



Town of James Island, Regular Town Council Meeting
November 15, 2018; 7:00 PM; 1122 Dills Bluff Road, James Island, SC 29412

Notice of this meeting was published and posted in accordance with the Freedom of Information Act and the requirements of the Town of James Island.

Members of the public addressing Council during the Public Comment period must sign in. Comments should be directed to Council and not the audience. Please limit comments to three (3) minutes.

1. Opening Exercises
2. Public Hearing: Ordinance #2018-13: An Ordinance to Adjust the Boundary Between the City of Charleston and Town of James Island

Public Hearing: Ordinance #2018-14: Proposed Changes to Special Events
3. Presentation: 2017/2018 Financial Statement, Henry Wilson, Wilson & quirk, CPA

Presentation: US HUD 2019 Urban Entitlement Program, Dr. Anna Eskridge, Charleston County
4. Public Comment
5. Consent Agenda
 - a. Minutes: October 18, 2018 Regular Town Council Meeting
6. Information Reports
 - a. Finance Report
 - b. Administrator's Report
 - Hazard Mitigation Plan Annual Update
 - c. Public Works Report
 - d. Island Sheriffs' Patrol Report
7. Requests for Approval
 - a. Town Facilities Policy
 - Tree Maintenance @ Camp and Folly
8. Committee Reports
 - Land Use Committee
 - Planning Commission Appointment
 - Environment and Beautification Committee
 - Children's Commission
 - Public Safety Committee
 - History Commission
 - Rethink Folly Road Committee Report
 - Drainage Committee
9. Proclamations and Resolutions
 -

10. Ordinances up for Second/Final Reading:

11. Ordinances up for First Reading

Ordinance #2018-13: An Ordinance to Adjust the Boundary Between the City of Charleston and Town of James Island

Ordinance #2018-14: An Ordinance Proposed Change to Special Events

Ordinance #2018-15: An Ordinance to Amend Chapter 51: Stormwater Management

12. New Business

13. Executive Session: The Town Council may/will enter into an Executive Session in accordance with 30-4-70(a) Code of Laws of South Carolina (Council may take action on matters discussed in executive session)

14. Return to Regular Session:

15. Adjournment:

The Town of James Island held its regularly scheduled meeting at 7:00 p.m. in Council Chambers, 1122 Dills Bluff Road, James Island, SC on Thursday, October 18, 2018. The following members of Council were present: Leonard Blank, Mayor Pro-Tem, Garrett Milliken, Joshua P. Stokes, Darren "Troy" Mullinax, and Mayor Bill Woolsey, presided. Also, Ashley Kellahan, Town Administrator, Bonum S. Wilson, Town Attorney, Merrell Roe, Finance Director, Mark Johnson, Public Works Director, Sergeant Shawn James, Island Sheriff's Patrol, and Frances Simmons, Town Clerk. A quorum was present to conduct business.

Opening Exercises: Mayor Woolsey called the meeting to order and led Council in prayer; followed by the Pledge of Allegiance. FOIA: This meeting was published and posted in accordance with the Freedom of Information Act and the requirements of the Town of James Island.

Presentations of Community Assistance Grant Requestors:

Reverend Rob Dewey, Lowcountry Community Crisis Chaplaincy: Rev. Dewey is requesting \$1,500 for his ministry, the Lowcountry Crisis Chaplaincy. Tonight he spoke with two women that lives on Seaside Lane that remembered a fire that took place there 25 years ago and how the Chaplaincy supported the family. Rev. Dewey stated that Sergeant Shawn James could attest to the services the chaplaincy provides and he thanked Council for its support.

Traci Greer, James Island Outreach: Thanked Council for its past support and offered a tour of the new Outreach facility. Ms. Greer spoke briefly on the new programs implemented. A wellness pantry offering low-sugar and low-salt substitutes and a client choice pantry. Ms. Greer said they have seen a significant increase in the clients they serve. She said with a new facility comes added costs and the Town's assistance is appreciated.

Shannon Moore, Remember Niger Coalition: Ms. Moore stated that this organization is dedicated to improving opportunities for quality education in Niger, Africa. The third annual spirit run will be held on Saturday, November 3 at James Island County Park. Two hundred (200) students from local schools will participate by wearing their school colors in celebration of the run for the children in Niger.

Julie Hall, James Island Charter HS Band Backers, thanked the Town for its support in previous years. Band Backers is a parent volunteer group that seeks support for the band's programs. This group helps students in Band who otherwise could not participate. Last year the Band had 58 students and 85 students this year with the likelihood of 100 students next year.

Michelle Gray, Race for Achievement, thanked Council for providing its first scholarship in memory of TyWanza Sanders who died in the Emmanuel Church shooting. Race for Achievement is now able to offer scholarships up to \$1,000. Funds received is used to tutor and educate students with the SAT and ACT.

Dawn Kahley, Pet Helpers: Pet Helpers is celebrating 40 years on James Island and it was the first no-kill shelter on James Island. She said 50% of the clients they serve is from James Island. With the recent hire of a new Vet, they hope to expand the clinic to perform 5,000 spay and neuters by next year.

Rowdy Floyd, James Island Youth Soccer Club, the Soccer Club's history on James Island dates to 1976 and 100% of the funding they receive is directly invested into improving and maintaining the athletic facilities. He said soccer would enhance the lives of the players for years to come.

Public Comments:

Bob Westfall, 818 Jordan St., showed Council a picture of a house on Kemper Street (east of Kemper and Jordan). He believes from talking to the neighbors that lived in the community longer than he has, that the house has been abandoned for at least 8 years. He said there are rodents in the house and every night when he walks with his dog, raccoons sits on the porch and watch as they walk by. He is afraid this is going to get worse before anything could be done and want to make Council aware. This is dragging the value of the homes in the neighborhood down. He spoke about the Charleston Sports Bar and the parking issues. A couple months ago, a variance for the lot was not granted, and people continue to park there. He does not know what can be done, but something needs to be done because cars pull into the lot all the time. Mayor Woolsey asked Mr. Westfall if he knew the address of the house on Kemper. He said no, there is no mailbox at the property or a visible address.

Kenneth Johnson, 427 Lindbergh St., Eagle Scout, Troop # 50 is making two donation boxes for his Eagle Scout project. One box will be in the reception area at Town Hall and the other in Council Chambers. These boxes will be permanent fixtures used as drop-off points for toys and food for community outreach. Kenneth will promote a Thanksgiving food drive in November.

Robert Whaley, 1167 Pauline Ave., addressed flooding issues on Pauline Ave. that sometimes the road is impassible. He would like the Town to help with this.

Jenny Honeycutt, 926 Parrot Creek Way. Ms. Honeycutt stated that we have a very important election coming up on November 6. If she were privileged to win the seat of District # 9, County Council, she would work with the Town, and especially on flooding issues. She thanked Mayor Woolsey for what the Town is doing. She made everyone aware that there is a Countywide Flood Prevention Task Force. The Task Force will meet in January to address flooding issues where anyone at any address within Charleston County can bring their issues and it will be addressed by the municipality or governmental entity responsible for that area. Information will be made available to the public.

Joe Walters, 928 West Oceanview, responded to a statement about the Sports Pub and the parking. Commented that an individual cut the cable and they chose not to press charges; the cable will be fixed. Residents have his and his brother's cell phone numbers. Spoke about attending a meeting about flooding hosted by Senator Sandy Senn and the DOT came out the next day and improved their ditch.

Julius Pettigrew, 1596 Ft. Johnson Rd., informed Council that he applied for a permit to build a house at the back of his house.

Consent Agenda:

- a. Minutes of September 20, 2018 Regular Town Council Meeting: Motion to approve the Consent Agenda was made by Councilman Stokes, seconded by Councilman Mullinax and passed unanimously.

Information Reports:

- a. Finance Report: Finance Director, Merrell Roe reviewed the Finance Report and it was accepted as information. Ms. Roe announced a Community Shred event on Friday, November 9, 10-1 p.m. at the Town Hall.
- b. Administrator's Report: Town Administrator, Ashley Kellahan reviewed the Administrator's Report adding that a ribbon cutting ceremony would be held on Monday, October 22 for the CARTA Bus Shelter on Folly Road. The Greenhill/Honeyhill community meeting will be held on Monday at 6 p.m. at Town Hall.

2017-2018 Annual Report: Copies of the Annual Report for 2017-2018 was distributed to Council. The report depicts the activities and events of Council and staff including goals and objectives, revenues and budgetary information. The Annual Report will be placed on the website.

- c. Public Works Report: Public Works Director, Mark Johnson presented the Public Works Report and it was accepted as information. Councilman Milliken complimented Mr. Johnson and the PW staff for their outstanding work. Councilman Milliken said a tree fell this morning on Ft. Sumter Drive. Mark and Douglas were on the scene within ten minutes and had the road cleared by 9:30 a.m. Mayor Woolsey asked about the flooding issues on Pauline Dr. Mr. Johnson replied that the SC Department of Transportation (DOT) has been put on notice and will be digging out the roadside ditches. The DOT has asked the Town for help in getting the County to clean the outfall ditches.
- d. Island Sheriffs' Patrol (ISP) Report: Sergeant James gave an update on the violence on Greenhill Road. He commented that 90% of the people who live there are good citizens. He reviewed the Crime Statistics and Island Sheriff Patrol reports, which were accepted as information. Sergeant James announced a new program of ISP and the Town, called "Coffee with Cops". The first event will be held on Saturday, November 10 at 10 a.m. at the Town Hall.

Requests for Approval:

- Tallwood Drainage Improvement Project: Mrs. Kellahan presented a request for approval for drainage improvement on Tallwood. She said the Town recently took ownership of Canopy Cove and the drainage pond. Motion to approve was made by Councilman Blank, seconded by Councilman Mullinax. Passed unanimously.
- James Island Watershed Basin Delineation – IGA with Charleston County and City of Charleston: Mrs. Kellahan reported the Town has been working on this project with the City and County. Thomas and Hutton will provide the proposed scope and fee for design related services. The project's liability is \$56,856 and includes a 20% contingency of \$9,476. The Town's portion to the County is 24% or \$13,645.44; City is 50%. Motion to approve was made by Councilman Stokes, seconded by Councilman Mullinax. Mrs. Kellahan answered Councilman Stokes' question about delineation. Motion passed unanimously.
- Jordan Street Traffic Calming: Mrs. Kellahan reported that Johnson, Laschober and Associates' proposal is for planning, design and permitting for traffic calming in the Jordan St. neighborhood. The cost is \$9,300. Motion to approve was made by Councilman Blank, seconded by Councilman Mullinax. Passed unanimously.
- Acoustical Panels: Mrs. Kellahan presented a request for acoustical panels from Warco Construction for Council Chambers. She showed samples of the options available. The proposal is for 2" on the sides and 1" behind the Council tables. Councilman Stokes recommended looking into having the Town's logo printed on the screen so we can do a 2" instead. Councilman Milliken asked if this company could also look into the microphone system because it is difficult to hear. Mayor Woolsey responded that the audio visual is handled by different people. Mrs. Kellahan said she has had meetings regarding the microphones and audio visuals and is looking into different options. Motion passed unanimously.
- Community Assistance Grant Requests: Mrs. Kellahan announced that this year's awards was challenging because we received more requests this year. In previous years, \$20,000

were allotted for the awards and this year's requests totaled \$37,300 so she tried to make the awards as equitable as possible. Mayor Woolsey requested that the award for the James Island Outreach be done separately because he has a family member that serves on the Board. The request was honored without objection. Motion to approve was made by Councilman Stokes, seconded by Councilman Mullinax. Passed unanimously.

- James Island Outreach: Mayor Pro-tem Blank asked for a motion to approve the award for the James Island Outreach and moved to approve, Councilman Milliken seconded. Councilman Milliken commented that it is good that so many organizations applied and perhaps next year this budget could be increased. Motion passed. Mayor Woolsey recused from vote and provided a statement for the record.

Committee Reports:

Land Use Committee: No report

Environment and Beautification Committee: Councilman Milliken gave an update on the September 8 litter pickup noting that 55 bags of trash was collected from James Island's roadways. The next pickup is scheduled for Saturday, November 3 and lunch will be served afterwards. Rain date the following Saturday. Plans for the Arbor Day celebration is underway for Friday, December 7 at Camp Road Middle School. A Town Christmas Tree will be planted the following Saturdays. More details will be provided.

Children's Commission: Councilman Stokes announced that the Annual Lights on Afterschool event would be held on Thursday, October 25 from 6-8 p.m. at Town Hall. Lights On is a National event that promotes the importance of afterschool programs. This event is held in partnership with the Kaleidoscope Programs on James Island.

Public Safety Committee: Councilman Mullinax announced that the Neighborhood Council would meet on Thursday, October 25 at 7 p.m. Everyone is welcome to attend and voice neighborhood concerns.

History Commission: Mayor Woolsey announced that the History Committee met on October 2 and reviewed the draft History Booklet.

Rethink Folly Road Committee Report: Mayor Woolsey announced that the Rethink Folly Road Committee would meet on Wednesday, October 24 to hear a report from the consultant.

Drainage Report: No report.

Proclamations and Resolutions: Mayor Woolsey asked for a motion to approve a proclamation to recognize National Colonial Heritage Month. The Proclamation commemorates the first settlers that arrived in America and determined the direction for the formation of our country. Motion was made by Councilman Blank, seconded by Councilman Mullinax. Passed unanimously.

Ordinances up for Second/Final Reading

- Ordinance #2018-06: Loitering and Sleeping in Public Places. A motion to table was made by Mayor Woolsey, seconded by Councilman Stokes. Councilman Milliken asked that the sexist language be removed. Passed unanimously.
- Ordinance #2018-11: Proposed Change to Town of James Island Zoning and Land Development Regulations Ordinance (ZLDR), including adding additional requirements/conditions for parking

lots in CN, OG, and OR Zoning Districts, Section 153.157: Motion to approve was made by Councilman Blank, seconded by Councilman Stokes. Passed unanimously.

- Ordinance #2018-12: An Ordinance to Amend Chapter 151: Town of James Island Regulations Concerning Flood Damage Prevention: Motion to approve was made by Councilman Stokes, seconded by Councilman Mullinax. Passed unanimously.

New Business: None

Executive Session: Not needed

Adjournment: There being no further business to come before the body, the meeting adjourned at 8:53 p.m.

Respectfully submitted:

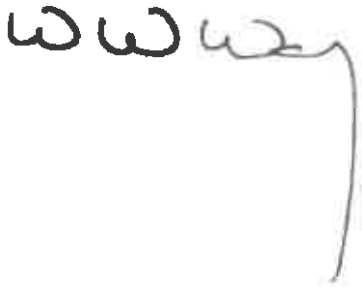
Frances Simmons
Town Clerk

October 18, 2018

Recusal Letter

I must recuse myself from voting on the grant for James Island Outreach because a member of my immediate family services upon the board.

Bill Woolsey

A handwritten signature in black ink, appearing to read "Bill Woolsey". The signature is written in a cursive style with a long, vertical tail on the final letter.

Town of James Island

% FY Complete 33%

Monthly Budget Report

Fiscal Year 2018-2019

	1st Quarter			2nd Quarter	TOTAL	BUDGET
	July	August	September	October		
GENERAL FUND REVENUE						
Accommodations Tax					-	10,000
Brokers & Insurance Tax					-	545,000
Building Permit Fees			655	2,026	2,680	15,000
Business Licenses	1,934	12,248	9,053	6,169	29,404	375,000
Contributions/Donations-Park						
Franchise Fees	157,858			4,533	162,391	390,000
Interest Income					-	
Alcohol Licenses -LOP					-	10,000
Local Assessment Fees					-	2,800
Local Option Sales Tax (rev)			37,448	35,717	73,165	375,000
Miscellaneous		110			110	1,000
Planning & Zoning Fees	1,973	628	647	808	4,056	12,500
State Aid to Subdivisions					-	263,946
Telecommunications					-	30,000
Transfer In from Property Tax Credit Fund					0	250,930
		12,985	47,803	49,253	271,806	2,281,176
						12%

ADMINISTRATION						
Salaries	19,997	30,184	19,911	20,057	90,150	267,930
Fringe Benefits	7,048	10,826	7,194	7,214	32,282	89,000
Copier	315	319	429	319	1,383	5,200
Supplies	(391)	1,591	3,280	465	4,944	12,000
Postage	596	1,600	55	546	2,796	6,000
Information Services	3,871	3,441	5,162	1,037	13,512	60,000
MASC Membership					-	5,500
Insurance		26,209	350		26,559	33,900
Legal Services		1,350	5,530	1,315	8,195	50,000
Town Codification					-	3,500
Advertising		608	119		727	5,000
Audit					-	14,000
Elections					-	
Mileage Reimbursement	27	27	30	28	112	800
Bonding					-	2,150
Employee Training / Screening		77			77	850
Dues and Subscriptions				120	120	1,500
Training & Travel	464	24			488	3,000
Employee Appreciation	50	51	85		186	500
Mobile Devices	152	55	121	296	625	2,300
Bank Charges	130	168	140	133	571	2,000
		76,532	42,406	31,530	182,727	565,130
						32%

ELECTED OFFICIALS

Salaries	3,769	5,654	3,769	3,769	16,961	50,000
Fringe Benefits	2,313	3,470	2,313	2,313	10,409	32,000
Mayor Expense	60				60	2,000
Council Expense	60				60	4,000
Mobile Devices	209		104	80	393	2,100
		9,123	6,186	6,163	27,883	90,100
						31%

GENERAL OPERATIONS

Salaries	22,195	37,854	25,284	25,266	110,598	341,100
Fringe Benefits	7,773	12,750	8,537	8,537	37,597	117,150
		50,604	33,821	33,803	148,195	458,250
						32%

PLANNING

Supplies		362			362	600
Advertising				211	211	1,500
Mileage Reimbursement					-	200
Dues and Subscriptions					-	325
Training & Travel	70	110	132	25	337	1,800
Mobile Devices	(64)	(59)	36	36	(50)	660
Uniform / PPE					-	500
Planning Commission		200		550	750	4,000
Board of Zoning Appeals	200		500	170	870	4,000
		613	668	992	2,480	13,585
						18%

BUILDING INSPECTION

Mileage Reimbursement					-	500
Mobile Devices	55	55	55	55	219	660
Supplies					-	500
Equipment / Software					-	500
Uniform / PPE					-	250
Dues & Subscriptions					-	800
Travel & Training					-	1,500
		55	55	55	219	4,710
						5%

PUBLIC WORKS

Mileage Reimbursement			237		237	150
Training & Travel	524		238	30	792	1,925
Stormwater Expenss					311	
Projects	7,306		38,405	40,523	86,234	200,000
Mobile Devices	91	82	91	91	356	1,320
Traffic Control Devices				1,607	1,607	30,000
Uniform / PPE				599	599	600
Supplies	1,459	529	860	414	3,262	2,000
Emergency Management			13,742	3,054	16,796	15,000
Dues and Subscriptions						425
Groundskeeping	115	8,287	819	5,399	14,620	40,000
		16,728	54,391	51,717	124,812	291,420
						43%

CODES & SAFETY

Mileage Reimbursement					-	100
Equipment	853				853	250
Radio Contract	342				342	1,400
Training					-	1,000
Supplies					-	250
Uniform / PPE					-	250
Other Security	3,048	50	2,814	2,962	8,874	
Sheriff's Office Contract	8,678	22,855	14,698	17,800	64,030	244,000
Deputy Fringes	2,391	6,297	4,043	4,856	17,587	62,500
Unsafe Buildings Demolition					-	20,000
Overgrown Lot Clearing					-	1,500
Animal Control						500
Crime Watch Materials					-	250
Membership/Dues						250
	14,117	30,397	21,555	25,618	91,686	332,250
						28%

PARKS & RECREATION

JIRC Contribution				1,709	1,709	7,500
Parks		10,995			10,995	15,000
Special Events	38	1,813	3,195	422	5,467	15,000
Youth Sports Program				5,525	5,525	13,250
		12,808	3,195	7,655	23,696	50,750
						47%

FACILITIES & EQUIPMENT

Utilities	1,170	2,470	3,573	5,150	12,363	20,000
Rent	7,226	7,226			14,452	-
Security Monitoring			76	76	152	1,000
Janitorial	440	625	550	625	2,239	7,500
Equipment / Furniture	296	1,681	1,978	1,338	5,293	7,500
Facilities Maintenance	7	148	119	75	349	1,000
Vehicle Maintenance Expense	252	335	682	369	1,638	6,000
Generator Maintenance	1,988		822		2,810	500
Street Lights	10,367	10,361	10,379	10,665	41,773	135,937
	21,746	22,845	18,179	18,298	81,069	179,437
						45%

COMMUNITY SERVICES

Repair Care Program	-	-	7,000		7,000	30,000
Teen Cert Program						500
Business Development Council						500
History Commission				1,000	1,000	4,240
Neighborhood Council	293	475			768	1,500
James Island Arts	3,200					3,500
Children's Commission				741	741	1,500
Community Service Contributions	-		-		-	20,000
					9,509	61,740
						15%

CAPITAL PROJECTS

Quail Drive Sidewalk					\$ -	\$ 64,260
Camp Rd Sidewalk, Phase III (Folly to Riverland)					-	
Dills Bluff Sidewalk, Design through Phase III			2,500		2,500	23,875
Lighthouse Point Blvd Sidewalk and Drainage Phase I					-	110,000
Green Hill/ Honey Hill Drainage					-	115,000
Grimsley Drive			35,080		35,080	
Tallwood Drainage	525				525	61,800
Oceanview-Stonepost Drainage				2,300	2,300	45,600
Rembert Road Paving					-	45,000
Regatta Road Sidewalk						5,000
Seaside Lane Sidewalk Design		204,128			204,128	210,000
Quail Run Drainage Improvements						90,469
Island-Wide Drainage Study						12,500
Pinckney Park Phase I-IV	120		2,005		2,125	344,025
					204,128	1,127,529
Transfer In from Hospitality Tax						
Transfer In from General Fund					-	692,160
						18%

LOCAL OPTION SALES TAX ROLLOVER FUND

LOST Rollback			98,323	90,711	189,033	975,000
LOST Rollback - Interest Income			729		729	3,000
					189,762	978,000

LEASE PURCHASE REVENUE BOND - TOWN HALL

Lease Purchase Bond Revenue			239,021	274,901	513,922	975,000
					-	-
Town Hall Expenses	12,447	165,473	920	33,896	212,735	212,735

HOSPITALITY TAX

Hospitality Tax Revenue			50,515	39,783	90,298	500,000
The Town Market	11,650			794	12,443	27,900
Guide to Historic James Island			3,405		3,405	25,000
Economic Development					-	30,000
Events				2,000	2,000	
Santee Street Public Parking Lot	12,600				12,600	40,800
Folly Road Beautification					-	25,000
Camp/Folly Civic Space					-	228,442
Camp/folly Landscaping						40,000
Camp/Folly Bus Shelter				30,850	30,850	39,850
Lighting Camp/Dills Bluff						83,504
Rethink Folly Phase I-III, Staff Cost-Sharing						20,000
Pinckney Park Pavillion					-	114,675
Total Hospitality Expense					(61,298)	

TREE MITIGATION FUND

Tree Mitigation revenue				135	2,042	7,000
Tree Mitigation expense					-	7,000
				135	2,042	

JAMES ISLAND PRIDE

James Island Pride revenue/donations			20		520	-
Jsmes Island Pride expense			31	474	505	3,500
					-	
Helping Hands Donations					1,243	
Helping Hands Expense	91				91	
						-

ADMINISTRATOR'S REPORT

Oct-18

ADMIN NOTES

- a. New Town Hall punchlist -outstanding items are replacement glass panels, and tile floors in men's restroom. Acoustic Panels and baffles as well as handrailing being fabricated.
- c. LP sidewalk and drainage project is moving forward and the Town will be going before the BZA on Tuesday to request the removal of two grand trees
- d. Public Mtg for Jordan St. Traffic Calming Scheduled for 11/27 @ 7 pm
- e. RFP for Project Manager with ReThink Folly Rd currently advertised
- f. Engineers have draft plans for Phase II sidewalk improvements along Dills Bluff - Dec TC mtg
- g. Greenbelt funding cycle opened and Town currently has 276k available with estimated 86k annually
- h. Hazard Mitigation Plan Update

TOTAL Business Licenses 34

*15 of those processed at Town hall

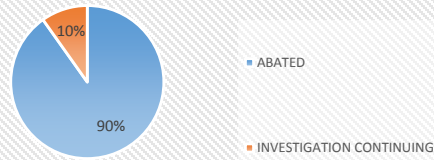
Code Enforcement Cases

TOTAL CASES	406
ABATED	376
INVESTIGATION CONTINUING	41
RANK VEGETATION / SOLID WASTE	111
INOPERABLE VEHICLE	72
TREE CASES	36
NUISANCE PROPERTY	35

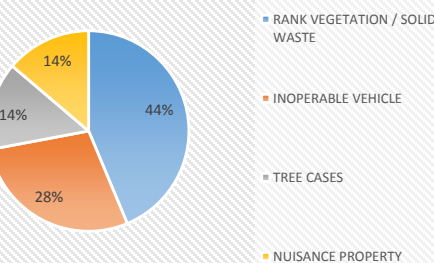
* 11 new cases opened in October

Building Permits & Inspections	Permits	Inspections
	82	116
Building	21	46
Electrical	13	21
Plumbing	12	22
Mechanical	7	9
Gas		18
Pool		
Roofing		
Fire System		
Sign		
Trades		
Previous Month	72	93

Code Enforcement - Case Status



Code Enforcement - Case Type

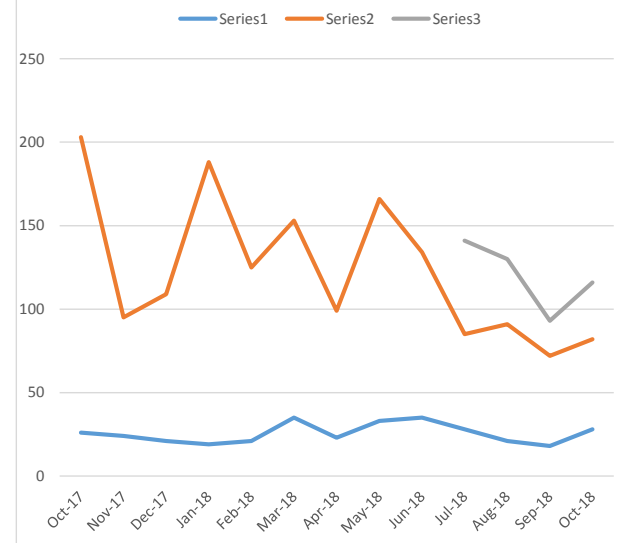


PERMIT TYPE	Oct-18
ACCESSORY STRUCTURE	
CLEARING & GRUBBING	
DEMOLITION PERMIT	1
EXEMPT PLATS	
FIREWORK STAND	
HOME OCCUPATION	2
LSPR	
NON-EXEMPT PLAT	
PD AMENDMENT (REZONING)	
RESIDENTIAL ZONING	15
REZONING	
SPR	
SIGN PERMIT	
SITE PLAN REVIEW	
SPECIAL EVENT	1
SPECIAL EXCEPTION	
TEMPORARY ZONING	
TREE REMOVAL	8
TREE TRIMMING	
VARIANCE	
ZONING PERMIT	1
TOTAL	28

PUBLIC WORKS NOTES

- 1) 5 new requests for service in October, none were drainage related and Town Staff have responded to these requests.
- 2) Staff participated in the County Wide Stormwater meeting and field trip with Senator Sandy Senn.
- 3) Fort Johnson at Lighthouse Blvd.: Charleston County Transportation Development has the Reveer Group working on the plans. New Beginnings Church agreed with the removal of two trees for the drainage portion of the project.
- 4) Honey Hill Drainage: Easement acquisition process continues, one was recently secured by our ROW acquisition firm gratis.
- 5) The Seaside Lane Sidewalk project had its final inspection. Awaiting ribbon cutting.
- 6) The James Island Comprehensive Drainage Plan group finalized the intergovernmental agreement to hire Thomas and Hutton for the island wide study – The Town has received executed copies from the City of Charleston and Charleston County.
- 7) Ordered and received more pothole filling material.
- 8) Town Staff replaced 15 STOP signs that were damaged/faded or otherwise illegible in Lawton Bluff to compliment the road resurfacing that was done in October. Staff cleaned an additional 10 traffic signs to extend their service life.

PERMITS - 13 MONTH HISTORY



ADMINISTRATOR'S REPORT TO COUNCIL

Date: October 17, 2018

Topic or Question: Charleston Regional Hazard Mitigation Plan Update

Approved for Distribution By County Administrator

Report: The Charleston Regional Hazard Mitigation Plan is supported by the Building Inspection Services Department and yearly updates are approved by the plan's thirty committee members. This Plan is required by the Federal Emergency Management Agency (FEMA) in order to receive disaster funding and reimbursement, as well as federal mitigation grants. For additional Community Rating System credit, these yearly updates are required to be distributed to County Council. The summary of changes to the 2018-2019 plan follows. The full plan is posted online and available for viewing in the Building Inspection Services Office. If you have questions please contact Building Inspection Services at 843-202-6940.

Summary of Changes Made to the Charleston Regional Hazard Mitigation Plan for 2018-2019 Update:

Cover Pages

- Updated the title

Section 1: Introduction

- Background (1.1): Updated the year of activities in the PIP.
- Community Profile (1.2): Updated Figures 1.1 and Figure 1.2 in the Climate section.
 - Updated The People section with recent numbers; Updated Figures 1.3, 1.4, 1.5, 1.6 and 1.7
- The Planning Process (1.4): Updated language about the most recent survey.
- Hazard Assessment (1.6): Updated language to coincide with the latest survey findings.
- Problem Assessment (1.7): Updated the building count due to vulnerability.

Section 2: Goals

- Reordered the goals for the Plan based on the latest survey.

Section 3: Planning Process

- Pre Planning Request for Input (3.1): Updated the year for survey distribution and the threats as ranked on survey
- Public Input (3.3): Updated number of meetings held for that year
- Local Jurisdiction Adoption (3.4): Updated the date of the latest FEMA approved plan
- Planning Process Summary (3.6): Added the most recent public meetings about the Plan
- Updated all of the tables and attachments for this section.

Section 4: Hazard Assessment

- Prioritization (4.1): Updated all survey results and wording.
 - Updated all tables
 - Reordered sections based on the priority results of the survey.
- Hurricane (4.2): Added a wind definition under the Classification section.
 - Updated the Occurrences and the probability for this year.

- Flooding (4.3): Updated Historical Occurrences and Probability for this year.
- Sea Level Rise (4.4): Updated occurrences of king tide events for this year.
 - Added photos from Hurricane Irma
 - Updated the table of predicted king tides for 2018
- Tornado (4.5): Updated historical occurrences for this year
- Earthquake (4.6): Updated historical occurrences and probability for this year
- Hazardous Materials (4.7): Updated historical occurrences and tables for this year.
- Wildfire (4.8): Updated historical occurrences and tables for this year.
- Terrorism (4.9): Updated historical occurrences for this year.
- Tsunamis (4.10): Changed the latest date from 2017 to 2018.
- Winter Weather (4.12): Updated the historical occurrences for this year
- Drought (4.13): Updated historical occurrences and tables for this year
- Rip Currents (4.14): Updated historical occurrences for this year.
- Severe Storm (4.13): Updated historical occurrences for this year.
- Updated the following tables: Table 4.2, 4.3.

Section 5: Problem Assessment

- Vulnerable Buildings (5.2): Updated wording to reflect the latest survey results.
 - Updated building numbers to reflect most recent SFHA and repetitive loss report
- Infrastructure Vulnerability (5.3): Updated the wording to reflect the latest survey result
- Known Flood Damages (5.4): Updated wording and Table 5-12 with most recent FEMA data
- Development and Population Trends (5.9): Updated population information for the County.
 - Updated Table 5.14
- Resiliency to Hazards (5.11): Updated the language to reflect survey responses.
- Updated the following attachments: 5-A, 5-B, 5-C, 5-D, 5-E and 5-F.

Section 6: Possible Activities

- Prioritizing Projects (6.1): Updated the year
- Structural Projects (6.7): Added language to reference the City of North Charleston’s Public Works Pepperhill/McChune Branch Drainage Study
 - The study in full was added as Appendix A.8
- Updated Table 6-1, 6-2, 6-3, 6-4, 6-5, and 6-6 to include all Preventative activities in the County.

Section 7: Adopting Resolution and Jurisdiction-Specific Action Plans

- Included action reports for 2018-2019 for the following plan signatory jurisdictions:

- Unincorporated Charleston County
- Town of Awendaw
- College of Charleston
- Charleston Water System
- Charleston County Parks & Recreation Commission
- Charleston County School District
- City of Charleston
- Cooper River Parks & Playground Commission
- City of Folly Beach
- Town of Hollywood
- City of Isle of Palms
- Town of James Island
- James Island Public Service District Commission
- Town of Kiawah Island
- Town of Lincolnton
- Town of McClellanville
- Town of Meggett
- Town of Mt. Pleasant
- Mt. Pleasant Water Works Commission
- City of North Charleston
- North Charleston District
- North Charleston Sewer District
- Town of Ravenel
- Town of Rockville
- Roper St. Francis
- St. Andrews Parish Parks and Playground Commission
- St. Andrews Public Service District
- St. Johns Fire Service District
- St. Paul's Fire Service District
- Town of Seabrook Island
- Town of Sullivan's Island

Section 8: Appendices

- Updated A.2 to reflect most current CRS community class rating
- Updated A.4, A.5 and A.6 to reflect most recent participation in update
- CRHMP Summary of Changes 2017-2018 (A.7): Added the summary of changes for this plan.

Contact Point: Katie Faith or William Horne: Building Inspections Services, 843-202-6940
kfaith@charlestoncounty.org
whorne@charlestoncounty.org



Town of James Island

Town Facilities Policy

Town Facilities:

Town Hall – 1122 Dills Bluff Rd.

Pinckney Park – 461 Fort Johnson Rd.

Dock Street Park – 749 Sprague St.

Complete and submit this form to apply for use of a Town facility or park.

Special Events at Town Facilities

1. Any event held at a Town Facility will require a Special Event Permit through the Planning Dept. The form can be obtained online here: [Special Events Permit](#). **Town-sponsored events are not required to obtain a Special Event Permit.**
2. There is a required \$25 fee for all Special Events Permits. Civic, Institutional and Non-Profit Organizations may be waived with proof of status (federal exempt identification number).
3. Group Organizers for a Special Event may be required to purchase a special event liability policy through a private insurance carrier depending on the function, size and/or use of alcohol.
4. Applications must be submitted thirty (30) days prior to the event.
5. Incomplete applications will not be considered. Completion and submittal of this application does not guarantee approval.

Special Considerations:

1. Please notify the Town Clerk Frances Simmons at Town Hall, (843) 795-4141 or email fsimmons@jamesislandsc.us if there is an event change, (time, date(s), location, route, etc.) Inaccurate and/or deviation from final approval may result in immediate revocation of the permit; the event may be invalidated and cannot proceed.
2. Smoking is not allowed at any Town Facility event.
3. Vehicles or cookers cannot be driven on grass or sidewalks at any Town facility

Meeting Space at Town Hall Policy

1. Meeting space at the Town of James Island is available at no charge for use by groups of a size that do not exceed the established safe capacity of the meeting space they request to use. Meeting space is based on availability on a first come, first-served basis. Meeting space is limited to Town Council Chambers (139 capacity) and a Conference Room that seats 10-12 persons. Meeting space will not take precedence over Town meetings or functions.
2. Groups that meet on a regular schedule will be permitted to reserve meeting space up to three (3) months in advance. Groups wishing to use a meeting room on a regular weekly or bi-weekly schedule must relinquish the use of the meeting room in the event of an unplanned Town related meeting or function. Any change or cancellation of a meeting must be reported to the Town as soon as possible.
3. Meeting space will not be made available for social gatherings (such as private parties, birthday parties, showers, or weddings) or for gaming purposes (such as bingo or card parties). Depending on the type of meeting, a special event liability policy through a private insurance carrier may be required.
4. The limited kitchen facility may be used for light refreshments.
5. No smoking is allowed on Town premises.
6. All groups are expected to leave the meeting space clean and orderly. If a group damages the facility, payment for repairs will be the responsibility of the meeting organizer. All debris from meeting activities or refreshments served must be completely cleared away and discarded in trash receptacles. Town equipment (audio visual, microphones, etc.) may be used with prior approval.
7. A signed application/meeting room usage agreement must be on file with the Town of James Island prior to use of meeting room. Meeting rooms must be reserved by adults only. Youth organizations using the meeting rooms must have an adult sponsor present at all times.
8. The applicant must pick up a visitor pass to have access to the building (i.e., for a Saturday/Sunday meeting, the pass must be picked up on the Friday prior to 5:00 p.m.) and returned the next business day.
9. The use of the meeting space does not constitute an endorsement of an organization's policies or beliefs.

Hold Harmless Clause

Permitter/organization hereby shall assume all risks incidental to or in connection with the permitted activity and shall be solely responsible for damages, or injury, of whatever kind or nature to person or property directly or indirectly arising out of or in connection with the permitted activity or the conduct of permittee's operation. Permitter hereby expressly agrees to defend and save the Town of James Island harmless from any penalties for violation of law, ordinance, or regulation affecting its activity and from any and all claims, suits, loss of damages, or injuries directly or indirectly arising out of or in connection with the permitted activity or conduct of its operation or resulting from the negligence or intentional acts or omission of permittee or its officers, agents, and employees.

Acknowledgement: Signature(s) indicates that you have read, understand, and agree to the terms of this application, the Hold Harmless Clause, and event rules as described.

Signature/Date

Town of James Island/Date



Town of James Island

Use of Meeting Space Application/Agreement Form

Name of Group: _____

Contact: _____
Print Name Phone

Address: _____

Cell Phone: _____ Email: _____

Date(s) of Use: _____
Month Day Year

Purpose of Meeting (Additional Pages may be needed):

I have read the Use of Meeting Space Agreement Policy and agree to abide by all aspects of this policy. I understand that any misuse may result in our not being able to use facilities in the future.

Signature

Date

For Office use:

Approved by: Town of James Island

Date

ORDINANCE # 2018-13

AN ORDINANCE ADJUSTING THE BOUNDARY LINE BETWEEN THE CITY OF CHARLESTON AND THE TOWN OF JAMES ISLAND AS IT PERTAINS TO CERTAIN PROPERTY OWNED BY THE JAMES ISLAND PUBLIC SERVICE DISTRICT LOCATED AT 1104 FOLLY ROAD, CHARLESTON, SC 29412 AND DESIGNATED AS T.M.S. PARCEL NO. 425-09-00-007.

WHEREAS, Chapter 3 of Title 5 of the South Carolina Code of Laws provides neighboring municipalities with the authority to adjust the boundaries of their corporate limits upon mutual agreement; and

WHEREAS, Section 5-3-40 of the South Carolina Code of Laws reads as follows: “Whenever it is proposed to extend the corporate limits of any municipality by inclusion of territory of another adjacent municipality in whole or in part, the governing bodies of the municipalities may, after public hearing, stipulate and agree upon terms of consolidation or boundary adjustment by Ordinance adopted by each municipality, which shall be binding upon the enlarged municipality, and the consolidation or adjustment shall be effective on the date of adoption of the final Ordinance;” and

WHEREAS, the James Island Public Service District approached the Town of James Island and the City of Charleston regarding adjusting the boundary line between the two adjacent municipalities for the site of its new Fire Station. The facility will be situated on three parcels owned by the James Island Public Service District, two of which are within the Town of James Island’s jurisdiction and one, which is currently within the City of Charleston’s jurisdiction. The James Island Public Service District desires to develop all three parcels together within the same jurisdiction for ease of permitting processes and consolidation of costs associated with development. The parcel that is in the City of Charleston is located at 1104 Folly Road, Charleston, SC, 29412 and designated as T.M.S. Parcel No. 425-09-00-007, as shown on the plat entitled “Preliminary Plat of the Three Parcels to be Combined into a Single Parcel Owned by James Island Public Service District Located on Folly Road, Town of James Island, Charleston County, South Carolina,” dated October 25, 2018 (the “Preliminary Plat”), attached hereto as Exhibit A and incorporated herein by reference; and

WHEREAS, the Town of James Island and the City of Charleston have met and agreed to the terms laid out herein to assist the James Island Public Service District in facilitating the development of its new Fire Station facility.

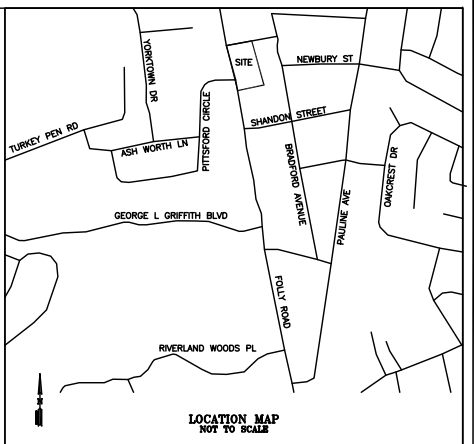
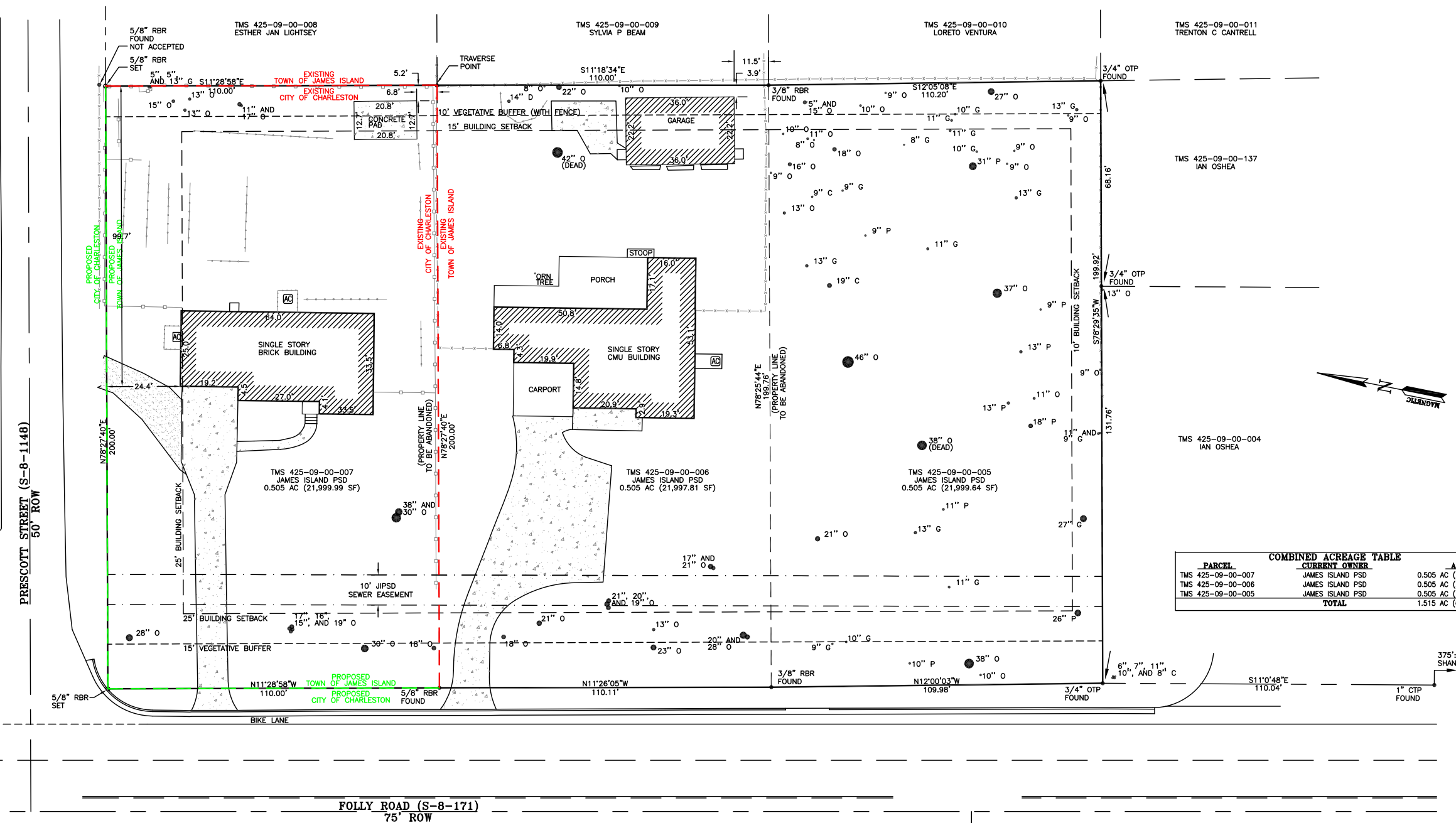
NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF JAMES ISLAND, IN COUNCIL ASSEMBLED, THAT THE BOUNDARY OF THE TOWN OF JAMES ISLAND IS HEREBY ADJUSTED TO INCLUDE THE PROPERTY OWNED BY THE JAMES ISLAND PUBLIC SERVICE DISTRICT LOCATED AT 1104 FOLLY ROAD, CHARLESTON, SC, 29412 AND DESIGNATED AS T.M.S. PARCEL NO. 425-09-00-007 WITHIN THE CORPORATE LIMITS OF THE TOWN OF JAMES ISLAND, AS SHOWN ON THE PRELIMINARY PLAT ATTACHED AS EXHIBIT A.

Public Hearing: _____
First Reading: _____
Second/Final Reading: _____

Bill Woolsey
Mayor

ATTEST

Frances Simmons
Town Clerk

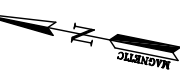


FLOOD REFERENCE:
 THE ENTIRE PROJECT IS LOCATED WITHIN FLOOD ZONE AE EL 12. REFERENCE FLOOD INSURANCE RATE MAPS BEARING COMMUNITY PANEL NUMBER 455413 0677 J WITH AN EFFECTIVE DATE NOVEMBER 17, 2004.

LEGEND

- PROPERTY LINE WITH IRON PIN FOUND
- PROPERTY LINE WITH IRON PIN SET
- - - ADJACENT PROPERTY LINE
- - - PROPERTY LINE TO BE ABANDONED
- - - ADJACENT RIGHT-OF-WAY LINE
- - - CENTERLINE
- - - BUILDING SETBACK
- - - VEGETATIVE BUFFER
- - - BUILDING LINE
- - - SEWER EASEMENT
- - - CHAINLINK FENCE
- - - WOOD FENCE
- - - CONCRETE PAVEMENT
- - - AGGREGATE PAVEMENT

PARCEL	COMBINED ACREAGE TABLE	AREA
	CURRENT OWNER	
TMS 425-09-00-007	JAMES ISLAND PSD	0.505 AC (21,999.99 SF)
TMS 425-09-00-006	JAMES ISLAND PSD	0.505 AC (21,997.81 SF)
TMS 425-09-00-005	JAMES ISLAND PSD	0.505 AC (21,999.64 SF)
TOTAL		1.515 AC (65,997.44 SF)



I DO HEREBY CERTIFY THAT THE METHOD OF AREA DETERMINATION HAS BEEN COMPLETED USING THE PRINCIPLES OF COORDINATE GEOMETRY.

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREIN WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA, AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY AS SPECIFIED THEREIN; ALSO THERE ARE NO VISIBLE ENCROACHMENTS OR PROJECTIONS OTHER THAN SHOWN.

SURVEY PRECISION EXCEEDS 10,000

G. ROBERT GEORGE, P.L.S., P.E., S.C. REG. NO. 6517
 2411 SAVANNAH HWY., CHARLESTON, S.C. 29414

GENERAL NOTES

- EXISTING BUILDINGS WILL BE REMOVED DURING REDEVELOPMENT OF PROPERTY.
- CURRENT ZONING:
 PARCEL TMS 425-09-00-007 IS LOCATED IN THE CITY OF CHARLESTON AND IS ZONED COMMERCIAL TRANSITIONAL (CT)
 PARCELS TMS 425-09-00-006 AND 425-09-00-005 ARE LOCATED IN THE TOWN OF JAMES ISLAND AND ARE ZONED LOW-DENSITY SUBURBAN RESIDENTIAL (RSL)
 PARCELS ARE ALSO LOCATED IN THE CHARLESTON COUNTY OVERLAY DISTRICT - FOLLY ROAD CORRIDOR, SOUTH VILLAGE AREA.
- PROPOSED ZONING:
 AFTER PARCELS ARE COMBINED INTO A SINGLE PARCEL, IT WILL BE ZONED RESIDENTIAL OFFICE DISTRICT (OR) LOCATED IN THE TOWN OF JAMES ISLAND.
 PARCEL REMAINS IN THE CHARLESTON COUNTY OVERLAY DISTRICT - FOLLY ROAD CORRIDOR, SOUTH VILLAGE AREA.

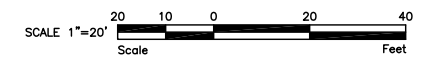
OFFICIAL USE

REFERENCE DOCUMENTS

- MAP OF RESURVEY McCALLS CORNER, JAMES ISLAND. PREPARED BY A. L. GLENN, DATED MAY 1955. RECORDED IN THE CHARLESTON COUNTY RMC ON JULY 3, 1955, IN BOOK K PAGE 010.
- PLAT SHOWING THE SUBDIVISION OF LOT 12, BLOCK M, McCALLS CORNER, INTO LOTS 12-A AND 12-B, LOCATED ON JAMES ISLAND. PREPARED BY ANDERSON AND ASSOCIATES LAND SURVEYING AND PLANNING, INC., DATED SEPT. 17, 2004. RECORDED IN THE CHARLESTON COUNTY RMC ON SEPT. 24, 2004 IN BOOK DE, PAGE 290.
- PLAT OF A SANITARY SEWER EASEMENT FOR JAMES ISLAND PUBLIC SERVICE DISTRICT. PREPARED BY GEORGE F. VON KOLNITZ IV, DATED JAN. 29, 1979. RECORDED IN THE CHARLESTON COUNTY RMC ON JULY 20, 1979 IN BOOK AN 125.
- SCDOT DOCKET 10.294 SHEET 20-22. DATED 1964.
- SCDOT DOCKET 10.513 SHEET 55. DATED 1960.
- DEED BK 0704 PG 166 - TMS NO. 425-09-00-007
- DEED BK 0720 PG 042 - TMS NO. 425-09-00-006
- DEED BK 0708 PG 852 - TMS NO. 425-09-00-005

**PRELIMINARY
 PLAT OF
 THREE PARCELS TO BE COMBINED
 INTO A SINGLE PARCEL
 OWNED BY
 JAMES ISLAND PUBLIC SERVICE DISTRICT
 LOCATED ON
 FOLLY ROAD
 TOWN OF JAMES ISLAND
 CHARLESTON COUNTY, SOUTH CAROLINA**

DATE: OCT. 25, 2018 SCALE: 1:20



AN ORDINANCE

AN ORDINANCE AMENDING THE TOWN OF JAMES ISLAND ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE, NUMBER 2013-07: SECTION 153.013 SPECIAL EVENTS; SECTION 153.252 (C) SPECIAL EVENTS IN COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS AND PUBLIC FACILITIES; AND SECTION 153.014 PLANNING AND ZONING FEE SCHEDULE (EXHIBIT A)

WHEREAS, the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, Sections 6-29-310, et seq., 6-29-510 et seq., 6-29-710 et seq. and 6-29-110 et seq., of the Code of Laws of South Carolina, 1976, as amended, authorizes the Town of James Island to enact or amend its zoning and land development regulations to guide development in accordance with existing and future needs and in order to protect, promote and improve the public health, safety, and general welfare; and

WHEREAS, the Town of James Island Planning Commission has reviewed the proposed text of the Town of James Island Zoning and Land Development Regulations Ordinance (ZLDR) in accordance with the procedures established in State law and the ZLDR, and has recommended that the Town of James Island Council adopt the proposed text amendments of the ZLDR as set forth in Section 153.013, Section 153.252, and Section 153.014 herein; and

WHEREAS, upon receipt of the recommendation of the Planning Commission, Town Council held at least one (1) public hearing and after close of the public hearing, Town Council approves the proposed text amendments based on the Approval Criteria of Section 153.042 (F) of the ZLDR;

WHEREAS, the Town Council has determined the proposed text amendments meets the following criteria:

- (1). The proposed amendments correct an error or inconsistency or meet the challenge of a changing condition; and
- (B). The proposed amendments are consistent with the adopted Town of James Island Comprehensive Plan and goals as stated in Section 153.005; and
- (C). The proposed amendments are to further the public welfare in any other regard specified by Town Council.

NOW, THEREFORE, be ordained it, by the Town of James Island Council in meeting duly assembled, as follows:

SECTION I. FINDINGS INCORPORATED

The above recitals and findings are incorporated herein by reference and made a part of this Ordinance.

SECTION II. TEXT AMENDMENTS OF THE ZONING AND LAND DEVELOPMENT REGULATIONS ORDINANCE

The Town of James Island Zoning and Land Development Regulations Ordinance is hereby amended to include the text amendment of Section 153.013, Section 153.252, and Section 153.014, is attached hereto as "Exhibit A", and made a part of this Ordinance by reference.

SECTION III. SEVERABILITY

If, for any reason, any part of this Ordinance is invalidated by a court of competent jurisdiction, the remaining portions of this Ordinance shall remain in full force and effect.

SECTION IV. EFFECTIVE DATE

This Ordinance shall become effective immediately following second reading by the Town Council.

ADOPTED and APPROVED in meeting duly assembled this 20th day of December 2018.

TOWN OF JAMES ISLAND COUNCIL

By: _____
Bill Woolsey
Mayor of the Town of James Island

ATTEST:

By: _____
Frances Simmons
Town Clerk of the Town of James Island

Public Hearing: November 15, 2018
First Reading: November 15, 2018
Second Reading: December 20, 2018

“EXHIBIT A”

§ 153.013 DEFINITIONS.

SPECIAL EVENT. An activity (occurring one or more times) involving the assembly or the intention of attracting ~~100~~ **50** or more people for cultural, ceremonial, educational, or celebratory purposes, ***or any special event held on Town property, regardless of number in attendance.*** ~~Which generates revenue, regardless of status.~~ Such assembly includes, but is not limited to: weddings, receptions, recitals, art exhibits, religious ceremonies, limited youth activities, book readings, wine/food tasting events, executive retreats, circuses, fairs, carnivals, festivals, auctions, concerts, ***neighborhood/block parties,*** and any event which is advertised or marketed in any form including, but not limited to: posters, business cards, internet, and media outlets; serves an entrepreneurial purpose; includes fees/charges for goods/services (e.g., food and drink); and whenever there is an admission fee or leasing fee. ***Private parties held on private residential property are exempt from this definition.*** ~~This definition does not include private parties or private functions that do not meet the above stated criteria.~~

“EXHIBIT A” cont.

§ 153.252 SPECIAL EVENTS IN COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS AND PUBLIC FACILITIES.

(C) A zoning permit shall not be required when hosting an indoor special event in legally established commercial or civic facilities such as: hotels/motels, convention centers; social lodge; assembly halls; religious facilities; fairgrounds; federal, state, and county parks; and similar facilities legally established and authorized to hold special events. ***This exemption does not apply to events held at Town facilities.***

(Ord. 2012-06, § 6.7.3, passed 10-18-2012; Ord. 2013-02, passed 4-18-2013)

“EXHIBIT A” cont.

§Section 153.014 PLANNING AND ZONING FEE SCHEDULE

		SERVICE TYPE	FEE
A.	ZONING PERMITS		
	1	Temporary Zoning Permit Fee	\$50.00
	2	Protected/Grand Tree Removal Permit (Zoning Permit)	\$25.00
	3	Residential Land Disturbance	\$25.00
	4	Residential Zoning Permit	\$25.00
B.	COMMERCIAL and INDUSTRIAL		
	1	Up to 5,000 SF building size	\$50.00
	2	greater than 5,000 SF building size	\$75.00
C.	ZONING AND COMPREHENSIVE PLAN AMENDMENTS		
	1	Zoning Map Amendments [Rezoning]	\$150.00 + \$10/acre
	2	Planned Development (PD) Zoning District	
		a. Less than 10 acres	\$300.00 + \$10/acre
		b. 10-99 acres	\$1000.00 + \$15/acre
		c. 100 acres or greater	\$1500.00 + \$20/acre
	3	Amendment to existing Planned Development text	\$300.00 + \$2/acre
	4	Sketch Plan Amendment	\$300.00 + \$2/acre
	5	ZLDR Text Amendments	\$250.00
	6	Comprehensive Plan Amendments	\$250.00
D.	SITE PLAN REVIEW		
	1	Limited Site Plan Review	\$50.00
	2	up to 5,000 SF building size.	\$250.00
	3	greater than 5,000 SF building size.	\$500.00
E.	BOARD OF ZONING APPEALS		
	1	Appeals of Zoning Related Administrative Decisions	\$250.00
	2	Special Exceptions	\$250.00

	3	Zoning Variances	\$250.00
	4	Protected/Grand Tree Removal Zoning Variances	\$250.00 + \$50.00
F.	ADDRESSING		
	1	Street Name Change	\$50.00
	2	Street Sign	\$200.00
G.	SIGNS		
	1	Billboards	Site Plan Review + \$50.00
	2	Wall Signs (per use)	\$50.00
	3	Free Standing Sign	\$50.00
	4	Agricultural Sign	\$20.00
H.	SUBDIVISION PLATS		
	1	One Lot or Exempt Plat	\$50.00
	2	2-10 Lots or Minor Subdivision Plat	\$100.00 + \$10/lot
	3	11 or more Lots or Preliminary Plat for Major Subdivision	\$200.00 + \$10/lot
	5	Final Plat	\$100.00 + \$10/lot
	6	Public Improvement(s) Review (Engineering)	\$10/lot
	7	Appeals of Subdivision Related Administrative Decisions	\$250.00
I.	SPECIAL EVENTS		
	1	Special Events	\$25.00

FEE SCHEDULE NOTES

Civic / Institutional / Non- Profits fee may be waived

If any type of zoning application/permit is required in order to bring properties that have current zoning violations into compliance with the Town of James Island Zoning and Land Development Regulations Ordinance, the zoning application/permit fees shall be doubled.

Separate applications and fees shall be filed for more than one Variance request to each requirement of this Ordinance. If an applicant requests a variance for removal of more than one Protected/Grand tree, each additional Protected/Grand tree shall require an additional fee.

ORDINANCE # 2018-15

An Ordinance Amending Chapter 51: Stormwater Management for the Town of James Island, SC

Whereas, the Town of James Island is amending Chapter 51 of the Code of Ordinances to reflect our Intergovernmental Agreement with Charleston County to manage the Town's Stormwater Management Program and to better reflect the division of duties among the Town staff; and

Therefore, the Mayor and Council Members of the Town of James Island, South Carolina, duly assembled on November 15, 2018, adopts the following as reflected in Exhibit A, attached.

Effective Date: This Ordinance shall become effective upon its enactment by the James Island Town Council upon Second Reading.

First Reading: November 15, 2018

Second Reading: _____

Bill Woolsey
Mayor

ATTEST

Frances Simmons
Town Clerk

Exhibit A: All changes are highlighted and additions are underlined and in bold

CHAPTER 51: STORMWATER MANAGEMENT

Section

Stormwater Management Utility

- 51.1 Subchapter designation and authority
- 51.2 Definitions
- 51.3 Establishment of Stormwater Management Utility; administration; duties and powers
- 51.4 Boundaries; jurisdiction
- 51.5 Regulation of land disturbing activity
- 51.6 Fees
- 51.7 Investment and reinvestment of funds; borrowing
- 51.8 Billing of fee; delinquency
- 51.9 Written notice of objection
- 51.10 Petition for relief
- 51.11 Enforcement
- 51.12 Liability

Stormwater Management Utility Fees

- 51.25 Fee; classification of property
- 51.26 Determination of amount of fee
- 51.27 Adjustment of fee
- 51.28 Duration of fee
- 51.29 Billing; late charges

Stormwater Management Program (SWMP)

- 51.40 Title
- 51.41 Definitions
- 51.42 Authority

- 51.43 Jurisdiction
- 51.44 Purposes
- 51.45 Construction; scope
- 51.46 Relationship with other laws, regulations, and ordinances
- 51.47 Amendments
- 51.48 SWMP adoption
- 51.49 Coordination with other agencies
- 51.50 Right of entry
- 51.51 Regulations
- 51.52 Prohibitions; exemptions
- 51.53 Design and engineering standards
- 51.54 Construction activity approval process
- 51.55 Stormwater Program Permitting Standards and Procedures

Manual

- 51.56 Maintenance; construction; inspection; notice of termination
- 51.57 Watercourse protection
- 51.58 Notification of spills
- 51.59 Illicit connections; illicit discharges; improper disposal
- 51.60 Detection of illicit connections and improper disposal
- 51.61 Waste disposal prohibitions
- 51.62 Discharges in violation of NPDES general permit for stormwater discharges associated with industrial activity permit
- 51.63 Monitoring
- 51.64 Inspections
- 51.65 Enforcement
- 51.66 Additional legal measures
- 51.67 Corrective action
- 51.68 Stop work order
- 51.69 Approval suspension and revocation
- 51.70 Design criteria

51.71 Appeals process

- 51.072 Funding
- 51.073 Connection to conveyances
- 51.074 Plan review
- 51.075 Field inspection
- 51.999 Penalty

STORMWATER MANAGEMENT UTILITY

§ 51.001 SUBCHAPTER DESIGNATION AND AUTHORITY.

This subchapter may be cited as the “Stormwater Management Utility Ordinance” and is adopted pursuant to S.C. Code §§ 5-7-30, 5-31-10 et seq., and 48-14-10 et seq., and S.C. Code Regulations 72-300 et seq.

(Ord. 2012-18, passed 11-15-2012)

§ 51.002 DEFINITIONS.

Unless otherwise stated herein or the context specifically indicates otherwise, the meaning of words and terms used in this subchapter shall be as set forth in S.C. Code § 48-14-20 and S.C. Code Regulation 72-301. For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

EQUIVALENT RESIDENTIAL UNIT. A unit of measure which relates a typical single family residential property to all other properties.

STORMWATER MANAGEMENT SYSTEMS AND FACILITIES. Those natural and human-made channels, swales, ditches, swamps, rivers, streams, creeks, branches, reservoirs, ponds, drainage ways, inlets, catch basins, pipes, head walls, storm sewers, lakes, and other physical works, properties, and improvements which transfer, control, convey, or otherwise influence the movement of stormwater runoff.

TOWN. The Town of James Island, South Carolina.

TOWN ADMINISTRATOR. The Town Administrator of the town.

TOWN COUNCIL. The elected officials of the Town of James Island, South Carolina.

UTILITY CUSTOMER. The owner of record of real property.

ZONING ADMINISTRATOR. The Zoning Administrator of the town.

(Ord. 2012-18, passed 11-15-2012)

§ 51.003 ESTABLISHMENT OF STORMWATER MANAGEMENT UTILITY; ADMINISTRATION; DUTIES AND POWERS.

(A) Town Council hereby establishes a Stormwater Management Utility (the “Utility”) to carry out the purposes, functions and responsibilities set forth herein.

(B) The governing body of the Utility shall be Town Council. The Town Administrator shall administer the Utility under the town’s ~~Planning/Zoning Department~~ **Stormwater Department**; provided, however, that Town Council may delegate some or all of the Town Administrator’s or ~~the Zoning Administrator’s~~ **Stormwater Manager’s** duties hereunder to the county or its duly authorized representatives pursuant to an intergovernmental agreement providing for same.

(C) The Utility shall have the powers and duties set forth below, which powers are not necessarily exclusive to the Utility, to wit:

(1) Stormwater management planning and preparation of comprehensive watershed master plans for stormwater management;

(2) Regular inspections of public and private stormwater management facilities and measures and the construction thereof;

(3) Maintenance and improvements of stormwater management facilities that have been accepted by the town for that purpose;

(4) Plan review and inspection for sediment control and stormwater management plans, measures, and practices;

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

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

(7) Design and construction of stormwater management facilities and measures and acquisition of equipment;

(8) Water quantity and water quality management, including monitoring and surveillance;

(9) Billing and collecting a Stormwater Management Utility fee shall be pursuant to the town’s Stormwater Management Utility Fee Ordinance that sets forth the amount of the fees;

(10) Make reasonable regulations relating to the administration of this subchapter;

(11) Any and all powers and duties delegated or granted to it as a local government implementing agency under the laws and regulations of the state and the ordinances of the town; and

(12) Entering into inter-governmental agreements with the county to provide for the county and its duly authorized representatives to assist the town in the implementation and administration of the Utility, enforcement of the ordinances or other regulations governed by the Utility, and the implementation, billing, collection and expenditure of the town’s stormwater management fees.

(Ord. 2012-18, passed 11-15-2012)

§ 51.004 BOUNDARIES; JURISDICTION.

The boundaries and jurisdiction of the Stormwater Management Utility shall encompass all area contained within the corporate boundaries of the town, as they may exist from time to time.

(Ord. 2012-18, passed 11-15-2012)

§ 51.005 REGULATION OF LAND DISTURBING ACTIVITY.

Town Council shall establish by ordinance a program regulating land disturbing activities, including, but not limited to, provisions for reviewing and approving stormwater management and sediment control plans, creating design requirements for such plans and land disturbing activities; and providing operational maintenance requirements for stormwater management facilities and measures.

(Ord. 2012-18, passed 11-15-2012)

§ 51.006 FEES.

(A) Town Council shall establish by ordinance the amounts and classifications of Stormwater Management Utility fees to be implemented to help fund the Utility and its programs and projects.

(B) Town Council shall consider, among other things, the following criteria in establishing fees.

(1) The fee system shall be reasonable and equitable so that users pay to the extent they contribute to the need from the Utility, and the fee shall be apportioned with approximate equality and upon a reasonable basis of equality with due regards for the benefits conferred. Town Council recognizes that these benefits, while substantial, in many cases cannot be measured directly.

(2) The components of the calculations used to establish fees shall include, but shall not be limited to, the following cost factors:

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

(b) Regular inspections of public and private stormwater management facilities and measures and the construction thereof;

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

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

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

(f) Acquisition of interest of land, including easements;

(g) Design and construction of stormwater management facilities and measures and

acquisition of equipment;

(h) Administration of enforcement;

(i) Water quantity and water quality management, including monitoring and surveillance;
and

(j) Debt service and financing costs.

(3) The practical difficulties and limitations related to establishing, calculating, and administering such fees.

(4) The components of the calculations used to establish fees shall be based on an “equivalent residential unit,” to be determined and approved by Town Council with reasonable general adjustments being made for, but not limited to, the following factors:

(a) Land use;

(b) Lot or tract size;

(c) The amount of site that is impervious; and

(d) Other generally accepted factors relevant to such calculations based upon the provisions of this subchapter.

(C) Pending the adoption of a permanent fee system and rate structure, Town Council may adopt an interim fee system and rate structure to help fund the establishment of the Utility, pending the completion and adoption of a stormwater utility rate study.

(Ord. 2012-18, passed 11-15-2012)

§ 51.007 INVESTMENT AND REINVESTMENT OF FUNDS; BORROWING.

Funds generated for the Stormwater Management Utility from fees, bond issues, other borrowing, and other sources shall be utilized only for those purposes for which the Utility has been established, including but not limited to: planning; acquisition of interests in land including easements; design and construction of facilities; maintenance of the stormwater system, billing and administration; and water quality and water quantity management, including monitoring, surveillance, private maintenance inspection, construction inspection, and other activities which are reasonably required. Such funds may be invested and reinvested pursuant to the same procedures and practices established by the town for investment and reinvestment of funds. Town Council may use any form of borrowing authorized by the laws of the state to fund capital acquisitions or expenditures for the Stormwater Management Utility.

(Ord. 2012-18, passed 11-15-2012)

§ 51.008 BILLING OF FEE; DELINQUENCY.

Town Council shall establish by ordinance the method of billing for the fee, any late payment fees, and the manner of collecting unpaid fees.

(Ord. 2012-18, passed 11-15-2012)

§ 51.009 WRITTEN NOTICE OF OBJECTION.

(A) (1) A Utility customer may request a reconsideration of any determination or interpretation by the Town Administrator, ~~Zoning Administrator~~ **Stormwater Manager**, or either of their designee in the operation of the Stormwater Management Utility. Such request must be in writing specifically explaining the grounds for the request including the following:

- (a) TMS number for the property;
- (b) Utility customer information: name, address, and telephone number;
- (c) A statement outlining the reasons for the appeal, including any law or authority, upon which the Utility customer relies;
- (d) A statement of facts supporting the Utility customer's position; and
- (e) The amount which the Utility customer considers the fair amount of the fee.

(2) The written request is a notice of objection for purposes of the section. The failure to serve written request within the time period constitutes a waiver of the Utility customer's right of protest for that year.

(B) Request for reconsideration of the annual fee amounts shall be submitted within 30 days after the date the fee shall be due and payable.

(C) In cases where the applicant believes the fee to be inappropriate based on the actual impervious area of the property in which he or she has interest, the applicant should submit technical data such as a site survey of said property to assist in the evaluation. The survey should be prepared by a licensed land surveyor in accordance with the minimum state survey standards. The survey should include the following:

- (1) Property boundary;
- (2) Parking areas;
- (3) Driveway(s);
- (4) Building(s);
- (5) Storm drainage facilities;
- (6) Any other surface improvements;
- (7) Calculation of total impervious area;
- (8) Calculation of total pervious area; and
- (9) Date when the field survey was conducted.

(D) The Town Administrator, ~~Zoning Administrator~~ **Stormwater Manager**, or their designee shall render a written decision on the request within 30 business days of the receipt of the written request for reconsideration.

(E) The Utility customer may appeal the decision to the ~~town's Board of Zoning Appeals~~ **Charleston County Construction Board of Adjustment and Appeals** within 30 days after the date of the decision. The Town Administrator, or ~~Zoning Administrator~~ **Stormwater Manager** shall provide the petition form to the Utility customer.

(Ord. 2012-18, passed 11-15-2012)

§ 51.010 PETITION FOR RELIEF.

(A) The petition must be accompanied with a \$50 fee that will be used to partially defray the costs incurred in connection with the administration of petitions filed pursuant to this section.

(B) ~~The Board of Zoning Appeals~~ **Charleston County Construction Board of Adjustment and Appeals** shall hear the petition to determine if the annual Stormwater Management Utility fee does not apportion the fee with approximate equality, based upon a reasonable basis of classification and with due regard to the benefits conferred by providing stormwater management services to the Utility customer and the requirements of public health, safety or welfare. The determination of the annual fee by the Town Council is entitled to a presumption of correctness, and the petitioner has the burden of rebutting the presumption of correctness.

(C) ~~The Board of Zoning Appeals~~ **Charleston County Construction Board of Adjustment and Appeals** shall render a written decision on each petition that is heard, and such written decision shall be issued within 20 calendar days from the day the Board heard the petition. The decision of ~~the Board of Zoning Appeals~~ **Charleston County Construction Board of Adjustment and Appeals** shall contain findings of fact and conclusions of law, and the decision shall be sent to the petitioner by first class mail.

(D) The decision of the ~~Board of Zoning Appeals~~ **Charleston County Construction Board of Adjustment and Appeals** shall be final unless the petitioner appeals the decision to the circuit court in the county within 30 days after the date of the decision of the ~~Board of Zoning Appeals~~ **Charleston County Construction Board of Adjustment and Appeals**. Prior to bringing an action to contest an annual fee, the petitioner shall pay to the Finance Officer not less than the amount of the annual fee which he or she admits in good faith is owing. Payment of the fee shall not be deemed an admission that the annual fee was due and shall not prejudice the petitioner in bringing an action as provided herein.

(Ord. 2012-18, passed 11-15-2012)

§ 51.011 ENFORCEMENT.

The ~~Zoning Administrator~~ **Stormwater Manager**, Town Administrator, and such other officials as the Town Administrator shall designate shall be the enforcement officers to enforce the provisions of this subchapter.

(Ord. 2012-18, passed 11-15-2012) Penalty, see § 51.999

§ 51.012 LIABILITY.

Nothing in this subchapter and any action or failure to act under this subchapter shall or may be construed to:

(A) Impose any liability on the town, or its departments, agencies, offices, or employees for the recovery of damages; or

(B) Relieve any person engaged in a land disturbing activity of duties, obligations, responsibilities, or liabilities arising from or incident to operations associated with such activity or imposed by provisions of this subchapter or the laws and regulations pursuant to which it was adopted.

(Ord. 2012-18, passed 11-15-2012)

STORMWATER MANAGEMENT UTILITY FEES

§ 51.025 FEE; CLASSIFICATION OF PROPERTY.

(A) *Property classification.* For purposes of determining the fee, all real property in the town is classified as follows:

- (1) Single-family residential;
- (2) Vacant;
- (3) Agricultural;
- (4) Commercial.

(B) *Base rate.* The base rate shall be \$48 annually. In no case shall a Utility customer be billed a fee for less than one-half the base rate.

(C) *Equivalent residential unit (ERU).* The commonly accepted rate unit for stormwater utilities is the equivalent residential unit (ERU). This is a descriptive value based on the land classification type and the amount of impervious surface. The ERU is used to relate a rate charged for a typical residential property and this becomes the common denominator by which commercial properties are evaluated. The ERU for Charleston County has been determined to be 3,000 square feet.

(D) *Annual fees.* Annual fees for all property shall be as follows:

(1) *Single-family residential property.* Single-family residential property shall be charged a fee equal to the base rate times one equivalent residential unit (ERU), regardless of the size of the parcel or improvements (impervious area).

(2) *Agricultural property.* Agricultural property shall be charged a fee equal to the base rate times one equivalent residential unit (ERU), regardless of the size of the parcel or improvements (impervious area).

(3) *Vacant property.* Vacant property shall be charged a fee equal to the base rate times one-half equivalent residential unit (ERU), regardless of the size of the parcel.

(4) *Commercial property.* Commercial property shall be charged the base rate multiplied by the numerical factor obtained by dividing the total impervious area of the property, as determined by the **Director of Public Works Stormwater Manager** or an authorized designee, by one ERU (3,000 square feet). The numerical factor will be rounded to the nearest tenth of a unit. The minimum fee for any commercial property shall be the base rate times one-half ERU. Those commercial properties with impervious area greater than one-half ERU (1,500 square feet) and less than one

ERU (3,000 square feet) shall be charged the base rate times one ERU.

(Ord. 2012-20, passed 11-15-2012; Ord. 2016-07, passed 7-21-2016)

§ 51.026 DETERMINATION OF AMOUNT OF FEE.

(A) Computation of Stormwater Management Utility fee for commercial properties:

- (1) Determine base rate to assign ERU;
- (2) Determine the impervious area on the property;
- (3) Calculate the numerical factor for the property in question by dividing the impervious area by one ERU (3,000 square feet); and

(4) Calculate the annual Stormwater Management Utility fee for multiplying the numerical factor by the base rate, if the factor is greater than one.

(B) **Example calculation.** Calculation of monthly fee for a one and one-half acre commercial property with a determined impervious area of 32,500 square feet.

- (1) One ERU = 3,000 square feet.
- (2) Property impervious area = 32,500 square feet.
- (3) ERUs for example property = 32,500 square feet of impervious area/1 ERU of 3,000 square feet = 10.8 ERUs.
- (4) Utility fee = ERUs x base rate = 1.8 ERUs x example base rat of \$48.00 = \$518.40/year.

(C) The classification of real property and the identification of the Utility customer for the purpose of determining fees shall be determined from the records of the Charleston County Tax Assessor. The Utility customer or person charged the fee is based on the classification of the real property as of January 1 of the year of billing and each year subsequently thereafter.

(D) Where the tax records are incomplete or ambiguous, a physical inspection of the real property shall be made to determine the use of the property. Upon development of the county's database and review of the real properties on a case-by-case basis, the classifications from the Charleston County Tax Assessor do not preclude an adjustment to the data that the county uses to determine the fee.

(Ord. 2012-20, passed 11-15-2012; Ord. 2016-07, passed 7-21-2016)

§ 51.027 ADJUSTMENT OF FEE.

(A) In cases where the Utility customer disputes the fee based on the actual impervious area of the real property in which he or she has interest, a notice of objection may be filed with the ~~Zoning Administrator~~ **Stormwater Manager** as outlined in the Stormwater Management Utility subchapter, § 51.009, Written notice of objection; provided, however, that Town Council may delegate the ~~Zoning Administrator's~~ **Stormwater Manager's** responsibilities hereunder to the county or its duly authorized representatives pursuant to an intergovernmental agreement providing for same.

(B) Where an adjustment of the fee is warranted, the ~~Zoning Administrator~~ **Stormwater Manager** shall recalculate and re-determine the fee using equivalent ERUs that are based on the total impervious and pervious areas of the real property at issue.

(C) Where deemed appropriate and at the discretion of the ~~Zoning Administrator~~ **Stormwater Manager**, the gross acreage of the real property may be adjusted as a means of recalculating and re-determining the fee. This method is applied in cases where the property is large and the ratio of pervious area to impervious area is low. The ~~Zoning Administrator~~ **Stormwater Manager** and the Utility customer shall mutually agree on the general area of improvement. In cases where a mutual agreement cannot be reached, the Utility customer may file a notice of objection as referenced above.

(Ord. 2012-20, passed 11-15-2012; Ord. 2016-07, passed 7-21-2016)

§ 51.028 DURATION OF FEE.

The fees established by this subchapter have been adopted by Town Council. This fee will be reviewed, evaluated, and amended as necessary in order to address stormwater program needs/deficiencies and small municipal separate storm sewer system (SMS4) general permit requirements.

(Ord. 2012-20, passed 11-15-2012; Ord. 2016-07, passed 7-21-2016)

§ 51.029 BILLING; LATE CHARGES.

(A) The fee shall not be prorated. No refunds of the fee shall be made except as set forth in this subchapter. The Utility fee shall be billed annually with the bill mailed to each owner of record of real property, based on the classification of property, to the owner of record of the real property, as of January 1 of each year subsequently thereafter.

(B) For non-payment of all or any part of the Utility fee, the monetary penalty shall be the same penalty set forth in S.C. Code § 12-45-180. If any fee shall remain unpaid 60 days after the due date, the county may issue a lien upon the parcel for the Stormwater Utility fee, penalty and costs of collection and shall proceed to collect in the same manner as prescribed by law for the collection of other fees and taxes.

(Ord. 2012-20, passed 11-15-2012; Ord. 2016-07, passed 7-21-2016)

STORMWATER MANAGEMENT PROGRAM (SWMP)

§ 51.040 TITLE.

This subchapter shall be known as the “Town of James Island Stormwater Management Ordinance.” (Ord. 2012-19, passed 11-15-2012)

§ 51.041 DEFINITIONS.

Unless otherwise stated herein or the context specifically indicates otherwise, the meaning of the words and terms used in this subchapter shall be as set forth in S.C. Code § 48-14-20, as amended, and S.C. Code Regulation 72-301. For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

APPLICANT. A person, firm, corporation, limited liability company, governmental agency, partnership, or any other entity who seeks to obtain approval under the requirements of this subchapter and who will be responsible for the land disturbing activity and related maintenance thereof.

AS-BUILTDRAWINGS. Revised construction drawings that depict the final, installed location of the new facilities on a project, including the stormwater system. This term and **RECORD DRAWINGS** shall be synonymous.

BEST MANAGEMENT PRACTICES (BMPs). Any structural or non-structural measures or facilities used for the control of stormwater runoff, whether for quantity or quality control. **BMPs** also include schedules of activities, prohibitions of practices, maintenance procedures, treatment requirements, operating procedures, and other management practices to control site runoff, spillage or leaks, sludge or waste disposal, drainage from raw material storage, or otherwise prevent or reduce the pollution of waters of the state.

CONSTRUCTION or CONSTRUCTION ACTIVITY. Activity involving clearing, grading, transporting, filling, or any other activity which causes land to be exposed to the danger of erosion, or which might create an alteration to any existing drainage way or other component of the town's stormwater system or facility.

CONSTRUCTION ACTIVITY APPLICATION. The application, set of drawings, specifications, design calculations, SWPPP, and other documents necessary to demonstrate compliance with this subchapter.

DEVELOPER. Any person, or others who act in his or her behalf, who is required to submit an application for approval to disturb land or encroachment and is thereafter responsible for maintaining compliance with this subchapter and conditions of the approved application.

EROSION. The general process by which soils or rock fragments are detached and moved by the action of wind, water, ice, or gravity.

EASEMENT. An authorization by a property owner to the general public or a person or persons for the use of any designated part of his or her property for a specific purpose.

FLOOD or FLOODING. A temporary rise in the level of water which results in the inundation of areas not ordinarily covered by water.

ILLICIT CONNECTION. A connection to a town stormwater management system or facility which results in a discharge that is not composed entirely of stormwater runoff except discharges pursuant to an NPDES permit (other than the NPDES MS4 permit for the town).

ILLICIT DISCHARGE or ILLEGAL DISCHARGE. Any activity which results in a discharge into a town stormwater management system or facility or receiving waters that is not composed entirely of stormwater except:

- (1) Discharges pursuant to an NPDES permit (other than the NPDES permit for the town);

and

- (2) Discharges resulting from fire-fighting activities.

IMPROPER DISPOSAL. Any disposal other than through an illicit connection that results in an illicit discharge, including, but not limited to, the disposal of used oil and toxic materials resulting from the improper management of such substances.

MAINTENANCE. Any action necessary to preserve any stormwater system component, including conveyances, facilities, and BMPs in proper working condition, in order to serve the intended purposes set forth in this subchapter and to prevent structural failure of such components.

MS4. A municipal separate storm sewer system and includes all conveyances or system of conveyances (including roads with drainage systems, highways, right-of-way, municipal streets, catch basins, curbs, gutters, ditches, human-made channels, storm drains, detention ponds, and other stormwater facilities) which inlets, transports, stores, or treats stormwater runoff and which is:

- (1) Owned or operated by the town;
- (2) Designed or used for collecting or conveying stormwater;
- (3) Not a combined sewer system; and
- (4) Not part of a publicly owned treatment works (POTW).

NEW DEVELOPMENT or RE- DEVELOPMENT. Any of the following actions undertaken by any person, including, without limitation, any public or private individual or entity:

- (1) Division or combination of lots, tracts, or parcels or other divisions by plat or deed;
- (2) The construction, installation, or alteration of land, a structure, impervious surface, or drainage facility;
- (3) Clearing, scraping, grubbing, or otherwise significantly disturbing the soil, vegetation, mud, sand, or rock of a site, or changing the physical drainage characteristics of the site; or
- (4) Adding, removing, exposing, excavating, leveling, grading, digging, burrowing, dumping, piling, dredging, or otherwise disturbing the soil, vegetation, mud, sand, or rock of a site.

NPDES. National Pollutant Discharge Elimination System.

NPDES PERMIT. The NPDES permit for stormwater discharges issued by SCDHEC pursuant to the Clean Water Act and the federal stormwater discharge regulations that allows for restricting pollutant loads as necessary to meet water quality standards.

OPERATOR. The person who has operational control of the real property, including an operator or person who is in charge of any activity related to land disturbance, construction, or post-construction stormwater quality or quantity.

OUTFALL or DISCHARGE POINT. The point where a town stormwater management system or facility, or other municipal and private system, discharges into waters of the state or United States.

OWNER. A property owner, or any person who acts in his or her behalf, who submits an

application for approval to disturb land or vegetation or for encroachment, and the person, if so designated by default or on legal documents, who is the responsible party for maintenance of a stormwater system(s) or facility(s).

PERSON. Any and all persons, natural or artificial, and includes any individual, association, firm, corporation, limited liability company, business trust, estate, trust, partnership, two or more persons having a joint or common interest, state or federal agency or an agent or employee thereof, or any other legal entity.

POLLUTANT. Anything which may cause or contribute to violation of water quality standards, including but not limited to sediment, bacteria, nutrients, dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water.

PROPERTY OWNER. The record owner of the real property.

RECEIVING WATERS. Any 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, whether natural or artificial, public or private, inland or coastal, fresh or salt.

REGULATION. Any regulation, rule, or requirement prepared by or adopted by Town Council pursuant to this subchapter.

SPILL. Any accidental or intentional discharge of any pollutants, hazardous materials, or other substances which are potentially detrimental to the designated use of receiving water.

SWMP. The Town of James Island Stormwater Management Program, which may describe the components to be used by the town to control stormwater discharges, address flooding, and meet water quality standards.

STORMWATER. Stormwater runoff, snowmelt runoff, and surface runoff and drainage.

STORMWATER MANAGEMENT. The collection, conveyance, storage, treatment, and disposal of stormwater runoff in a manner to meet the objectives of this subchapter and its terms, including, but not limited to, measures that control the increased volume and rate of stormwater runoff and water quality impacts caused by human-made changes to the land.

STORMWATER SYSTEMS AND FACILITIES. Those natural and human-made channels, swales, ditches, swamps, rivers, streams, creeks, branches, reservoirs, ponds, drainage ways, inlets, catch basins, pipes, head walls, storm sewers, lakes, and other physical works, properties, and improvements which transfer, control, convey, or otherwise influence the movement of stormwater runoff, whether for quantity or quality control.

TMDL. The total maximum daily load which is the regulatory value developed to represent the amount of a pollutant that a water body can incorporate while maintaining water quality standards. **TMDL** is further defined as the pollutant load developed by the Environmental Protection Agency (EPA) and SCDHEC that designates the permitted amount of discharge allowed to flow into a water body of this state or the United States.

VARIANCE. The modification of the minimum stormwater management requirements contained in this subchapter and the SWMP for specific circumstances where strict adherence to the requirements would result in unnecessary hardship and not fulfill the intent of this subchapter.

WATERCOURSE. A conveyance used to transport runoff from one location to another.

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

WATER QUALITY. Those characteristics of stormwater runoff that relate to the physical, chemical, biological, or radiological integrity of water.

WATER QUANTITY. Those characteristics of stormwater runoff that relate to the rate and volume of the stormwater runoff.

(Ord. 2012-19, passed 11-15-2012)

§ 51.042 AUTHORITY.

This subchapter is adopted pursuant to the authority conferred upon the town by applicable federal and state laws and regulations.

(Ord. 2012-19, passed 11-15-2012)

§ 51.043 JURISDICTION.

The boundaries and jurisdiction of this subchapter shall encompass the incorporated area of the town, as it may exist from time to time.

(Ord. 2012-19, passed 11-15-2012)

§ 51.044 PURPOSES.

(A) A primary purpose of this subchapter to protect, maintain, and enhance water quality and the environment of the town and the short-term and long-term public health, safety, and general welfare of the town's residents. This subchapter is also designed to minimize property damage by establishing requirements and procedures to control the potential adverse effects of increased stormwater runoff and related pollutant loads associated with both future development and existing developed land. Proper management of stormwater runoff will further the purpose of this subchapter to ensure 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 where necessary 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) Another primary purpose of this subchapter to direct the development and implementation of a stormwater management program ("SWMP") and to establish authority which authorizes or enables the town at a minimum to:

(1) Comply with state and federal requirements related to stormwater management developed pursuant to the Clean Water Act, being 33 U.S.C. §§ 1251 et seq.;

(2) Prohibit illicit discharges into the town's stormwater systems and facilities and receiving waters;

(3) Control to the maximum extent practicable the discharge into the town's stormwater systems and facilities and receiving waters of spills, dumping, or disposal of materials other than stormwater;

(4) Address specific categories of non-stormwater discharges and similar other incidental non-stormwater discharges listed in the SWMP;

(5) Require erosion and sediment controls to protect water quality on all applicable new and re-development projects both during and after construction;

(6) Where necessary, require stormwater discharge rate and volume control during and following development, redevelopment, or construction;

(7) Define and implement procedures of site plan review and site inspection of all applicable construction projects within the town;

(8) Control the discharge from the town's stormwater systems and facilities and receiving waters of pollutants in such quantity that water quality standards are met or to otherwise address post-construction, long-term water quality. This includes the necessary means needed to comply with state and federal regulations regarding stormwater management quantity and quality;

(9) Define procedures for addressing resident complaints of stormwater-related issues within the town;

(10) Provide for adequate long-term operation and maintenance of existing stormwater systems and facilities;

(11) Carry out inspection, surveillance, and monitoring procedures necessary to determine compliance and noncompliance with permit conditions including the prohibition on illicit discharges to the town's stormwater system and receiving waters;

(12) Encourage the creation of stream buffers and preservation of natural spaces to provide areas that may be used for flood storage, stormwater treatment and control, and recreation. Such areas may be required in special protection areas needed to protect, maintain, or enhance water quality and protect property from flooding problems;

(13) Develop, implement, and enforce action plans to address pollutant load reductions required in impaired water bodies and to work towards compliance with total maximum daily loads (TMDLs) established by EPA or SCDHEC and to work toward meeting water quality standards; and

(14) Enable enforcement of all of the authorizations stated herein.

(C) Another purpose of this subchapter to establish review authority for the town's **Zoning Administrator Stormwater Manager** to provide consistency of construction projects with the SWMP.

(Ord. 2012-19, passed 11-15-2012)

§ 51.045 CONSTRUCTION; SCOPE.

(A) The town's ~~Zoning Administrator~~ **Stormwater Manager** shall be primarily responsible for the coordination and enforcement of the provisions of this subchapter and the SWMP; provided, however, that Town Council may, from time to time, delegate some or all of the rights and duties of the ~~Zoning Administrator~~ **Stormwater Manager** to the county or its duly authorized representatives pursuant to an intergovernmental agreement for same.

(B) The application of this subchapter and the provisions and references expressed herein shall be the minimum stormwater management requirements and shall not be deemed a limitation or repeal of any other ordinances of the town or powers granted to the town by the state statutes, including, without limitation, the power to require additional stormwater management requirements. If site characteristics on new development, redevelopment, and existing developments indicate that complying with these minimum requirements will not provide adequate designs or protection for real property, residents, or the environment, the property owner, operator, or person responsible for land disturbing activities is required to provide additional and appropriate management practices, control techniques, system design, and engineering methods to attain an adequate level of protection, in accordance with the town's Stormwater Program Permitting Standards and Procedures Manual (the "Manual").

(Ord. 2012-19, passed 11-15-2012)

§ 51.046 RELATIONSHIP WITH OTHER LAWS, REGULATIONS, AND ORDINANCES.

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

(Ord. 2012-19, passed 11-15-2012)

§ 51.047 AMENDMENTS.

Town Council may adopt additional regulations or resolutions to implement this subchapter, implement the SWMP, or to otherwise further the goal of protecting the quality of the waters which the town's stormwater system drains into.

(Ord. 2012-19, passed 11-15-2012)

§ 51.048 SWMP ADOPTION.

The stormwater management program ("SWMP") which has been developed by the town to implement the purposes of this subchapter shall serve as the basis for directing the town's efforts to control stormwater runoff and discharge. The SWMP is incorporated by reference and is hereby a part of this subchapter. The SWMP requirements are to be complied with and shall be enforced in accordance with the provisions of this subchapter.

(Ord. 2012-19, passed 11-15-2012)

§ 51.049 COORDINATION WITH OTHER AGENCIES.

Town Council may coordinate the town's activities with other federal, state, and local agencies which manage and perform functions relating to the protection of receiving waters, through a written agreement with those other agencies. Authority not expressly reserved for other agencies or restricted by statute is placed with the ~~Zoning Administrator~~ **Stormwater Manager** for the protection and preservation of receiving waters. The ~~Zoning Administrator~~ **Stormwater Manager** should coordinate with federal, state, and local agencies having jurisdiction of those receiving waters.

(Ord. 2012-19, passed 11-15-2012)

§ 51.050 RIGHT OF ENTRY.

(A) The Town Administrator ~~or Zoning Administrator~~, **Stormwater Manager or either of their designee** may with the consent of the property owner enter upon the real property of any person subject to this subchapter. The ~~Town Administrator~~ **Stormwater Manager** shall be provided immediate access to the necessary portion of the real property for the purposes of inspecting, monitoring, sampling, inventorying, examining and copying of records, and performing any other duties necessary to determine compliance with this subchapter.

(B) Where the property owner or operator has security measures in place requiring proper identification and consent before entry upon the real property, the property owner, operator, or person shall make the necessary arrangements with the necessary parties so that the ~~Zoning Administrator~~ **Stormwater Manager** will be permitted to enter the property without delay for the purposes of performing such responsibilities identified in division (A) above.

(C) The ~~Zoning Administrator~~ **Stormwater Manager** shall seek the consent of the owner before entry upon the real property. If such consent is denied or unable to be obtained from the owner, then in addition to any other remedies allowed by law, the ~~Zoning Administrator~~ **Stormwater Manager** shall by affidavit based upon the reasonable suspicion that a violation exists, obtain an ex-parte order from a court of competent jurisdiction to enter upon the property for the limited purposes stated in division (A) above.

(Ord. 2012-19, passed 11-15-2012)

§ 51.051 REGULATIONS.

(A) The ~~Zoning Administrator~~ **Stormwater Manager** shall be responsible for the coordination, implementation, and enforcement of this subchapter and the SWMP, in addition to the long-term management of the town's drainage systems.

(B) Without limitation, the ~~Zoning Administrator~~ **Stormwater Manager** shall have the following authority:

(1) To issue any approval, certification, or license that may be required to comply with this subchapter;

(2) To deny a facility connection to the town's stormwater systems or facilities or discharge to waters of the state if state requirements and this subchapter are not met;

(3) To create the Town of James Island Stormwater Program Permitting Standards and Procedures Manual. The Manual may be used to convey design and engineering standards, construction management processes and procedures, and other aspects necessary for compliance with this subchapter. The ~~Town Administrator~~ **Mavor** is authorized to approve the adoption and subsequent revisions of the Manual;

(4) To require the submittal of an application for all applicable construction activities that alter any portion of land for development or alter the storm drainage characteristics of the land. The application shall include the information required to control stormwater pollutants and other components in accordance with the Manual;

(5) To require the development and enforcement of a stormwater pollution prevention plan (SWPPP) for all new and re-development projects;

(6) To require proper long-term maintenance of stormwater management systems and facilities through the use of an operating permit or other applicable measures in accordance with the Manual;

(7) To approve construction activities and to require as a condition of such approval, 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 pollutant load reductions and water quality standards;

(8) To require performance bonds as necessary of any owner to secure the owner's compliance with approvals, certificates, licenses, or authorizations issued by the ~~Zoning Administrator~~ **Stormwater Manager** pursuant to this subchapter, the SWMP, and federal and state laws. The ~~Zoning Administrator~~ **Stormwater Manager** shall develop a process that organizes the closure of bonds and construction projects to accommodate phases of development and the transfer of the ownership of real property;

(9) To conduct all activities necessary to carry out the SWMP and other requirements included in this subchapter and to pursue the necessary means and resources required to properly fulfill this responsibility;

(10) To require appropriate post construction best management practices and appropriate continued maintenance of those best management practices;

(11) To determine appropriate fees, to impose penalties, and to take necessary and appropriate actions to enforce this subchapter; and

(12) To require encroachment permits as necessary.
(Ord. 2012-19, passed 11-15-2012)

§ 51.052 PROHIBITIONS; EXEMPTIONS.

(A) No person shall do any of the following other than in full compliance with this subchapter:

(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 material or toxic substance or other pollutant; or

(5) Prevent the transport of sediment and other pollutants associated with stormwater runoff beyond the real property boundary lines.

(B) In instances where an imminent threat to the health, safety, or general welfare of the public or the environment is suspected, ~~Zoning Administrator~~ **Stormwater Manager** shall determine if immediate action is necessary. Such action may be taken with or without the consent of the owner, operator, or other responsible person. If such consent is denied, the Zoning Administrator shall follow the provisions for entry upon the real property to remove such threat. In such instances, the owner, operator, or other responsible person shall reimburse the town for any and all expenses associated with removal of such threat. If the owner or operator fails to reimburse the town for such expenses, the town may recover the expenses from the owner, operator, or other responsible person through any remedies available at law or in equity. Any fees or costs associated with any collection effort by the town are in addition to the recovery of the expenses.

(C) The following development activities are exempt from the provisions of this subchapter.

(1) Land disturbing activities undertaken on forest land 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 State Forestry Commission pursuant to S.C. Code § 48-18-70, as amended.

(2) Activities undertaken by persons who are otherwise regulated by the provisions of S.C. Code Title 48, Chapter 20, the State Mining Act. 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 one or more acres, 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 an application in accordance with the Manual prior to the start of the land disturbing activity.

(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 one or more acres, 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 application prior to the start of the land disturbing activity.

(Ord. 2012-19, passed 11-15-2012) Penalty, see § 51.999

§ 51.053 DESIGN AND ENGINEERING STANDARDS.

(A) Design and engineering standards must define the desired level of quality and performance for stormwater management systems on all applicable construction activities in order to meet the purpose of this subchapter. The standards establish the minimum technical requirements needed to demonstrate compliance.

(B) The ~~Zoning Administrator~~ **Stormwater Manager** is authorized to develop and adopt

policies, criteria, specifications, and standards for the proper implementation of the requirements of this subchapter, federal and state laws, and the SWMP; and to provide a sound technical basis for the achievement of stormwater management, including water quality and quantity objectives. These standards may be provided in the Manual.

(C) It shall be the responsibility of the property owner, operator, or other person responsible for land disturbing activities to provide adequate controls to meet the design and engineering standards provided in the Manual.

(Ord. 2012-19, passed 11-15-2012)

§ 51.054 CONSTRUCTION ACTIVITY APPROVAL PROCESS.

An application for review and approval shall be made for all applicable construction activities. Applications required under this subchapter shall be submitted in a format and in such numbers as required by the ~~Zoning Administrator~~ **Stormwater Manager**. Applications may be initiated by the property owner, operator, or person responsible for construction activities. Applications that meet the requirements of this subchapter, the SWMP, and state and federal regulations are considered complete. The application process and requirements to establish a complete application will be provided in the Manual.

(Ord. 2012-19, passed 11-15-2012)

§ 51.055 STORMWATER PROGRAM PERMITTING STANDARDS AND PROCEDURES MANUAL.

(A) The Town of James Island Stormwater Program Permitting Standards and Procedures Manual ("Manual") may include design standards, procedures, and criteria for conducting hydrologic, hydraulic, pollutant load evaluations, and downstream impact for all components of the stormwater management system. It is the intention of the Manual to establish uniform design practices; however, it neither replaces the need for engineering judgment nor precludes the use of information not submitted. Other accepted engineering procedures may be used to conduct hydrologic, hydraulic, and pollutant load studies if approved by the ~~Zoning Administrator~~ **Stormwater Manager**.

(B) The Manual will contain at a minimum the following components:

- (1) Construction activity application contents and approval procedures;
- (2) Construction completion and closeout processes;
- (3) Hydrologic, hydraulic, and water quality design criteria (i.e., design standards) for the purposes of controlling the runoff rate, volume, and pollutant load. Suggested reference material shall be included for guidance in computations needed to meet the design standards;
- (4) Information and requirements for new and re-development projects in special protection areas necessary to address TMDLs, known problem areas and other areas necessary to protect, maintain, and enhance water quality and the environment of the town and the public health, safety, and general welfare of the town's residents;
- (5) Construction document requirements;

- (6) Long-term maintenance and maintenance plan;
- (7) Minimum easement requirements; and
- (8) Required and recommended inspection schedules and activities for all components of the stormwater management system, including construction-related BMPs.

(C) The Manual will be updated periodically to reflect advances in technology and experience.

(Ord. 2012-19, passed 11-15-2012)

§ 51.056 MAINTENANCE; CONSTRUCTION; INSPECTION; NOTICE OF TERMINATION.

(A) Maintenance of the stormwater management system is critical for the achievement of its purpose of controlling stormwater runoff quantity and quality and providing for the public health, safety, and general welfare of the residents of the town.

(B) In accordance with the Manual, a maintenance plan for the stormwater management system shall be included in an application to perform a construction activity to cover activities to be conducted during and after construction. As part of the maintenance plan, the property owner, operator, or person of such system or facility shall agree to be responsible for keeping the system and facility in working order. The ~~Zoning Administrator~~ **Stormwater Manager** shall develop procedures to provide reasonable assurances that maintenance activities are performed in accordance with the Manual for both town and privately maintained stormwater systems and facilities. The ~~Zoning Administrator~~ **Stormwater Manager** will provide the procedures for transferring maintenance responsibilities to another entity.

(1) The ~~Zoning Administrator~~ **Stormwater Manager** will define procedures for conducting site inspections.

(2) As part of any application to perform a construction activity, the applicant shall submit construction and BMP maintenance and inspection schedules, and long-term maintenance plan shall be covered by an operating permit for new stormwater management systems and facilities. Required and recommended schedules for BMP maintenance and inspection and long-term plans are provided in the Manual.

(3) If the construction is to be phased, no phase of the work, related to the construction of stormwater management facilities shall commence until the preceding phase of the work is completed in accordance with an approved application to perform a construction activity. The procedure for construction phases beginning and ending and what constitutes such conditions shall be submitted with the application.

(4) The applicant shall notify the ~~Zoning Administrator~~ **Stormwater Manager** before commencing any work, in accordance with the Manual, and upon completion of any phase or designated component of the site. Notification schedules shall be provided for in the Manual. All self-inspections, maintenance actions, BMP replacements, and changes to the approved application shall be documented and presented upon request to the ~~Zoning Administrator~~ **Stormwater Manager**.

(5) The notice of termination (NOT) process as identified in the Manual must be completed by the ~~Zoning Administrator~~ **Stormwater Manager** prior to any of the following actions, as applicable:

- (a) The use or occupancy of any newly constructed components of the site;
- (b) Final acceptance of any road into a public road maintenance system or designation of road owner and associated stormwater management system;
- (c) Release of any bond held by the town, if applicable; and/or
- (d) Approval or acceptance for recording of map, plat, or drawing, the intent of which is to cause a division of a single parcel of land into two or more parcels.

(Ord. 2012-19, passed 11-15-2012)

§ 51.057 WATERCOURSE PROTECTION.

(A) Every owner, operator, or person responsible for any land disturbance activity on property through which a watercourse passes shall keep and maintain that portion of the watercourse within the property free of trash, debris, and other obstacles that would pollute, contaminate, or retard the flow of water through the watercourse. In addition, the owner, operator, or person shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not interfere with the use, function, or physical integrity of the watercourse.

(B) To assist in the compliance with state and federal laws and regulations, the ~~Zoning Administrator~~ **Stormwater Manager** may develop special protection areas which require additional control of stormwater quality and quantity than provided by minimum design standards. Such areas may consist of watersheds corresponding to adopted TMDLs, known flooding problems and pollution impairments, or other areas necessary to protect, maintain, and enhance water quality and the environment of the town and the public health, safety, and general welfare of the town's residents. These areas may change with time as development continues and as federal and state law demands.

(C) New stormwater systems created as the result of any new and re-development project shall be connected in a manner so as not to degrade the integrity of any existing stormwater system, whether natural or human-made, and shall have demonstrated this to the ~~Zoning Administrator~~ **Stormwater Manager** in accordance with the Manual. Discharge points shall be confined to connections with an existing stormwater system. When stormwater discharges are to flow into collection systems not owned and maintained by the town, the owners of these systems shall maintain the right to disapprove new connections to their systems.

(Ord. 2012-19, passed 11-15-2012)

§ 51.058 NOTIFICATION OF SPILLS.

The owner, operator, or person responsible for any land disturbance activity shall immediately notify the ~~Zoning Administrator~~ **Stormwater Manager** of any known or suspected release of materials or discharges that are currently resulting in or may result in any illegal discharges of pollutants to an existing stormwater system.

(Ord. 2012-19, passed 11-15-2012)

§ 51.059 ILLICIT CONNECTIONS; ILLICIT DISCHARGES; IMPROPER DISPOSAL.

(A) It is unlawful for any owner, operator, or person to connect any pipe, open channel, or any other conveyance system that discharges anything, except stormwater or other approved discharges, into the town's stormwater system or facility, or waters of the state.

(B) It is unlawful for any owner, operator, or person to continue the operation of any illicit connection regardless of whether the connection was permissible when constructed. Improper connections in violation of this subchapter must be disconnected and redirected, if necessary, to the satisfaction of the ~~Zoning Administrator~~ **Stormwater Manager** in compliance with federal, state, or local agencies or departments regulating the discharge.

(C) It is unlawful for any owner, operator, or person to throw, drain, or otherwise discharge to any existing stormwater system, the waters of the state, or to cause, permit, or allow a discharge that is composed of anything except stormwater or other discharges authorized by the ~~Zoning Administrator~~ **Stormwater Manager**.

(D) The ~~Zoning Administrator~~ **Stormwater Manager** will develop procedures for detecting, tracking, and eliminating illicit discharges and improper disposals to the stormwater system.

(E) After a reasonable determination is made by the ~~Zoning Administrator~~ **Stormwater Manager** that the discharge is not a significant source of pollution, the ~~Zoning Administrator~~ **Stormwater Manager** may require controls for or exempt from the prohibition provisions in divisions (A), (B), and (C) above the following:

(1) Unpolluted industrial cooling water, but only under the authorization and direction of the ~~Zoning Administrator~~ **Stormwater Manager** and if appropriate industrial NPDES permit is in place;

(2) Water line flushing, diverted stream flows, rising ground waters, and uncontaminated pumped ground waters, and uncontaminated ground water infiltration;

(3) Discharges from potable water sources, foundation drains, air conditioning condensation, landscape irrigation, 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; or

(4) Discharges or flows from fire fighting.

(F) The ~~Zoning Administrator~~ **Stormwater Manager** may develop procedures for allowing other non-stormwater discharges.

(Ord. 2012-19, passed 11-15-2012) Penalty, see § 51.999

§ 51.060 DETECTION OF ILLICIT CONNECTIONS AND IMPROPER DISPOSAL.

(A) The ~~Zoning Administrator~~ **Stormwater Manager** will take appropriate steps to detect and eliminate illicit connections to the town's stormwater system, including the adoption of a program to screen illicit discharges and identify their source or sources, perform inspections, and levy fines if not removed.

(B) The ~~Zoning Administrator~~ **Stormwater Manager** will 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, levying fines, and other appropriate activities to facilitate the proper management and elimination of illicit discharges.

(Ord. 2012-19, passed 11-15-2012)

§ 51.061 WASTE DISPOSAL PROHIBITIONS.

This subchapter prohibits non-authorized discharges, illicit dumping, or disposal of waste into any stormwater system or waters of this state.

(Ord. 2012-19, passed 11-15-2012) Penalty, see § 51.999 **§ 51.062 DISCHARGES IN VIOLATION OF NPDES GENERAL PERMIT FOR STORMWATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY PERMIT.**

Any owner, operator, or person subject to a violation of the NPDES general permit for stormwater discharges associated with industrial activity permit (except construction activities) shall comply with all provisions of the permit. Proof of compliance with the permit will be required in a form acceptable to the ~~Zoning Administrator~~ **Stormwater Manager** prior to or as a condition of the issuance of approval of an application or a building permit.

(Ord. 2012-19, passed 11-15-2012)

§ 51.063 MONITORING.

The ~~Zoning Administrator~~ **Stormwater Manager** may monitor the quantity and concentration of pollutants in stormwater discharges from the areas or locations designated in the town's SWMP.

(Ord. 2012-19, passed 11-15-2012)

§ 51.064 INSPECTIONS.

(A) The ~~Zoning Administrator~~ **Stormwater Manager** may enter upon and inspect all properties for regular inspections, periodic investigations, monitoring, observation, measurement, enforcement, sampling, and testing, to effectuate the provisions of this subchapter and the SWMP programs.

(B) Upon refusal by any property owner, operator, or person to permit an inspector to enter upon the property or continue an inspection on the property, the inspector shall terminate the inspection or confine the inspection to portions of the property to which no objection is raised. The ~~Zoning Administrator~~ **Stormwater Manager** will document the refusal and proceed according to this chapter.

(C) In the event that the ~~Zoning Administrator~~ **Stormwater Manager** reasonably believes that discharges from the property into a stormwater system may cause an imminent and substantial threat to the health, safety, or welfare of the public or the environment, an inspection may be conducted.

(D) Inspection reports will be maintained in a permanent file located in the town's Building

Department.

(E) At any time during an inspection or at such other times as the ~~Zoning Administrator~~ **Stormwater Manager** may request information from an owner, operator, or other responsible person, that owner, operator, or other responsible person may identify areas of his or her system or facility, any material, processes, or information that contain or might reveal a trade secret. If the ~~Zoning Administrator~~ **Stormwater Manager** has no reason to question such identification, all material, processes, and information obtained within such areas shall be conspicuously labeled "CONFIDENTIAL-TRADE SECRET." The trade secret designation shall be freely granted to any material claimed to be such by the owner or representative unless there is clear and convincing evidence for denying such designation. In the event the ~~Zoning Administrator~~ **Stormwater Manager** does not agree with the trade secret designation, the material shall be temporarily designated a trade secret and the owner or representative may appeal the ~~Zoning Administrator~~ **Stormwater Manager's** decision in the manner in which all such appeals are handled in this subchapter.

(Ord. 2012-19, passed 11-15-2012)

§ 51.065 ENFORCEMENT.

(A) If the ~~Zoning Administrator~~ **Stormwater Manager** determines that work performed for new development and redevelopment fails to conform to the approved application, or that the work has not been performed, the ~~Zoning Administrator~~ **Stormwater Manager** may direct conformity by sending written notice of violation (NOV) to the property owner, operator, or other responsible person. Such notice of violation will be in accordance with the Manual.

(1) The actions of the ~~Zoning Administrator~~ **Stormwater Manager** may include:

- (a) Issuing a written order to comply, to suspend work, or to revoke the approval issued;
- (b) Withholding or revoking other permits related to the site;
- (c) Withholding the release of permanent electric power to the site or certificate of occupancy; and/or
- (d) Seeking redress through legal action.

(2) The NOV shall serve as notice to remove the violation(s). The NOV shall be provided to the owner, operator, or person responsible for the land disturbing activities stating the nature of the violation, the amount of time to correct deficiencies, the date on which an inspection will be made to ensure that corrective action has been performed, and the applicable penalty or fine if corrective action is not taken by the inspection date. After the issuance of the NOV, the ~~Zoning Administrator~~ **Stormwater Manager** may issue a uniform summons citation in accordance with the Manual.

(B) When the ~~Zoning Administrator~~ **Stormwater Manager** determines that an owner, operator, or other responsible person has failed to maintain a stormwater system or facility, the NOV shall be provided to the owner, operator, or other responsible person 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 ensure that corrective action has been performed, and the applicable penalty or fine if corrective action is not taken. It shall be sufficient notification to deliver the notice in accordance with the Manual.

(C) When the ~~Zoning Administrator~~ **Stormwater Manager** determines that an owner, operator, or other responsible person of any property is causing or partially causing flooding, erosion, or is in noncompliance with water quality standards or this subchapter, the ~~Zoning Administrator~~ **Stormwater Manager** may require the owner, operator, or other responsible person to remedy the violation and restore the impacted property. A NOV will be issued in accordance with the Manual.

(D) This subchapter may be enforced by any remedy at law or in equity available to the ~~Zoning Administrator~~ **Stormwater Manager** under any federal and state laws and regulations. The penalties and remedies provided in this subchapter are cumulative and not exclusive, and may be independently and separately pursued against the same person for the activity constituting a violation.

(Ord. 2012-19, passed 11-15-2012) Penalty, see § 51.999

§ 51.066 ADDITIONAL LEGAL MEASURES.

If the town is fined or subjected to a compliance schedule by the state or federal government for a violation of its NPDES permit by any owner, operator, or other person, the owner, operator, or other person shall be liable to the town for any and all penalties, expenses, fees, and costs of compliance associated therewith.

(Ord. 2012-19, passed 11-15-2012)

§ 51.067 CORRECTIVE ACTION.

In the event a violation of this subchapter has not been corrected within the applicable time period for correction, the town may enter upon the real property and correct the violation. Any penalties, expenses, fees, and costs incurred as a result of such action, including but not limited to the inspection, administration, labor, and equipment costs, shall be forfeited from any bond issued for the project.

(Ord. 2012-19, passed 11-15-2012)

§ 51.068 STOP WORK ORDER.

The ~~Zoning Administrator~~ **Stormwater Manager** may issue a stop work order if any construction activity conducted in violation of this subchapter. The stop work order shall require correction of the NOV. Any owner, operator, or other 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.

(Ord. 2012-19, passed 11-15-2012)

§ 51.069 APPROVAL SUSPENSION AND REVOCATION.

An approved application may be suspended or revoked if one or more of the following violations have been committed:

- (A) Violations of the conditions of the approved application;
- (B) Construction is not in accordance with the letter or intent of the approved plans;
- (C) Non-compliance with correction notice(s) or stop work order(s); and/or
- (D) The existence of an immediate danger to a downstream area.

(Ord. 2012-19, passed 11-15-2012)

§ 51.070 DESIGN CRITERIA.

(A) The ~~Zoning Administrator~~ **Stormwater Manager** may grant a variance from the requirements of this subchapter if exceptional circumstances exist such that strict adherence to the provisions of the subchapter will result in unnecessary hardship to the owner, operator, or other person and will not fulfill the intent of the subchapter.

(B) A written request for a variance shall be required and shall be submitted in accordance with the Manual.

(Ord. 2012-19, passed 11-15-2012)

§ 51.071 APPEALS PROCESS.

(A) An applicant may appeal the decision of the Zoning Administrator to ~~town's Board of Zoning Appeals~~ **Charleston County Construction Board of Adjustment and Appeals** within 30 days after the date of ~~Zoning Administrator~~ **Stormwater Manager's** response. The ~~Zoning Administrator~~ **Stormwater Manager** shall provide the petition form to the Utility customer.

(B) The petition must be accompanied with a \$25 fee that will be used to partially defray the costs incurred in connection with the administration of petitions filed pursuant to this section.

(C) The ~~Board of Zoning Appeals~~ **Charleston County Construction Board of Adjustment and Appeals** shall hear the petition to determine if the annual Stormwater Management Utility fee does not apportion the fee with approximate equality, based upon a reasonable basis of classification and with due regard to the benefits conferred by providing stormwater management services to the Utility customer and the requirements of public health, safety, or welfare. The determination of the annual fee by the ~~Board of Zoning Appeals~~ **Charleston County Construction Board of Adjustment and Appeals** is entitled to a presumption of correctness, and the petitioner has the burden of rebutting the presumption of correctness.

(D) The ~~Board of Zoning Appeals~~ **Charleston County Construction Board of Adjustment and Appeals** shall render a written decision on each petition that is heard, and such written decision shall be issued within 20 calendar days from the day the Board heard the petition. The decision of the ~~Board of Zoning Appeals~~ **Charleston County Construction Board of Adjustment and Appeals** shall contain findings of fact and conclusions of law and the decision shall be sent to the petitioner by first class mail.

(E) The decision of the ~~Board of Zoning Appeals~~ **Charleston County Construction Board of Adjustment and Appeals** shall be final unless the petitioner appeals the decision to the circuit court in the county within 30 days after the date of the decision of the ~~Board of Zoning Appeals~~

Charleston County Construction Board of Adjustment and Appeals. Prior to bringing an action to contest an annual fee, the petitioner shall pay to the Finance Officer not less than the amount of the annual fee which he or she admits in good faith is due and owing. Payment of the fee shall not be deemed an admission that the annual fee was correct and shall not prejudice the petitioner in bringing an action as provided herein.

(Ord. 2012-19, passed 11-15-2012)

§ 51.072 FUNDING.

In addition to all other charges, fees, and penalties, the town shall have the right to develop and impose a stormwater service fee to fund implementation of this subchapter and its associated programs and plans.

(Ord. 2012-19, passed 11-15-2012)

§ 51.073 CONNECTION TO CONVEYANCES.

The ~~Zoning Administrator~~ **Stormwater Manager** shall have the right to establish a schedule of appropriate fees for any owner, operator, or person establishing a new discharge to waters of the state within the town. Such fees shall be payable as part of any application related to the discharge of stormwater runoff. Application fees shall be established on the basis of facility classes relating to the quantity and quality of approved discharge. Establishment and revision of such fees shall be approved by Town Council.

(Ord. 2012-19, passed 11-15-2012)

§ 51.074 PLAN REVIEW.

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

(Ord. 2012-19, passed 11-15-2012)

§ 51.075 FIELD INSPECTION.

A fee associated with the field inspection and re-inspections of land development or construction activities may be assessed. Establishment and revision of such fees shall be approved by Town Council.

(Ord. 2012-19, passed 11-15-2012)

§ 51.999 PENALTY.

(A) *General.* Any person violating any provision of this chapter for which no specific penalty is provided shall be subject to the penalty provisions in § 10.99.

(B) *Stormwater Management Utility.*

(1) In addition to any other penalties provided in §§ 51.001 through 51.012 of this chapter, the town may assess a civil penalty not to exceed \$1,000, against any person violating any provision of §§ 51.001 through 51.012. Each day a violation continues constitutes a separate violation that may be the subject of such a penalty. The enforcement officer shall make a written demand for payment upon the person responsible for the violation and set forth in detail the violation for when the penalty has been invoked. If full payment of the penalty is not made within 30 days after such demand is made, a civil action may be filed in the circuit court of the county to recover the amount of the penalty.

(2) When the town has reasonable cause to believe that any person is violating or is threatening to violate the requirements of §§ 51.001 through 51.012, it may, either before or after the institution of any other action or proceeding authorized by §§ 51.001 through 51.012, institute a civil action in circuit court for injunctive relief to restrain the violation or threatened violation. The institution of an action for injunctive relief under this division does not relieve any party to the proceeding from any civil penalty prescribed for violations of §§ 51.001 through 51.012.

(3) The amount of the fee shall be pursuant to the town's Stormwater Management Utility Fee Ordinance.

(C) *Stormwater management program.*

(1) *Civil.* Any person violating any provision of §§ 51.040 through 51.075 of this chapter shall be subject to a civil penalty of up to \$1,000 for each violation. Each separate day of a violation constitutes a new and separate violation.

(2) *Criminal.* In addition to any applicable civil penalties, any owner, operator, or other person who willfully, with wanton disregard, or intentionally violates any provision of §§ 51.040 through 51.075 shall be guilty of a misdemeanor and shall be punished within the jurisdictional limits of the county's magistrates court. The ~~Zoning Administrator~~ **Code Enforcement Officer** may issue a uniform summons citation for a violation of §§ 51.040 through 51.075. Fines imposed under the NOV may not exceed \$500 per violation or 30 days in jail, or both. Each day a violation remains constitutes a separate offense.

(Ord. 2012-18, passed 11-15-2012; Ord. 2012-19, passed 11-15-2012)