



Town of James Island, Regular Town Council Meeting  
December 20, 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 Comment
3. Consent Agenda
  - a.** Minutes: November 15, 2018 Regular Town Council Meeting
  - b.** 2019 Holidays and Town Council Meeting Schedule
4. Information Reports
  - a.** Finance Report
  - b.** Administrator's Report
  - c. Public Works Report
  - d. Island Sheriffs' Patrol Report
5. Requests for Approval
  - a.** Dills Bluff Sidewalk, Phase 3, Seaside to Condon, JLA Group
  - b.** SCE&G Street Lighting along Camp and Dills Bluff
  - c.** Dock Street Park Signage
  - d.** Fort Johnson and Santee Drainage Improvements
8. Committee Reports
  - Land Use Committee
  - Environment and Beautification Committee
    - Greenbelt Report
  - Children's Commission
  - Public Safety Committee
    - Recognition of Neighborhood Council Representative
  - History Commission
  - Rethink Folly Road Committee Report
  - Drainage Committee
9. Proclamations and Resolutions
  - a.** Resolution #2018-11: Island Sheriffs' Patrol, Deputy of Third Quarter, Deputy Michael Costanzo
  - b.** Resolution #2018-12: A Resolution Regarding the Camp Road Library on James Island
  - c.** Resolution #2018-13: In Support of Central Pk. and Riverland Dr. Intersection Improvements, Alternative #3

10. Ordinances up for Second/Final 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

11. Ordinances up for First Reading:

**Ordinance #2018-16**: An Ordinance Pertaining to Environmentally Acceptable Packaging and Products

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, November 15, 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, Deputy Herman Martin, Island Sheriff’s Patrol, and Kristen Crane, Planning Director, filling in for Frances Simmons, Town Clerk, who was absent. A quorum was present to conduct business.

Opening Exercises: Mayor Woolsey called the meeting to order. Mayor Woolsey led Council in prayer and followed with 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.

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

Mayor Woolsey opened the Public Hearing and the following persons spoke:

Kathy Woolsey, 961 Mooring Drive, stated that she would like to apologize for JIPSD Commissioner Kay Kernodle’s rude and unprofessional behavior she exhibited at a previous meeting here at Town Hall. Mrs. Woolsey stated that she realizes that the JIPSD has done nothing to warrant any favors from the Town of James Island, therefore she is asking members of Council, as a personal favor to her, to vote in favor of the boundary change to facilitate the building of a new fire station. She said that in January three new Commissioners will be seated on the JIPSD Commission and she believes the new makeup of the Commission will be more favorable to working with the Town to reduce the tax burden on citizens of James Island. She will also make sure that the PSD has a more cooperative spirit and work with the Town staff to make this island a better place.

Inez Brown-Crouch, 1149 Mariner Drive, introduced herself as a member of the JIPSD Commission, and wished to thank everyone that voted for her reelection to the Commission. She said that she also wished to thank everyone who did not vote for her, and she stated that she is grateful for the Town’s support and promises that she won’t let anyone down.

Public Hearing: Ordinance #2018-14: Proposed Changes to Special Events.

Mayor Woolsey opened the Public Hearing. No one signed up to speak.

Presentation: 2017/2018 Financial Statement, Henry Wilson, Wilson and Quirk, CPA.

Henry Wilson, CPA, reviewed highlights from the Town of James Island Independent Auditor’s Report and Basic Financial Statements and it was accepted as information. Mr. Wilson stated that overall the Town has a favorable financial outlook, and is in very good financial standing. The Town has no lawsuits, has paid \$200,000 of bond debt, and \$6.6 million of working capital. Some notable changes include the Town’s contribution to the Island Sheriff’s Patrol police retirement system. Mr. Wilson briefly went over property/equipment, accounts payable, income for next year. He said that expenses went up slightly, \$300,000 which is broken down to 1/3 Public Works projects, 1/3 facilities, and 1/3 park improvements, but stated that most everything else has remained the same. He then explained details on pages 6, 14 and 25, and then congratulated the Town on its internal controls. Councilman Milliken asked what year the debt ratio would go away and Mayor Woolsey answered that will happen, when the debt is paid off, most likely in the spring. Council thanked Mr. Wilson for his report.

Presentation: US HUD 2019 Urban Entitlement Program, Dr. Anna Eskridge, Charleston County.

Dr. Anna Eskridge, Program Manager for HUD Urban Entitlement Program, gave a short presentation on the Annual Update form the Community Development Department of Charleston County, and it was accepted as information. Dr. Eskridge explained the three types of funding the HUD receives each year, including Community Development Block Grant, Emergency Solutions Grant, and the HOME Investment Partnership Program. She explained that the funding is intended for low-to-moderate income individuals. She said that help is also available for individuals who need assistance with clean water, affordable housing, and emergency home repairs. The application is available on the Charleston County Government website (charlestoncounty.org), under Departments, then Community Development. The application window opens on 11/26/2018 and closes on 1/7/2019. She would like to thank Ashley Kellahan, Town Administrator for serving on the Board and she appreciates the Town's support. She would like to point out that there is a Resource Directory on the website for citizens who need assistance with shelter, food pantries, etc.

#### Public Comments:

Kenneth Johnson, 427 Lindberg Street, Eagle Scout, Troop #50 stated that he would like to follow-up on his Eagle Scout project that he introduced at the October Council meeting. He has constructed two donation boxes with one in the reception area at Town Hall and the other in Council Chambers. These will be permanent here at Town Hall, and right now, he is accepting donations in the boxes for a Thanksgiving Drive for the James Island Outreach.

LeeAnn Johnson, Bradford Avenue, stated that someone in her neighborhood had a huge bonfire and she was wondering if the Town had any burn ordinances. She stated that it was a safety issue and was just inquiring on the Town's rules as they relate to burning.

#### Consent Agenda:

- a. Minutes: October 18, 2018 Regular Town Council Meeting: Motion to approve the Consent Agenda was made by Councilman Blank, seconded by Councilman Mullinax. Passed unanimously.

#### Information Reports:

- a. Finance Report: Finance Director, Merrell Roe reviewed highlights from the Finance Report and it was accepted as information.
- b. Administrator's Report: Town Administrator, Ashley Kellahan reviewed the Administrator's report adding that the punch list for Town Hall should be complete soon from a few small things left. She stated that the Lighthouse Blvd. Sidewalk and Drainage Improvements Project is moving forward, with the Town requesting from the BZA permission to remove two grand trees next week. The Jordan Street traffic-calming meeting will be held on 11/27/2018 at 7pm and signs will be posted before the meeting. She added that the Hazard Mitigation Plan Annual Update was included in Council packets. She also responded to Councilman Milliken's question regarding the boardwalk completion on Dills Bluff Road as it pertains to the timeline of completion, and that the project is still in permitting at OCRM. Report accepted as information.
- c. Public Works: Public Works Director, Mark Johnson presented the Public Works Report and responded to Councilman Milliken's questions regarding street sweeping and maintenance of Harbor View Road. The report was accepted as information.
- d. Island Sheriff's Patrol Report: Deputy Herman Martin apologized for the absence of Sergeant James, stating that he was on a call for Crisis/Hostage Mitigation. He stated that the Sheriff's Department is ramping up patrol, especially in the Greenhill, Honeyhill and Seaside area where the recent murder occurred. The suspects for that homicide are in custody. He said that they are also ramping up overall patrol because of the holiday season. Mrs. Kellahan said that she would like to speak on "Coffee with Cops" because Deputy Martin was not there, but she noted it was successful. Next time the location may change to a location such as Chick-fil-A, in order to engage a larger crowd.

Requests for Approval:

Town Facilities Policy: Mrs. Kellahan explained the request for a Town Facilities Policy, stating that the Town now has available for use meeting space, including conference rooms. She stated that there has been a lot of interest to use the space, so we need a policy to protect the Town from any liability and to keep the facilities nice. Motion in favor was made by Councilman Blank, seconded by Councilman Stokes and passed unanimously. Mrs. Kellahan stated that Frances Simmons, Town Clerk, deserves the credit for the great job she did in creating the policy.

Tree Maintenance at Camp and Folly: Councilman Milliken spoke on the request to clean-up the trees that were saved as part of the Camp and Folly Improvement Project. He stated that these trees have become overgrown and could use fertilizer and possibly some pruning. He said that the trees provide great shade on that part of Town. Motion in favor was made by Councilman Blank, seconded by Councilman Mullinax. Councilman Blank said he was in favor of this request because of the need for these trees to be fertilized and pruned. Councilman Stokes asked the cost, and if the Town utilized on-call contractors for this type of work. Mrs. Kellahan responded that the cost should be around \$1,500, similar to what the Town funded on Fort Johnson road in front of the high school. Motion passed unanimously.

Committee Reports:

Land Use Committee: Councilman Blank made a motion to reappoint Planning Commissioner Zennie Quinn for another term on Planning Commission. Councilman Stokes seconded the motion and it passed unanimously.

Environment and Beautification Committee: Councilman Milliken stated that the Environment and Beautification Committee but the Citizen Committee, James Island Pride, for which he is Council Liaison for, does have a few items to report. James Island Pride hosted an Adopt-a-Highway litter pick-up on November 3 and citizens were able to remove 51 bags of trash from island roadways in 2 hours. He would like to give special thanks to the employees of Autobell Car Wash for participating. He would also like to give thanks to Paisano's Pizza for rewarding their efforts with some tasty pizzas. The next litter pick-up is scheduled for February 2. He wanted to let everyone know that nomination forms are available on the Town website for the James Island Community Hero Award. He said that Helping Hands took care of 10 yards on October 20, with the help of the First Baptist Church Youth Group. Councilman Milliken said that Helping Hands can still use more volunteers, and any citizens or community groups who wish to get involved with Helping Hands can contact Stan Kozikowski at 860-847-0544. An Arbor Day celebration will be held at Camp Road Middle School on December 7, around 1pm and the celebration will include the plating of two Live Oak trees, a performance by the school's band, tree poems by English students, and a display of tree posters by middle school artists.

Children's Commission: Councilman Stokes would like to thank everyone who came out and helped with the annual Lights On event sponsored by the elementary schools' Kaleidoscope program. There were more people in attendance this year than any other year, with an estimated 450 people. He stated that the Town's Annual Tree Lighting Ceremony would be the Thursday after Thanksgiving, 11/29/2018, from 6-8pm, here at Town Hall.

Public Safety Committee: Councilman Mullinax reported that the normally scheduled meeting of the Neighborhood Council has been postponed because of Thanksgiving, to December 6. This meeting will be more of a "drop-in" type event and will combine the meetings of November and December.

History Commission: Mayor Woolsey stated that the James Island History Commission approved the final draft of the booklet and hoping to complete soon. Also the Commission is participating in a Victory Day

Celebration on December 16. He said that Victory Day celebrates the date that the British troops abandoned Charleston.

Rethink Folly Road Committee Report: Mayor Woolsey reported that the Rethink Folly Steering Committee approved staff's recommendation to move forward with plans to install an 8' sidewalk and to restripe Folly Road as to widen the bike lanes to standard width on Folly Road from Ellis Creek to Pittsford Street (which is the entrance to Queensborough Neighborhood). The hope of the Committee is that with the changes to the Folly Road, SCDOT may re-evaluate the Committee's former request to lower the speed limit. Woolsey stated the Committee has issued an RFP for a Consultant to implement the plan, with the Town taking the lead. He would also like to report that Councilwoman Anna Johnson has been appointed by Charleston County Council to replace Councilman Joe Qualey as the County's representative on the Steering Committee.

Drainage Committee: Councilman Stokes reported that he is in the process of creating the Drainage Committee and is currently defining the function of the Committee, while working on the timing of the meetings to coincide with monthly Stormwater Managers meetings. He hopes that the Committee will meet quarterly, with the first meeting on the second Wednesday of January at 3pm.

Ordinances up for Second/Final Reading: None

Ordinances up for First Reading:

Ordinance #2018-13: An Ordinance to Adjust the Boundary Between the City of Charleston and Town of James Island: Motion in favor was made by Councilman Stokes, seconded by Councilman Blank. No discussion. Motion passed unanimously.

Ordinance #2018-14: An Ordinance on Proposed Changes to Special Events: Motion in favor was made by Councilman Blank in order to discuss, seconded by Councilman Stokes. Councilman Blank stated he would like to make a motion to amend the proposed change to strike out the change in the definition of 50 people, and to amend it back to 100 people. Councilman Stokes seconded the motion and it passed unanimously. Councilman Blank made a motion to amend the proposed change to strike out the change in the definition of the addition of "neighborhood/block parties" and add the language "or events that require road closures or restricts traffic". Councilman Stokes seconded the motion. Councilman Milliken asked to make a motion to amend the amendment to remove "restricts traffic" because the wording was redundant. Councilman Mullinax seconded the motion to amend the amendment. Councilman Milliken explained his reasoning behind his amendment. Councilman Stokes stated that he agrees with Councilman Milliken, but that it was confusing. There was discussion and Councilman Milliken agreed that it was confusing. The vote on the amended amendment was Councilman Milliken and Councilman Mullinax – yes; Councilman Stokes, Councilman Blank and Mayor Woolsey – no. The motion failed. Councilman Blank stated that he still believed all of the wording, "or events that require road closures or restricts traffic" needs to be in the definition. Mayor Woolsey called for the vote and it passed unanimously. Mayor Woolsey called for the vote on the remaining amendments to Special Events. Motion passed unanimously.

Ordinance #2018-15: An Ordinance to Amend Chapter 51: Stormwater Management: Mrs. Kellahan explained the reason for the amendments to Chapter 51, including changes to replace "Zoning Administrator" with "Stormwater Manager" and changing the Appeals process from the Town's Board of Zoning Appeals to the Charleston County Construction Appeals Board. Motion in favor was made by Councilman Stokes, seconded by Councilman Mullinax and passed unanimously.

New Business: None

Executive Session: Not needed.

Adjournment: There being no further business to come before the body, the meeting adjourned at 7:59 p.m.

Respectfully submitted:

Kristen Crane  
Planning Director

**2019 Town of James Island  
Holiday Schedule**



The Town of James Island will observe the following holidays in 2019:

<b>New Year's Day</b>	<b>Tuesday, January 1</b>
<b>Martin Luther King, Jr. Birthday</b>	<b>Monday, January 21</b>
<b>Good Friday</b>	<b>Friday, April 19</b>
<b>National Memorial Day</b>	<b>Monday, May 27</b>
<b>Independence Day</b>	<b>Thursday, July 4</b>
<b>Labor Day</b>	<b>Monday, September 2</b>
<b>Veterans Day</b>	<b>Monday, November 11</b>
<b>Thanksgiving Day</b>	<b>Thursday, November 28</b>
<b>Day after Thanksgiving</b>	<b>Friday, November 29</b>
<b>Christmas Eve</b>	<b>Tuesday, December 24</b>
<b>Christmas Day</b>	<b>Wednesday, December 25</b>
<b>Day after Christmas</b>	<b>Thursday, December 26</b>

**Town of James Island  
2019 Town Council Meeting Schedule**

<b>Thursday, January 17</b>	<b>Thursday, August 15</b>
<b>Thursday, February 21</b>	<b>Thursday, September 19</b>
<b>Thursday, March 21</b>	<b>Thursday, October 17</b>
<b>Thursday, April 18</b>	<b>Thursday, November 21</b>
<b>Thursday, May 16</b>	<b>Thursday, December 19</b>
<b>Thursday, June 20</b>	
<b>Thursday, July 18</b>	

Town Council meetings are held on the third Thursday of each month. All regularly scheduled meetings are held at 7:00 p.m. at the Town Hall, 1122 Dills Bluff Road, James Island, SC 29412. For further information, please contact the Town of James Island at (843) 795-4141; Fax (843) 795-4878; [www.jamesislandsc.us](http://www.jamesislandsc.us)







## GENERAL OPERATIONS

Salaries	22,195	37,854	25,284	25,266	24,226	134,824	341,100
Fringe Benefits	7,773	12,750	8,537	8,537	8,419	46,016	117,150
		<b>50,604</b>	<b>33,821</b>	<b>33,803</b>	<b>32,645</b>	<b>180,840</b>	<b>458,250</b>
							39%

## PLANNING

Supplies		362			22	384	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	37	(13)	660
Uniform / PPE						-	500
Planning Commission		200		550	150	900	4,000
Board of Zoning Appeals	200		500	170	200	1,070	4,000
		<b>613</b>	<b>668</b>	<b>992</b>	<b>409</b>	<b>2,889</b>	<b>13,585</b>
							21%

## BUILDING INSPECTION

Mileage Reimbursement						-	500
Mobile Devices	55	55	55	55	55	275	660
Supplies						-	500
Equipment / Software						-	500
Uniform / PPE						-	250
Dues & Subscriptions						-	800
Travel & Training						-	1,500
		<b>55</b>	<b>55</b>	<b>55</b>	<b>55</b>	<b>275</b>	<b>4,710</b>
							6%





## CAPITAL PROJECTS

Quail Drive Sidewalk					\$ -	\$ 64,260
Camp Rd Sidewalk, Phase III (Folly to Riverland)					-	
Dills Bluff Sidewalk, Design through Phase III	2,500		4,622		7,122	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	4,650	6,950	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		11,991	14,116	344,025
				-	204,128	1,127,529
<b>Transfer In from Hospitality Tax</b>						
Transfer In from General Fund					-	692,160
						18%

## LOCAL OPTION SALES TAX ROLLBACK FUND

LOST Rollback	98,323	90,711	86,801		275,834	975,000
LOST Rollback - Interest Income	729	244			973	3,000
					276,807	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	(31,520)	181,215	181,215

### HOSPITALITY TAX

Hospitality Tax Revenue		50,515	39,783	34,193	124,491	500,000
The Town Market	11,650		794	717	13,160	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					(62,015)	

### 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	590	3,500
					-	
Helping Hands Donations					1,243	
Helping Hands Expense	91				91	-

# ADMINISTRATOR'S REPORT

Nov-18

## ADMIN NOTES

- a. New Town Hall final walk-thru occurred. Floors fixed and other minor details being addressed.
- b. The Town hosted a Crime Listening Meeting in partnership with the City of Charleston and the Charleston Illumination Project.
- c. Met with Carl Simmons, Chief Bldg Official, to go over the Town's repetitive loss structures and discussed moving forward with reports on each detailing needed mitigation work
- d. We met with SCE&G to discuss their tree trimming schedule for 2019 and areas within the Town affected - Public notices will be going out
- e. Greenbelt funding cycle opened and Town currently has 276k available with estimated 86k annually
- f. Current Grant work includes FEMA Hazard Mitigation Grant, 2019 PARD, 2020 TST, & upcoming Greenbelt

**TOTAL Business Licenses 34**

\*15 of those processed at Town hall

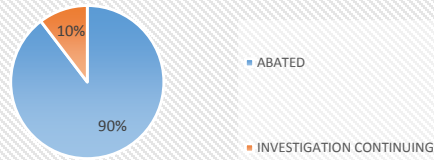
## Code Enforcement Cases

<b>TOTAL CASES</b>	<b>424</b>
<b>ABATED</b>	<b>380</b>
<b>INVESTIGATION CONTINUING</b>	<b>44</b>
RANK VEGETATION / SOLID WASTE	111
INOPERABLE VEHICLE	73
TREE CASES	36
NUISANCE PROPERTY	35

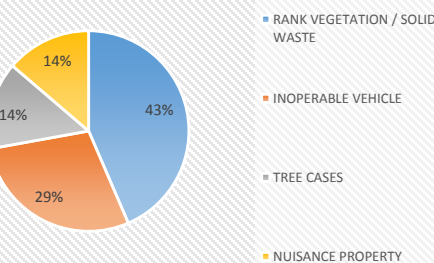
\* 7 new cases opened in November

Building Permits & Inspections	Permits	Inspections
	86	87
Building	27	43
Electrical	21	14
Plumbing	8	14
Mechanical	3	9
Gas		7
Pool	1	
Roofing	6	
Fire System		
Sign	1	
Trades	19	
Previous Month	82	116

## Code Enforcement - Case Status



## Code Enforcement - Case Type

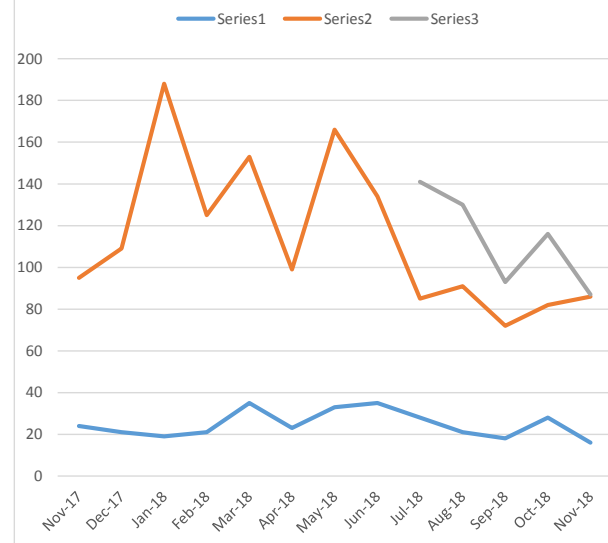


PERMIT TYPE	Nov-18
ACCESSORY STRUCTURE	
CLEARING & GRUBBING	
DEMOLITION PERMIT	
EXEMPT PLATS	
FIREWORK STAND	
HOME OCCUPATION	1
LSPR	
NON-EXEMPT PLAT	
PD AMENDMENT (REZONING)	
RESIDENTIAL ZONING	7
REZONING	
SPR	
SIGN PERMIT	
SITE PLAN REVIEW	
SPECIAL EVENT	
SPECIAL EXCEPTION	
TEMPORARY ZONING	4
TREE REMOVAL	2
TREE TRIMMING	
VARIANCE	1
ZONING PERMIT	1
<b>TOTAL</b>	<b>16</b>

## PUBLIC WORKS NOTES

- 1) 1 new request for service in November, not drainage related and Town Staff have responded to the request.
- 2) Fort Johnson at Lighthouse Blvd.: Charleston County Transportation Development has the Reveer Group working on the plans. The BZA approved the removal of two trees for the project and it is moving forward.
- 3) Honey Hill Drainage: Met on-site with SCEG representatives to discuss the proposed easement along their parcel.
- 4) The Seaside Lane Sidewalk project had its final inspection. Ribbon cutting scheduled for 12/17 @ 2.
- 5) The James Island Comprehensive Drainage Plan group, through Charleston County, hired Thomas and Hutton for the island wide study and they are putting together a schedule and starting to gather information.
- 6) Staff identified and field verified several stormwater outfalls that contribute to neighborhood flooding during extreme high tide events. Staff is looking to up-fit these outfalls with backflow devices to reduce upstream flooding.
- 7) Town Staff replaced 8 STOP signs that were damaged/faded or otherwise illegible. Staff cleaned an additional 15 traffic signs to extend their service life. Staff also cleared vegetation from ROW and from around signs at 12 locations.

## PERMITS - 13 MONTH HISTORY











JEROME L. ANTONIO & ASSOCIATES, P.C.  
 1000 W. 10th Street, Suite 100  
 Annapolis, MD 21403  
 TEL: 410-291-1100  
 FAX: 410-291-1101  
 WWW: JLA-ARCHITECTS.COM

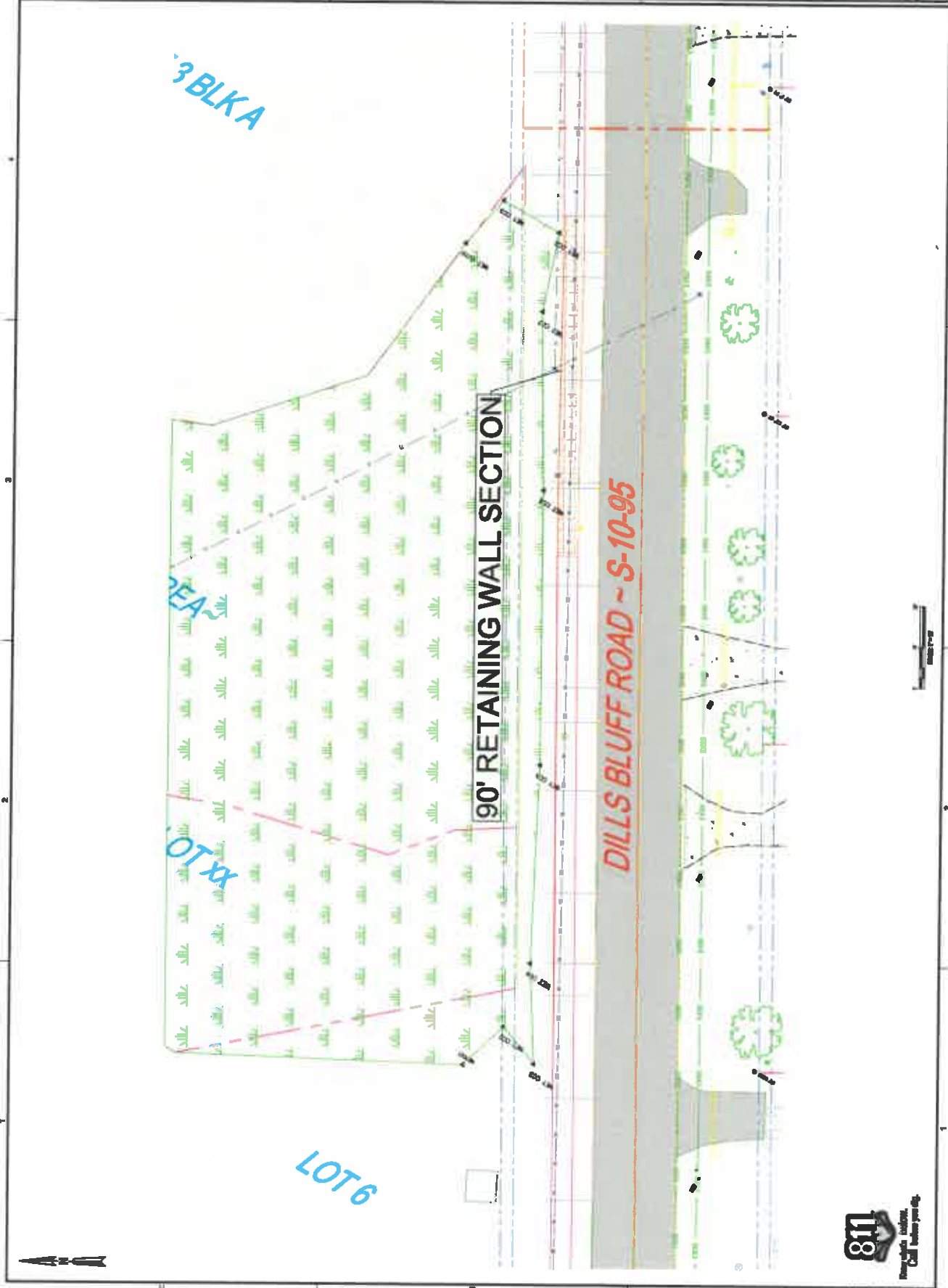
THE TOWN OF JAMES ISLAND  
 JAMES ISLAND, SC  
**DILLS BLUFF ROAD  
 SIDEWALK PROJECT  
 PHASE 3**  
 DILLS BLUFF ROAD SIDEWALK PHASE 3 PROJECT / PHASE 3 SIDEWALK PROJECT



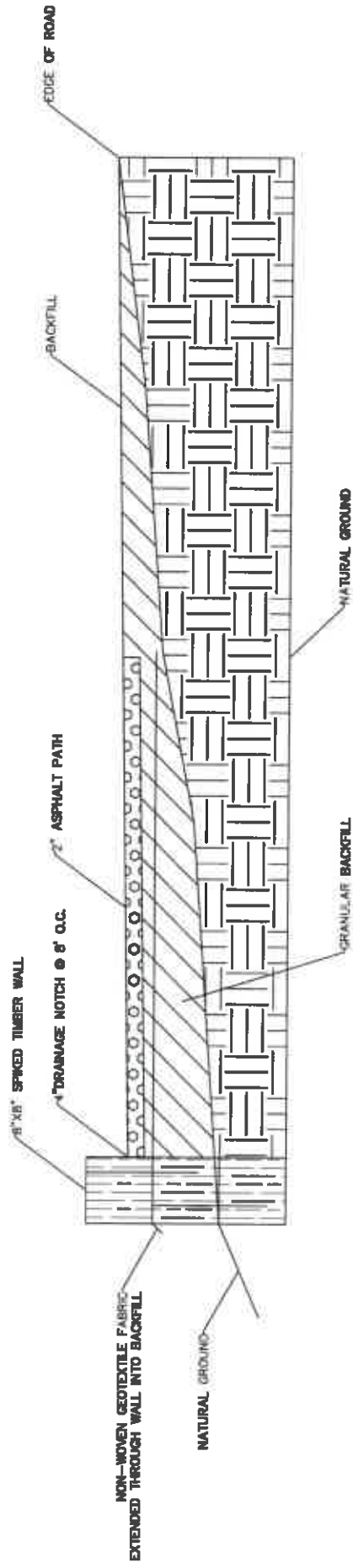
PROJECT NO.	1000000000
DATE	11/15/2011
PROJECT TITLE	WETLAND 2
SCALE	AS SHOWN
DESIGNER	JLA
CHECKED BY	JLA
DATE	11/15/2011

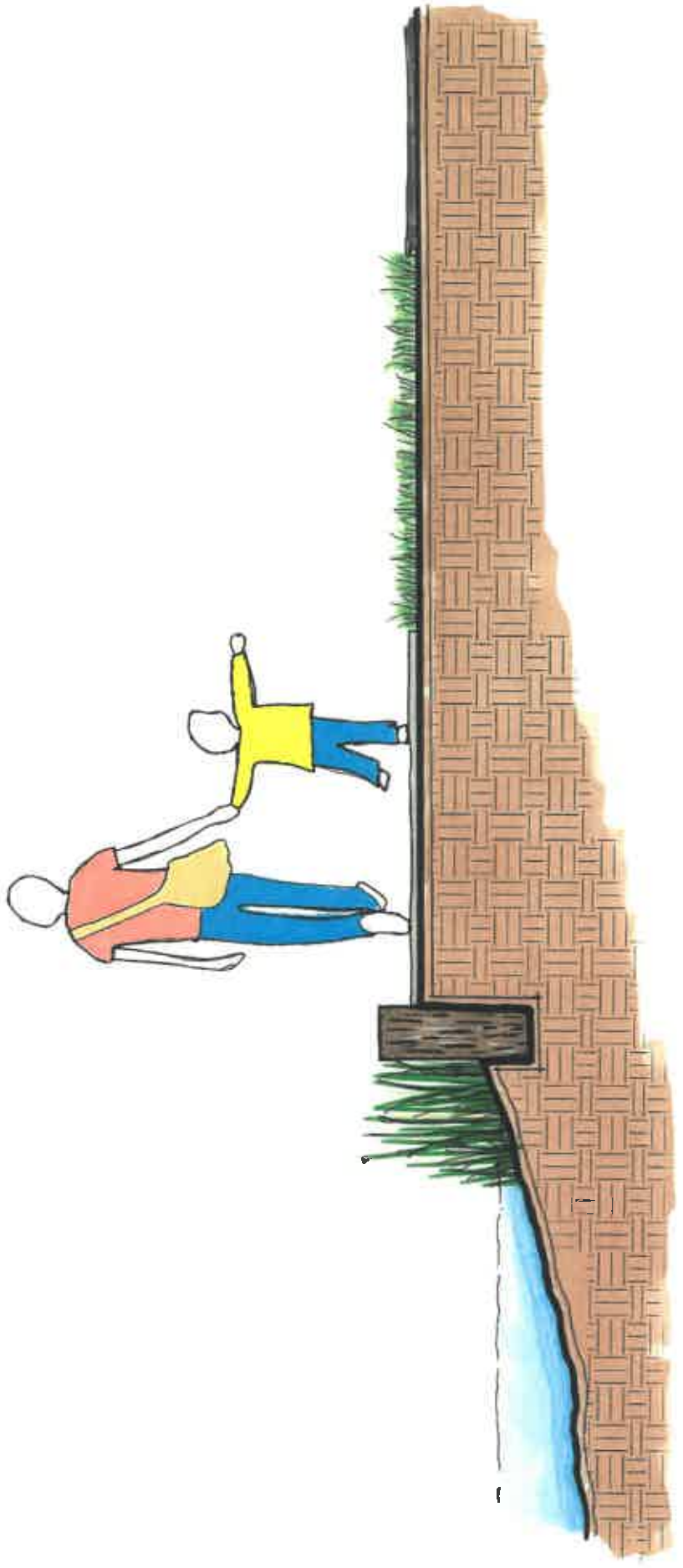
DATE: 11/15/2011  
 PROJECT TITLE: WETLAND 2  
 SCALE: AS SHOWN  
 DESIGNER: JLA  
 CHECKED BY: JLA  
 DATE: 11/15/2011

**SK-05**



# RETAINING WALL SECTION





<b>CONSTRUCTION COST ESTIMATE</b>		DATE PREPARED <b>October 31, 2018</b>	SHEET NO. <b>1</b>
PROJECT <b>James Island Sidewalk - Phase 3</b>		BASIS FOR ESTIMATE  Code A (No design completed)  Code B (Preliminary design)  Code C (Final design)  Other (Specify) _____	
LOCATION <b>Dille Bluff Road from Seaside Lane to Condon Drive</b>			
ENGINEER <b>Herbert W. Gilliam, PE</b>			

DRAWING <b>Preliminary</b>	ESTIMATOR <b>H. Gilliam</b>	CHECKED BY
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SUMMARY	QUANTITY		UNIT PRICE		MATERIAL		TOTAL COST
	No. Units	Unit Meas.	Per Unit	Total	Per Unit	Total	
Mobilization	1	LS	25,000.00	\$ 25,000.00		\$ -	\$ 25,000.00
Traffic Control	1	LS	20,000.00	\$ 20,000.00		\$ -	\$ 20,000.00
Fill of Low Areas	1,000	CY	30.00	\$ 30,000.00		\$ -	\$ 30,000.00
Drainage Pipe Parallel to Road	500	LF	100.00	\$ 50,000.00		\$ -	\$ 50,000.00
RIP-RAP	50	TONS	100.00	\$ 5,000.00		\$ -	\$ 5,000.00
Sidewalk	1,000	SY	60.00	\$ 60,000.00		\$ -	\$ 60,000.00
Storm Structures	6	EA	3,500.00	\$ 21,000.00		\$ -	\$ 21,000.00
Site Restoration	1	LS	20,000.00	\$ 20,000.00		\$ -	\$ 20,000.00
Retaining Wall	225	LF	200.00	\$ 45,000.00		\$ -	\$ 45,000.00
				\$ -		\$ -	\$ -
				\$ -		\$ -	\$ -
				\$ -		\$ -	\$ -
				\$ -		\$ -	\$ -
				\$ -		\$ -	\$ -
				\$ -		\$ -	\$ -
Lump Sum Construction	1	LS		\$ -		\$ -	\$ -

<b>SUBTOTAL</b>	<b>\$ 276,000.00</b>
<b>15% Contingency</b>	<b>\$ 41,400.00</b>
<b>10% Engr &amp; Admin</b>	<b>\$ 31,740.00</b>
<b>TOTAL COMBINED COST</b>	<b>\$ 349,140.00</b>



## Town of James Island Lighting Proposal Dills Bluff and Camp Road Street Lighting

### Proposal:

Install twenty four (24) 77 Watt LED Shepherd Fixtures on 15' Shepherd Poles and upgrade existing overhead fixtures to metal halide "white" light. Conduit installation done by SCE&G via boring.

### Upfront Charges

- Company will use the NSSF OWIP process for paying of lighting infrastructure.
- Total amount of infrastructure = \$109,366
- SCE&G's responsibility under NSSF OWIP process = \$54,683
- **Customer's responsibility under NSSF OWIP process = \$54,683**

### LED Decorative Lighting Monthly Charges:

- Monthly Facility Fee = \$1,848.32
  - Monthly Facility Fee = 1.9% of the Total Project Cost
  - Monthly Facility Fee is a fixed charge
  - Facility Fee **NOT** subject to any SCE&G rate increases
- Energy Use based on Manufacture's input = \$75.90
  - Based on wattage of 77
  - Billed under SCE&G's "General Service" Rate 9
- **Total Monthly LED Charges: \$1,924.22**
  - Requires a 15 Year Lighting Agreement
  - Monthly totals do not include taxes and/or any applicable fees

### Changes to Existing Overhead Lighting:

- Existing Overhead Cost
  - Total Lights = 13
  - Mixture of HPS and MV
  - Total Current Cost
 

Town of JI =	\$51.37
City of Chas =	\$82.16
<u>Total =</u>	<u>\$133.53</u>
- **New Overhead Cost Current Cost**
  - Total Lights = 13
  - Change to 100W Metal Halide
  - New Cost
 

Town of JI =	\$137.28
--------------	----------
- **Total New Monthly Overhead Charges: \$137.28**



ARTIE HORNE  
2000-B WAPPOO DR.  
CHARLESTON, SC 29412  
843-762-4454

Invoice 5680  
12-10-2018

Town of James Island, SC  
Camp Rd  
James Island, SC 29412  
Ashley Kellehan

Dock Street Park

1" PVC signs:

1-32"x48 oval I.D. sign-\$2,900.00

1- Rules @ 18"x24"--\$525.00 each

1-Handicap @ 12"x18"--\$300.00 each

move dog litter bag container to back of rules sign

move PARD to back of oval I.D. sign

\$200.00

remove old posts and unused signs

all installed on unpainted treated 4"x4" wood posts

\$3,925.00

tax-\$353.25

total-\$4,278.25

deposit-\$3,208.00





### WELCOME TO DOCK STREET PARK

WE HOPE YOU ENJOY YOUR VISIT

### RULES & REGULATIONS

- OPEN FROM SUNRISE TO SUNSET. PATRONS ARE NOT PERMITTED AT OTHER TIMES UNLESS INVOLVED IN PARK SPONSORED PROGRAMS OR PERMITTED EVENTS.
- PERMITS ARE REQUIRED FOR SPECIAL EVENTS.
- PETS MUST BE LEASHED.
- PET OWNERS ARE RESPONSIBLE FOR REMOVAL OF ALL PET WASTE.
- NO LITTERING. GLASS BOTTLES ARE PROHIBITED.
- FISHING IS ALLOWED, HOWEVER CLEANING FISH HERE IS NOT PERMITTED.
- POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES IS PROHIBITED.
- NO MOTOR VEHICLES ARE ALLOWED. GOLF CARTS THAT HAVE A SCDMV PERMIT TO OPERATE ON RESIDENTIAL STREETS MAY BE PARKED IN THE DESIGNATED PARKING AREA.
- ENTERING THE WATERWAY FROM DOCK ST PARK IS AT YOUR OWN RISK.
- HUNTING OR POSSESSION OF FIREARMS IS PROHIBITED.
- METAL DETECTORS, OPEN FIRES, AND USE OF PROPANE OR NATURAL GAS.
- NO SWIMMING OR WADING.
- VIOLATORS WILL BE PROSECUTED.

PLEASE HELP KEEP OUR PARK CLEAN

FOR MORE INFORMATION OR TO OBTAIN A PERMIT, PLEASE CONTACT THE TOWN OF JAMES ISLAND AT 843.795.4141 OR VISIT [WWW.JAMESISLANDSC.US/DOCKSTPARK](http://WWW.JAMESISLANDSC.US/DOCKSTPARK)

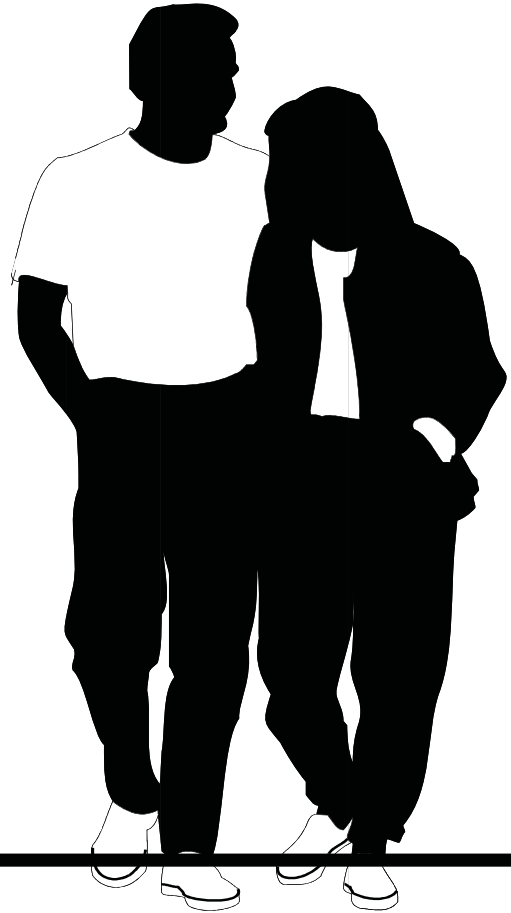
# RESERVED PARKING



18"X24"X1"  
WOOD GRAIN pvc  
WOOD GRAIN ON BLUE BACKGROUND ONLY  
ON TREATED 4"X4" POSTS  
LOGO AND COPY DIGITAL PRINT  
**\$525.00**

added no swimming or wading

12"X18"X1"  
WOOD GRAIN pvc  
ON TREATED 4"X4" POSTS  
**\$300.00 EACH INSTALLED**



32" x 48" x 1" solid PVC sign installed on  
blue area routed and white and black areas flat  
NEW unpainted 4"x4" treated posts  
\$2,900.00





**Stantec Consulting Services Inc.**

4969 Centre Pointe Drive Suite 200, North Charleston SC 29418-6952

12 December 2018

**Ashley Kellahan**  
Town Administrator  
Town of James Island  
1122 Dills Bluff Road  
James Island, SC 29412

Dear Mrs. Kellahan,

**Reference: Fort Johnson Road and Santee Street Drainage Assessments**

Stantec Consulting Services Inc. (Stantec) is pleased to submit this proposal to the Town of James Island (Client) for providing drainage analysis and recommended improvements at two locations: (1) the intersection of Fort Johnson Road and Folly Road, and (2) at 841 Santee Street and its immediate surrounding area. This letter proposal is based on the site visit we conducted with the Town on December 7, 2018. This proposal has been formatted to describe the scope of services offered and fees.

**SCOPE OF SERVICES**

Task 1 – Fort Johnson Road and Folly Road Drainage Analysis

Stantec will perform a site visit to gather existing drainage information. We will use this information along with any other available information, such as SCDOT plans and field data, to provide an assessment of the existing conditions. Stormwater modeling will be performed to identify the locations causing the flooding and where improvements could be made to alleviate the flooding on Fort Johnson Road. Concept plans will be prepared to show the recommended improvements and be used for construction. Based on the plans, quantities will be calculated and an Opinion of Probable Construction Costs will be prepared.

Task 2 – 841 Santee Street Drainage Analysis

Stantec will perform a site visit to gather existing drainage information. We will use this information along with any other available information, such as SCDOT plans, to provide an assessment of the existing conditions. Stormwater modeling will be performed to identify the locations causing the flooding and where improvements could be made to alleviate the flooding on Santee Street. Concept plans will be prepared to show the recommended improvements and be used for construction. Based on the plans, quantities will be calculated and an Opinion of Probable Construction Costs will be prepared.

12 December 2018

Ashley Kellahan

Page 2 of 2

**Reference:** Fort Johnson Road and Santee Street Drainage Assessments

## PROPOSED FEE

Stantec will perform the services as a task order under the attached Master Services Agreement with the Town and for the following lump sum fees:

Task	Fee
1 – Fort Johnson Road and Folly Road Drainage Analysis	\$6,000.00
2 – 841 Santee Street Drainage Analysis	\$6,000.00
<b>Project Total</b>	<b>\$12,000.00</b>


## ACCEPTANCE

We appreciate the opportunity to offer these services to the Town of James Island and look forward to working with you on this project. Your signature below will serve as our notice to proceed. If you have any questions, please call me at (843) 740-6347.

Regards,

**Stantec Consulting Services Inc.**

**Town of James Island**



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**Justin Tye** P.E., PTOE  
Transportation Engineer  
Phone: (843) 740-6347  
justin.tye@stantec.com

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Approved by (Please Print)

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Signature

tj v:\1710\business\_development\transportation\proposals\james island drainage projects\20181212\_james\_island\_drainage\_proposal.docx



RESOLUTION HONORING ISLAND SHERIFFS' PATROL (ISP) OFFICER OF THE THIRD QUARTER

Deputy Michael Costanzo

WHEREAS, the Town of James Island promotes the protection, safety, and welfare of its citizens by utilizing the services of the Island Sheriffs' Patrol; and

WHEREAS, Deputy Costanzo was voted upon by his peers for this outstanding achievement for displaying outstanding achievements, productivity and dependability. Deputy Costanzo consistently works the areas where complaints are the most prevalent, including making numerous traffic stops in these areas. Deputy Costanzo is extremely diligent in his duties and always sets a great example for his fellow workers.

NOW, THEREFORE, BE IT RESOLVED that the Town of James Island Council does hereby recognize Deputy Michael Costanzo, as the Island Sheriffs' Patrol Officer of the Third Quarter.

Enacted this 20<sup>th</sup> day of December, 2018

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Bill Woolsey  
Mayor

---

Frances Simmons  
Town Clerk

RESOLUTION #2018-12

A RESOLUTION REGARDING THE CAMP ROAD LIBRARY ON JAMES ISLAND

WHEREAS, the library located on Camp Road has served the community well for over forty (40) years and is now being scheduled for closure in June, 2019, once the new library is opened, and;

WHEREAS, since the total population of James Island is currently at 36,000, more than enough to adequately support two libraries; and

WHEREAS, both the West Ashley and Mount Pleasant branches currently has three libraries apiece;

NOW, THEREFORE, BE IT RESOLVED, that the Town of James Island requests that the Charleston County Council continue to keep the Camp Road Library open once the new library on Grimball Road is opened.

This Resolution shall become effective upon its adoption and approval.

Adopted this 20<sup>th</sup> day of December, 2018

---

Bill Woolsey  
Mayor

ATTEST

---

Frances Simmons  
Town Clerk

A RESOLUTION TO RECOMMEND ALTERNATIVE #3 FOR THE CENTRAL PARK AND RIVERLAND INTERSEICION IMPROVEMENT PROJECT

WHEREAS, the Town of James Island participated in several Stakeholders meetings with Charleston County and their consultants to identify the best solution for this key intersection on James Island; and

WHEREAS, on September 26, 2018, the Stakeholder group was presented with three alternatives and Alternative #3, the Dual Roundabout Matrix, seems to best achieve the goals of the community; and

WHEREAS, Alternative #3 serves to move the traffic along the Central Park and Riverland Drive Corridor while maintaining pedestrian safety and preserving the most grand trees thus protecting the character of this historic corridor; and

WHEREAS, the Town of James Island understands that the consensus of the Stakeholder group, Murray Lasaine Elementary School, and the public sentiment gathered at the October 24<sup>th</sup> Public Meeting are all in support of Alternative #3; and

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Town of James Island hereby supports Alternative #3, the Dual Roundabout Matrix Design, as the best solution for the Central Park and Riverland Intersection Improvement Project.
2. This Resolution becomes effective upon its adoption

---

Bill Woolsey  
Mayor

ATTEST

---

Frances Simmons  
Town Clerk

Adopted and approved this 20<sup>th</sup> of December, 2018



**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:**

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**Bill Woolsey**  
**Mayor**

**ATTEST**

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**Frances Simmons**  
**Town Clerk**



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 20<sup>th</sup> 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
<b>A.</b>	<b>ZONING PERMITS</b>		
	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>B.</b>	<b>COMMERCIAL and INDUSTRIAL</b>		
	1	Up to 5,000 SF building size	\$50.00
	2	greater than 5,000 SF building size	\$75.00
<b>C.</b>	<b>ZONING AND COMPREHENSIVE PLAN AMENDMENTS</b>		
	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
<b>D.</b>	<b>SITE PLAN REVIEW</b>		
	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
<b>E.</b>	<b>BOARD OF ZONING APPEALS</b>		
	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
<b>F.</b>	<b>ADDRESSING</b>		
	1	Street Name Change	\$50.00
	2	Street Sign	\$200.00
<b>G.</b>	<b>SIGNS</b>		
	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
<b>H.</b>	<b>SUBDIVISION PLATS</b>		
	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
<b>I.</b>	<b>SPECIAL EVENTS</b>		
	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)

AN ORDINANCE PERTAINING TO ENVIRONMENTALLY ACCEPTABLE PACKAGING AND PRODUCTS

WHEREAS, the Town of James Island has a duty to protect its natural environment, its economy, and the health of its citizens;

WHEREAS, to discourage and decrease the use of certain expanded polystyrene food service products, single use plastic carryout bags, and disposable food service ware, i.e., plastic straws in the Town, it is necessary to regulate such use; and,

WHEREAS, regulating and eventually prohibiting the use of polystyrene/plastic foam take-out food packaging and replacing it with food service ware that is locally recyclable or compostable, and restricting the use of polystyrene/plastic foam products that are not wholly encapsulated or encased by a more durable material will further protect the Town, its marine life and wildlife, its resident and visitors, and will support the Town's goal of reducing waste and litter for a cleaner environment for generations to come.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF THE TOWN OF JAMES ISLAND ASSEMBLED:

**Section 1:** The Code of Ordinances of the Town of James Island is hereby amended by adding thereto a new Section that shall read as follows:

Environmentally Acceptable Packaging and Products

**A. DEFINITIONS**

Unless otherwise expressly stated, whenever used in this Article the following terms shall have the meanings set forth below:

*AFFORDABLE* shall mean that a compostable or recyclable product may cost up to 15% more than the purchase cost of the non-compostable or nonrecyclable alternative(s) and not be regarded, on balance, as exorbitant, overpriced, unreasonable or invaluable.

*ASTM STANDARD* shall mean meeting the standards of the American Society for Testing and Materials (ASTM) International Standards D6400 or D6868 for compostable plastics, as those standards may be amended.

*BUSINESS ESTABLISHMENT* shall mean any commercial enterprise that provides carryout bags to its customers through its employees or independent contractors associated with the business. The term includes sole proprietorships, joint ventures, partnerships, corporations, or any other legal entity whether for profit or not for profit. This term is inclusive of any store or business,

which sells or offers goods or merchandise, located or operating within the Town, including those referenced in FOOD OR GROCERY ESTABLISHMENT and FOOD PROVIDER.

*TOWN OF JAMES ISLAND FACILITY* shall mean any building, structure or vehicle owned and operated by the Town of James Island, its agents, agencies, and departments.

*COMPOSTABLE* shall mean all the materials in the product or package, when composted in an industrial or municipal compost operation, will break down, or otherwise become part of, usable compost (e.g. soil-conditioning material, mulch) in a safe and timely manner. Compostable food service ware must meet ASTM-Standards for compostability and any bio-plastic or plastic-like product must be clearly labeled, preferably with a color symbol, to allow proper identification such that the collector and processor can easily distinguish the ASTM standard compostable plastic from non-ASTM standard compostable plastic. Compostable products are considered compostable under this section only if a business establishment or food or grocery establishment using the products is composting them with an industrial or municipal compost operation.

*DISPOSABLE FOOD SERVICE WARE* interchangeable with TO GO packaging and FOOD PACKAGING MATERIAL and includes, but is not limited to: all containers, clamshells, bowls, plates, trays, cartons, cups, straws, stirrers, napkins, cutlery and other items designed for one-time use associated with prepared foods, including without limitation, service ware for takeout foods and/or leftovers from partially consumed meals prepared by food providers.

*EVENTS PROMOTER* shall mean an applicant for any event permit issued by the Town.

*FOOD OR GROCERY ESTABLISHMENT* shall mean all sales outlets, stores, shops, vehicles or other places of business located within the Town, which operate, sell, or convey foods, or beverages, which foods or beverages are predominantly contained, wrapped or held in or on packaging. FOOD ESTABLISHMENT shall include, but not be limited to, any place where food is prepared, mixed, cooked, baked, smoked, preserved, bottled, packaged, handled, stored, manufactured and sold or offered for sale, including but not limited to, any fixed or mobile restaurant, drive-in, convenience store, coffee shop, cafeteria, short-order café, delicatessen, luncheonette, grill, sandwich shop, soda fountain, hotel, motel, movie house, theatre, bed and breakfast inn, tavern, bar, cocktail lounge, nightclub, roadside stand, takeout prepared food place, industrial feeding establishment, catering kitchen, mobile food preparation unit, commissary, event, grocery store, public food market, produce stand, food stand, or similar place in or at which food or drink is prepared for sale, or for service, on the premise or elsewhere, and any other establishment or operation where food is processed, prepared, stored, served, sold, or provided for the public and any organization, group or individual which provides food as part of its service.

*FOOD PROVIDER* shall mean any vendor, business, organization, entity, group, or individual, including food establishments, as defined in the Town that offers food or beverages to the public.

*PERSON* shall mean an individual, business, event promoter, trust, firm, joint stock company, corporation, non-profit, partnership, or association.

*POLYSTERENE/PLASTIC FOAM* shall mean blown expanded and extruded polystyrene (sometimes called Styrofoam™) or other plastic foams which are processed by any number of techniques including, but not limited to, fusion of monomer spheres (expanded bead plastic), injection molding, foam molding, and extrusion-blown molding (extruded foam plastic). Polystyrene and other plastic foam is generally used to make cups, bowls, plates, trays, clamshell containers, meat trays, egg cartons, coolers, ice chests, shipping boxes, packing peanuts, and beach or pool toys. The term POLYSTYRENE also includes clear or solid polystyrene, which is known as ORIENTED POLYSTYRENE.

*POLYSTYRENE/PLASTIC FOAM PRODUCTS* shall mean any item such as coolers, ice chests cups, bowls, plates, clamshells, shipping boxes, containers, cutlery, or any other merchandise containing polystyrene/plastic foam that is not wholly encapsulated or encased by a more durable material.

*PREPARED FOOD* shall mean food or beverages, which are served, packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed or otherwise prepared within the Town. PREPARED FOOD does not include raw, butchered meats, fish and/or poultry sold from a butcher case or similar food establishment.

*RECYCLABLE* shall mean any material that is accepted by the Charleston County recycling program, including, but not limited to, paper, glass, aluminum, cardboard and plastic bottles, jars and tubs. This also means any approved alternative products that are accepted by the County recycling centers.

*REUSABLE CARRYOUT BAG* shall mean a carryout bag that is specifically designed and manufactured for multiple use, and meets the following criteria:

- (1) Displays in a highly visible manner on the bag exterior language describing the bag's ability to be reused and recycled;
- (2) Has a handle;
- (3) Is constructed out of any of the following materials:
  - (a) Cloth, other washable fabric, or other durable materials whether woven or non-woven capable of being cleaned and disinfected;
  - (b) Plastic film, with a minimum thickness of four (4.0) mills and capable of being cleaned and disinfected;
- (4) Has a minimum lifetime of 125 uses, which for purposes of this section means the capability of carrying a minimum of 22 pounds 125 times over a distance of at least 175 feet.

*SINGLE-USE PLASTIC CARRYOUT BAG.* A bag provided by a business establishment to a customer typically at the point of sale for the purpose of a onetime use to transport purchases, which is made predominantly of plastic derived from either petroleum or a biologically-based source.

## **B. REGULATIONS**

- (A) No business establishment or food or grocery establishment may provide single-use plastic carryout bags at any Town of James Island facility, Town sponsored event, or any event held on Town owned property.
- (B) No business establishment or food or grocery establishment within the Town of James Island limits may provide single-use plastic carryout bags to its customers. All business establishments provide or make available to a customer reusable carryout bags or recyclable paper bags.
- (C) Food providers within the Town of James Island may not provide food in any disposable food service ware that contains polystyrene/plastic foam.
- (D) Disposable food service ware that contains polystyrene/plastic foam is prohibited from use in all Town of James Island facilities.
- (E) All food or grocery establishments, food providers and event promoters within the Town of James Island utilizing, selling or otherwise providing disposable food service ware shall use recyclable or compostable products, subject to the provisions of Section 1C and Section 1D (below).
- (F) No business establishment or event promoter or food or grocery establishment within the Town of James Island may sell, rent, or otherwise provide any polystyrene/plastic foam product that is not wholly encapsulated or encased within a more durable material, except as exempted in this Article. This specifically includes, but is not limited to, cups, plates, bowls, clamshells, bags, and other products intended primarily for food service, use, as well as coolers, containers, ice chests, shipping boxes, or packing peanuts.
- (G) Business establishments within the Town limits are strongly encouraged to provide prominently displayed signage advising customers of the benefit of reducing, reusing and recycling and promoting the use of reusable carryout bags by customers.

## **C. EXEMPTIONS. Although the Town of James Island encourages the use of recyclable or compostable products throughout, the following shall be exempt from the provisions of this Article:**

- (A) Products made from polystyrene/plastic foam, which is wholly encapsulated or encased by a more durable material, are exempt from the provisions of this Article. Examples include surfboards, boats, life preservers, and craft supplies which are wholly encapsulated or encased by a more durable material, and durable coolers not principally composed of polystyrene/plastic foam;
- (B) Construction products made from polystyrene/plastic foam are exempted from this Article if the products are used in compliance with the Town of James Island Code and used in a manner preventing the polystyrene/plastic foam from being released into the environment;
- (C) During a declared state of emergency or in an emergency situation where the immediate preservation of the public peace, health or safety is involved, any organization providing emergency services shall be exempt from the provisions of this Article;
- (D) Laundry dry cleaning bags, door-hanger bags, newspaper bags, or packages of multiple bags intended for use as garbage, recycling, pet waste, yard waste or similar use; although the Town of James Island encourages the use of recyclable or compostable products throughout;

- (E) Bags provided by physicians, dentists, pharmacists or veterinarians to contain prescription drugs or other medical necessities;
- (F) Bags used by a customer inside a business establishment to:
  - (1) Contain bulk items, such as produce, nuts, grains, candy, or small hardware items;
  - (2) Contain or wrap frozen foods, meat, or fish, whether or not prepackaged;
  - (3) Contain or wrap flowers, potted plants or other items to prevent moisture damage to other purchases; or
  - (4) Contain unwrapped prepared foods or bakery goods;
- (G) Bags used by a non-profit corporation or other hunger relief charity to distribute food, grocery products, clothing, or other household items;
- (H) Bags of any type that the customer brings to the store for their own use for carrying away from the store goods that are not placed in a bag provided by the store;
- (I) Meat trays, egg cartons, plastic drink lids, to –go condiment packages and cutlery (i.e., forks, spoons, knives) are exempt from the provisions of this Article;
- (J) Plastic drinking straws when needed by customers due to medical or physical conditions and for whom other straws are unsuitable are exempt from the provisions of this Article.

#### **D. REQUESTS FOR EXEMPTION**

- (A) The Town Administrator or the Administrator’s designee, may exempt a food or grocery establishment or food provider from the requirements set forth in this Article for up to a one-year period upon the food provider showing, in writing, that this Article would create an undue hardship or practical difficulty not generally applicable to other persons in similar circumstances. The Town Administrator or the Administrator’s designee shall put the decision to grant or deny up to a one-year exemption in writing, and the decision may be appealed to the Environment and Beautification Committee.
- (B) Exemptions to allow for the sale or provision of polystyrene/plastic foam products may be granted by the Town Administrator or the Administrator’s designee, if the food or grocery establishment or food provider can demonstrate in writing a public health and safety requirement or medical necessity to use the product. The Town Administrator or the Administrator’s designee shall put the decision to grant or deny the exemption in writing and the decision may be appealed to the Environment and Beautification Committee.
- (C) An exemption application shall include all information necessary for the Town Administrator or the Administrator’s designee to make a decision, including but not limited to documentation showing factual support for the claimed exemption. The Town Administrator or the Administrator’s designee may require the applicant to provide additional information.
- (D) The Town Administrator or the Administrator’s designee may approve the exemption application in whole or in part, with or without conditions.
- (E) Any person aggrieved by the decision of the Town Administrator or the Administrator’s designee may appeal the decision to the Environment and Beautification Committee within thirty, (30) days of the Town Administrator or designee’s issuance of the written decision. In evaluating the appeal, the Environment and Beautification Committee shall determine whether the decision of the Town Administrator or the Administrator’s designee was made in compliance with the standards, policies, and criteria of this Article. The decision of the Environment and Beautification Committee shall be final.

**E. ENFORCEMENT AND PENALTIES**

- (A) The Code Enforcement Officer has primary responsibility for enforcement of this Article. The Code Enforcement Officer is authorized to take any and all other actions reasonable and necessary to enforce this Article, including, but not limited to, investigating violations, entering the premises of any business establishment during business hours.
- (B) If a code enforcement officer determines that violation of this Article has occurred, he/she will issue a written warning notice to the owner or operator of the business establishment that a violation has occurred and the potential fines that will apply for future violations.
- (C) Any business establishment that violates or fails to comply with any of the provisions of this Article after a written warning notice has been issued for that violation shall be subject to a fine that shall not exceed \$200 for a first violation; \$350 for a second violation within any 12-month period; and \$500 for each additional violation within any 12-month period. Every 30 days that a violation continues will constitute a separate offense.
- (D) In addition to the penalties set forth in this section, repeated violations of this Article by a person who owns, manages, operates, is a business agent of, or otherwise controls a business establishment may result in the suspension or revocation of the business license issued to the premises on which the violations occurred. No Town of James Island business license shall be issued or renewed until all fines outstanding against the applicant for violations of this Article are paid in full.
- (E) Violation of this Article is hereby declared to be a public nuisance, which may be abated by the Town by restraining order, preliminary and permanent injunction, or other means provided for by law, and the Town may take action to recover the costs of the nuisance abatement.

**Section 2: Effective Date. All of the requirements set forth in this Article shall take effect and become operative and enforceable on January 1, 2020.**

If any subsection, sentence, clause, phrase, or word of this Ordinance be for any reason declared unconstitutional or invalid or ineffective by any court of competent jurisdiction, such declaration shall not affect the validity or the effectiveness of the remaining portions of this Ordinance or any part thereof which can be given meaning without the offensive subsection, sentence, clause, phrase or word;

**Section 3:** This Ordinance shall become effective upon ratification.

First Reading: \_\_\_\_\_  
Second Reading: \_\_\_\_\_

\_\_\_\_\_  
Bill Woolsey  
Mayor

ATTEST

\_\_\_\_\_  
Frances Simmons  
Town Clerk