



**GREENWOOD COUNTY, SOUTH CAROLINA
GREENWOOD COUNTY COUNCIL
ORDINANCE NO: 2019-06**

An Ordinance to Amend Title 6 of the Greenwood County Code to Create Soil Erosion and Sedimentation Control in the Lake Impact Area Within the Unincorporated Areas of Greenwood County and to Provide for Other Matters Related Thereto

SECTION 6-8-1 – TITLE OF CHAPTER

This chapter shall be known and may be cited as the Soil Erosion and Sedimentation Control in the Lake Impact Area Ordinance of the county.

SECTION 6-8-2 – PURPOSE OF CHAPTER

The regulations set forth in this article are designed to protect for posterity the natural resources of the county and to protect, promote and improve the public safety and general welfare of the people of the county and to:

- a) Protect the land and Lake Greenwood from the adverse effects of excessive soil erosion, sedimentation and stormwater through good and responsible development.
- b) Prevent the erosion of soils and sedimentation of streams and Lake Greenwood.
- c) Control stormwater runoff from developing areas.
- d) Eliminate the encroachment of uses incompatible with natural drainage channels.
- e) Enhance the water quality of surface water and groundwater and promote groundwater recharge.
- f) Prevent pollution of watersheds, streams and natural drainage channels.
- g) Provide temporary and permanent erosion and sediment control measures to protect individuals occupying land adjacent to and downstream from proposed developments from being damaged by sediment originating from within or because of the proposed development.
- h) Provide for development of areas with minimal adverse effects to Lake Greenwood and the natural environment.

SECTION 6-8-3 – STATUTORY AUTHORITY

In pursuance of the authority and powers granted by the general assembly of the state in S.C. Code 1976, Title 48, Chapter 14, as amended, and by other powers granted to counties by the general assembly of the state, and for the purposes set forth in this chapter, the county council does hereby adopt and enact into law this chapter, known as the Soil Erosion and Sedimentation Control in the Lake Impact Area Ordinance.

SECTION 6-8-4 – JURISDICTION

This ordinance shall be applicable to the area designated within Greenwood County as the *Lake Impact Area* – defined as any property contiguous to the Federal Energy Regulatory Commission (FERC) project boundary, subdivisions (as defined by the Assessor’s Office) which include properties that are contiguous to the FERC project boundary, and properties as determined by the County Engineer from which erosion could negatively impact stream confluences and identified Critical Habitat areas.

SECTION 6-8-5 – INTERPRETATIONS

The following words shall be interpreted as specified below:

- a) The word “may” is permissive.
- b) The words “shall” and “will” are mandatory.
- c) The word “County” shall mean the County of Greenwood, South Carolina.
- d) The words “Planning Department” and “Engineering Department” and “Building Inspection Department” shall refer to the Greenwood City/County Planning Department, and to the Greenwood City/County Engineering Department, and Greenwood City/County Building Inspection Department, respectively.
- e) The words “County Council” shall refer to the Greenwood County Council.
- f) The word “Assessor” shall refer to the Greenwood County Assessor
- g) The word “person” shall include firm, organization, association, company, trust, corporation or other entity.
- h) The words “used” or “occupied” includes intended, designed and arranged.

SECTION 6-8-6 – DEFINITIONS

“Applicant” means the owner of record, or his authorized representative as specified by written instrument, of a tract of land that is the site of a land disturbing activity.

“Approving Authority” means the Greenwood City/County Building Inspection Department or its designated representative, and the City/County Engineer or their designated representative.

“Best Management Practices (BMP)” means a practice or combination of practices that is the most effective, practical way of controlling erosion, sedimentation and stormwater runoff, as identified by SC Department of Health and Environmental Control (see the most current SCDHEC BMP Handbook for Sediment and Erosion Control, available on the SCDHEC website)

“Construction” means any building or structure or any preparations for any building or structure, which includes land disturbance.

“Day” means a calendar day.

“Developer” means any person acting in his own behalf, or as an owner, or as an agent for an owner of property, and who makes application for plan approval and a Land Disturbance permit under the provisions of this chapter.

“Disturbed Area” means area other than that exempted by Section 6-5-88 which is designated for land disturbance. Disturbed area relates only to the amount of land actually disturbed, and not parcel size.

“Drainage” is a general term applied to the removal of surface or subsurface water from a given area either by gravity via natural means or by systems constructed so as to remove water, and is commonly applied in this chapter to surface water.

“Embankment” and *“Fill”* mean a deposit of soil, rock or other material placed by man.

“Erosion” means the general process by which soil or rock fragments are detached and moved by the action of water, wind, ice or gravity, either natural or induced.

“Grading” means any displacement of soil by stripping, excavating, filling, stockpiling or any combination thereof, including the land in its excavated or filled state.

“Lake Impact Area” –defined as any property contiguous to the Federal Energy Regulatory Commission project boundary, sub-divisions which include properties that are contiguous to the FERC project boundary, and properties as determined by the County Engineer from which erosion could negatively impact stream confluences and identified Critical Habitat areas.

“Land” means any ground, soil or earth, including marshes, swamps, drainageways and areas not permanently covered by water within the county.

“Land Disturbance” and *“Land Disturbing Activity”* mean any use of the land involving the removal of trees, clearing, grading, excavation, transporting, filling or any other activity which will cause land to be exposed or cause erosion, contribute to sediment and alter the quality and quantity of stormwater runoff.

“Land Disturbance Permit” means a county permit issued pursuant to the submission of an approved stormwater management and sediment control plan or an erosion and sediment control plan prepared under the provisions of this chapter. A Land Disturbance permit is required prior to initiating a land disturbing activity (including clearing and grading).

“Person” means any developer, individual, partnership, firm, association, owner, joint venture, trust, estate, commission, board, utility, cooperative interstate body or private corporation, or public or private institution, or any entity.

“Plan” means the sediment control plan or the erosion and sediment control plan required by this chapter as a prerequisite to obtaining a Land Disturbance Permit. The plan will fully indicate necessary land management and treatment measures, including drawings and supporting calculations, BMPs, maintenance guidelines, and a timetable for installation. Implementation of the plan will effectively minimize soil erosion and sedimentation and if required, provide for the successful management of excess stormwater.

“Pollution” means the presence in the environment of any substance, including but not limited to sewage, sediment, industrial and other waste, or air contaminants, or any combination thereof, in such quantity and of such characteristics and duration as may cause the environment to be contaminated, unclean, noxious, odorous, impure or degraded; or which tends to be injurious to human health or welfare; or which damages property, plants, animals or use of property.

“Professional Soil Erosion and Sediment Control Specialist” means a professional soil conservationist who is certified by the American Registry of Certified Professionals in Agronomy, Crops and Soils in cooperation with the Soil Conservation Society of America and adheres to the certified professional soil erosion and sediment control specialist code of ethics.

“Registered Landscape Architect” means a person who is registered by the state pursuant to S.C. Code 1976, tit. 40, ch. 28, as amended.

“Registered Professional Engineer” means a person who is registered by the state pursuant to S.C. Code 1976, tit. 40, ch. 22, as amended.

“Runoff” means that part of the precipitation, snow melt, or irrigation water that appears in surface streams, rivers, drains or sewers. Runoff may be classified according to speed of appearance after rainfall or melting snow as direct runoff or base runoff, and according to source as surface runoff, storm interflow, or groundwater runoff.

“Sediment” means the suspended and unsuspended sand, silt, clay, rock fragments and other debris that compose the load transported by stormwater runoff, wind or gravity, or any combination of them.

“Sedimentation” means the process or action of depositing sediment, debris and other materials on the ground surface or in water channels.

“Stormwater” means the direct runoff response of a watershed to rainfall, including the surface and subsurface runoff and any associated material that enters a ditch, stream or storm sewer during a rainfall event.

“Stormwater Management System” means the surface and subsurface system for the removal of water from the land, including both the natural elements of streams, marshes, swales and ponds, whether of an intermittent or continuous nature, and the manmade element, which includes culverts, retention facilities and the stormwater sewer system.

“Structure” means anything constructed or erected, the use of which requires a location on the ground, or attached to something having a location on the ground, including but not limited to tennis courts, swimming pools, fences and buildings.

“Vegetation” means all plant growth, including trees, shrubs, mosses and grasses.

“Waiver” means a grant of relief to an applicant from part or all of specific provisions of this chapter. A waiver may be granted by the approving authority upon demonstration that a provision should be waived and that the integrity of this chapter will not be violated.

“Water Quality” means the physical, chemical and biological attributes that affect the suitability of water for agriculture, industry, drinking, recreation, fish habitat and other uses.

SECTION 6-8-7 – COMPLIANCE WITH APPROVED PLAN REQUIRED

The surface of the land within the Lake Impact Area shall not be disturbed or changed except in accordance with a plan for erosion and sedimentation control which has been approved by the Approving Authority, and inspected by a Building Inspection Department official.

SECTION 6-8-8 – LAND DISTURBANCE PERMIT REQUIREMENT

No grading, construction or land disturbance may be undertaken within the Lake Impact Area until a Land Disturbance Permit has been issued by the Building Inspection Department or the activity has been exempted as per this chapter. The Land Disturbance permit may not be issued by the Building Inspection Department unless a plan for erosion and sedimentation control has been approved by the Approving Authority or by the South

Carolina Department of Health and Environmental Control (SCDHEC). The Building Inspection Department may require an approved Zoning Compliance Form from the Greenwood County Planning Department.

SECTION 6-8-9 – EXEMPTIONS FROM LAND DISTURBANCE PERMIT REQUIREMENT

The following are exempted from the Land Disturbance Permit Requirement:

- a) Mining and mineral resource extraction operations conducted in accordance with a valid mining permit issued by the Section of Mining and Reclamation, Division of Mining and Solid Waste Management of the South Carolina Department of Health and Environmental Control.
- b) Forestry Activity and applicable regulation as defined in S.C. Code 1976, Title 48, Chapter 23, Section 205, as amended
- c) Land disturbing activities on agricultural land for production of plants and animals useful to man, including but not limited to: forages and sod crops, grains and feed crops, 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 and dairy products; fur animals and aquaculture, except that the construction of an agricultural structure of over six hundred (600) square feet, such as broiler houses, machine sheds, repair shops, and other major buildings and which require the issuance of a building permit shall require the submittal and approval of a land disturbance permit prior to the start of the land disturbing activity.
- d) Emergency repairs or maintenance to existing structures and facilities which require ground to be disturbed. The responsible person shall notify the approving authority in writing within five (5) working days of such emergency repairs and maintenance actions. A Land Disturbance Permit may be required by the Approving Authority as a record of the activity.
- e) Construction or land improvement by a federal or state agency conducted in accordance with a state or federal land management program.
- f) Land disturbance activity that disturbs less than six hundred (600) square feet.

SECTION 6-8-10 – APPLICATION PROCEDURE

The Developer shall apply in writing to the Building Inspection Department for a Land Disturbance Permit to disturb land within the Lake Impact Area. Such application shall be accompanied by two (2) copies of an erosion and sedimentation control plan prepared in accordance with current “Best Management Practices” (BMPs) as per SCDHEC requirements.

- a) If the total disturbed area for the activity is equal to or greater than two (2) acres, the plan must be certified by both the applicant and by a registered professional engineer, professional soil erosion and sediment control specialist or a registered landscape architect. The plan must also first receive SCDHEC approval before applying for the Land Disturbance Permit.
- b) If the total disturbed area is less than two (2) acres, the developer may certify their erosion and sedimentation control plan provided:
 - i. The disturbed area will not flow water in any one direction for over one hundred (100) feet without a reduction in velocity, and;
 - ii. The cuts and fills established will not exceed a height or depth of over five (5) feet; determined by contours, detailed plans, or visual inspection, and;
 - iii. There will be no concentrated off-site water to be controlled on the site.

If the above conditions are not met, the plan must be certified by both the applicant and by a registered professional engineer, professional soil erosion and sediment control specialist or a registered landscape architect.

SECTION 6-8-11 – APPROVAL OR DISAPPROVAL

The Approving Authority shall have a maximum of thirty (30) days to act on an application for a Land Disturbance Permit.

- a) If the plan submitted by the applicant conforms to the requirements of this chapter, complies with zoning requirements, and has been approved by the Approving Authority, then the Building Inspection Department shall issue a Land Disturbance permit to the applicant with a copy of the approved plan.
- b) If the plan does not conform to the requirements of this chapter, the plan shall be disapproved and written notification indicating the reason or reasons for plan disapproval shall be returned to the applicant with a copy being held by the Building Inspection Department.
- c) If an erosion and sedimentation control plan is disapproved, the applicant may elect to correct the indicated deficiencies in conformance with the provisions of this chapter and resubmit the plan to the Building Inspection Department

SECTION 6-8-12 – VARIANCES AND EXCEPTIONS

The Planning Commission may, upon application to it and showing of extreme undue hardship, grant variances and exceptions to any provision of this chapter, provided such variance or exception is, in the judgement of the commission, in harmony with the general purpose and intent of this article.

SECTION 6-8-13 – APPEALS

- a) Any person aggrieved by the decision of the Approving Authority may appeal to the Planning Commission in writing within 10 work days. The Planning Commission shall notify the applicant within sixty (60) days as to the affirmation or denial of the appeal.
- b) Any person aggrieved by the decision on an appeal to the Planning Commission may appeal to the County Council. Such appeal shall be filed within thirty (30) days after the decision of the Planning Commission. Appeals from the County Council shall be to the court of competent jurisdiction.

SECTION 6-8-14 – EXTENSIONS OF TIME FOR COMPLETION OF WORK

If the applicant is unable to complete the work within the time specified in the approved plan and land disturbance permit, they may, prior to the expiration of such time, present in writing a request to the Approving Authority for an extension of time, setting forth the reasons for the request of the extension. The Approving Authority shall approve or deny the request for an extension of time, subject to such additional erosion and sedimentation control measures as may reasonably be required.

SECTION 6-8-15 – RESPONSIBILITY OF THE APPLICANT

The applicant shall be responsible for carrying out the proposed work in accordance with the approved erosion and sedimentation control plan and land disturbance permit and in compliance with the requirements of this chapter.

SECTION 6-8-16 – INSPECTIONS

The applicant or other responsible person shall notify the Building Inspection Department forty-eight (48) hours before initiation of land disturbance. Upon completion of such work, the Building Inspection Department shall make a final inspection and close the permit.

The applicant shall grant permission for personnel from the Building Inspection Department, the Engineering Department, and/or the Lake Management Department, to enter upon the property indicated in the plan for the purpose of evaluating the plan prior to the permit being issued or for the purpose of performing inspections of the elements of the plan and ensure proper maintenance of erosion control devices for an active permit. Inspections may be scheduled or unscheduled and the applicant should expect the likelihood of an inspection to increase during and after rain events.

Upon inspection of an approved plan, it may become necessary to modify the plan to replace inefficient or ineffective elements. In this case, the inspector will notify the developer of necessary changes to the plan and set a timetable for implementation.

SECTION 6-8-17 – FAILURE TO CONFORM WORK TO APPROVED PLAN

When an inspector finds that the work done or not done under any Land Disturbance permit issued under the provisions of this chapter fails to conform to the approved plan, it may, as deemed necessary, issue a written order to direct conformance to the plan or to suspend work. A copy of this letter shall be sent to the developer and/or property owner.

SECTION 6-8-18 – FEES FOR LAND DISTURBANCE PERMITS

Fees, which shall be adopted during the County budget process, are due at the time the plan is submitted. Additional fees may be applied for continuous inspections of non-conforming work to an approved plan.

SECTION 6-8-19 – EMERGENCY WORK PERMIT

In cases of extreme urgency or emergency, a landowner or developer may apply for an emergency Land Disturbance Permit. This permit shall allow for construction work to begin at the discretion of the Approving Authority. The landowner or developer shall have seven (7) days from the date on which the emergency Land Disturbance Permit is issued to prepare and submit a plan for erosion and sedimentation control on the project site. The landowner or developer shall make every effort during the seven-day period to control erosion and sedimentation on the project site according to approved BMPs. They shall be liable for any damages caused by improper erosion and sedimentation control during the period for which the emergency Land Disturbance Permit is issued, until approved erosion and sedimentation control measures are instituted on the site. The emergency Land Disturbance Permit shall only be issued in cases of extreme emergency or hardship where the landowner or developer can prove that a project would be jeopardized by going through the normal Land Disturbance permit application process.

SECTION 6-8-20 – MORE RESTRICTIVE STANDARDS TO PREVAIL

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

SECTION 6-8-21 – VIOLATIONS / PENALTIES

Soil Erosion and Sedimentation Control in the Lake Impact Area Ordinance

- a) Any person who willfully violates the provisions of this chapter may be fined up to \$1,000.00 for each day of the violation. Each day such violation shall continue to exist shall constitute a separate offense.
- b) If deemed necessary, the building official may revoke the permit and obtain injunctive relief to enjoin violations of the provisions of this article, and any person damaged as a result of such violations may, upon proper showing of such damages, obtain payment therefor by a civil action.

SECTION 6-8-22 – EFFECTIVE DATE

This ordinance shall become effective on passage and approval of the third reading. Passed and approved this 16th day of July, 2019.

**GREENWOOD COUNTY,
SOUTH CAROLINA**

Steven J. Brown
Chairman, Greenwood County Council

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENWOOD) **ENDORSEMENT OF MANAGER**

I, **Toby Chappell**, as Greenwood County Manager approved by the Greenwood County Council, have reviewed the foregoing Ordinance, and hereby approve the same as to its form, draftsmanship and proper title.

Toby L. Chappell

Greenwood, South Carolina
_____, 2019

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENWOOD) **ENDORSEMENT OF ATTORNEY**

I, **Elizabeth Taylor**, as Greenwood County Attorney approved by the Greenwood County Council, have prepared and reviewed the foregoing Ordinance, and hereby approve the same as to its legality and constitutionality.

Elizabeth P. Taylor

Greenwood, South Carolina
_____, 2019

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENWOOD) **ENDORSEMENT OF CLERK**

I, **Susan McIntyre**, as Clerk to the Greenwood County Council, approved by the Greenwood County Council, hereby certify that the foregoing Ordinance was read at three public meetings of the Greenwood County Council on three separate days, the said days being **March 19, 2019**, **April 16, 2019**, and **July 16, 2019**, that the foregoing Ordinance was passed and adopted by a majority vote of the members of the Greenwood County Council present at the public meeting on **July 16, 2019** complied with all applicable provisions of the Code of Laws of South Carolina, in particular the South Carolina Freedom of Information Act, and the Code of Ordinances of Greenwood County.

Susan McIntyre

Greenwood, South Carolina
_____, 2019