

ARTICLE I. GENERAL PROVISIONS

SECTION A. Title, purpose, objectives, application

Title

The provisions of this Ordinance shall constitute and be known as the "Stormwater Management and Sediment Control Ordinance for Horry County, South Carolina" dated May 4, 2017.

Purpose

The purpose of this Ordinance is to protect, maintain, and enhance the public health, safety, and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased stormwater runoff associated with both future land development and existing developed land within the County. Proper management of stormwater runoff will minimize damage to public and private property, ensure a functional drainage system, reduce the effects of development on land and stream channel erosion, assist in the attainment and maintenance of water quality standards, enhance the local environment associated with the drainage system, reduce local flooding, maintain as nearly as possible the pre-developed runoff characteristics of the area, and facilitate economic development while mitigating associated flooding and drainage impacts.

Objectives

The objectives of this Ordinance include the following.

1. Protect, maintain, and enhance the short-term and long-term public health, safety, and general welfare. This objective will be achieved by:
 - a. Establishing minimum requirements and procedures to control the adverse effects of increased stormwater runoff associated with both future land development and existing developed land within Horry County;
 - b. Providing proper management of stormwater runoff to minimize damage to public and private property and reduce the effects of land disturbing activities on land and stream channel erosion;
 - c. Protecting, preserving, and enhancing water quality and fish and wildlife habitat within Horry County and in downstream receiving waters; and,
 - d. Alleviating street and property flooding and its adverse impacts caused by urban development.
2. Comply with State and Federal (EPA) stormwater regulations developed pursuant to the Clean Water Act. These requirements include:
 - a. Control pollutants from stormwater discharges associated with commercial and industrial activity and the quality of stormwater discharge from residential, commercial and industrial developments;
 - b. Prohibit illicit connections to the stormwater drainage system;
 - c. Control discharges to the stormwater drainage system from spills and dumping or disposal of materials other than stormwater;
 - d. Control, through inter-governmental agreements, contribution of pollutants from one municipal system to another.
3. Require plans to minimize the transport of pollutants to the local stormwater drainage system by requiring approval and implementation of Stormwater Management and Sediment Control Plans for

activities which may have an adverse impact on Horry County waters.

4. Establish procedures, which minimize damage from flooding caused by development, while recognizing that natural fluctuations in water levels are beneficial.
5. Require construction, where possible, of drainage facilities/systems, which aesthetically and functionally approximate natural systems.
6. Establish procedures for the planning and implementation of stormwater improvements using a basin-wide or sub-basin approach which considers the total stormwater basin system, or major portions of the basin system, beyond individual subdivisions and developments.
7. To design, construct, and maintain stormwater management facilities to minimize mosquito-related problems.
8. To protect the water quality of the ocean and the physical characteristics of the beach area by minimizing the rates, volumes, and velocities of stormwater entering drainage systems discharging to the beach.

Application

The application of this Ordinance and the provisions expressed herein shall be the minimum stormwater management requirements and shall not be deemed a limitation or repeal of any other powers granted by State statute. In addition, if site characteristics indicate that complying with these minimum requirements will not provide adequate designs or protection for local property or residents, it is the designer's responsibility to exceed the minimum requirements as necessary. The Stormwater Department shall be responsible for the coordination and enforcement of the provisions of this Ordinance.

SECTION B. Definitions

For the purpose of this Ordinance, the following terms, phrases and words, and their derivatives, shall have the meaning given herein.

1. Accidental Discharge shall mean a discharge prohibited by this Ordinance into the drainage system, which occurs by chance and without planning or consideration prior to occurrence.
2. As-built plan shall mean a set of engineering or site drawings that delineate the specific permitted stormwater management facility (ies) and BMPs as actually constructed, as outlined in the Horry County Stormwater Design Manual.
3. Best management practices (BMPs) shall mean a wide range of management procedures, schedules of activities, prohibitions on practices and other management practices which have been demonstrated to effectively control the quality and/or quantity of stormwater runoff and which are compatible with the planned land use.
4. CGP shall mean SCDHEC's NPDES General Permit for Stormwater Discharges from Construction Activities and shall refer to the most recently approved version of SCR100000.
5. County shall mean Horry County, South Carolina.

6. County Council shall mean the duly elected council within Horry County.
7. Conveyance shall mean stormwater features designed for the movement of stormwater through the drainage system, such as concrete pipes, ditches, depressions, swales, channels etc.
8. Design storm shall mean the frequency storm used for the design of stormwater management facilities (ten-year through twenty-five year frequency storms).
9. Designer shall mean a registered professional who is permitted to prepare plans and studies required by this Ordinance.
10. Developer shall mean the legal or beneficial owner(s) of a lot of any land included in a proposed development. Also, the holder of an option or contract to purchase, or any other person having enforceable proprietary interest in such land.
11. Development activity should generally mean any of the following actions undertaken by a public or private individual or entity:
 - a. The division of a lot, tract or parcel of land into two (2) or more lots, plots, sites, tracts, parcels or other divisions by plat or deed;
 - b. The construction, installation or alteration of a structure, impervious surface, or drainage facility;
 - c. Any land change, including, without limitation, clearing, tree removal, grubbing, stripping, dredging, grading, excavating, transporting and filling of land; and,
 - d. Adding, removing, exposing, excavating, leveling, grading, digging, burrowing, dumping, piling, dredging, or otherwise disturbing the soil, vegetation, and mud, sand or rock of a site.
12. Drainage System shall mean all structures used to convey stormwater runoff.
13. Easement shall mean a grant of one (1) or more property rights by a property owner to or for use by any person, firm, corporation, the general public, or another person or entity. Not inclusive of fee simple ownership. All easement requirements shall be the same whether public or private.
14. Erosion shall mean the wearing away of land surface by the action of wind, water, gravity, ice, or any combination of those forces.
15. Erosion and sediment control shall mean the control of solid material, both mineral and organic, during a land disturbing activity to prevent its transport out of the disturbed area by means of air, water, gravity, or ice.
16. Exemption shall mean those land disturbing activities that are not subject to the sediment and stormwater requirements contained in this Ordinance.
17. Flood shall mean a general and temporary condition of partial or complete inundation of land areas from the overflow of inland waters, tidal conditions, or the unusual and rapid accumulation of runoff of surface waters from any source.
18. Grading shall mean excavating, filling (including hydraulic fill) or stockpiling of earth material or any combination thereof, including the land in its excavated or filled condition.
19. Illicit connection shall mean a connection to the drainage system of any discharge that is not composed entirely of stormwater runoff and is expressly prohibited by this Ordinance.

20. Illicit discharge refers to any discharge to a small municipal separate storm sewer that is not entirely composed of stormwater, except discharges authorized under an NPDES permit and discharges resulting from fire-fighting activities.
21. Impervious shall mean the condition of being impenetrable by water.
22. Impervious surface shall mean a surface that has been highly compacted or covered with a layer of material so that it is highly resistant to infiltration by water.
23. Infiltration shall mean the passage or movement of water through the soil profile.
24. Land disturbing activity shall mean any use of the land by any person that results in a change in the physical characteristics or topography that may cause erosion and contribute to sediment and alter the quality and/or quantity of stormwater runoff.
25. Linear Projects shall mean any project that is over 1,000 linear feet.
26. Lot shall mean a piece, parcel, tract or plot of land intended as a unit for building development or other purpose, for purposes of sale, rent, or lease.
27. Low Impact Development (LID) is an integrated, comprehensive approach to land development and redevelopment that works with nature to manage stormwater as close to its source as possible.
28. Maintenance shall mean any action necessary to preserve stormwater management facilities in proper working condition, in order to serve the intended purposes set forth in this Ordinance and to prevent structural failure of such facilities. Maintenance shall not include actions taken solely for the purpose of enhancing the aesthetics aspects associated with stormwater management facilities and BMPs.
29. On-site stormwater management shall mean the design and construction of a facility necessary to control stormwater runoff within and for a single development.
30. Owner shall mean the person in who is vested the fee ownership, dominion, or title of the property. This term may also include a tenant, if chargeable under his lease for the maintenance of the property, and any agent of the owner or tenant including a developer.
31. Person shall mean any association, company, corporation, firm, individual, organization, or partnership, singular or plural, of any kind.
32. Person responsible for the land disturbing activity shall mean the:
 - a. Person who has or represents having financial or operational control over the land disturbing activity; and/or
 - b. Landowner or person in possession or control of the land who directly or indirectly allowed the land disturbing activity or has benefited from it or who has failed to comply with any provision of this Ordinance.
33. Pollution shall mean the contamination or other alteration of any water's physical, chemical or biological properties, including change in temperature, taste, color, turbidity, or odor of such waters or the discharge of any liquid, gaseous, solid, radioactive, or other substance into any such waters that is harmful, detrimental or injurious to the public health, safety or welfare or to domestic, commercial,

industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish, or other aquatic life.

34. Preliminary plat shall mean the preliminary plat pursuant to the current Horry County Land Development Regulations.
35. Private shall mean property or facilities owned and maintained by individuals, corporations, and other organizations and not by Horry County.
36. Procedure shall mean a procedure adopted by Horry County to implement a regulation or regulations adopted under this Ordinance, or to carry out other responsibilities as may be required by this Ordinance or other codes, ordinances, or resolutions of Horry County.
37. Regional stormwater management shall mean the design and construction of a facility necessary to control stormwater runoff within or outside a development and for one or more developments.
38. SCDHEC shall mean the South Carolina Department of Health and Environmental Control.
39. Sediment shall mean solid particulate matter, both mineral and organic, that has been or is being transported by water, air, ice, or gravity from its site of origin.
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40. Site shall mean any lot, plot, parcel or tract of land.
41. Single family residence – separately built shall mean a noncommercial dwelling that is occupied exclusively by one family and not part of a residential subdivision development.
42. Stabilization shall mean the installation of vegetative or structural measures to establish a soil cover to reduce soil erosion by stormwater runoff, wind, ice and gravity.
43. Stage work or stage construction shall mean a plan for the staged construction of stormwater facilities where portions of the facilities will be constructed as different stages of the proposed development are started or completed.
44. Stop-work order shall mean an order directing the person responsible for the land disturbing activity to cease and desist all or any portion of the work which violates the provisions of this Ordinance.
45. Stormwater Design Manual (Horry County) shall mean the current version of the manual of design, performance, and review criteria for stormwater management practices, prepared under the direction of the Stormwater Department. This manual is available for free download at the County website. Those persons seeking reliance on the manual shall assume the burden of ensuring that the manual to which they refer is the most current version.
46. Stormwater Master Plan shall mean the overall proposed concept for a storm drainage system to serve the entire development including future phases. The stormwater master plan shall include stormwater management structures and BMPs, and supporting documentation as specified in this Ordinance and the Horry County Stormwater Management Design Manual, for each proposed private or public development to the extent permitted by law. Also included are the supporting engineering calculations and results of any computer analysis, if necessary.

47. Stormwater management shall mean, for: quantitative control, a system of vegetative or structural measures, or both, that control the increased volume and rate of stormwater runoff caused by manmade changes to the land; qualitative control, a system of vegetative, structural, or other measures that reduce or eliminate pollutants that might otherwise be carried by stormwater runoff.
48. Stormwater Management and Sediment Control Plan shall mean the set of drawings and other documents that comprise all of the information and specifications for the drainage systems, structures, concepts and techniques that will be used to control stormwater and sediment as required by this Ordinance, the CGP, and the Horry County Stormwater Design Manual. Also included are the supporting engineering calculations and results of any computer analysis.
49. Stormwater management facilities shall mean those structures and facilities that are designed for the collection, conveyance, storage, treatment and disposal of stormwater runoff into and through the drainage system. In most cases stormwater management facilities will refer to facilities whose primary purpose is related to the quantity of stormwater while BMPs primary purpose will be related to water quality concerns of stormwater.
50. Stormwater Report shall mean the report that accompanies the Notice of Intent submittal and includes data used for engineering analysis, results of all analysis, design and analysis calculations (including results obtained from computer programs), and other engineering data that would assist the Stormwater Department in evaluating proposed stormwater management facilities.
51. Stormwater runoff shall mean the direct response of a watershed to precipitation and includes the surface and subsurface runoff that enters a ditch, stream, storm drain or other concentrated flow during and following the precipitation.
52. Subdivision shall mean a division, whether by deed, plat, or other recorded or unrecorded instrument, of a tract or parcel of land into two (2) or more lots, building sites, or other divisions. The land is divided for sale, lease, mortgage, or building development, whether immediately or in the future. The definition includes all land divisions involving a new street or change in existing streets. It includes re-subdivisions involving the further division or relocation of lot lines of any lot lines of any lot or lots within a previously approved or recorded subdivision as well as combinations of recorded lots. The following exceptions are included within this definition only for the purpose of requiring that Horry County be informed and have a record of the subdivisions.
 - a. Combining or re-combining portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the ordinance standards.
 - b. Dividing land into parcels of five (5) acres or more where no new street is involved. The Planning Commission must receive plats of these exceptions as information and indicate that fact on the plats.
 - c. Combining or re-combining entire lots of record where no new street or change of existing street is involved.
53. Swale shall mean a structural measure with a lining of grass, riprap or other materials, which can function as a detention structure or BMP and convey stormwater runoff without causing erosion.
54. Variance shall mean the modification of the minimum stormwater management requirements for specific circumstances where strict adherence of the requirements would result in unnecessary hardship and not fulfill the intent of this Ordinance.

55. Waiver shall mean the relinquishment from stormwater management requirements by the Stormwater Department for a specific land disturbing activity on a case-by-case review basis, based on detailed engineering analysis submitted by the owner or his/her representative.
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56. Water quality shall mean those characteristics of stormwater runoff from a land disturbing activity that relate to the physical, chemical, biological, or radiological integrity of water.
57. Water quantity shall mean those characteristics of stormwater runoff that relate to the rate and volume of the stormwater runoff within the development and to downstream areas resulting from land disturbing activities.
58. Watershed shall mean the drainage area contributing stormwater runoff to a single point.
59. Wetland shall mean those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include swamps, marshes, bogs, and similar areas as determined by the Army Corps of Engineers.
60. Zoning Board of Appeals shall mean the Horry County Zoning Board of Appeals established pursuant to the South Carolina Planning Enabling Act of 1994.

SECTION C. Scope of Ordinance

1. No person shall conduct any land disturbing activities without having provided for appropriate stormwater management measures that control or manage runoff, in compliance with this Ordinance, unless exempted in Article I, Section E below.
2. The provisions of this Ordinance shall apply throughout the unincorporated areas in Horry County, South Carolina.
3. The County Stormwater Department shall be responsible for the coordination and enforcement of the provisions of this Ordinance, and the County shall have the authority to issue Summons for violations hereof.
4. The Horry County Stormwater Design Manual shall give guidance to persons preparing Stormwater Management and Sediment Control Plans, and designing or operating stormwater management systems. Additional design guidance documents are referenced in subsequent sections of this ordinance.
5. The application of this Ordinance and the provisions expressed herein shall be the minimum stormwater management requirements and shall not be deemed a limitation or repeal of any other local requirements authorized by State statute. Where other requirements are more stringent those shall apply. This Ordinance does not eliminate the necessity for obtaining other permits as may be required by other governmental entities.
6. The same design standards will be used for drainage systems, stormwater management facilities, and BMPs that will be either privately or publicly owned or maintained.
7. No person shall conduct any land disturbing activity that will displace sediment onto adjacent lot(s) or roads both during and after construction.

8. The grading and stormwater conveyance system must be designed to prevent discharge of stormwater onto adjacent property and creating a nuisance.

SECTION D. Authority

1. The County Stormwater Department shall have the authority to administer and enforce all regulations and procedures adopted to implement this Ordinance, including the right to maintain an action or procedure in any court of competent jurisdiction to compel compliance with or restrain any violation of this Ordinance, and the County shall have the authority to issue Summons pursuant to the provisions of the County Summons Ordinance, Chapter 1§ 1.12(a).
2. The County Stormwater Department shall have the authority to:
 - a. Prohibit and eliminate illicit connections and discharges to the County's stormwater system. Illicit connections include pipes, drains, open channels, or other conveyances that have the potential to allow an illicit discharge to enter the MS4. Illicit discharges include all non-stormwater discharges except those from NPDES permitted industrial sources, fire-fighting activities, water line flushing, landscape irrigation, diverted stream flows, rising ground waters, unpolluted pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, and street wash water.
 - b. Control the discharge of spills, and prohibit dumping or disposal of materials other than stormwater into the County's stormwater system.
 - c. Prohibit the placement of construction, demolition, or hazardous materials and/or debris in any stormwater system (public or private).
 - d. Require compliance with conditions in the permittee's ordinances, permits, contracts, or orders (i.e., hold dischargers accountable for their contributions of pollutants and flows).
 - e. Require installation, implementation, and maintenance of control measures for owners/operators of construction sites, new development and redevelopment (including industrial and commercial activities without an NPDES industrial stormwater permit) to minimize the discharge of pollutants and to protect water quality.
 - f. To request from operators of construction sites and new development or redevelopment projects information including, but not limited to, specific requirements to control construction and post-construction discharges of pollutants in stormwater.
 - g. To enforce, penalize, issue stop-work orders, and require compliance for controlling pollutants.
 - h. Levy citations or administrative fines against responsible parties.
 - i. Require recovery and remediation costs from responsible parties.

- j. To enter private property for the purpose of inspecting any facilities, equipment, practices, or operations related to stormwater discharges to determine whether there is compliance with local stormwater control ordinances/standards.
- k. To enter private property for the purpose of inspecting any facilities, equipment, practices, or operations related to investigate a suspected illicit discharge into the County stormwater system.
- l. To promptly require that violators cease and desist illicit discharges or discharges of stormwater in violation of any ordinance or standard and/or cleanup and abate such discharges.
- j. To impose more substantial civil or criminal sanctions (including referral to a city or district attorney) and escalate corrective response for persistent non-compliance, repeat or escalating violations, or incidents of major environmental harm.
- k. Control the contribution of pollutants from one portion of the shared County stormwater system to another portion of the system through interagency agreements or other similar agreements with other MS4 communities, wherever and whenever such agreements are effective.
- m. Administer, coordinate and oversee, design, construction, and operation and maintenance of County stormwater facilities and conveyances.
- n. Establish or oversee establishment of design standards and specifications.
- o. Require compliance with construction and post-construction maintenance requirements.

SECTION E. Prohibitions

1. It is unlawful for any person, company, corporation, etc. to throw, drain, run, or otherwise discharge to any component of the County's stormwater system, including streets, highways, right-of-ways, or to cause, permit or suffer to be thrown, drain, run, or allow to seep or otherwise discharge into such system, any organic or inorganic matter that shall cause or tend to cause pollution or blockages to such waters, as provided for in this Ordinance.
2. In the event of an accidental discharge to the County drainage system of any material or substance other than stormwater runoff, the person concerned shall inform the County Stormwater Department immediately of the nature, quantity and time of occurrence of the discharge. The person concerned shall take immediate steps to contain, treat or take other actions to minimize the effects of the discharge on the County drainage system and receiving streams. The person shall also take immediate steps to ensure no recurrence of the discharge.
3. Swimming pool discharges to the County stormwater system are only allowed if the water is unchlorinated. Swimming pool discharges should be directed towards a stormwater management facility or stormwater best management practice, should not create a nuisance on adjoining properties, and should have one of the following options implemented to prevent chlorinated pool water from reaching a Stormwater management facility or best management practice:
 - a. Obtain permission from local wastewater treatment plant operators to discharge to the sanitary sewer system.
 - b. Discharge the chlorinated water to land where it will not drain to local surface waters or into the County stormwater system or onto adjoining properties.

- c. Discharge the chlorinated water so as to sheet flow across a minimum of twenty five (25) feet of grassed area or the width of the adjacent drainage easement, whichever is greater, prior to entering the storm sewer system.
- d. Dechlorinate the water before discharging into the storm sewer system.

SECTION F. Waivers

The requirements of this ordinance can be waived by the Stormwater Department if it can be shown by detailed engineering calculations and analysis supplied by the applicant that one of the following exists:

1. The installation of stormwater management facilities would have insignificant effects on reducing downstream flood peaks; or
2. Stormwater management facilities are not needed to protect downstream developments and the downstream drainage system has, or can and will be made to have, sufficient capacity to receive any increase in runoff for the design storm; or
3. The Stormwater Department determines that stormwater management facilities are not needed to control developed peak discharge rates and installing such facilities would not be in the best interest of the County.

The requirements, or portions thereof, of item (a.) may not be waived if the Stormwater Department determines that not providing peak flood controls would increase known flooding problems, or exceed the capacity of the downstream drainage system.

A waiver of the minimum runoff quantity control requirements shall only be granted after a written request is submitted by the applicant containing descriptions, drawings, and any other information that is necessary to evaluate the proposed land disturbing activity. A separate written waiver request shall be required if there are subsequent additions, extensions, or modifications, to the development which would alter the approved stormwater runoff characteristics to a land disturbing activity receiving a waiver.

SECTION G. Variations from requirements

1. The Zoning Board of Appeals may grant a variance from the requirements of this Ordinance if there are exceptional circumstances applicable to the site such that strict adherence to the provisions of the Ordinance will result in unnecessary hardship and not fulfill the intent of the Ordinance.
2. A written request for a variance shall be required and shall state the specific variance sought and the reasons, with supporting data, for their granting. The request shall include descriptions, drawings, calculations and any other information that is necessary to evaluate the proposed variance.
3. Any substantial variance from the Stormwater Management and Sediment Control Plan or Master Plan shall be referred to all agencies, which reviewed the original plan.
4. The Stormwater Department will conduct a review of the request for a variance and submit a report to the Zoning Board of Appeals.
5. The Zoning Board of Appeals may grant a variance from the requirements of this Ordinance if the proposed development activity will not:

- a. Change the rate or volume of runoff significantly;
- b. Have a significant, negative impact on wetland, watercourse, or water body; or
- c. Contribute to degradation of water quality.

SECTION H. Exemptions from Requirements

The following land disturbing activities are exempt from the provisions of the Ordinance and the requirements of providing stormwater management measures. Even if exempt from this Ordinance, the following, as well as all land disturbing activities are not allowed to divert water to adjacent property to cause a nuisance and/or property damage and should comply with the intent of this ordinance. These activities are also not exempt from implementing proper sediment and erosion control best management practices.

1. Construction or improvement of a single-family residence (single family residence – separately built) or their accessory buildings, or mobile home, that is separately built and not part of multiple construction or a subdivision development approved under this Ordinance. If included in a subdivision plan, all land disturbing activities must follow the stormwater management and sediment control plan that has been approved for the subdivision.
2. Minor land disturbing activities that do not disturb one-half (1/2) acre or more of land area.
3. Any maintenance or renovation of an existing structure or system not materially changing or affecting the rate, concentration or volume of stormwater runoff.
4. Land disturbing activities for agricultural uses.
5. Land disturbing activities undertaken on forest land for the production and harvesting of timber and timber products under the condition that the practices included in the South Carolina Forestry Commission’s “Best Management Practices for Forestry” are implemented, and the timbering activity is not being performed in preparation for future land development.

SECTION I. Stormwater Design Manuals

To assist in the design and evaluation of stormwater management facilities in the County, the Horry County Stormwater Design Manual (<http://www.horrycounty.org/stormwater>), the SCDHEC BMP Handbook, and the Low Impact Development (LID) in Coastal South Carolina: A Planning and Design Guide are hereby adopted by the County and incorporated by reference into this chapter. The latest Horry County Stormwater Design Manual dated February 2017 shall be utilized for water quality and water quantity design criteria and calculations and is hereby adopted as part of this ordinance. Although the intention of the manuals is to establish uniform design practices, they neither replace the need for engineering judgment nor preclude the use of information not presented. Other accepted engineering procedures may be used to conduct hydrologic and hydraulic studies if approved by the County.

ARTICLE II. STORMWATER CONTROL PLANS

SECTION A. Scope of Plans

The following items relate to the general scope of plans required by this Ordinance.

1. In developing plans for subdivisions, individual lots in a residential development shall not be considered to be separate land disturbing activities and shall not require individual permits. Instead the subdivision

development, as a whole, shall be considered to be a single land disturbing activity. Hydrologic parameters that reflect the ultimate subdivision development shall be used in all engineering calculations.

2. If individual lots or sections in a subdivision are being developed by different property owners, all land disturbing activities related to the subdivision shall be covered by the approved Stormwater Management and Sediment Control Plan for the subdivision. A statement shall be included on the final plat that all activities, including activities by individual lot owners, will be carried out in accordance with the approved Stormwater Management and Sediment Control Plan for the subdivision.
3. Developments that have different planned phases shall be required to develop an overall Stormwater Master Plan to encompass all phases. If all of the phases are covered by the approved Stormwater Management and Sediment Control Plan, one permit will be given for the development so that new permits will not be needed for each phase of development. A detailed phasing plan shall be required that demonstrates the sequencing of sediment controls and the stormwater management facilities will be adequate for each phase and shall be consistent with the Stormwater Master Plan. If a Stormwater Management and Sediment Control Plan is created for each phase separately then the Phases shall be permitted separately, however they still must be consistent with the approved Stormwater Master Plan. The Stormwater Department may request the Stormwater Master Plan be revised if there is any deviation from the approved Stormwater Master Plan.
4. Subdivisions, which received preliminary plat or final Planned Development District (PDD) approval prior to the effective date of this amended Ordinance, are exempt from these requirements. Development of new phases of existing subdivisions shall comply with the provisions of this Ordinance.
5. The development site should be designed to maximize the amount of rainfall that infiltrates into the soils and minimize the amount of direct flow into public or private drainage facilities, adjoining streets, waterbodies, watercourses, and wetlands, to the extent feasible.
6. Design configurations, which create stagnant water conditions, such as hydraulically dead end canals, are prohibited regardless of the type of development.
7. For all land disturbing activities, concentrated stormwater runoff leaving a development site must be discharged directly into a well-defined, natural or man-made offsite receiving channel or pipe. If the receiving channel is found to be inadequate, the developer must incorporate measures to either improve the receiving channel to an adequate condition, or detain (retain) runoff on the site to a level that can be accommodated by the receiving channel. Newly constructed channels shall be designed as adequate channels. Velocity dissipation devices and/or erosion control measures shall be placed at the outfall of all stormwater management facilities as necessary to provide a protected flow path(s). If a stormwater system is discharged into existing wetlands, the proposed water surface elevation, within and adjacent to the wetlands, must be determined for design conditions.
8. Concentrated stormwater shall not be discharged directly into streams or wetlands without first routing through some type of approved water quality BMP.
9. Linear projects shall require a detailed Erosion and Sediment control plan as well as a SWPPP as required under SCDHEC regulations.
10. For redevelopment sites, show the ten (10) and twenty five (25) year flood elevations for any Special Flood Hazard Areas on or within one hundred (100) feet of the property. The source of these elevations shall also be shown on the plans.

11. In subdivisions, the following requirements apply.
 - a. The design surface runoff across lots shall not have erosive velocities.
 - b. Quantities of surface runoff greater than 3 cubic feet per second (cfs) that flow through lots shall be collected and conveyed in a system of open channels, closed conduits, or a combination of both.
 - c. Lots should generally be graded in such a manner that surface runoff does not cross more than two lots before it is collected in a system of open channels, closed conduits, or a combination of both.

Flood Prevention/Grading Requirements:

1. Stormwater/drainage designs must also meet Horry County's most recent Flood Damage and Control Ordinance, or building Code whichever is stricter.
2. The first floor elevation of all structures shall be at least eighteen (18) inches above the center of the road in front of the structure. Garages shall be a minimum of nine (9) inches above the centerline of the road and have a minimum of six (6) inches of fall away from the structure. In all cases, positive drainage shall be established away from the structure. This regulation does not apply to sheds, barns, and other auxiliary buildings.
3. If a crawlspace is proposed the bottom of the floor structure shall be a minimum of twenty-four inches (24") above the finished grade.
4. In cases where the lot is designed to be lower than the road and is intended to drain away from the road to a rear or side lot swale, ditch, pond or water course, the first floor shall be at least eighteen (18) inches above all surrounding ground at a distance of ten (10) feet around the structure.
5. Lots shall not be graded to direct the runoff from the back of the lot to the road unless all the residential lots are completely graded to proposed grade prior to a final inspection.
6. All back of lot drainage conveyances shall be installed prior to final inspection (this is to include both pipes and swales).

Construction Site Requirements:

Horry County has established requirements in the Horry County Stormwater Design Manual for the design, installation and maintenance of effective pollution prevention measures for construction site operators to address the following;

1. Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge.
2. Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on site to precipitation and to stormwater runoff that may cause adverse impacts to water quality,
3. Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures.

Prohibited Construction Site Discharges:

The following discharges from sites are prohibited;

1. Wastewater from washout of concrete, unless managed by an appropriate control.
2. Wastewater from washout and cleanout of stucco, paint, from release oils, curing compounds and other construction materials.
3. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance.
4. Soaps or solvents used in vehicle and equipment washing.

SECTION B. Stormwater Submittals

1. Stormwater Master Plan

- a. Unless granted an exemption from this chapter, a stormwater master plan for all multi-phased projects (Commercial or Residential) shall be submitted for review by the Stormwater Department prior to submission of the stormwater management and sediment control plans for the entire land disturbing activity. The hydrologic and hydraulic model(s) used in the design shall be provided to the County in digital form.
- b. The stormwater master plan shall be reviewed by the County and will be approved or revisions will be required prior to approval. The County review of the stormwater master plan will be completed within twenty (20) working days from and after the receipt of the plan. The above time frames will be suspended during Declared Emergencies.
- c. Also a map with the basins delineated and the impervious areas calculated along with the curve numbers shall be included in the stormwater master plan.
- d. The Horry County Stormwater Design Manual has additional requirements to be included in the stormwater master plan submittal package.

2. Notice of Intent (NOI) Information

The SCDHEC Notice of Intent (NOI) is to be utilized for Horry County stormwater permit applications and the form can be found at <https://www.scdhec.gov/library/d-2617.pdf> A mapping tool for assistance with NOI completion may be found at <http://gisweb01.dhec.sc.gov/water/Stormwater.html?mode=1> A SCDHEC Plan Review Checklist (<http://www.dhec.sc.gov/Environment/docs/erfchecklist.pdf>) shall also be submitted with the stormwater plan package.

3. Stormwater Report

The Stormwater Report must contain the engineering computations and supporting information set forth in the Horry County Stormwater Design Manual (<http://www.horrycounty.org/stormwater>) to include both water quantity and quality design criteria. The hydrologic and hydraulic model(s) used in the design shall be provided

to the County in digital form. The Stormwater Report must be prepared and certified by a Registered Professional Engineer licensed in the state of South Carolina.

If the project is part of an approved Stormwater Master Plan then only a narrative shall be required in the Stormwater Report stating that this project is consistent with the approved Master Plan. Also a map with the basins delineated and the impervious areas calculated along with the curve numbers shall be shown. If the project is not consistent with the approved Stormwater Master Plan then a revised master plan shall be submitted in accordance with Section B and approved by the Stormwater Department.

4. Stormwater Pollution Prevention Plan

A Stormwater Pollution Prevention Plan (SWPPP) identifies structural and non-structural controls that will be put in place to minimize negative impacts, caused by offsite stormwater discharges, to the environment. A SWPPP must describe the site characteristics and list the pollutants that could impact stormwater quality. The plan must also identify pollution prevention measures designed to minimize the discharge of pollutant laden stormwater. A SCDHEC SWPPP template can be found at <http://www.scdhec.gov/Environment/WaterQuality/Stormwater/SWPPPs/> Additional details of SWPPP requirements can also be found in the Horry County Stormwater Design Manual.

5. Grading and Drainage Plan

A grading and drainage plan (in plan view) must be submitted with all stormwater permit applications. The Horry County Stormwater Design Manual includes specific requirements to be included in the grading and drainage plan and shall be utilized for water quantity and water quality design criteria.

6. Sediment and Erosion Control Plan

A sediment and erosion control plan consistent with the most recent version of SCDHEC's Construction General Permit (CGP) must be submitted with all stormwater permit applications. All erosion/sediment control practices details, vegetative stabilization details and standard notes shall be included. The Horry County Stormwater Design Manual includes specific requirements for inclusion in the sediment and erosion control plan.

7. General SWPPP Requirements

The following must be included in the SWPPP submittal:

- a. A statement that construction operators are prohibited from commencing construction activities until they receive written approval of the plans.
- b. Rationale used for selecting control measures, including how the control measure protects a waterway or stormwater conveyance.
- c. Notification requirement for construction sites that discharge to a TMDL watershed or to a water on the 303(d) List of Impaired Waters.
- d. Potential water quality impacts the permitted discharges may have on TMDL watershed, or to a water on the 303(d) List of Impaired Waters and rationale for how the SWPPP will limit sediment discharges to the maximum extent practicable, and protect water quality for discharges to a TMDL watershed, or to a water on the 303(d) List of Impaired Waters.

- e. For construction projects that disturb 25 acres or more, a written quantitative and qualitative assessment showing that the selected BMP will control the discharge of the pollutant, or pollutants, of concern from construction and post construction within a TMDL watershed, or to a water on the 303(d) List of Impaired Waters.
- f. Rationale that demonstrates stormwater discharges will neither cause nor contribute to a violation of water quality standards.

SECTION B. Stormwater Permitting and Plan Approval Process

1. Unless granted an exemption from this Ordinance, a Stormwater Master Plan or Stormwater Report, Grading and Drainage Plan, Sediment and Erosion Control Plan, Stormwater Pollution Prevention Plan (SWPPP) and Notice of Intent (NOI) for each land disturbing activity shall be submitted for review by the Stormwater Department. If the submittals are not complete with all of these components required for review, the plan will be marked incomplete and sent back without any other comments.
2. All Stormwater Plans as required by this Ordinance shall be submitted to the Horry County Stormwater Department for review and approval. The applicant shall submit one digital copy of the plans in accordance with the Horry County Stormwater Design Manual. Within fifteen (15) business days after receipt of the plans, the Stormwater Department shall issue a decision for approving, noting revisions needed, or exempting the project. The review and approval time frames for all subsequent submittals on the same plans, if required, shall also be fifteen (15) business days. The above time frames will be suspended during Declared Emergencies.
3. All preliminary plats of the development shall be consistent with the Sediment and Erosion Control Plan required in Section A.6 above.
4. Upon approval of the Plan by the Stormwater Department, an approval letter shall be issued along with the approved NOI. The approvals shall be submitted to SCDHEC within one (1) year for a NPDES permit. If after one year the NPDES permit has not been applied for then the approvals shall become null and void and the plans shall have to be resubmitted, or a variance will have to be given by the Stormwater Department. Upon receiving the NPDES permit from SCDHEC, Horry County shall issue a Stormwater permit which shall remain valid for five (5) years from the date of issuance. If the project has not been started, or completed within the required time frame another permit will have to be applied for along with a new NPDES permit.
5. A Notice of Intent (as per the SCDHEC most recent approved forms, see <http://www.scdhec.gov/library/d-2617.pdf>) shall be submitted along with the Stormwater Management and Sediment Control Plans, and shall be completely filled out and signed by the owner or person financially responsible for the project.
6. A properly executed Horry County Stormwater Practices Permanent Maintenance Covenant, which is adopted as a supplement to this ordinance, shall be submitted with the permit application.
7. A Stormwater Management and Sediment Control Plan shall not be considered approved without the inclusion of an approval stamp with a signature and date on the plans. The stamp of approval on the plans is solely an acknowledgement of satisfactory compliance with the requirements of these regulations. The approval stamp does not constitute a representation or warranty to the applicant or any other person concerning the safety, appropriateness or effectiveness of any provision, or omission from the Stormwater Management and Sediment Control Plan.

8. Upon final approval by Horry County of the Stormwater Management and Sediment Control Plan, a total of four (4) paper copies of the plans shall be submitted to the Stormwater Department for stamping and signature.

SECTION C. Plan Wetlands Criteria

Wetland areas shall not be disturbed until documentation is provided to the Stormwater Department to show that the applicant has received approval from the U.S. Army Corps of Engineers regarding appropriate permits and approval of development activities. No stormwater shall be discharged directly into any wetlands unless first being treated through an approved water quality BMP.

SECTION D. Approval and Permit Requirements

1. No site development or subdivision plan approval shall be issued or modified without the following items.
 - a. An approved Horry County Stormwater Permit.
 - b. An approved NPDES permit issued by SCDHEC.
 - c. Right of entry given to Horry County for County personnel to enter property for emergency maintenance if necessary.
 - d. Any off-site easements needed.
2. No final occupancy permit shall be issued without the following items.
 - a. Recorded easements for stormwater drainage systems, management facilities, and BMPs.
 - b. Receipt of an as-built plan, signed and sealed by a registered professional (as outlined in Article II, Section L) stating that the project was built in compliance with the permitted stormwater plan. The as-built plan shall include a post-construction maintenance plan.
 - c. An approved Horry County final stormwater inspection.
3. In addition to the plans and permits required from Horry County, applicants shall obtain all state and Federal permits required for the proposed development.

SECTION E. Enforcement Procedures

By way of this Ordinance, the Horry County Stormwater Department has the authority to conduct enforcement procedures for violations and non-compliance in regards to construction, post-construction and illicit discharge detection and elimination (IDDE). The appropriate enforcement action will be determined based on the severity of the violation, the duration of the violation, the effect the violation caused on the environment, and whether or not the violator is a repeat offender. A stop-work order may be issued if one or more of the following violations have been committed:

1. Violation(s) of the conditions of the Stormwater Management and Sediment Control Plan approval;
2. Construction not in accordance with the intent of the approved plans;
3. Approval of a Stormwater Management and Sediment Control Plan has not been obtained;
4. Non-compliance with correction notice(s); or
5. The existence of an immediate danger in a downstream area in the judgment of the Stormwater Department.

If one or more of these conditions are found, a written notice of violation shall be served upon the owner or

authorized representative and the time in which to correct the deficiencies shall be specified. The notice shall set forth the measures necessary to achieve compliance with the plan. Correction of these violations must be started immediately or the owner shall be deemed in violation of this Ordinance. The Stormwater Department may determine if all other inspections for the site shall be discontinued until the deficiencies are addressed and field verified.

If appropriate remedial actions as outlined in the written notice are not completed within the specified time period, a stop-work order will be issued within 7 days. The stop-work order will then be in force until the development is in compliance with this Ordinance.

If a violation of this Ordinance is occurring that the Stormwater Department determines in his/her judgment will cause significant damage to downstream property or structures, the Stormwater Department can issue an immediate stop-work order.

SECTION F. Professional Registration Requirements

All Stormwater Master Plans, Stormwater Reports, Grading and Drainage Plans, Sediment and Erosion Control Plans, As-Built Plans and design reports that are incidental to the overall or ongoing site design shall be prepared, and stamped/sealed by a qualified registered Professional Engineer, Tier 2B Land Surveyor or Landscape Architect, using acceptable engineering standards and practices. The engineer, surveyor, or landscape architect shall perform services only in areas of his/her competence, and shall undertake to perform engineering or land surveying assignments only when qualified by education and/or experience in the specific technical field. In addition, the engineer, surveyor, or landscape architect must verify that the plans have been designed in accordance with this Ordinance and the standards and criteria stated or referred to in this Ordinance.

SECTION G. Fees

Stormwater permit application fees shall be assessed upon submission of the initial application. These fees shall consist of \$125 plus \$10 per tenth (0.10) acre of disturbed area up to a maximum of \$2,125.

ARTICLE III. OWNERSHIP AND COUNTY PARTICIPATION

SECTION A. Ownership of Stormwater Management Facilities and BMPs

1. All stormwater management facilities and BMPs shall be privately owned and maintained unless the County accepts the facility for County ownership and maintenance.
2. All stormwater management measures relying on designated vegetated areas or special site features shall be privately owned and maintained as defined on the Stormwater Management and Sediment Control Plan.
3. Most regional stormwater management facilities may be publicly owned and/or maintained, but nothing in this Ordinance shall be deemed to require such manner of ownership.

SECTION B. County Participation

When the Stormwater Department determines that additional storage capacity beyond that required by the applicant for on-site stormwater management is necessary in order to enhance or provide for the public health, safety and general welfare, to correct unacceptable or undesirable existing conditions or to provide protection in a more desirable fashion for future development, the Stormwater Department may:

1. Require that the applicant grant any necessary easements over, through or under the applicant's property to provide access to or drainage for such a facility;
2. Require that the applicant attempt to obtain from the owners of property over, through or under where the stormwater management facility is to be located, any easements necessary for the construction and maintenance of same (and failing the obtaining of such easement the County may, at its option, assist in such matter by purchase, condemnation, dedication or otherwise, and subject to (c) below, with any cost incurred thereby to be paid by the County); and/or
3. Participate financially in the construction of such facility to the extent that such facility exceeds the required on-site stormwater management as determined by the Stormwater Department.

To implement these provisions both the County and developer must be in agreement with the proposed facility that includes the additional storage capacity and jointly develop a cost sharing plan which is agreeable to all parties.

ARTICLE IV CONSTRUCTION, INSPECTION AND MAINTENANCE

SECTION A. Construction and Inspection

1. Prior to the approval of the Stormwater Management and Sediment Control Plan, the applicant shall submit a proposed staged construction and inspection control schedule. This plan shall indicate a phase line for approval; otherwise the construction and inspection control schedule will be for the entire drainage system.
2. The applicant shall notify the Stormwater Department before commencing any work for a preconstruction meeting prior to implementing the Stormwater Management and Sediment Control Plan for all projects that disturb ten (10) or more acres.
3. The Stormwater Department shall maintain a file of inspection reports and provide copies of all inspection reports to the applicant that includes the following.
 - a. The date and location of the site inspection.
 - b. Whether the approved plan has been properly implemented.
 - c. Any approved plan deficiencies and any actions taken.
4. The Approved SWPPP (as per the most current SCDHEC CGP) shall be located on the construction site and made available during all inspections.
5. Any portion of the work, which does not comply with the Stormwater Management and Sediment Control Plan, shall be promptly corrected by the applicant.
6. The Stormwater Department will notify the person responsible for the land disturbing activity in writing when violations are observed describing the following.
 - a. Nature of the violation.
 - b. Required corrective actions.

- c. The time period for violation correction.
7. A final inspection shall be conducted by the Stormwater Department upon completion of the work included in the approved Stormwater Management and Sediment Control Plan to determine if the completed work is constructed in accordance with the plan. Prior to inspection the stormwater system shall be cleaned of all sediment and debris and all lids shall be removed for inspection.
8. The applicant shall provide an "as-built" plan signed and sealed by both a registered professional land surveyor and engineer (as outlined in Article II, Section F) to be submitted upon completion of the stormwater management facilities. The plan shall be submitted digitally as both a PDF and a CAD file with State Plane Coordinates. Specific requirements to be included on the "as-built" plan are contained in the Horry County Stormwater Design Manual. The registered professional shall state that:
 - a. The facilities have been constructed as shown on the "as-built" plan, and
 - b. The facilities meet the approved permit drawings and specifications or achieve the function for which they were designed.
9. No stage work, related to the construction of stormwater management facilities and BMPs, shall proceed until the next preceding stage of work, according to the sequence specified in the approved staged construction and inspection control schedule, is inspected and approved.
10. The owner shall be responsible for conducting their onsite erosion control inspections as per the SWPPP with a Certified Inspector as outlined in the SCDHEC Construction General Permit (CGP). Reports for the inspections shall be kept on site and made available to the County upon request.

SECTION B. Maintenance Responsibility

All temporary and permanent on-site stormwater management facilities and BMPs required by this Ordinance shall be maintained by the owner during and after site development, unless the facility is officially accepted by Horry County for County maintenance. The requirements of a properly executed Horry County Stormwater Practices Permanent Maintenance Covenant, which is adopted as a supplement to this ordinance, shall be followed to ensure long-term maintenance of stormwater facilities. The owner shall provide adequate ingress and egress for Horry County personnel to inspect the premises at reasonable times. For purposes of this section, the term owner shall also mean Homeowner Association or other collective member organizations.

No property owner shall obstruct or alter the flow, location or carrying capacity of a stream, channel or drainage swale to the detriment of any other property owner, whether upstream or downstream. All subdivision and/or land development plans containing streams, channels, drainage swales, storm sewers or other conveyance systems that cross property boundaries shall contain a note stating the above.

SECTION C. Failure to Maintain

Should the owner fail to properly maintain the drainage system, stormwater management facilities, and BMPs as required by this Ordinance, the Stormwater Department shall give written notice to the owner of record as appears on the latest property tax rolls, by certified mail, of the nature of the violation and order the corrective action necessary. Should the owner fail, within thirty (30) days from the date of the notice, to take corrective action to the satisfaction of the Stormwater Department or appeal the notice and order, the County may take legal action to require compliance.

SECTION D. County Maintenance

Certain off-site systems as may be identified by the Stormwater Department, which are to provide general public benefits, may be accepted by the County for maintenance. All areas and/or structures to be maintained by the County must be dedicated to the County by plat or separate instrument.

ARTICLE V. MISCELLANEOUS PROVISIONS

SECTION A. Off-site Drainage Facilities

The Stormwater Department may allow stormwater runoff that otherwise is of unacceptable quality or which would be discharged in volumes or at rates in excess of those otherwise allowed by this Ordinance, to be discharged into drainage facilities off site of the development, provided the applicant has demonstrated:

1. Off-site drainage facilities and channels leading to them are designed, constructed and maintained in accordance with requirements of this Ordinance; and
2. Adequate provisions are made for sharing of construction, maintenance and operating cost of facilities as a condition to receiving approval of the Stormwater Management and Sediment Control Plan; and,
3. It is not feasible to completely manage runoff on site in a manner that meets the design and performance standards found in the Horry County Stormwater Design Manual.

SECTION B. Appeals

Any person who may have a substantial interest in any decision of the Zoning Board of Appeals may appeal from any decision of the Board to the Circuit Court in and for the County of Horry by filing with the clerk of court a petition in writing setting forth plainly, fully, and distinctly wherein such decision is contrary to law. Such appeal shall be filed within thirty (30) days after the decision of the Board is rendered.

SECTION C. Penalties

1. Any person violating this Ordinance or any part thereof, including failing to stop-work upon order, shall be punished as set forth in Chapter 1 § 1.8 of the County Code of Ordinances, as amended from time to time.
2. In addition to any proceedings under the foregoing provision of this Ordinance, the County Attorney may institute injunctive, mandamus or other appropriate action or proceedings at law or equity for the enforcement of this Ordinance or to correct violations of this Ordinance, and any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus or other appropriate forms of remedy or relief.

SECTION D. Conflict with Other Laws

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

SECTION E. Severability

If any term, requirement or provision of this Ordinance or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this Ordinance or the application of such terms, requirements and provisions to persons or circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby and each term, requirement or provision of this Ordinance shall be valid and be enforced to the fullest extent permitted by law.

SECTION F. Amendments

This Ordinance may be amended in the manner as prescribed by law for its original adoption. Before the Horry County Council amends this Ordinance, it must seek the advice of the Stormwater Department which will make a recommendation for each amendment within thirty (30) days of this request.

SECTION G. Liability

Neither the approval of a plan under the provisions of this Ordinance nor the compliance with the provisions of this Ordinance shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor shall it impose any liability upon the County for damage to any person or property.

SECTION H. Effective date

The Ordinance shall be effective upon the third reading.

