ORDINANCE 2015-_____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF RICHMOND HILL, GEORGIA, CHAPTER 56 - STORMWATER MANAGEMENT, SO AS TO ESTABLISH MINIMUM REQUIREMENTS AND PROCEDURES TO REGULATE THE ADVERSE EFFECTS OF INCREASED STORM WATER RUNOFF FROM DEVELOPMENTS IN CERTAIN AREAS OF THE CITY OF RICHMOND HILL; TO REQUIRE THE SUBMISSION OF STORM WATER MANAGEMENT PLANS, INSPECTION AND MAINTENANCE AGREEMENTS, PERMIT APPLICATIONS, AND PERFORMANCE BONDS, IN RETURN FOR THE ISSUANCE OF PERMITS FOR CERTAIN DEVELOPMENTS WITHIN THE CITY OF RICHMOND HILL; TO ESTABLISH PERMIT FEES; TO PROVIDE FOR STORMWATER MANAGEMENT DESIGN SUBMITTAL AND APPROVAL PROCEDURES; TO REQUIRE THE POSTING OF MAINTENANCE BONDS FOR A THREE YEAR PERIOD AFTER THE COMPLETION OF CONSTRUCTION OF STORMWATER MAINTENANCE FACILITIES; TO PROVIDE FOR THE CITY INSPECTION OF STORM WATER MAINTENANCE FACILITIES; TO PROVIDE EXEMPTIONS FROM THE PROVISIONS OF THE ORDINANCE; TO ALLOW FOR ORDINANCE COMPLIANCE THROUGH OFF-SITE STORMWATER MANAGEMENT PRACTICES; TO PROVIDE A MECHANISM FOR THE ENFORCEMENT OF THE ORDINANCE; TO PROVIDE PENALTIES FOR VIOLATIONS OF THE REQUIREMENTS AND PROCEDURES IN THE ORDINANCE; TO PROVIDE AN APPEAL PROCESS FOR ENFORCEMENT DECISIONS ISSUED PURSUANT TO THE ORDINANCE; TO PROVIDE DEFINITIONS FOR CERTAIN TERMS AND PROVISIONS USED IN THE ORDINANCE; TO PROVIDE FOR A REVISION TO THE EXISTING ENGINEERING DESIGN STANDARDS; TO ADOPT THE LATEST ADDITION OF THE COASTAL STORMWATER SUPPLEMENT; TO AID IN THE IMPLEMENTATION OF THE ORDINANCE; TO REPEAL ORDINANCES IN CONFLICT THEREWITH; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Section 1. It is hereby ordained by the Mayor and Council of the City of Richmond Hill that Chapter 56 - Stormwater Management, be amended by removal in its entirety and replacement with the following:

CHAPTER 56. STORMWATER MANAGEMENT

DIVISION 1. Generally

Section 1: Findings of Fact

It is hereby determined that:

(a) The land development process significantly alters the hydrologic response of development sites, increasing stormwater runoff rates, volumes and pollutant loads,

which could increase incidents of flooding thereby endangering infrastructure, public and private property and human life;

(b) The land development process significantly alters the hydrologic response of development sites, increasing stormwater runoff rates, volumes and pollutant loads, and alters water levels and fluctuations and increases pollutant transport and deposition in wetlands, rivers and streams;

(c) The land development process significantly alters the hydrologic response of development sites, increasing stormwater runoff rates, volumes and pollutant loads, and alters salinity concentrations and fluctuations and increases primary productivity and pollutant transport and deposition in estuaries;

(d) The land development process significantly alters the hydrologic response of development sites, increasing stormwater runoff rates, volumes and pollutant loads, and increases bacteria transport and deposition in near coastal waters, which leads to beach contamination and poses a serious threat to human health;

(e) The land development process significantly alters the hydrologic response of development sites, increasing stormwater runoff rates and volumes, and decreases the amount of rainfall that is available to recharge shallow groundwater aquifers;

(f) The negative impacts of the land development process on local aquatic resources can adversely affect the health, safety and general welfare of the general public as well as the quality of life of its citizens;

(g) Every residential and non-residential parcel of real property, both public and private, benefits from the implementation of storm water management regulations as well as proper maintenance and operation of the municipal storm sewer system (MS4);

(h) The negative impacts of the land development process can be controlled and minimized through the management of stormwater runoff rates, volumes and pollutant loads;

(i) Communities located within Georgia's Coastal Nonpoint Source Management Area and Area of Special Interest are required to comply with a number of state and federal regulations that require the adverse impacts of the land development process to be controlled and minimized;

(j) Therefore, the City of Richmond Hill has determined that it is in the public interest to control and minimize the adverse impacts of the land development process and has established this set of local stormwater management regulations to control post-construction stormwater runoff rates, volumes and pollutant loads on development and redevelopment sites.

Section 2: Purpose and Intent

The purpose of this ordinance is to protect and maintain the integrity of local aquatic resources and, consequently, the health, safety and welfare of the general public, by establishing local stormwater management regulations that control and minimize the adverse impacts of the land development process. The ordinance seeks to achieve these goals by enacting provisions that:

(a) Protect, maintain, and enhance the short-term and long-term public health, safety, and general welfare. This objective will be achieved by providing for regulation and management of a municipal storm sewer system, including public and private facilities in the city's service area.

(b) Comply with the Georgia Department of Natural Resources (DNR) and federal Environmental Protection Agency (EPA) stormwater regulations developed pursuant to the Clean Water Act. These requirements include:

  (1) Control the discharge of stormwater and contribution of pollutants to the municipal storm sewer system (MS4) by stormwater discharges associated with impervious area and the quality of stormwater discharged from sites with impervious area;

  (2) Prohibit illicit connections and/or discharges to the MS4;

  (3) Control discharge to municipal storm sewers of spills, dumping or disposal of materials other than stormwater; and

  (4) Control, through intergovernmental agreements, contribution of pollutants from one municipal/county system to another.

(c) Establish minimum requirements and procedures to regulate the adverse effects of increased stormwater runoff and development in flood hazard areas.

(d) Establishing decision-making processes that can be applied during the site planning and design process to help protect the integrity of local aquatic resources;

(e) Establishing post-construction stormwater management and site planning and design criteria to help protect natural resources from the direct impacts of the land development process and preserve existing hydrologic conditions on development sites;

(f) Establishing post-construction stormwater management and site planning and design criteria to help reduce flooding, channel erosion and pollutant transport and deposition in local aquatic resources;

(g) Establishing design guidelines for green infrastructure and stormwater management practices that can be used to meet the post-construction stormwater management and site planning and design criteria;

(h) Encouraging that green infrastructure practices, which include better site planning techniques, better site design techniques and low impact development practices, be used to the maximum extent practical on development sites;

(i) Establishing provisions for the long-term inspection and maintenance of green infrastructure and stormwater management practices to ensure that they continue to function as designed and pose no threat to public safety; and,

(j) Establishing administrative procedures for the submittal, review, approval and disapproval of stormwater management plans and for the inspection of approved development projects.

Section 3: Applicability and Exemptions

(a) This ordinance shall be applied to all land disturbing activities, unless exempt pursuant to this ordinance. The stormwater management regulations presented within this ordinance shall be applied to any new development or redevelopment activity that meets one or more of the following criteria:

(1) New development that involves the creation of 5,000 square feet or more of impervious cover or that involves other land disturbing activities of one acre or more;

(2) Redevelopment that involves the creation, addition or replacement of 5,000 square feet or more of impervious cover or that involves other land disturbing activities of one acre or more.

(3) New development or redevelopment, regardless of size, that is part of a larger common plan of development, even though multiple, separate and distinct land disturbing activities may take place at different times and on different schedules.

(4) New development or redevelopment, regardless of size, that involves the creation or modification of a stormwater hotspot, as defined herein as well as in the City's Code of Ordinances; the Georgia Stormwater Management Manual (GSMM); and the Coastal Stormwater Supplement (CSS) to the GSMM; and other related technical guidance.

(b) The following activities are exempt from this ordinance:

(1) New development or redevelopment that involves the creation, addition or replacement of less than 5,000 square feet of impervious cover and that involves less than one acre of other land disturbing activities.

(2) New development or redevelopment activities on individual residential lots that are not part of a larger common plan of development and do not meet any of the applicability criteria listed above.

(3) Additions or modifications to existing single-family homes and duplex residential units that do not meet any of the applicability criteria listed above.

(4) Development projects that are undertaken exclusively for agricultural or silvicultural purposes within areas zoned for agricultural or silvicultural land use.

(5) Maintenance and repairs of any green infrastructure or stormwater management practices deemed necessary by the City Manager (or his designee).

(6) Any part of a land development project that was approved by the Richmond Hill Mayor and City Council prior to the adoption of this ordinance provided that it meets the stipulations outlined in applicable sections of this ordinance.

(7) Redevelopment activities that involve the replacement of impervious cover when the original impervious cover was wholly or partially lost due to natural disaster or other acts of God.

(c) Phased Developments with Existing Stormwater Masterplans

For phased development projects, a stormwater masterplan shall be prepared to conceptually indicate how the minimum requirements of the City's previous stormwater management ordinance were to have been met. The stormwater masterplan shall consolidate detention facilities to the maximum extent practical. The existence of a stormwater masterplan does not necessarily preclude compliance with the requirements of this ordinance for each subsequent phase as it is being developed. However, the City Manager (or his designee) will favorably consider the existence of a site-specific stormwater masterplan that is substantially compliant with applicable sections of this ordinance when evaluating a project's compliance with this ordinance to subsequent phases of development. The City Manager (or his designee) may require that additional requirements be incorporated into the subsequent phases of development to protect the health, safety and welfare of the general public as well as to ensure compliance with applicable federal, state and local regulations.

Section 4: Scope of Responsibility

(a) The provisions of this ordinance shall apply throughout the City and to drainage systems maintained by intergovernmental agreement between the City and the county and/or other municipal jurisdictions.

(b) The City Manager (or his designee) shall be responsible for the administration, implementation, and enforcement of the provisions of this ordinance.

(c) The City Manager (or his designee) shall be responsible for the conservation, management, extension and improvement of the municipal storm sewer system, including activities necessary to control stormwater runoff and activities necessary to carry out stormwater management programs included in the City of Richmond Hill's NPDES Phase II Municipal Separate Storm Sewer System (MS4) permit.

(d) 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. Other stormwater project improvements and/or environmental requirements, as defined under state or federal law, may be required.

Section 5: Responsibility of the City

The City of Richmond Hill Planning Department (the Department) in consultation with the City Public Works Department will:

(a) Administer, coordinate and oversee acquisition, design, and construction of municipal stormwater facilities and conveyances;

(b) Establish or oversee establishment and implementation of development standards and guidelines for controlling stormwater runoff;

(c) Determine the manner in which stormwater facilities should be operated;

(d) Observe the installation and the ongoing operation of private systems which discharge to the City Municipal Separate Storm Sewer System (MS4);

(e) Advise the Mayor and City Council on issues related to storm water management;

(f) Manage facilities and properties controlled by the City and prescribe how they are used by others;

(g) Require that new, increased, or significantly changed stormwater contributions comply with the terms of this ordinance and any local design manual; and

(h) Develop programs or procedures to control the discharge of pollutants into the municipal storm sewer system (MS4).

Section 6: Compatibility with Other Regulations

This ordinance is not intended to interfere with, modify or repeal any other ordinance, rule, regulation or other provision of law. The requirements of this ordinance should be considered minimum requirements, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

Section 7: Severability

If the provisions of any section, subsection, paragraph, subdivision or clause of this ordinance shall be judged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this ordinance.

Section 8: Stormwater Management Local Engineering Design Standards

The City of Richmond Hill will adopt the latest edition of the CSS to the GSMM to serve as the City's primary technical reference for stormwater management and the information in the CSS will be utilized as the basis for stormwater management design, construction and maintenance within the City. In addition, the latest version of the Richmond Hill Engineering Design Standards (EDS) will be utilized to assist with implementation of this ordinance. The EDS shall serve as a companion document to the CSS and the GSMM. The EDS shall endeavor to accomplish the following: (1) clarify discrepancies between the CSS and any section of the City's Stormwater Management Ordinance and other related Development Regulations; (2) provide guidance to supplement information contained in the City's Stormwater Management Ordinance and other related Development Regulations; (3) establish minimum stormwater management related design standards and criteria; and (4) further describe the stormwater management design preparation, submittal, review and approval requirements. The criteria within the EDS shall be considered minimum design standards and, in the event of a conflict, supersede design standards set forth in the CSS and/or the GSMM. A copy of the EDS shall be made available from the City upon request.

In addition, Richmond Hill encourages the application of the practices and concepts contained in the Green Growth Guidelines to meet the goals and objectives of the Richmond Hill Post Construction Stormwater Management Ordinance. A copy of the Green Growth Guidelines can be viewed and downloaded from the following link for use in site design activities (http://crd.dnr.state.ga.us/content/displaycontent.asp?txtDocument=969).

The City of Richmond Hill also encourages the use and application of the *"Georgia-CSS-Site-Planning-Design-Worksheet-Final-Apr-09"* spreadsheet tool to evaluate compliance with the CSS design guidelines. A copy of the spreadsheet tool can be obtained from the following website link (http://www.mpcnaturalresources.org/water-resources/georgia-storm-water.html).

These references and assistance tools may be updated and expanded periodically, based on additional information obtained through scientific research, performance monitoring and local experience.

Section 9: Definitions

Accidental Discharge shall be defined as a discharge prohibited by this article into the municipal storm sewer system which occurs by chance and without planning or consideration prior to occurrence.

Appeal Authority shall mean the City Council, one of whose purpose is to review appeals to this article and render decisions and variances.

Applicant shall mean a property owner or agent of a property owner who has submitted an application for a post-construction stormwater management development plan review.

Aquatic Buffer shall mean an area of land located around or near a stream, wetland, or waterbody that has intrinsic value due to the ecological services it provides, including pollutant removal, erosion control and conveyance and temporary storage of flood flows.

Aquatic Resource Protection shall mean measures taken to protect aquatic resources from several negative impacts of the land development process, including complete loss or destruction, stream channel enlargement and increased salinity fluctuations.

Base Flood Elevation (BFE) shall mean the minimum expected water surface elevation identified by the Federal Emergency Management Agency (FEMA) or as determined by the City Manager.

Best Management Practices (BMPs) shall mean a wide range of management procedures, activities, and prohibitions or practices which control the quality and/or quantity of stormwater runoff and which are compatible with the planned land use.

Better Site Design Techniques shall mean site design techniques that can be used during the site planning and design process to minimize land disturbance and the creation of new impervious and disturbed pervious cover. Better site design techniques include reducing clearing and grading limits, reducing roadway lengths and widths and reducing parking lot and building footprints.

Better Site Planning Techniques shall mean site planning techniques that can be used during the site planning and design process to protect valuable aquatic and terrestrial resources from the direct impacts of the land development process. Better site planning techniques include protecting primary and secondary conservation areas.

Building shall mean any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal or property and occupying more than 100 square feet of area.

Channel shall mean a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

Clean Water Act shall mean the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.).

Coastal Stormwater Supplement (CSS) shall mean the April 2009 edition of the CSS to the GSMM, or the latest published version. This document is a technical design supplement to the GSMM that was developed for coastal Georgia. The CSS addresses stormwater management practices and BMPs that are specific and applicable to coastal stormwater quantity and quality issues.

Cooling Water shall mean water used exclusively as a cooling medium in an appliance, device or apparatus.

Conservation Areas shall mean permanently protected areas of a site that are preserved, in perpetuity, in an undisturbed, natural state.

Conservation Easement shall mean a legal agreement between a land owner and a local, state or federal government agency or land trust that permanently protects conservation areas on the owner's land by limiting the amount and type of development that can take place within them but continues to leave the conservation areas in private ownership.

Conveyance shall mean stormwater features designed for the movement of stormwater through the drainage system, such as concrete or metal pipes, ditches, depressions, swales, etc.

Dedication shall mean the deliberate appropriation of property by its owner for general public use.

Department shall mean the City of Richmond Hill Planning Department which is primarily responsible for implementation of the provisions of this article.

Detention shall mean the temporary storage of stormwater runoff in a stormwater management practice for the purpose of controlling the peak discharge rates and providing gravitational settling of pollutants.

Detention Facility shall mean a permanent stormwater management facility whose primary purpose is to temporarily store stormwater above the normal groundwater surface elevation and release the stored runoff at controlled rates. Acceptable types may include but are not limited to lagoons, ponds, wetlands, parking areas, and subsurface pipes.

Developer shall mean a person who undertakes a land development project,

Development activity shall mean any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, dredging, clearing, grubbing, scraping, grading, filling, paving, excavation or other activities significantly disturbing the soil or vegetation.

Development Project shall mean a new development or redevelopment project.

Development Site shall mean a parcel of land where land disturbing activities have been or will be initiated to complete a land development project.

Director shall mean either the City Manager (or his designee).

Discharge shall mean the release of treated or untreated water to the municipal storm sewer system.

Drainage Easement shall mean a legal right granted by a land owner to a grantee allowing the grantee to convey, treat or manage storm water runoff on the private land subject to the drainage easement.

Easement shall mean an acquired legal right for the specific use of land owned by others.

Erosion and Sediment Control Plan shall mean a plan that is designed to minimize and control the accelerated erosion and increased sediment loads that occur at a site during land disturbing activities.

Evapotranspiration shall mean the loss of water to the atmosphere through both evaporation and transpiration, which is the evaporation of water from the aerial parts of plants.

Extended Detention shall mean the temporary storage of stormwater runoff in a stormwater management practice for an extended period of time, typically 24 hours or greater.

Extreme Flood Protection shall mean measures taken to protect downstream properties from dangerous extreme flooding events and help maintain the boundaries of the existing 100-year floodplain.

Fee in Lieu Contribution shall mean a payment of money in place of meeting all or part of the stormwater management criteria required by a post-construction stormwater management ordinance.

Flooding shall mean a volume of storm water runoff that is too great to be confined within the banks of a stream, river or other aquatic resource or the limits of a storm water conveyance feature and that overflows onto adjacent lands.

Flood Hazard Area shall mean those delineated geographical areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) or as determined by the City Manager (or his designee).

Georgia Stormwater Management Manual (GSMM) shall mean the latest edition of all volumes of the Georgia Stormwater Management Manual, a technical guidance document governing stormwater management design, construction and long-term maintenance activities in Georgia.

Governing Body shall mean the elected officials consisting of the Mayor and City Council.

Green Infrastructure Practices shall mean the combination of three complementary, but distinct, groups of natural resource protection and stormwater management practices and techniques, including better site planning and design techniques and low impact development practices, that are used to protect valuable terrestrial and aquatic resources from the direct impacts of the land

development process, maintain pre-development site hydrology and reduce post-construction stormwater runoff rates, volumes and pollutant loads.

Hydrologic Soil Group (HSG) shall mean a Natural Resource Conservation Service classification system in which soils are categorized into four runoff potential groups. The groups range from Group A soils, with high permeability and little runoff produced, to Group D soils, which have low permeability rates and produce much more runoff.

Illicit Connection and Discharge shall mean a connection to a municipal storm sewer system which results in an unauthorized discharge that is not composed entirely of stormwater runoff except discharges pursuant to a National Pollutant Discharge Elimination System (NPDES) permit (other than the NPDES permit for discharges from the municipal storm sewer).

Impaired Waters shall mean those streams, rivers, lakes, estuaries and other water bodies that currently do not meet their designated use classification and associated water quality standards under the Clean Water Act.

Impervious Cover shall mean a surface composed of any material that greatly impedes or prevents the natural infiltration of water into the underlying native soils. Impervious surfaces include, but are not limited to, rooftops, buildings, sidewalks, driveways, streets and roads.

Industrial Stormwater Permit shall mean a National Pollutant Discharge Elimination System (NPDES) Industrial General Permit (IGP) issued to an industry or group of industries that regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

Infill Development shall mean land development that occurs within designated areas based on local land use, watershed and/or utility plans where the surrounding area is generally developed, and where the site or area is either vacant or has previously been used for another purpose.

Infiltration shall mean the process of allowing stormwater runoff to percolate into the underlying native soils.

Infiltration Practice shall mean a green infrastructure or stormwater management practice designed to provide infiltration of stormwater runoff into the underlying native soils. These stormwater management practices may be above or below grade.

Inspection and Maintenance Plan Agreement shall mean a written agreement and plan providing for the long-term inspection and maintenance of all green infrastructure practices, stormwater management practices, stormwater conveyance features and stormwater drain infrastructure on a development site.

Jurisdictional Wetland shall mean an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation, and are those waters of the United States that are under the jurisdictional of the Army Corps of Engineers (ACOE).

Land Development shall mean any project undertaken to change or improve a site that involves one or more land disturbing activities.

Land Disturbing Activity (LDA) shall mean any activity that changes stormwater runoff rates, volumes and pollutant loads on a site. These activities include, but are not limited to, the grading, digging, cutting, scraping, or excavating of soil, the placement of fill materials, paving, construction, substantial removal of vegetation and any activity that bares soil or rock or involves the diversion or piping of any natural or man-made watercourse.

Land Owner shall mean the legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

Low Impact Development (LID) Practice shall mean small-scale stormwater management practices that are used to disconnect impervious and disturbed pervious surfaces from the storm drain system and reduce post-construction stormwater runoff rates, volumes and pollutant loads. Low impact development practices include soil restoration, site reforestation/revegetation, green roofs, vegetated filter strips and rain gardens.

Maintenance shall mean any action necessary to preserve stormwater management facilities in proper working condition, in order to serve the intended purpose set forth in this ordinance or to prevent structural failure of such facilities.

Municipal Separate Storm Sewer System (MS4) shall mean a system of drainage conveyances including roads with drainage systems, highways, rights-of-way, municipal streets, catch basins, curbs, gutters, ditches, canals, manmade channels, storm drains detention ponds, other stormwater facilities that are owned and legally operated by the City of Richmond Hill.

National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit shall mean a permit issued by the United State Environmental Protection Agency (USEPA), or by a State under authority delegated pursuant to 33 USC § 1342(b), that authorizes the discharge of pollutants to Waters of the State, whether the permit is applicable on an individual, group, or general area-wide basis.

New Development shall mean a land development project undertaken on a previously undeveloped or unimproved site.

Nonpoint Source Pollution shall mean pollution from any source other than from a discernible, confined and discrete conveyance, such as a wastewater treatment plant or industrial discharge. Sources of nonpoint source pollution include, but are not limited to, agricultural, silvicultural, mining and construction activities, subsurface disposal and urban stormwater runoff.

Nonstructural Stormwater Management Practice shall mean any natural resource protection or stormwater management practice or technique that uses natural processes and natural systems to intercept, convey, treat and/or manage stormwater runoff. Nonstructural stormwater management practices include, but are not limited to, protecting primary and secondary conservation areas, reducing clearing and grading limits, reducing roadway lengths and widths, reducing parking lot

and building footprints, soil restoration, site reforestation/revegetation, green roofs, vegetated filter strips and rain gardens.

Off-Site Stormwater Management Practice shall mean a green infrastructure or stormwater management practice located outside the boundaries of a development site.

On-Site Stormwater Management Practice shall means a green infrastructure or stormwater management practice located within the boundaries of a development site.

Open Tidal Waters shall mean natural bodies of water influenced by daily tide fluctuations that have no downstream manmade flow restrictions.

Overbank Flood Protection shall mean measures taken to protect downstream properties from damaging overbank flooding events.

Owner shall mean the legal or beneficial owner of a piece of land, including, but not limited to, a mortgagee or vendee in possession, receiver, executor, trustee, lessee or other person, firm, or corporation in control of the site.

Permanent Stormwater Management Practice shall mean a green infrastructure or stormwater management practice that will be operational after the land disturbing activities are complete and that is designed to become a permanent part of the site for the purposes of managing post-construction stormwater runoff.

Permit shall mean the permit issued by a local development review authority to an applicant, which is required for undertaking any land development project or land disturbing activities, typically referred to as a Land Disturbance Activity (LDA) Permit.

Person shall mean any and all persons, natural or artificial and includes any individual, firm, corporation, government agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity.

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 discharge of any liquid, gaseous, solid, radioactive, or other substance into any such waters as will or is likely to create a nuisance or render such waters 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.

Post Developed Conditions shall mean the conditions following the completion of the land development activity in terms of topography, vegetation, land use, and rate and direction of stormwater runoff.

Pre-developed Conditions shall mean those land use conditions that exist prior to the initiation of the proposed land development activity in terms of topography, vegetation, land use, and quality, rate, volume, and direction of stormwater runoff.

Post-Development Hydrology shall mean the set of hydrologic conditions that may reasonably be expected to exist on a development site, after the completion of all land disturbing and construction activities.

Pre-Development Hydrology shall mean the set of hydrologic conditions that exist on a development site prior to the commencement of any land disturbing activities (i.e. the wooded undisturbed/undeveloped condition).

Private shall mean property or facilities owned by individuals, corporations, and other organizations and not by City, County, State, or federal government.

Procedure shall mean a procedure adopted by the City, by and through the City Manager (or his designee), to implement a regulation or regulations adopted under this ordinance, or to carry out other responsibilities as may be required by this article.

Receiving Stream or Receiving Aquatic Resource shall mean the body of water or conveyance into which stormwater runoff is discharged.

Recharge shall mean the replenishment of groundwater aquifers

Record Drawings shall mean a set of engineering or site drawings that delineate the permitted stormwater management facility as actually constructed.

Redevelopment shall mean a change to previously existing, improved property, including but not limited to the demolition or building of structures, filling, grading, paving, or excavating, but excluding ordinary maintenance activities, remodeling of buildings on the existing footprint, resurfacing of paved areas and exterior changes or improvements that do not materially increase or concentrate stormwater runoff or cause additional nonpoint source pollution.

Regional Stormwater Management Practice shall mean a stormwater management practice designed to control stormwater runoff from multiple properties, where the owners or developers of the individual properties may participate in providing land, financing, design services, construction services and/or maintenance services for the practice.

Regulation shall mean any regulation, rule or requirement adopted by the City pursuant to the requirements of this ordinance.

Responsible Party shall mean any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns that is named on a stormwater inspection and maintenance plan agreement as responsible for the long-term operation and maintenance of one or more green infrastructure or stormwater management practices.

Retention Facility shall mean a permanent facility whose primary purpose is to permanently store a given volume of stormwater runoff. Release of the given volume is by infiltration or evaporation.

Sanitary Sewer System shall mean the complete sanitary sewer system of the City which discharges sewage directly or indirectly into the sewage treatment plant, including sanitary sewer pipelines, manholes and flushing inlets and appurtenances to the foregoing, but shall exclude any portion or facilities of the sewage treatment plant.

Site shall mean any lot, plot, parcel or tract of land.

Stop Work Order shall mean an order issued that requires that all land disturbing activity on a site be stopped.

Stormwater shall mean stormwater runoff, snow melt runoff, and surface runoff and drainage.

Stormwater Hotspot shall mean an area where land use or pollution generating activities have the potential to generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater runoff. Stormwater hotspots include, but are not limited to, fueling stations (including temporary fueling stations during construction), golf courses, public works yards and marinas.

Stormwater Management shall mean the interception, conveyance, treatment, and management of storm water runoff in a manner that is intended to prevent flood damage, channel erosion, habitat degradation and water quality degradation and to enhance and promote the public health, safety and general welfare.

Stormwater Management Facilities shall mean constructed or natural components of a stormwater drainage system, designed to perform a particular function, or multiple functions, including, but not limited to pipes, swales, ditches, canals, wetlands, culverts, street gutters, detention basins, flood hazard areas, retention basins, constructed wetlands, infiltration devices, catch basins, oil/water separators, sediment basins, natural and modular pavement.

Stormwater Management Plan shall mean a written document that details how stormwater runoff will be managed on a development site and that shows how the stormwater management criteria that apply to the development project have been met.

Stormwater Management Practice shall mean a practice or technique, either structural or nonstructural that is used to intercept stormwater runoff and change the characteristics of that runoff. Stormwater management practices are used to control post-construction stormwater runoff rates, volumes and pollutant loads to prevent increased flood damage, channel erosion, habitat degradation and water quality degradation.

Stormwater Management System shall mean the entire suite of green infrastructure and stormwater management practices and stormwater conveyance features that are used to intercept, convey, treat and manage stormwater runoff on a development site.

Stormwater Retrofit shall mean a green infrastructure or stormwater management practice designed for an existing development site that previously had no green infrastructure or

stormwater management practice in place or had a practice that was not meeting local stormwater management criteria.

Stormwater Runoff shall mean the direct response of a land surface 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.

Stormwater Runoff Reduction shall mean providing for the interception, evapotranspiration, infiltration, or capture and reuse of stormwater runoff to help maintain pre-development site hydrology and help protect aquatic resources from several indirect impacts of the land development process, including decreased groundwater recharge, decreased baseflow and degraded water quality.

Subdivision shall mean the division of a parcel of land to create one or more new lots or development sites for the purpose, whether immediately or in the future, of sale, transfer of ownership, or land development, and includes divisions of land resulting from or made in connection with the layout or construction of a new street or roadway or a change in the layout of an existing street or roadway.

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.

Water Quality shall mean those characteristics of stormwater runoff that relate to the physical, chemical, biological or radiological integrity of water.

Water Quality Protection shall mean adequately treating stormwater runoff before it is discharged from a development site to help protect downstream aquatic resources from water quality degradation.

Water Quantity shall mean those characteristics of stormwater runoff that relate to the rate and volume of the stormwater runoff.

Watercourse shall mean a permanent or intermittent stream or other body of water, either natural or man-made, which collects and/or conveys surface water.

Watershed or Subwatershed Management Plan shall mean a document, usually developed cooperatively by government agencies and other stakeholders, to protect, restore and/or otherwise manage the water resources found within a particular watershed or subwatershed. Watershed or subwatershed management plans commonly identify threats, sources of impairment, institutional issues and technical and programmatic solutions or projects to protect and/or restore water resources.

Watershed shall mean the drainage area contributing stormwater runoff to a single point in the stormwater system.

Wetland Hydroperiod shall mean the pattern of fluctuating water levels within a wetland caused by the complex interaction of surface water, groundwater, topography, soils and geology within a wetland.

Section 10: Post-Construction Stormwater Management Site Planning & Design Criteria

The following post-construction stormwater management and site planning and design criteria shall be applied to all new development and redevelopment activities that are subject to the provisions of this ordinance. The criteria have been designed to protect valuable local natural resources from the negative impacts of the land development process. If local natural resource protection and stormwater management goals and objectives warrant greater protection than that provided by the post-construction stormwater management and site planning and design criteria outlined below, Richmond Hill may impose additional requirements on new development and redevelopment activities that it has determined are necessary to protect local aquatic and terrestrial resources from the negative impacts of the land development process.

(a) Natural Resources Inventory

Prior to the start of any land disturbing activities, including any clearing and grading activities, acceptable site reconnaissance and surveying techniques should be used to complete a thorough assessment of the natural resources, both terrestrial and aquatic, found on a development site. The natural resources inventory shall be completed in accordance with the information presented within the April 2009 edition of the CSS to the GSMM. The Natural Resources Inventory data compilation effort shall be performed in general accordance with the CSS, or using a comparable methodology as approved by the City Manager or his designee.

The preservation and/or restoration of the natural resources found on a development site, through the use of green infrastructure practices, may, at the discretion of Richmond Hill, be assigned quantifiable stormwater management "credits" that can be used when calculating the stormwater runoff volumes associated with the post-construction stormwater management criteria outlined in the applicable sections of the Richmond Hill Stormwater Management Ordinance and the EDS. The green infrastructure practices that qualify for these "credits," and information about how they can be used to help satisfy the post-construction stormwater management criteria outlined in the Richmond Hill Stormwater Management Ordinance, is provided in the April 2009 edition of the CSS to the GSMM.

(b) Use of Green Infrastructure Practices

Green infrastructure practices are encouraged to be used to the maximum extent practical during the creation of a stormwater management concept plan for a proposed development project. Green infrastructure practices can be used to help protect local terrestrial and aquatic resources from the direct impacts of the land development process, and to help maintain pre-development site hydrology and reduce post-construction stormwater runoff rates, volumes and pollutant loads.

All green infrastructure and stormwater management practices shall be selected, designed, constructed and maintained in general accordance with the information presented in the April 2009 edition of the CSS to the GSMM and the Richmond Hill EDS. Applicants are referred to the GSMM, the CSS to the GSMM and the Richmond Hill EDS, for guidance on selecting green infrastructure and stormwater management practices that can be used to satisfy the post-

construction stormwater management criteria outlined in the applicable sections of the Richmond Hill Stormwater Management Ordinance.

For green infrastructure or stormwater management practices that are not included in the CSS to the GSMM, or for which pollutant removal and runoff reduction rates have not been provided, the effectiveness of the green infrastructure or stormwater management practice must be documented through prior studies, literature reviews or other means, and receive approval from the City Manager or his designee before being included in a stormwater management system design.

(c) Stormwater Runoff Reduction

The stormwater runoff volume generated by the runoff reduction storm event, as defined in the latest edition of the CSS to the GSMM, shall be reduced on-site to the maximum extent practicable in order to help maintain pre-development site hydrology and help protect local aquatic resources from several indirect impacts of the land development process, including decreased groundwater recharge, decreased baseflow and degraded water quality. In general, a stormwater management system is presumed to comply with these criteria if:

1. It includes green infrastructure practices that provide for the interception, evapotranspiration, infiltration or capture and reuse of stormwater runoff, that have been selected, designed, constructed and maintained in accordance with the information presented in the latest edition of the CSS to the GSMM and the City of Richmond Hill EDS; and
2. It is designed to provide the amount of stormwater runoff reduction specified in the latest edition of the CSS to the GSMM, or as allowed per this ordinance.

The City Manager or his designee may vary the amount of stormwater runoff reduction needed to satisfy this criteria on development sites that are considered to be stormwater hotspots or that have site characteristics or constraints, such as high groundwater, impermeable soils, contaminated soils or confined groundwater aquifer recharge areas, that prevent the use of green infrastructure practices that provide for the interception, evapotranspiration, infiltration or capture and reuse of stormwater runoff. When seeking a variance in the amount of stormwater runoff reduction that needs to be provided in order to satisfy these criteria, applicants are encouraged to adhere to the provisions of this ordinance as described herein.

In situations where the amount of storm water runoff reduction equal to the first 1.2 inch rainfall event cannot be achieved due to site characteristics or constraints (e.g. high groundwater, impermeable soils, contaminated soils, confined groundwater aquifer recharge areas, etc), it is recommended that the following process be followed in accordance with Section 4.4.1. of the CSS:

1. Utilize applicable green infrastructure practices in an effort to reduce, at a minimum, the stormwater runoff volume generated by the 0.6 inch rainfall event (and the first 0.6 inches of all larger rainfall events) on the development site;

2. Provide adequate documentation to the City Manager or his designee to demonstrate and show that no additional runoff reducing green infrastructure practices can be used for the development site and that the reduction provided is all that can be provided in a practical manner;
3. Formulate a design plan to capture and treat any of the stormwater runoff generated by the 1.2 inch storm event (and the first 1.2 inches of all larger events) that is not reduced under Item 1 above such that:
    i. 80% of the total suspended solids (TSS) loading are removed;
    ii. nitrogen and bacteria loadings are reduced to the maximum extent practicable; and
    iii. stormwater runoff pollutant reduction efforts comply with other watershed-specific, service area-specific or site-specific water quality requirements, if applicable.

(d) Stormwater Quality Management and Protection

In order to protect local aquatic resources from water quality degradation, post-construction stormwater runoff shall be adequately treated before it is discharged from a development site. Applicants can satisfy these criteria by achieving the stormwater runoff reduction criteria set forth and as required in the Richmond Hill Stormwater Management Ordinance. However, if any of the stormwater runoff volume generated by the runoff reduction storm event, as defined in the April 2009 edition of the CSS to the GSMM, cannot be reduced on the development site, due to site characteristics or constraints, it shall be intercepted and treated in one or more stormwater management practices that provide at least an 80 percent reduction in total suspended solids (TSS) loads and that reduce nitrogen and bacteria loads to the maximum extent practical. When seeking to satisfy these criteria through the use of one or more stormwater management practices, applicants shall:

1. Intercept and treat stormwater runoff in stormwater management practices that have been selected, designed, constructed and maintained in accordance with the information presented in the GSMM, the April 2009 edition of the CSS to the GSMM and the Richmond Hill EDS; and
2. Provide adequate documentation to the City Manager or his designee to show that total suspended solids, nitrogen and bacteria removal were considered during the selection of the stormwater management practices that will be used to intercept and treat stormwater runoff on the development site.

It is presumed that a stormwater management system design complies with these criteria if the proposed stormwater controls are selected, designed, constructed and maintained according to this ordinance and the CSS. Additional, water quality requirements may be specified for hotspot land uses and activities.

(e) Aquatic Resources Protection and Energy Dissipation

In order to protect local aquatic resources from several other negative impacts of the land development process, including complete loss or destruction, stream channel enlargement and increased salinity fluctuations, applicants shall provide aquatic resource protection in accordance with the information provided in the April 2009 edition of the CSS to the GSMM. Aquatic resources protection shall be provided for each site through management and extended detention of the 1-year 24-hour storm event released over a period of 24-hours to reduce the frequency and duration of channel forming events. Velocity control and energy dissipation measures shall be installed at all new and existing stormwater outfalls in accordance with criteria and guidance provided in Section 4.5 of the GSMM (Volume 2) and applicable sections of the CSS.

(f) Overbank Flood Protection

All stormwater management systems shall be designed to control the peak discharge generated by the overbank flood protection storm event, as defined in the April 2009 edition of the CSS to the GSMM, to prevent an increase in the duration, frequency and magnitude of downstream overbank flooding. A stormwater management system is presumed to comply with these criteria if it is designed to provide overbank flood protection in accordance with the information provided in the April 2009 edition of the CSS to the GSMM.

The City Manager or his designee may modify or waive this criteria on development sites where both the on-site and downstream stormwater conveyance systems are designed to safely convey the peak discharge generated by the overbank flood protection storm event to a receiving stream, tidal creek or other aquatic resource without causing additional downstream flooding or other environmental impacts, such as stream channel enlargement or degradation of habitat.

(g) Extreme Flood Protection

All stormwater management systems shall be designed to control or safely pass (as a minimum) the peak discharge generated by the extreme flood protection storm event, as defined in the April 2009 edition of the CSS to the GSMM, to prevent an increase in the duration, frequency and magnitude of downstream extreme flooding and protect public health and safety. A stormwater management system is presumed to comply with these criteria if it is designed to provide extreme flood protection in accordance with the information provided in the April 2009 edition of the CSS to the GSMM.

The City Manager or his designee may modify or waive this criteria on development sites where both the on-site and downstream stormwater conveyance systems are designed to safely convey the peak discharge generated by the extreme flood protection storm event to a receiving stream, tidal creek or other aquatic resource without causing additional downstream flooding or other environmental impacts, such as stream channel enlargement or degradation of habitat.

(h) Redevelopment Criteria

Development activities that are considered to be redevelopment activities shall meet at least one of the following criteria:

1. **Reduce Impervious Cover**: Reduce existing site impervious cover by at least 20%, unless otherwise approved by the City Manager or his designee.
2. **Provide Stormwater Management**: Manage the stormwater runoff from the site's existing impervious cover and any new impervious cover in accordance with the post-construction stormwater management criteria outlined in the applicable sections of the Richmond Hill Stormwater Management Ordinance and the EDS. The green infrastructure and stormwater management practices used to comply with these criteria shall be selected, designed, constructed and maintained in accordance with the information presented in the April 2009 edition of the CSS to the GSMM.
3. **Provide Off-Site Stormwater Management**: Provide, through the use of off-site stormwater management practices, a level of stormwater quality and quantity control that is equal to or greater than that which would be provided by satisfying the post-construction stormwater management criteria outlined in the applicable sections of the Richmond Hill Stormwater Management Ordinance.
4. **Combination of Measures**: Any combination of (1) through (3) above that is acceptable to Richmond Hill.

Section 11: Stormwater Management Design Procedures & Requirements

(a) Development Plan Submittal Review Requirements

No owner or developer shall undertake any non-exempt development activity without first meeting the requirements of this ordinance and receiving City approval for the proposed land development activity from the City of Richmond Hill. Unless specifically exempted by this ordinance or granted a waiver by the City Manager (or his designee) from specific requirements, any owner or developer proposing a development project shall submit to the City of Richmond Hill the required information in a format specified by the City of Richmond Hill. The following items shall accompany the submittal package:

(1) Stormwater management concept plan prepared in accordance with Section 11(b);

(2) Record of a consultation meeting held in accordance with Section 11(c);

(3) Stormwater management design plan prepared in accordance with Section 11(d);

(4) Stormwater Management System Inspection & Maintenance Agreement prepared in accordance with Section 11(e);

(5) Application and development plan review fees submitted in accordance with Sections 11(f) and 11(g), and the City's most recently adopted fee schedule; and,

(6) A statement from the developer that he/she understands that they will be required to post and that he/she can post a performance bond (or other means of security acceptable to Richmond Hill) in accordance with applicable requirements of Section 11(h).

The EDS provides additional details and requirements pertaining to the preparation, submittal, review and approval process associated with stormwater management design and development plans. If an owner or developer has been granted a waiver by the City Manager (or his designee), written documentation pertaining to the specific items that will be submitted as well as those that will not be submitted must be provided to the City at the onset of the project.

(b) Stormwater Management Concept Plan

The Stormwater Management Concept Plan should include the information stipulated in the Richmond Hill Stormwater Management Ordinance. Prior to preparation of the concept plan, the designer should consult with the City Manager or his designee regarding the existence and/or applicability of any existing City developed drainage master plans or special district requirements. Following consultation with the City Manager or his designee, designer shall submit to the City of Richmond Hill on behalf of the owner or developer a stormwater management concept plan illustrating the layout of the proposed development project and showing, in general, how post-construction stormwater runoff will be managed on the development site. Green infrastructure practices (i.e., better site planning techniques, better site design techniques, low impact development practices) are encouraged to be used during the creation of a stormwater management concept plan. Green infrastructure practices include, but are not limited to, protecting primary and secondary conservation areas, reducing clearing and grading limits, reducing roadway lengths and widths, reducing parking lot and building

footprints, soil restoration, site reforestation/re-vegetation, green roofs, vegetated filter strips and rain gardens. As part of the concept design process, a consultation meeting shall be scheduled with the City to review the pertinent site design issues in accordance with the Richmond Hill Stormwater Management Ordinance.

The stormwater management concept plan shall include the following information:

1. Project Narrative: The project narrative shall include a vicinity map, the common address of the development site and a legal description of the development site. The concept plan stormwater management system narrative shall also include information about how post-construction stormwater runoff will be managed on the development site, including a list of the low impact development and stormwater management practices that will be used. It shall also include preliminary calculations showing how initial estimates of the post-construction stormwater management criteria that apply to the development project were obtained, including information about the existing and proposed conditions of each of the drainage areas found on the development site (e.g., size, soil types, and land cover characteristics).

2. Site Fingerprint: The site fingerprint shall illustrate the results of the natural resources inventory, which is used to identify and map the natural resources found on the development site, as they exist prior to the start of any land disturbing activities.

3. Existing Conditions Map: The existing conditions map shall include all of the information shown on the site fingerprint and shall illustrate:

    (a) Existing roads, buildings, parking areas and other impervious surfaces;
    (b) Existing utilities (e.g., water, sewer, gas, electric) and utility easements;
    (c) Existing primary and secondary conservation areas;
    (d) Existing low impact development and stormwater management practices;
    (e) Existing storm drain infrastructure (e.g., inlets, manholes, storm drains); and,
    (f) Existing channel modifications (e.g., bridge or culvert installations).

4. Proposed Conditions Map: The proposed conditions map shall illustrate:

    (a) Proposed drainage divides and patterns;
    (b) Proposed roads, buildings, parking areas and other impervious surfaces;
    (c) Proposed limits of clearing and grading;
    (d) Proposed primary and secondary conservation areas;
    (e) Proposed low impact development and stormwater management practices;
    (f) Proposed storm drain infrastructure (e.g., inlets, manholes, storm drains); and,
    (g) Proposed channel modifications (e.g., bridge or culvert installations).

Note: For a multi-phase project, a stormwater master plan is required to conceptually indicate how the minimum requirements of the ordinance will be met. This does not preclude the

requirement of a stormwater management design plan for each phase as it is being developed. The master plan of multi-phased project shall consolidate detention facilities to as much as practical.

(c) Consultation Meeting & Coordination

All applicants are encouraged to attend a consultation meeting with the City of Richmond Hill staff to discuss the proposed development project, the stormwater management concept plan and the approach that will be used to satisfy the post-construction stormwater management and site planning and design criteria that apply to the development site. This consultation meeting should take place in advance of submittal of the stormwater management concept plan, for the purposes of verifying site conditions and the feasibility of the stormwater management concept plan.

(d) Stormwater Management Design Plan

Subsequent to approval of the stormwater management concept plan, the designer shall submit to the City of Richmond Hill on behalf of the owner or developer for review and approval, a stormwater management design plan that details how post-development stormwater runoff will be controlled or managed on the development site. The stormwater management design plan shall detail how the proposed development project will meet the post-construction stormwater management and site planning and design criteria that apply to the development site. The Stormwater Management Design Plan shall be designed and certified by a qualified professional registered in the State of Georgia and include the required certifications.

A copy of the stormwater management concept plan shall be included with the submittal of the stormwater management design plan. The stormwater management design plan should be consistent with the stormwater management concept plan. If any significant changes were made to the plan of development, the City Manager (or his designee) may ask for a written statement providing rationale for any of the changes that were made. The Stormwater Management Design Plan shall include all of the information contained in the Stormwater Management Concept Plan, plus:

1. Existing Conditions Hydrologic Analysis: The existing conditions hydrologic analysis shall include:

    (a) Existing conditions map including existing topography shown with adequate spot elevations or one foot proposed contours;

    (b) Information about the existing conditions of each of the drainage areas found on the development site (e.g., size, soil types, land cover characteristics);

    (c) Information about the existing conditions of any off-site drainage areas that contribute stormwater runoff to the development site (e.g., size, soil types, land cover characteristics);

    (d) Information about the stormwater runoff rates and volumes generated, under existing conditions, in each of the drainage areas found on the development site;

(e) Information about the stormwater runoff rates and volumes generated, under existing conditions, in each of the off-site drainage areas that contribute stormwater runoff to the development site; and

(f) Documentation (e.g., model diagram) and calculations showing how the existing conditions hydrologic analysis was completed.

2. Proposed Conditions Hydrologic Analysis: The proposed conditions hydrologic analysis shall include:

(a) Proposed conditions map;

(b) Information about the proposed conditions of each of the drainage areas found on the development site (e.g., size, soil types, land cover characteristics);

(c) Information about the existing conditions of any off-site drainage areas that contribute stormwater runoff to the development site (e.g., size, soil types, land cover characteristics);

(d) Information about the stormwater runoff rates and volumes generated, under proposed conditions, in each of the drainage areas found on the development site;

(e) Information about the stormwater runoff rates and volumes generated, under existing conditions, in each of the off-site drainage areas that contribute stormwater runoff to the development site; and

(f) Documentation (e.g., model diagram) and calculations showing how the proposed conditions hydrologic analysis was completed.

3. Post-Construction Stormwater Management System Plan: The post-construction stormwater management system plan shall illustrate:

(a) Proposed topography shown with adequate spot elevations or one foot proposed contours;

(b) Proposed drainage divides and patterns;

(c) Existing and proposed roads, buildings, parking areas and other impervious surfaces;

(d) Existing and proposed primary and secondary conservation areas;

(e) Plan view of existing and proposed low impact development and stormwater management practices;

(f) Cross-section and profile views of existing and proposed low impact development and stormwater management practices, including information about water surface elevations, storage volumes and inlet and outlet structures (e.g., orifice sizes);

(g) Plan view of existing and proposed storm drain infrastructure (e.g., inlets, manholes, storm drains);

(h) Cross-section and profile views of existing and proposed storm drain infrastructure (e.g., inlets, manholes, storm drains), including information about invert and water surface elevations as well as hydraulic grade line (HGL) information; and

(i) Existing and proposed channel modifications (e.g., bridge or culvert installations);

(j) Proposed utilities and utility easements;

(k) Project Narrative.

4. Downstream Analysis: The downstream analysis should provide a comprehensive assessment of the downstream areas and their capacity to accommodate stormwater runoff from the proposed development.

   (a) Develop and provide Drainage basin delineations showing the point at which the contributing area of the project represents 10% of the total drainage basin area as defined in Section 2.1.9.2 of the GSMM;

   (b) Identify culverts, channels and other structural stormwater controls from readily available information and sources that the stormwater runoff must pass through prior to the 10% point identified previously and analyze the LOS of each affected system. In the absence of readily available information, it shall be assumed that all runoff reaches the 10% point.

   (c) Develop and provide supporting calculations for a downstream peak flow analysis using the 10% rule necessary to show safe passage of the post-development design flows downstream.

5. Post-Construction Stormwater Management System Narrative: The post-construction storm water management system narrative shall include information about how post construction storm water runoff will be managed on the development site, including a list of the low impact development and storm water management practices that will be used. It shall also include documentation and calculations that demonstrate how the selected low impact development and storm water management practices satisfy the post-construction storm water management criteria that apply to the development site, including information about the existing and proposed conditions of each of the drainage areas found on the development site (e.g. size, soil types, land cover characteristics, etc).

(e) Stormwater Management System Inspection & Maintenance Plan Agreement

Prior to the issuance of a LDA Permit for any new development or redevelopment activity that requires one, the applicant or owner of the development site, if different, must execute an inspection and maintenance plan agreement that shall be binding on all subsequent owners of the site, unless the stormwater management system is dedicated to and accepted by the City of Richmond Hill. A sample copy of the Stormwater Facility Inspection & Maintenance Plan Agreement is included in the City of Richmond Hill Stormwater Management EDS. The owner shall comply with all applicable requirements as set forth in the Richmond Hill Development Regulations. A sample copy of the Richmond Hill Stormwater Facility Inspection & Maintenance Agreement and Plan is provided in Appendix A.

1. The inspection and maintenance plan agreement shall include the following information:

   (a) Identification by name or official title the person(s) responsible for carrying out the inspection and maintenance;

(b) A statement confirming that responsibility for the operation and maintenance of the stormwater management system, unless assumed by City of Richmond Hill, shall remain with the property owner and shall pass to any successive owner;

(c) A provision stating that, if portions of the development site are sold or otherwise transferred, legally binding arrangements shall be made to pass responsibility for the operation and maintenance of the stormwater management system to the appropriate successors in title; these arrangements shall designate, for each portion of the stormwater management system, the person(s) to be permanently responsible for its inspection and maintenance;

(d) A maintenance schedule stating when and how often routine inspection and maintenance will occur to ensure proper function of the stormwater management system; and,

(e) Plans for annual inspections to ensure proper performance of the stormwater management system between scheduled maintenance activities.

2. The inspection and maintenance agreement and plan shall be approved by the City Manager or his designee prior to approval of the Stormwater Management Design Plan and recorded with the deed upon approval of the stormwater management design plan.

3. In addition to enforcing the terms of the inspection and maintenance agreement and plan, Richmond Hill may also enforce all of the provisions for ongoing inspection and maintenance contained in Section 30-242 of the Richmond Hill Stormwater Management Ordinance.

4. The terms of the stormwater management system inspection and maintenance agreement and plan shall provide for the City Manager or his designee to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. These terms include the right to enter a property when the City Manager or his designee has a reason to believe that a violation of an approved stormwater management system inspection and maintenance agreement and plan has occurred and when necessary for abatement of a public nuisance or correction of a violation of this ordinance or an approved stormwater management system inspection and maintenance agreement and plan.

(f) Stormwater Management Design Submittal & Approval Procedure

The procedures and requirements for the Stormwater Management Design Plan Submittal and Approval Process are generally described in the ensuing paragraphs.

(1) Stormwater management design review and approval requests shall be filed with the City of Richmond Hill in a format specified by the City.

(2) Stormwater management design review and approval requests shall include the items set forth herein.

(3) The City Manager (or his designee) shall inform the applicant whether the stormwater management design plan and the inspection and maintenance plan agreement are approved or disapproved.

(4) If the design package, stormwater management design plan, and/or the inspection and maintenance plan agreement are not approved, the City Manager (or his designee) shall notify the applicant of that fact in writing. The applicant must revise any item not meeting the requirements of this ordinance and resubmit the package.

(5) Upon a finding by the City Manager (or his designee) that the stormwater management design package; stormwater management design plan; and the inspection and maintenance agreement plan (if applicable) meet the requirements of this ordinance, the City Manager (or his designee) will approve the stormwater management design for the development project, provided that all other applicable legal requirements for the issuance of a LDA Permit have been met.

(6) Notwithstanding approval of the stormwater management design, in undertaking the new development or redevelopment activity, the applicant or other responsible person shall be subject to the following requirements:

a. The applicant shall comply with all applicable requirements of the approved stormwater management design plan and the provisions of this ordinance and shall certify that all land disturbing and development activities will be completed in accordance with the approved stormwater management design plan;
b. The development project shall be conducted only within the area specified in the approved stormwater management design plan;
c. The City Manager (or his designee) shall be allowed to conduct periodic inspections of the development project in accordance with applicable sections of this ordinance;
d. No changes may be made to an approved stormwater management design plan without review and written approval by the City Manager (or his designee); and,
e. Upon completion of the development project, the applicant or other responsible person shall submit a statement certifying that the project has been completed in accordance with the approved stormwater management design plan. The applicant or other responsible person shall also submit as built plans for the stormwater management system, as required under the applicable sections of this ordinance.

(g) Development Review Fees

The City of Richmond Hill will develop and periodically amend the fee schedule related to the costs associated with the administrative, managerial and technical review activities related to implementation of this ordinance. In accordance with the adopted fee schedule, the City will collect a non-refundable development review fee at the time the stormwater management design package is submitted to the City for initial review. The development review fees that are collected shall be used to support the administrative, managerial and technical review activities associated with the plan review and approval process as well as the development inspection of related project elements that are subject to the requirements of this ordinance.

(h) Performance Bonds

The City of Richmond Hill shall require, from the owner, a surety or performance bond, letter of credit (or other means of security acceptable to the City of Richmond Hill) immediately prior to the issuance of a Final Plat for subdivision or Certificate of Occupancy for the first structure completed on a Site Development approval for any new development or redevelopment activity. The amount of the security shall not be less than the total estimated construction cost of the post-construction stormwater management system to be installed on the development site. The bond shall include provisions relative to forfeiture for failure to complete the work specified in the approved stormwater management plan, compliance with the provisions of this ordinance, other applicable laws and regulations and any time limitations.

The performance bond shall not be fully released without a final inspection by the City of the completed work; submittal of as-built plans including certification that the stormwater management system complies with the approved stormwater management design plan and the requirements of this ordinance; a recorded inspection and maintenance plan agreement; and final construction acceptance by the City. All as-built certification work shall be completed in accordance with applicable sections of this ordinance and the EDS. A procedure may be used to release parts of the bond held by the City after various stages of construction have been completed and approved by the City. It will be the responsibility of the applicant to outline in the writing the procedures used by the City with regard to partially releasing performance bonds. The procedures shall be documented in writing by the City prior to the approval of a storm water management design plan.

(i) Maintenance Bonds

Upon completion, inspection, and acceptance of the installation of the required improvements, the owner shall be required to post a three year maintenance bond (letter of credit or other means of security acceptable to the City of Richmond Hill) to warranty and maintain the infrastructure which is to be dedicated to the City. It shall be owner's obligation to provide all maintenance for a three year period after acceptance of the system by the City. The maintenance bond shall be an amount equal to ten (10%) percent of the construction cost of the stormwater management system on the development site.

(j) Compliance through Off-Site Stormwater Management Practices or Direct Discharge into Open Tidal Waters

All stormwater management design plans shall include on-site stormwater management practices, unless arrangements are made with the City Manager (or his designee) to manage post-construction stormwater runoff in an off-site or regional stormwater management practice. The off-site or regional stormwater management practice must be located on property legally dedicated to that purpose, be designed and sized to meet the post-construction stormwater management criteria presented in the City of Richmond Hill Stormwater Management EDS, provide a level of stormwater quality and quantity control that is equal to or greater than that which would be provided by on-site green infrastructure and stormwater management practices and have an associated inspection and maintenance plan agreement. In addition, appropriate stormwater management practices shall be installed, where necessary, to protect properties and

drainage channels that are located between the development site and the location of the off-site or regional stormwater management practice.

To be eligible for compliance through the use of off-site stormwater management practices, the applicant must submit a stormwater management design plan to Richmond Hill that shows the adequacy of the off-site or regional stormwater management practice and demonstrates, to the satisfaction of the City Manager (or his designee), that the off-site or regional stormwater management practice will not result in the following impacts:

(1) Increased threat of flood damage or endangerment to public health or safety;

(2) Deterioration of existing culverts, bridges, dams and other structures;

(3) Accelerated streambank or streambed erosion or siltation;

(4) Degradation of in-stream biological functions or habitat; or,

(5) Water quality impairment in violation of state water quality standards and/or violation of any other state or federal regulations.

In addition, the requirement for on-site stormwater management practices can be waived if one of the two conditions stipulated below can be met to the satisfaction of the City Manager (or his designee): (1) the development directly discharges into open tidal waters or (2) provisions are made to provide for a drainage system with adequate capacity to carry site runoff flows to open tidal waters. The City will require the developer or owner to coordinate this request with adjacent or downstream property owners and/or local governments as outlined in applicable Sections of the EDS.

Section 12: Construction Inspection of Stormwater Management Systems

The EDS provides additional information and details regarding approved construction materials and practices regarding stormwater management controls and systems.

(a) Notice of Construction Commencement

The applicant must notify Richmond Hill via letter, or via another communication method agreed to by the City, prior to the commencement of construction on a development site. In addition, the applicant must notify the City Manager (or his designee) in advance of the installation of critical components of the stormwater management system shown on the approved stormwater management design plan. The City Manager (or his designee) may, at his discretion, issue verbal or written authorization to proceed with the installation of critical components of the stormwater management system, such as permanent green infrastructure and stormwater management practices, based on site-specific factors.

(b) Construction Phase Observation

The City may perform periodic observation of the green infrastructure and stormwater management practices installation work as depicted on the approved stormwater management design plan. The observation work shall be conducted by City staff or authorized representatives of the City Manager (or his designee) during construction. Construction observation work shall utilize the approved stormwater management design plan for establishing compliance with the provisions of this ordinance. All observation work shall be documented in written reports that contain the following information:

(1) The date and location of the inspection;

(2) The name of the inspector;

(3) Whether construction is in compliance with the approved stormwater management design plan;

(4) Violations of the approved stormwater management design plan; and,

(5) Any other variations from the approved stormwater management plan.

If any violations are found, the applicant shall be notified in writing about the nature of the violation and the remedial measures that are required to bring the action or inaction into compliance with the approved stormwater management design plan. In the event that the remedial measures described in such notice have not been completed by the date set forth in the notice, any one or more of the enforcement actions outlined in this ordinance may be undertaken by the City of Richmond Hill against the applicant.

(c) Final Inspection and As-Built Plans

Subsequent to the final installation and stabilization of all green infrastructure and stormwater management practices shown on the approved stormwater management design plan, and before the issuance of a certificate of occupancy or a certificate of construction acceptance (if

appropriate) , the applicant is responsible for documenting that the project has been completed in accordance with the approved stormwater management design plan through the submittal of as-built plans for all stormwater management practices shown on the approved stormwater management design plan. The as-built plans must show the final design specification data for all green infrastructure and stormwater management practices (i.e. invert elevations, slopes, facility and pipe locations, dimensions, etc). In addition, a licensed professional engineer must provide a design certification that the development has been constructed in substantial accordance with the approved stormwater management design plan. A final inspection may be conducted by the City Manager (or his designee) to confirm the accuracy of the as-built plans as well as the information provided in the design certification. A final inspection is required before any performance bond or other guarantee can be released, unless otherwise agreed to by the City Manager (or his designee) per this ordinance. All as-built certification work shall be completed in accordance with applicable sections of this ordinance and the EDS.

Section 13: Ongoing Inspection & Maintenance of Stormwater Management Systems

(a) Maintenance Responsibility

The responsible party named in the recorded stormwater management system inspection and maintenance plan agreement, shall maintain in good condition and promptly repair and restore all privately maintained green infrastructure and stormwater management practices, maintenance access routes and appurtenances, including, but not limited to surfaces, walls, drains, dams, structures, vegetation, erosion and sediment control practices and other devices. Such repairs and restoration and maintenance activities shall be performed in accordance with an approved inspection and maintenance plan agreement.

If the responsible party named in the recorded inspection and maintenance plan agreement is a homeowner's association, or other association, the responsible party shall submit to the City Manager (or his designee) a copy of a recorded declaration that provides:

(1) That privately maintained green infrastructure and stormwater management practices are part of the common elements of the development site and shall be subject to the requirements of the stormwater management system inspection and maintenance plan agreement;

(2) That membership in the entity responsible for maintenance shall be mandatory and automatic for all homeowners or parcel owners of the development site and their successors;

(3) That the entity responsible for maintenance shall have lien authority, or a mechanism comparable and satisfactory to the City, to ensure the collection of dues from all members;

(4) That the requirements of the inspection and maintenance plan agreement shall receive priority for expenditures by the entity responsible for maintenance except for any other expenditures that are required by law to have a higher priority;

(5) That a fund shall be maintained by the entity responsible or have proof of the borrowing capacity sufficient for the routine maintenance, reconstruction and repair of the green infrastructure and stormwater management practices, and kept in an account insured by the Federal Deposit Insurance Corporation (FDIC), or by another method acceptable to the City;

(6) That the routine maintenance, reconstruction and repair funding source shall contain at all times, or have proof of the borrowing capacity sufficient for, the dollar amount reasonably determined by the design engineer to be adequate to pay for the major maintenance and rehabilitation of the privately maintained water quality management facilities such as but not limited to: detention ponds, retention ponds, flood control structures and repair cost (but not routine maintenance cost) of the privately maintained stormwater management system for a three-year period; unless otherwise agreed to by the City; and,

(7) That, to the extent permitted by law, the entity responsible for maintenance shall not enter into voluntary dissolution unless responsibility for the privately maintained green infrastructure and stormwater management practices is transferred to an appropriate successor.

In lieu of an inspection and maintenance plan agreement, the City of Richmond Hill may accept the dedication of any existing or future green infrastructure or stormwater management practice for maintenance, provided that such practice meets all of the requirements of this ordinance, is in proper working order at the time of dedication and includes adequate and perpetual access and sufficient area for inspection and regular maintenance. Such adequate and perpetual access shall be accomplished by granting of an easement to Richmond Hill or through a fee simple dedication to Richmond Hill.

(b) Inspections

The City Manager (or his designee), bearing proper credentials and identification, shall be permitted to enter, in accordance with local, state and federal laws, all properties for regular inspections, periodic investigations, observation, measurement, enforcement, sampling and testing, in accordance with provisions of this ordinance. The City Manager (or his designee) shall duly notify the owner of said property or the representative on site prior to the inspection, except in the case of an emergency. The City Manager (or his designee), bearing proper credentials and identification, shall be permitted to enter, in accordance with local, state and federal laws, all properties for which the City holds a negotiated easement for inspection, repairs, maintenance and other purposes related to any portion of the stormwater management facilities lying within said easement.

(1) The City Manager (or his designee) shall determine inspection schedules necessary to enforce the provisions of this ordinance.

(2) Measurements, tests and analyses performed by the Department or required of any discharger to the MS4 shall be in accordance with applicable sections of the City Code of Ordinances, unless another method is approved by the City Manager (or his designee).

(3) All inspections should be documented in written reports that contain the following information:

a. The date and location of the inspection;

b. The name of the person who performed the inspection;

c. The condition of:

1. Vegetation and filter media;
2. Fences and other safety devices;
3. Spillways, valves and other hydraulic control structures;
4. Embankments, slopes and safety benches;
5. Reservoirs and permanent pools;
6. Inlet and outlet channels and structures;
7. Underground drainage structures;

8. Sediment and debris accumulation in storage and forebay areas; and
9. Any other item that could affect the proper function of the stormwater management system.

(4) Upon completion of the field inspection, the inspector shall prepare a written description of repair, restoration and maintenance needs for the system in a summary format. If any repair, restoration or maintenance needs are found, the responsible party shall be notified in writing about the repair, restoration or maintenance needs and the remedial measures that are required to bring the stormwater management system into compliance with the provisions of this ordinance and the approved stormwater management system inspection and maintenance plan agreement. In the event that the remedial measures described in such notice have not been completed by the date set forth in the notice, any one or more of the enforcement actions outlined in this ordinance may be undertaken by the City of Richmond Hill against the responsible party named in the approved stormwater management system inspection and maintenance plan agreement.

(c) Records of Maintenance Activities

The responsible party shall make and maintain records of all inspections, maintenance and repairs, and shall retain the records for a minimum of five years. These records shall be made available to the City of Richmond Hill during inspections and at other reasonable times upon request of the City of Richmond Hill.

(d) Failure to Maintain

If the responsible party fails or refuses to meet the terms and conditions of an approved Stormwater Management System Inspection and Maintenance Plan Agreement and/or the requirements of this ordinance, the City of Richmond Hill or its authorized representative may correct a violation by performing the work necessary to place the green infrastructure or stormwater management practice in proper working condition after thirty (30) days written notice. The exception to the 30 day period would be if the City properly establishes that the violation constitutes an immediate danger to public health or safety in which case the City would grant 24 hours notice to the property owner.

(e) Cost Recovery for City Funded Stormwater Management Services

If the City of Richmond Hill performs repair, remediation and/or maintenance work in accordance with the provisions of this ordinance, and other applicable city ordinances, the City may assess the responsible party (or parties) for the cost of the work. This cost shall be in the form of a lien on the property and may be placed on the customer's stormwater utility bill for such property and collected in the ordinary manner for such fees by the City of Richmond Hill.

Section 14: Enforcement, Variances, and Appeals

(a) Enforcement

Any action or inaction that violates the provisions of this ordinance or the requirements of an approved stormwater management design plan, land development related permit, or inspection and maintenance plan agreement, may be subject to the enforcement actions outlined in this Section. Any such action or inaction that is continuous with respect to time may be deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described below shall not prevent such equitable relief.

(b) Notice of Violation

If the City determines that an owner, applicant or other responsible person has failed to comply with the provisions of this ordinance, or the terms and conditions of an approved stormwater management design plan, LDA permit, or the inspection and maintenance plan agreement, it shall issue a written notice of violation (NOV) to said owner, applicant or other responsible entity. Where an entity is engaged in a new development or redevelopment activity covered by this ordinance without having first secured approval of the stormwater management design, the NOV shall be served on the owner, person or entity in charge of the new development or redevelopment activity being conducted on the development site.

The NOV shall contain the following information:

(1) The name and address of the owner, applicant or other responsible person;

(2) The address or other description of the site upon which the violation is occurring;

(3) A statement specifying the nature of the violation;

(4) A description of the remedial measures necessary to bring the action or inaction into compliance with the provisions of this ordinance, or the terms and conditions of the approved stormwater management design plan, land development related permit, or inspection and maintenance plan agreement, and the date for the completion of such remedial plan by the responsible parties;

(5) A statement of the penalty or penalties that may be assessed against the person to whom the NOV is issued; and,

(6) A statement that the determination of violation may be appealed to the City of Richmond Hill by filing a written notice of appeal within thirty (30) days after the NOV (except, that in the event the violation constitutes an immediate danger to public health or safety, a written notice of appeal must be filed within 24 hours after the NOV).

(c) Penalties

In the event that the remedial measures described in the NOV have not been completed by the date set forth for completion in the NOV, any one or more of the following actions or penalties may be taken or assessed against the person to whom the NOV was issued. Before taking any of the following actions or imposing any of the following penalties, the City of Richmond Hill shall

first notify the owner, applicant or other responsible person or entity in writing of its intended action and shall provide a reasonable opportunity of not less than ten days (except, that in the event the violation constitutes an immediate danger to public health or safety, 24 hours notice shall be sufficient) to correct the violation. In the event the owner, applicant or other responsible person fails to correct the violation by the date set forth in said notice, the City may take any one or more of the following actions or impose any one or more of the following penalties.

(1) Stop Work Order: The City Manager (or his designee) may issue a stop work order that shall be served on the owner, applicant or other responsible person. The stop work order shall remain in effect until the owner, applicant or other responsible person has taken the remedial measures set forth in the NOV or has otherwise corrected the violation or violations described therein. The stop work order may temporarily be withdrawn or modified by City Manager to enable the applicant or other responsible person to take the remedial measures necessary to correct such violation or violations.

(2) Withhold Certificate of Occupancy (CO): City Manager may refuse to issue a CO for the building or other structure constructed or being constructed on the development site until the owner, applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise corrected the violation or violations described therein.

(3) Suspension, Revocation, or Modification of LDA Permit: The City Manager may suspend, revoke or modify the LDA Permit authorizing the development project. A suspended, revoked or modified LDA Permit may be reinstated after the owner, applicant or other responsible person has taken the remedial measures set forth in the NOV or has otherwise corrected the violation or violations described therein. The LDA Permit may be modified by the City Manager to enable the owner, applicant or other responsible person to take the remedial measures necessary to correct such violation or violations.

(4) Civil Penalties: In the event the owner, applicant or other responsible person fails to take the remedial measures set forth in the NOV or otherwise fails to correct the violation or violations described therein, by the date set forth in the notice of violation, the City of Richmond Hill may impose a penalty not to exceed $1,000 (depending on the severity of the violation) for each day the violation remains un-remedied after the date set forth in the NOV. In assessing the civil penalty, the City of Richmond Hill may consider the following factors:

a. Damages to the city, including compensation for the damage or destruction to the MS4, and also including any penalties, costs, and attorney fees incurred by the city as the result of the illegal activity, as well as the cause of the discharge or violation;

b. The severity of the discharge and its effects upon the MS4 and upon the quality and quantity of the receiving waters;

c. Effectiveness of action taken by the violator to cease the violation;

d. The technical and economic reasonableness of reducing or eliminating the discharge; and

e. The economic benefit gained by the violator

(5) Criminal Penalties: For intentional and flagrant violations of this ordinance, the City of Richmond Hill may issue a citation to the owner, applicant or other responsible person, requiring said person to appear in Municipal Court to answer to criminal charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed $1,000, imprisonment for up to 60 days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

(d) Appeals

(1) Any person aggrieved by a decision of the City Manager (including any decision with reference to the granting or denial of a variance from the terms of this ordinance) may appeal same by filing a written notice of appeal with the City Manager within five days of the issuance of said decision by the City Manager. A notice of appeal shall state specific reasons.

(2) The City Manager shall prepare and send to City Council and appellant a written response to said notice of appeal within ten days of receipt of the notice of appeal.

(3) All appeals shall be heard by City Council. The hearing shall be held within 30 days after receipt of notice of appeal or a date mutually agreed upon in writing by the appellant and the City Manager. The City Council shall then make its findings within ten days of the appeal hearing.

(4) If the appellant is dissatisfied with City Council's decision, he or she can appeal said decision to the superior Court of the County.

(e) Variances from Requirements

The City Manager may grant a variance from requirements of this ordinance if exceptional circumstances applicable to a site exist such that strict adherence to the provisions of the ordinance will result in unnecessary hardship and will not fulfill the intent of the ordinance. The City Manager may grant a variance from requirements of this ordinance if the proposed development activity will not:

(1) Increase in rate, volume, or concentration of runoff to the existing downstream storm sewer system;

(2) Increase the base flood elevation upstream or downstream; or

(3) Have a negative impact on any wetland, watercourse, or water body; or

(4) Contribute to degradation of water quality.

A written request for a variance shall be required and shall state the specific variance sought and the reasons a variance should be granted. The request shall be accompanied by all necessary supporting data and provided in a format that is deemed acceptable by the City. The City Manager will conduct a review of the variance request within ten working days of receiving the request.

Section 15: Illicit Discharge and Illicit Connection

(a) Prohibition

(1) It is unlawful for any person to throw, drain, run, or otherwise discharge to any component of the municipal storm sewer system or to cause, permit or suffer to be thrown, drained, run, or allow to seep or otherwise discharge into such system all matter of any nature excepting only such storm or surface water as herein authorized.

(2) It shall be unlawful for any person to maliciously, willfully, or negligently break, damage, destroy, uncover, deface, modify, or tamper with any stormwater structure, appurtenance, or equipment.

(3) It shall be unlawful, without prior written authorization of the City Manager (or his designee), to alter in any way any part of the stormwater system including, but not limited to, rerouting, removing, deepening, widening, enlarging, filling or obstructing any part of the stormwater system including fencing easements and rights-of-way which render the system inaccessible to equipment necessary to perform maintenance and repairs.

(4) It is unlawful for any person, company, corporation, etc. to connect any pipe, open channel, any other conveyance system that discharges anything except stormwater or unpolluted water which is approved by the City Manager (or his designee), based on the exemptions listed below, to the municipal storm sewer system.

(5) Improper connections in violation of this article must be disconnected and redirected, if applicable , to the City's sanitary sewer system upon approval by the City Manager (or his designee) and in accordance with the City of Richmond Hill Code of Ordinances.

(b) Exemptions

The following activities are exempt from the prohibition provision above:

(1) Water line flushing performed by a government agency, diverted stream flows, rising ground waters, and unpolluted ground water infiltration.

(2) Unpolluted pumped ground water.

(3) Unpolluted 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, and street wash water.

(4) Unpolluted discharges or flows from fire fighting.

(5) Other unpolluted discharges with approval from the City Manager (or his designee).

(c) Watercourse Protection

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow

of water through the watercourse. In addition, the owner shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

(d) Accidental Discharge

In the event of an accidental discharge to the MS4 of any material or substance other than stormwater runoff, the person concerned shall inform the City of Richmond Hill Code Enforcement staff, and all other impacted entities immediately but no later than two hours after said person becomes aware of the incident and notify the City as to 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 effects of the discharge on the municipal storm sewer system and receiving streams. The person shall also take immediate steps to ensure no recurrence of the discharge.

Section 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. This Ordinance shall become effective on March 3, 2015.

ADOPTED THIS 3 Rd day of March, 2015.

Clerk of Council

RECEIVED AND APPROVED THIS 3rd day of March, 2015.

Mayor

Council

Council

Council

Council