Code Sections 6-29-710 and 6-29-1110 for the Sumter County is hereby adopted and shall read as follows:

**SUMTER CITY-COUNTY ZONING & DEVELOPMENT
STANDARDS ORDINANCE**

ARTICLE ONE,	Administration
ARTICLE TWO,	Establishment of Zoning Districts & Maps
ARTICLE THREE,	Zoning and Development District Regulations
ARTICLE FOUR,	General and Supplemental Regulations
ARTICLE FIVE,	Performance Criteria for Certain Uses
ARTICLE SIX,	Non-conforming Uses
ARTICLE SEVEN,	Subdivision and Site Plan Procedures
ARTICLE EIGHT,	Design and Improvement Standards
ARTICLE NINE,	Documents to be Submitted
ARTICLE TEN,	Definitions
Appendix A	Stormwater Management Sediment Control Ordinance (Sumter County Ordinance 1627)
Appendix B	Engineering and Design Standards for Subdivisions and Site Plans

- II. Upon adoption of this Ordinance on third and final reading, the previous Zoning Ordinance, Ordinance 91-225, adopted December 30, 1991; along with all amendments thereto and previous Subdivision Ordinance establishing development standards, Ordinance No. 91-226, adopted November 12, 1991; and all amendments thereto are repealed in their entirety.
- III. All other Ordinances or parts of Ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.
- IV. This Ordinance of zoning regulations and development standards shall become effective immediately upon its adoption on third and final reading.

DONE RATIFIED AND ADOPTED BY THE COUNTY COUNCIL OF THE COUNTY OF SUMTER, SOUTH CAROLINA, ON THIS 14th DAY OF December 1999.

SUMTER COUNTY COUNCIL

Its: Chairman: James A. Campbell

ATTEST:

Mary Lewis, Clerk of Council

First Reading: November 9, 1999

Second Reading: November 23, 1999

Public Hearings: May 11, 1999; November 9, 1999; and November 23, 1999

Third Reading and Adoption: December 14, 1999