

Chapter 10

EROSION AND SEDIMENT CONTROL AND STORMWATER MANAGEMENT*

***Cross reference(s)**--Buildings, Ch. 9; health and sanitation, Ch. 14; nuisances, Ch. 16; subdivisions, Ch. 26; water and sewers, Ch. 29; limitation on uses in I-2 district, § 30-115.

State law reference(s)--Erosion and Sediment Control Law, Code of Virginia, § 10.1-560 et seq.

Article I. Erosion and Sediment Control

Sec. 10-1. Definitions.

Sec. 10-2. Purpose.

Sec. 10-3. Authority.

Sec. 10-4. Local program; adoption of State standards and regulations.

Sec. 10-5. Erosion and sedimentation control plan--When required; exceptions.

Sec. 10-6. Same--Review.

Sec. 10-7. Land disturbing permit--Required; exceptions; fees.

Sec. 10-8. Same--Plan approval prerequisite for issuance; certification; performance bond.

Sec. 10-9. Monitoring, reports and inspections.

Sec. 10-10. Administrative appeal; judicial review.

Sec. 10-11. Penalties, injunctions and other legal actions.

Sec. 10-12. Enforcement; stop work order.

Secs. 10-13--10-19. Reserved.

Article II. Stormwater Management

Sec. 10-20. Definitions.

Sec. 10-21. Statutory authority.

Sec. 10-22. Purpose.

Sec. 10-23. Applicability.

Sec. 10-24. Compatibility with other permit and Article requirements.

Sec. 10-25. Severability.

Sec. 10-26. Stormwater Management Handbook.

Sec. 10-27. Valid stormwater management plan necessary for building and other permits.

Sec. 10-28. Plan submittal requirements.

Sec. 10-29. Stormwater management plan required.

Sec. 10-30. Stormwater facility maintenance agreements.

Sec. 10-31. Performance bonds.

Sec. 10-32. Stormwater management plan review fees.

Sec. 10-33. Stormwater management plan submittal procedure.

Sec. 10-34. Exceptions for providing stormwater management.

Sec. 10-35. General criteria for stormwater management.

Sec. 10-36. Structural stormwater management practices.

Sec. 10-37. Water quality.

Sec. 10-38. Stream channel erosion.
Sec. 10-39. Flooding.
Sec. 10-40. Regional stormwater management plans.
Sec. 10-41. Construction inspection in general.
Sec. 10-42. Notice of construction commencement.
Sec. 10-43. Post-construction final inspection and as-built plans.
Sec. 10-44. Maintenance inspection of stormwater facilities.
Sec. 10-45. Records of maintenance and repair activities of stormwater facilities.
Sec. 10-46. Violations.
Sec. 10-47. Notice of violation.
Sec. 10-48. Stop work orders.
Sec. 10-49. Civil and criminal penalties.
Sec. 10-50. Restoration of lands.
Sec. 10-51. Holds on occupancy permits.
Secs. 10-52--10-59. Reserved.

Article III. Illicit Discharge

Sec. 10-60. In general.
Sec. 10-61. Intent and purpose.
Sec. 10-62. Definitions.
Sec. 10-63. Prohibited discharges or connections to the storm sewer system.
Sec. 10-64. Inspections and monitoring.
Sec. 10-65. Enforcement of Article and penalties.
Sec. 10-66. Compliance with other laws and regulations.

ARTICLE I. EROSION AND SEDIMENT CONTROL

Sec. 10-1. Definitions.

For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Administrator means the Town Manager of the Town of Christiansburg and/or his or her designee, including the Director of Engineering and Public Works, Engineering Development Coordinator, Certified Program Administrator, Certified Plan Reviewer or Certified Inspector,, who has been appointed to serve as the agent of the Council in administering this Article.

Agreement in lieu of a plan means a contract between the plan-approving authority and the owner which specifies conservation measures which must be implemented in the construction of a single-family residence; this contract may be executed by the plan-approving authority in lieu of a formal site plan.

Board or State Soil and Water Conservation Board means the agency referred to in Code of Virginia, § 10.1-502.

Certified inspector means an employee or agent of the Town who (i) holds a certificate of competence from the Soil and Water Conservation Board (board) in the area of project inspection or (ii) is enrolled in the board's training program for project inspection and successfully completes such program within one year after enrollment.

Certified plan reviewer means an employee or agent of the Town who (i) holds a certificate of competence from the Soil and Water Conservation Board (board) in the area of plan review or (ii) is enrolled in the board's training program for plan review and successfully completes such program within one year after enrollment, or (iii) is licensed as a Professional Engineer or Architect or Certified Landscape Architect or Land Surveyor pursuant to general law of this state.

Certified program administrator means an employee or agent of the Town who (i) holds a certificate of competence from the Soil and Water Conservation Board (board) in the area of program administration or (ii) is enrolled in the board's training program for program administration and successfully completes such program within one year after enrollment.

Clearing means any activity which removes the vegetative ground cover including, but not limited to, the removal, root mat removal and/or topsoil removal.

Completion of land alteration activities means the completion of activities in the approved plan for the subject property, including adequate permanent stabilization of the disturbed area, plus reasonable evidence that soil erosion is under control.

Conservation standards or standards means the criteria, guidelines, techniques and methods for the control of erosion and sedimentation.

Department means the Department of Conservation and Recreation.

Development means a tract of land developed or to be developed as a single unit under single ownership or unified control which is to be used for any business or industrial purpose or is to contain three or more residential dwelling units.

Director means the Director of the Department of Conservation and Recreation.

District or *Soil and Water Conservation District* means a political subdivision of this Commonwealth organized in accordance with the provisions of Code of Virginia, Title 10.1, Chapter 5, Article 3 (§ 10.1-506 et seq.).

Erosion and sediment control plan, conservation plan, or plan means a document containing material for the conservation of soil and water resources of a unit or group of units of land. It may include appropriate maps, an appropriate soil and water plan inventory and management information with needed interpretations, and a record of decisions contributing to conservation treatment. The plan shall contain all major conservation decisions to assure that the entire unit or units of land will be so treated to achieve the conservation objectives.

Erosion impact area means an area of land not associated with current land disturbing activity but subject to persistent soil erosion resulting in the delivery of sediment onto neighboring properties or into State waters. This definition shall not apply to any lot or parcel of land of 10,000 square feet or less used for residential purposes or to shorelines where the erosion results from wave action or coastal processes.

Excavating means any digging, scooping or other methods of removing earth materials.

Filling means any depositing or stockpiling of earth materials.

Grading means any excavating or filling of earth materials or any combination thereof, including the land in its excavated or filled condition.

Land disturbing activity means any land change which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands in the Commonwealth, including, but not limited to, clearing, grading, excavating, transporting and filling of land, except that the term shall not include:

- (1) Minor land disturbing activities such as home gardens and individual home landscaping, repairs and maintenance work.
- (2) Individual service connections.
- (3) Installation, maintenance, or repair of any underground public utility lines when such activity occurs on an existing hard-surfaced road, street or sidewalk, provided the land disturbing activity is confined to the area of the road, street or sidewalk which is hard surfaced.
- (4) Septic tank lines or drainage fields unless included in an overall plan for land

disturbing activity relating to construction of the building to be served by the septic tank system.

- (5) Surface or deep mining.
- (6) Exploration or drilling for oil and gas including the well site, roads, feeder lines and off-site disposal areas.
- (7) Tilling, planting, or harvesting of agricultural, horticultural, or forest crops, or livestock feedlot operations; including engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11 (§ 10.1-1100 et seq.) of this title [Code of Virginia, Title 10.1] or is converted to bona fide agricultural or improved pasture use as described in subsection B of Section 10.1-1163 [Code of Virginia].
- (8) Repair or rebuilding of the tracks, right-of-way, bridges, communication facilities and other related structures and facilities of a railroad company.
- (9) Agricultural engineering operations including but not limited to the construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds not required to comply with the provisions of the Dam Safety Act, Code of Virginia, Title 10.1, Chapter 6, Article 2 (§ 10.1-604 et seq.), ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage and land irrigation.
- (10) Disturbed land areas of less than 10,000 square feet in size; however, the Council may reduce this exception to a smaller area of disturbed land or qualify the conditions under which this exception shall apply.
- (11) Installation of fence and signposts or telephone and electric poles and other kinds of posts or poles.
- (12) Emergency work to protect life, limb or property, and emergency repairs; however, if the land disturbing activity would have required an approved erosion and sediment control plan if the activity were not an emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirements of the plan approving authority.

Land disturbing permit means a permit issued by the Town for clearing, filling, excavating, grading or transporting, or any combination thereof, on all lands except privately owned, occupied or operated agricultural, horticultural or forest lands.

Local erosion and sediment control program or local control program means an outline of the various methods employed by a district or locality to regulate land disturbing activities and

thereby minimize erosion and sedimentation in compliance with the state program and may include such items as local ordinances, policies and guidelines, technical materials, inspection, enforcement and evaluation.

Natural channel design concepts means the utilization of engineering analysis and fluvial geomorphic processes to create, rehabilitate, restore, or stabilize an open conveyance system for the purpose of creating or recreating a stream that conveys its bankfull storm event within its banks and allows larger flows to access its bankfull bench and its floodplain.

Owner means the owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a property.

Peak flow rate means the maximum instantaneous flow from a given storm condition at a particular location.

Permittee means the person to whom the permit authorizing land-disturbing activities is issued or the person who certifies that the approved erosion and sediment control plan will be followed.

Person means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, county, city, town, or other political subdivision of the Commonwealth, any interstate body, or any other legal entity.

Plan approving authority means the administrator who is responsible for determining the adequacy of a conservation plan submitted for land disturbing activities on a unit or units of land and shall approve such plan if the plan is determined to be adequate.

Program Authority means the Town of Christiansburg which has adopted a soil erosion and sediment control program that has been approved by the Board.

Responsible land disturber means an individual from the project or development team, who will be in charge of and responsible for carrying out a land-disturbing activity covered by an approved plan or agreement in lieu of a plan, who (i) holds a Responsible Land Disturber certificate of competence, (ii) holds a current certificate of confidence from the Board in the areas of Combined Administration, Program Administration, Inspection, or Plan Review, (iii) holds a current Contractor certificate of competence for erosion control, or (iv) is licensed in Virginia as a professional engineer, architect, certified landscape architect or surveyor pursuant to Code of Virginia, Title 54.1, Chapter 4, Article 1 (§ 54.1-400 et seq.).

Runoff volume means the volume of water that runs off the land development project from a prescribed storm event.

Single-family residence means a noncommercial dwelling that is occupied exclusively by one family.

State Erosion and Sediment Control Program or *State Program* means the program

administered by the Board pursuant to Code of Virginia, Title 10.1, Chapter 5, Article 4 (§ 10.1-560 et seq.), including regulations designed to minimize erosion and sedimentation.

Town means the Town of Christiansburg, Virginia.

Transporting means any moving of earth materials from one place to another, other than such movement incidental to grading, when such movement results in destroying the vegetative ground cover either by tracking or the buildup of earth materials to the extent that erosion and sedimentation will result from the soil or earth materials over which such transporting occurs.

Water quality volume means the volume equal to the first one-half inch of runoff multiplied by the impervious surface of the land development project.
(Code 1972, § 10-4; Ord. of 4-2-96; Ord. 2002-4 of 6-4-02; Ord. 2005-2 of 2-1-05; Ord. 2007-4 of 11-6-07; Ord. 2008-8 of 12-16-08)

Cross reference(s)--Definitions and rules of construction generally, § 1-2.

Sec. 10-2. Purpose.

The purpose of this Article is to conserve the land, water, air and other natural resources of the Town and promote the public health and welfare of the people in the Town by establishing requirements for the control of erosion and sedimentation and by establishing procedures whereby these requirements shall be administered and enforced.
(Code 1972, § 10-2; Ord. of 4-2-96; Ord. 2007-4 of 11-6-07)

Sec. 10-3. Authority.

This Article is authorized by the Erosion and Sediment Control Law (Code of Virginia, Title 10.1, Chapter 5, Article 4 (§ 10.1-560 et seq.)) Such law provides for a comprehensive statewide program with standards and guidelines to control soil erosion and sedimentation, which is implemented on the local level.
(Code 1972, § 10-3; Ord of 4-2-96; Ord. 2007-4 of 11-6-07)

Sec. 10-4. Local program; adoption of state standards and regulations.

(a) This Article and the Procedures for Plan Submission and Review, On-site Inspection, and Ordinance Enforcement shall be an integral part of the erosion and sedimentation control program of the Town, which program, by reference herein, is hereby adopted.

(b) The Virginia Erosion and Sediment Control Regulations are hereby adopted by reference as an integral part hereof.

(c) Chapter 3 of the Virginia Erosion and Sediment Control Handbook, Second Edition, dated 1980, and entitled State Minimum Criteria, Standards and Specifications, and as may be amended from time to time, is hereby adopted and shall be included as an integral part of the erosion and sedimentation control program of the Town.

(d) Chapter 2 of the Virginia Erosion and Sediment Control Handbook, Second Edition, dated 1980, and entitled Erosion and Sediment Control Principals, Practices, and Costs as may be

amended from time to time, and Chapter 4 of the Virginia Erosion and Sediment Control Handbook, Second Edition, as may be amended from time to time, are hereby adopted in their entirety, and shall be included as an integral part of the erosion and sedimentation control program of the Town.

(e) The erosion and sedimentation control program for the Town shall be outlined and contained in the Erosion and Sediment Control Handbook of the Town, which handbook shall be used by the applicant, making a submittal under the provisions of this Article, in preparing his erosion and sedimentation control plan. The plan approving authority in considering the adequacy of such submitted plan shall be guided by the same guidelines and standards.

(f) In accordance with , §10.1-561 of the Code of Virginia, stream restoration and relocation projects that incorporate natural channel design concepts are not man-made channels and shall be exempt from any flow rate capacity and velocity requirements for natural or man-made channels.

(g) In accordance with §10.1-561 of the Code of Virginia, any land-disturbing activity that provides for stormwater management intended to address any flow rate capacity and velocity requirements for natural or manmade channels shall satisfy the flow rate capacity and velocity requirements for natural or manmade channels if the practices are designed to (i) detain the water quality volume and to release it over 48 hours; (ii) detain and release over a 24-hour period the expected rainfall resulting from the one year, 24-hour storm; and (iii) reduce the allowable peak flow rate resulting from the 1.5, 2, and 10-year, 24-hour storms to a level that is less than or equal to the peak flow rate from the site assuming it was in a good forested condition, achieved through multiplication of the forested peak flow rate by a reduction factor that is equal to the runoff volume from the site when it was in a good forested condition divided by the runoff volume from the site in its proposed condition, and shall be exempt from any flow rate capacity and velocity requirements for natural or manmade channels.

(Code 1972, § 10-5; Ord. of 4-2-96; Ord. 2002-4 of 6-4-02; Ord. 2007-4 of 11-6-07; Ord. 2008-8 of 12-16-08)

Sec. 10-5. Erosion and sedimentation control plan--When required; exceptions.

(a) Except as provided in this section, no person shall engage in any land disturbing activity until he has submitted to the administrator an erosion and sediment control plan for such land disturbing activity and until that plan has been reviewed and approved by the plan approving authority.

(b) The plan approving authority may waive the certificate of competence requirement for an agreement in lieu of a plan for construction of a single-family residence. If a violation occurs during the land-disturbing activity, then the person responsible for carrying out the agreement in lieu of a plan shall correct the violation and provide the name of an individual holding a certificate of competence, as provided by § 10.1-561 of the Virginia Erosion and Sediment Control Law (Code of Virginia, Title 10.1, Chapter 5, Article 4 (§ 10.1-561)). Failure to provide the name of an individual holding a certificate of competence shall be a violation of this ordinance.

(c) Any person who owns, occupies or operates private agricultural, horticultural or

forest lands shall not be deemed to be in violation of this Article for land disturbing activities which result from the tilling, planting or harvesting of agricultural, horticultural or forest crops or products or engineering operations such as the construction of terraces, terrace outlets, check dams, desilting basins, floodwater retarding structures, channel improvements, floodways, dikes, ponds, ditches, and the like; the utilization of strip cropping, lister furrowing, contour cultivating and contour furrowing; land drainage; land irrigation; seeding and planting of waste, sloping, abandoned or eroded lands to water-conserving and erosion-preventing plants, trees and grasses; forestation and reforestation; rotation of crops, soil stabilization with trees, grasses, legumes and other thick growing, soil holding crops; retardation of runoff by increasing absorption of rainfall; and retirement from cultivation of steep, highly erosive areas and areas now badly gullied or otherwise eroded. Any person who owns, occupies or operates private agricultural, horticultural or forest lands shall comply with the requirements of this Article whenever that person proposes to conduct grading, excavating or filling operations.

(d) The provisions of subsection (a) of this section shall not apply to any state agency that undertakes a project involving a land disturbing activity.

(e) The provisions of subsection (a) of this section shall not apply to any person whose land disturbing activities involve lands which extend into the jurisdiction of another local erosion and sediment control program; provided, such person has a plan approved by the State Soil and Water Conservation Board. Such persons shall comply with the requirements of this Article concerning a performance bond, cash escrow, letter of credit, any combination thereof or such other legal arrangement as is acceptable to the Town.

(f) Whenever a land disturbing activity is proposed to be conducted by a contractor performing construction work pursuant to a construction contract, the preparation, submission and approval of the required erosion and sedimentation control plan shall be the responsibility of the owner of the land.

(g) Electric, natural gas and telephone utility companies, interstate and intrastate natural gas pipeline companies and railroad companies shall file general erosion and sediment control specifications annually with the Board for review and written comments. The specifications shall apply to:

(1) Construction, installation or maintenance of electric, natural gas and telephone utility lines, and pipelines; and,

(2) Construction of the tracks, rights-of-way, bridges, communication facilities and other related structures and facilities of the railroad company.

Individual approval of separate projects within subdivisions 1 and 2 of this subsection is not necessary when Board approved specifications are followed, however, projects included in subdivisions 1 and 2 must comply with Board approved specifications. Projects not included in subdivisions 1 and 2 of this subsection shall comply with the requirements of the Town of Christiansburg erosion and sediment control program.

(h) Variances: The plan-approving authority may waive or modify any of the standards that are deemed to be too restrictive for site conditions, by granting a variance. A variance may

be granted under these conditions:

(1) At the time of plan submission, an applicant may request a variance to become part of the approved erosion and sediment control plan. The applicant shall explain the reasons for requesting variances in writing. Specific variances which are allowed by the plan-approving authority shall be documented in the plan.

(2) During construction, the person responsible for implementing the approved plan may request a variance in writing from the plan-approving authority. The plan-approving authority shall respond in writing either approving or disapproving such a request. If the plan-approving authority does not approve a variance within 10 days of receipt of the request, the request shall be considered to be disapproved. Following disapproval, the applicant may resubmit a variance request with additional documentation.

(i) In accordance with the procedure set forth by §10.1-563 (E) of the Code of Virginia, any person engaging in the creation and operation of wetland mitigation banks in multiple jurisdictions, which have been approved and are operated in accordance with applicable federal and state guidance, laws, or regulations for the establishment, use, and operation of mitigation banks, pursuant to a permit issued by the Department of Environmental Quality, the Marine Resources Commission, or the U.S. Army Corps of Engineers, may, at the option of that person, file general erosion and sediment control specifications for wetland mitigation banks annually with the Board for review and approval consistent with guidelines established by the Board.

(Code 1972, § 10-6; Ord. of 4-2-96; Ord. 2005-2 of 2-1-05; Ord. 2007-4 of 11-6-07; Ord. 2008-8 of 12-16-08)

Sec. 10-6. Same--Review.

(a) The plan approving authority shall review conservation plans submitted to it and grant written approval within 45 days of receipt of the plan if it determines that the plan meets the requirements of the Board's regulations and if the person responsible for carrying out the plan certifies that he will properly perform the conservation measures included in the plan and will conform to the provisions of this article. In addition, as a prerequisite to engaging in the land-disturbing activities shown on the approved plan, the person responsible for carrying out the plan shall provide the name of an individual holding a certificate of competence to the program authority, as provided by § 10.1-561 of the Virginia Erosion and Sediment Control Law (Code of Virginia, Title 10.1, Chapter 5, Article 4 (§ 10.1-561)), who will be in charge of and responsible for carrying out the land-disturbing activity. Failure to provide the name of an individual holding a certificate of competence prior to engaging in land-disturbing activities may result in revocation of the approval of the plan and the person responsible for carrying out the plan shall be subject to the penalties provided in this ordinance.

(b) The plan approving authority shall act on all plans submitted to it within 45 days from receipt thereof by either approving such plan in writing or by disapproving such plan in writing and giving the specific reasons for its disapproval. When a plan submitted for approval pursuant to this Article is found, upon review by the plan approving authority, to be inadequate, the plan approving authority shall specify such modifications, terms and conditions as will permit approval of the plan and shall communicate these requirements to the applicant. If no action is taken by the plan approving authority within the time specified above, the plan shall be deemed

approved and the person shall be authorized to proceed with the proposed activity.

(c) An approved plan may be changed by the plan approving authority which has approved the plan in the following cases:

- (1) Where inspection has revealed the inadequacy of the plan to accomplish the erosion and sedimentation control objectives of the plan; or
- (2) Where the person responsible for carrying out the approved plan finds that because of changed circumstances or for other reasons the approved plan cannot be effectively carried out, and proposed amendments to the plan, consistent with the requirements of this Article, are agreed to by the plan approving authority and the person responsible for carrying out the plan, or where it is necessary to coordinate the erosion and sedimentation control plan with other plans or activities such as a revised subdivision plan, site plan, etc.

(d) In order to prevent further erosion a local program may require approval of a conservation plan for any land identified in the local program as an erosion impact area.
(Code 1972, § 10-7; Ord. of 4-2-96; Ord. 2005-2 of 2-1-05; Ord. 2007-4 of 11-6-07)

Cross reference(s)--Subdivisions, Ch. 26.

Sec. 10-7. Land disturbing permit--Required; exceptions; fees.

(a) Except as provided in subsection (c) of this section, no person shall engage in any land disturbing activity until he has acquired a land disturbing permit from the administrator.

(b) Any person whose land disturbing activities require the issuance of a grading, building and other permit and such issuance is conditioned on an approved erosion and sedimentation control plan shall comply with the requirements of this Article concerning a performance bond, cash escrow, letter of credit, any combination thereof or such other legal arrangement as is acceptable to the administrator and to the fees herein levied for land disturbing activities.

(c) The requirements of subsection (a) of this section shall not apply to any person grading, filling or excavating on privately owned, occupied or operated agricultural, horticultural or forest lands.

(d) There shall be a reasonable fee to defray the cost of program administration.

(e) The administrator shall designate an amount to be placed in a cash escrow account with the Town to cover the actual costs and shall be paid at the time of filing the erosion and sediment control plans with the Town.
(Code 1972, § 10-8; Ord. of 4-2-96; Ord. 2002-4 of 6-4-02; Ord. 2007-4 of 11-6-07)

Sec. 10-8. Same--Plan approval prerequisite for issuance; certification; performance bond.

(a) The Building Official shall not issue any building or other permit nor shall the administrator issue any grading, land disturbing, or other permit for activities which involve land

disturbing activities unless the applicant therefor submits with his application the approved erosion and sedimentation control plan or certification of such approved plan from the plan approving authority, and certification that such plan will be followed.

(b) The administrator, prior to the issuance of any grading, land disturbing, building or other permit, shall require from any applicant a reasonable performance bond, cash escrow, letter of credit, any combination thereof or such other legal arrangement as is acceptable to the administrator, to ensure that emergency measures could be taken by the Town at the applicant's expense should he fail within the time specified to initiate appropriate conservation action which may be required of him as a result of his land disturbing activity. If the Town takes such conservation action upon failure by the permittee, the administrator may collect from the permittee for the difference should the reasonable cost of such action exceed the amount of security held. Within 60 days of the achievement of adequate stabilization of the land disturbing activity, such bond, cash escrow, letter of credit or other legal arrangement, or the unexpended or unobligated portion thereof, shall be refunded to the applicant or terminated, as the case may be.

(c) The requirements of this section are in addition to all other provisions of law which relate to the issuance of such permits and shall not be construed to otherwise affect the requirements for such permits; except, that the legal arrangement for bonding of performance shall not be required in cases where such arrangement is already required under Chapter 26 of this Code, provided the legal arrangement is sufficient to insure that the measures required by this Article can be carried out.

(Code 1972, § 10-9; Ord. of 4-2-96; Ord. 2002-4 of 6-4-02; Ord. 2007-4 of 11-6-07)

Cross reference(s)--Buildings, Ch. 9.

Sec. 10-9. Monitoring, reports and inspections.

(a) The administrator or his agent shall periodically inspect the land disturbing activity to insure compliance with the approved plan and to determine whether the measures required in that plan are effective in controlling erosion and sedimentation resulting from the land disturbing activity. The right of entry to conduct such inspections shall be expressly reserved in the permit. The permit holder, or his duly designated representative, shall be given notice of the inspection.

(b) If the administrator determines that the permit holder has failed to comply with the plan, the administrator shall immediately serve upon the permit holder, by registered or certified mail to the address specified by the permit holder in his permit application, or by delivery at the site of the permitted activities to the agent or employee of the permittee supervising such activities, a notice to comply. Such notice shall set forth specifically the measures needed to come into compliance with such plan and shall specify the time within which such measures shall be completed. If the permit holder fails to comply within the time specified, he may be subject to revocation of the permit; furthermore, he shall be subject to the penalties provided by this Article.

(c) With respect to approved plans for erosion and sedimentation control in connection with all regulated land disturbing activities which require no permit, the administrator may require the person responsible for carrying out the plan to allow or provide such monitoring and reports, and may make such on-site inspections after notice to that person, as are deemed necessary to determine whether the soil erosion and sedimentation control measures required by

the approved plan are being properly performed, and whether such measures are effective in controlling soil erosion and sedimentation resulting from the land disturbing activity. Such person shall be afforded an opportunity to accompany the inspectors on any on-site inspections.

(d) If it is determined that there is a failure to comply with the approved plan, the administrator shall serve notice upon the person who is responsible for carrying out the plan at the address specified by him in his certification at the time of obtaining his approved plan, or by delivery at the site of the permitted activities to the agent or employee of the permittee supervising such activities. Such notice shall set forth the measures needed for compliance and the time within which such measures shall be completed. Upon failure of such person to comply within the specified period, he will be deemed to be in violation of this Article and upon conviction shall be subject to the penalties provided by this Article.

(e) Upon receipt of a sworn complaint of a substantial violation from the designated enforcement officer, the administrator or his designee may issue an order requiring that all or part of land disturbing activities permitted on the site be stopped until the specified corrective measures have been taken. Where the alleged noncompliance is causing or is in imminent danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the Commonwealth, such an order may be issued without regard to whether the permittee has been issued a notice to comply as specified in subsections (a)--(d) above. Otherwise, such an order may be issued only after the permittee has failed to comply with such a notice to comply. The order shall be served in the same manner as a notice to comply and shall remain in effect for a period of seven days from the date of service pending application by the enforcing authority or permit holder for appropriate relief to the Circuit Court of the County. Upon completion of corrective action, the order shall immediately be lifted. Nothing in this section shall prevent the Town Manager from taking any other action specified in Section 10-11.

(f) Inspection frequency shall be in accordance with 4VAC 50-30-60.
(Code 1972, § 10-10; Ord. of 4-2-96; Ord. 2007-4 of 11-6-07; Ord. 2008-8 of 12-16-08)

Sec. 10-10. Administrative appeal; judicial review.

(a) Final decisions of the administrator or the plan review technician shall be subject to review by the Town Council, provided an appeal is filed within 30 days from the date of any written decision by the administrator or the plan review technician which adversely affects the rights, duties or privileges of the person engaging in or proposing to engage in land disturbing activities.

(b) Final decisions of the Town Council under this section shall be subject to review by the Circuit Court, provided an appeal is filed within 30 days from the date of the final written decision which adversely affects the rights, duties or privileges of the person engaging in or proposed to engage in land disturbing activities.
(Code 1972, § 10-11; Ord. of 4-2-96; Ord. 2002-4 of 6-4-02; Ord. 2007-4 of 11-6-07)

Cross reference(s)--Administration, Ch. 2.

Sec. 10-11. Penalties, injunctions and other legal actions.

(a) A violation of this Article shall be deemed a class 1 misdemeanor.

(b) The Town Manager may apply to the Circuit Court of the County for injunctive relief to enjoin a violation or a threatened violation of this Article without the necessity of showing that there does not exist an adequate remedy at law.

(c) The Town Attorney shall, upon request of the Town Manager, take legal action to enforce the provisions of this Article.

(d) Compliance with the provisions of this Article shall be prima facie evidence in any legal or equitable proceeding for damages caused by erosion, siltation or sedimentation that all requirements of law have been met and the complaining party must show negligence in order to recover any damages.

(e) In addition to any criminal penalties provided under this Article, any person who violates any provision of this Article may be liable to the Town in a civil action for damages.

The civil penalty for one such violation shall be one hundred dollars (\$100.00) except that the civil penalty for commencement of a land disturbing activity without an approved plan shall be one thousand dollars (\$1,000.00). Each day during which the violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising out of the same operative set of facts result in civil penalties which exceed three thousand dollars (\$3,000.00), except that a series of violations arising from the commencement of land-disturbing activities without an approved plan for any site may result in a civil penalty of not to exceed ten thousand dollars (\$10,000.00). Pursuit of a civil penalty may be in lieu of criminal prosecution. The following schedule, which is nonexclusive, of specific additional violations, with the prescribed civil penalty, shall also be in force:

- Failure to properly install and maintain perimeter controls . . . \$100.00 per violation per day
- Failure to properly install and maintain temporary stone construction entrance . . . \$100.00 per violation per day
- Sediment or debris transported onto paved public road by vehicular traffic or runoff . . . \$100.00 per violation per day
- Failure to install and maintain storm drain inlet protection . . . \$100.00 per violation per day
- Failure to install and maintain storm drain outlet protection . . . \$100.00 per violation per day
- Failure to install and maintain vegetative, structural, or any other measure as specified in the minimum standards . . . \$100.00 per violation per day
- Failure to seed and mulch disturbed areas within fourteen (14) days of notice to comply . . . \$100.00 per violation per day

The Town may bring a civil action in the General District or Circuit Court of Montgomery County, as appropriate, to enforce the civil penalty and to abate the violation. In any trial for a violation, it shall be the burden of the Town to show the liability of the violator by a preponderance of the evidence. Any civil penalties assessed by a court shall be paid into the treasury of the Town.

(f) Without limiting the remedies which may be obtained in this section, any person violating or failing, neglecting or refusing to obey any injunction, mandamus or other remedy obtained pursuant to this section shall be subject, in the discretion of the court, to a civil penalty not to exceed \$2,000.00 for each violation.

(g) With the consent of any person who has violated or failed, neglected or refused to obey any regulation or order of the Board, or any condition of a permit or any provision of this article, the Board or plan approving authority may provide, in an order issued by the Board or plan approving authority against such person, for the payment of civil charges for violations in specific sums, not to exceed the limit specified in subsection (f) of this section. Such civil charges shall be instead of any appropriate civil penalty which could be imposed under subsection (f).

(Code 1972, § 10-12; Ord. of 4-2-96; Ord. 2002-4 of 6-4-02; Ord. 2007-4 of 11-6-07)

Sec. 10-12. Enforcement; stop work order.

(a) The Town (i) shall provide for periodic inspections of the land-disturbing activity and require an individual holding a certificate of competence issued by the Department of Conservation and Recreation who will be in charge of and responsible for carrying out the land-disturbing activity, and (ii) may require monitoring and reports from the person responsible for carrying out the plan, to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sediment. If the Town determines that there is a failure to comply with the plan, notice shall be served upon the permittee or person responsible for carrying out the plan by registered or certified mail to the address specified in the permit application or in the plan certification, or by delivery at the site of the land-disturbing activities to the agent or employee supervising such activities. The notice shall specify the measures needed to comply with the plan and shall specify the time within which such measures shall be completed. Upon failure to comply within the time specified, the permit may be revoked and the permittee or person responsible for carrying out the plan shall be deemed to be in violation of this Article and shall be subject to the penalties provided by this Article.

(b) Upon receipt of the administrator's sworn complaint of a violation of the terms of the plan or of this Article, the Town Manager may, in conjunction with or subsequent to a notice to comply as specified above, issue an order requiring that all or a part of the land-disturbing activities permitted on the site be stopped until the specified corrective measures have been taken or, if land-disturbing activities have commenced without an approved plan as provided in this Article requiring that all of the land-disturbing activities be stopped until an approved plan or any required permits are obtained.

(c) Where the alleged noncompliance is causing or is in imminent danger of causing harmful erosion of lands or sediment deposition in water within the watershed of the Town, or where the land-disturbing activities have commenced without an approved plan or any required permits, such an order may be issued without regard to whether the alleged violator has been issued a notice to comply as specified above. Otherwise, such an order may be issued only after alleged violator has failed to comply with such a notice to comply.

(d) The order shall be served in the same manner as a notice to comply, and shall remain

in effect for a period of seven days from the date of service pending application by the Town or the alleged violator for appropriate relief to the Circuit Court of Montgomery County.

(e) If the alleged violator has not obtained an approved plan or any required permits within seven days from the date of service of the order, the administrator on behalf of the Town may issue an order to the owner requiring that all construction and other work on the site, other than control measures, be stopped until an approved plan and any required permits have been obtained. Such an order shall be served on the owner by registered or certified mail to the address specified in the permit application or the land records of the Town or of Montgomery County.

(f) Any person violating or failing, neglecting, or refusing to obey the Town Manager's order may be compelled in a proceeding instituted in the Circuit Court of Montgomery County to obey the order, by injunction, mandamus, or other appropriate remedy.

(g) Upon completion of the corrective action, the order shall immediately be lifted. Nothing in this section shall prevent the Town Manager from taking any other enforcement action against the alleged violator, specified in this Article or elsewhere in this Code.

(h) Appeals of the decision of the administrator or the Town Manager made pursuant to this Article shall be subject to review by the Circuit Court of Montgomery County, provided an appeal is filed within thirty days from the date of any written decision adversely affecting the rights, duties or privileges of the person engaging in or proposing to engage in land-disturbing activities.

(i) (1) An aggrieved owner of property sustaining pecuniary damage resulting from a violation of an approved plan or required permit, or from the conduct of land-disturbing activities commenced without an approved plan or required permit, may give written notice of the alleged violation to the administrator and to the Director of the Department of Conservation and Recreation (Director).

(2) Upon receipt of the notice from the aggrieved owner and notification to the Town, the Director shall conduct an investigation of the aggrieved owner's complaint.

(3) If the Town has not responded to the alleged violation in a manner which causes the violation to cease and abates the damage to the aggrieved owner's property within thirty days following receipt of the notice from the aggrieved owner, the aggrieved owner may request that the Director require the violator to stop the violation and abate the damage to his or her property.

(4) If (i) the Director's investigation of the complaint indicates that the Town has not responded to the alleged violation as required by the local program, (ii) the Town has not responded to the alleged violation within thirty days from the date of the notice given pursuant to subsection (i) of this section, and (iii) the Director is requested by the aggrieved owner to require the violator to cease the violation, then the Director shall give written notice to the Town that the Director will request the Virginia Soil and Water Conservation Board (board) to issue an order pursuant to subsection (i)(5) of this section.

(5) If the Town has not instituted action to stop the violation and abate the damage to

the aggrieved owner's property within ten days following receipt of the notice from the Director, the board is authorized to issue an order requiring the owner, permittee, person responsible for carrying out an approved plan, or person conducting the land-disturbing activities without an approved plan or required permit to cease all land-disturbing activities until the violation of the plan or permit has ceased, or an approved plan and required permits are obtained, as appropriate, and specified corrective measures have been completed.

(6) Such orders are to be issued only after a hearing with reasonable notice to the affected person of the time, place and purpose thereof, and they shall become effective upon service on the person by certified mail, return receipt requested, sent to his or her address specified in the land records of the Town, or by personal delivery by an agent of the Director. However, if the board finds that any such violation is grossly affecting or presents an imminent and substantial danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the Town, it may issue, without advance notice or hearing, an emergency order directing such person to cease all land disturbing activities on the site immediately and shall provide an opportunity to a hearing, after reasonable notice as to the time and place thereof to such person, to affirm, modify, amend or cancel such emergency order.

(7) If a person who has been issued an order or emergency order is not complying with the terms thereof, the board may institute a proceeding in the appropriate circuit court for an injunction, mandamus, or other appropriate remedy compelling the person to comply with such order.

(8) Any person violating or failing, neglecting or refusing to obey any injunction, mandamus or other remedy obtained pursuant to subsection (i)(7) of this section shall be subject, in the discretion of the court, to a civil penalty not to exceed two thousand dollars for each violation.

(Ord. 2002-4 of 6-4-02; Ord. 2005-2 of 2-1-05; Ord. 2007-4 of 11-6-07)

Secs. 10-13--10-19. Reserved.

ARTICLE II. STORMWATER MANAGEMENT

Sec. 10-20. Definitions.

For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this Article:

Accelerated Erosion means erosion caused by development activities that exceeds the natural processes by which the surface of the land is worn away by the action of water, wind, or chemical action.

Act means Article 1.1 (§ 10.1-603.1 et seq.) of Chapter 6 of Title 10.1 of the Code of Virginia.

Adequate Channel means a channel with a defined bed and banks, or an otherwise limited flow area that will convey the designated frequency storm event without overtopping the

channel banks nor causing erosive damage to the channel bed or banks.

Applicant means any person submitting a stormwater management plan for approval.

Aquatic bench means a 10- to 15- foot wide bench around the perimeter of a permanent pool that ranges in depth from zero to 12 inches. Vegetated with emergent plants, the bench augments pollutant removal, provides habitats, conceals trash and water level fluctuations, and enhances safety.

Average Land Cover Condition means a measure of the average amount of impervious surfaces within a watershed, assumed to be 16% in regulations: any deviation would require a study.

Best Management Practice (BMP) means a structural or nonstructural practice which is designed to minimize the impacts of development on surface and groundwater systems.

Bioretention basin means a water quality BMP engineered to filter the water quality volume through an engineered planting bed, consisting of a vegetated surface layer (vegetation, mulch, groundcover), planting soil, and sand bed, and into the in-situ material.

Bioretention filter means a bioretention basin with the addition of a sand filter collection pipe system beneath the planting bed.

Board means the Virginia Board of Conservation and Recreation

Building means 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 means a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

Constructed Wetlands means areas intentionally designed and created to emulate the water quality improvement function of wetlands for the primary purpose of removing pollutants from stormwater.

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

Department means the Virginia Department of Conservation and Recreation.

Detention means the temporary storage of storm runoff in a stormwater management practice with the goals of controlling peak discharge rates and providing gravity settling of pollutants.

Detention facility means a detention basin or alternative structure designed for the purpose of temporary storage of stream flow or surface runoff and gradual release of stored water at controlled rates.

Developer means a person who undertakes land disturbance activities.

Development means *land development* or *land development project*.

Drainage easement means a legal right granted by a landowner to a grantee allowing the use of private land for stormwater management purposes.

Erosion and Sediment Control Plan means a plan that is designed to minimize the accelerated erosion and sediment runoff at a site during construction activities.

Fee in lieu means a payment of money in place of meeting all or part of the storm water performance standards required by this Article.

Flooding means a volume of water that is too great to be confined within the banks or walls of the stream, water body or conveyance system and that overflows onto adjacent lands, causing or threatening damage.

Grassed swale means an earthen conveyance system which is broad and shallow with erosion resistant grasses and check dams, engineered to remove pollutants from stormwater runoff by filtration through grass and infiltration into the soil.

Hotspot means an area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater.

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

Impervious cover means a surface composed of any material that significantly impedes or prevents natural infiltration of water into soil. Impervious surfaces include, but are not limited to, roofs, buildings, streets, parking areas, and any concrete, asphalt, or compacted gravel surface.

Industrial Stormwater Permit means a National Pollutant Discharge Elimination System permit issued to a commercial industry or group of industries which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

Infiltration means the process of percolating stormwater into the subsoil.

Infiltration facility means any structure or device designed to infiltrate retained water to the subsurface. These facilities may be above grade or below grade.

Jurisdictional wetland means 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.

Land development or *Land development project* means a manmade change to the land surface that potentially changes its runoff characteristics.

Land disturbance activity means any activity which changes the volume or peak flow discharge rate of rainfall runoff from the land surface. This may include the grading, digging, cutting, scraping, or excavating of soil, placement of fill materials, paving, construction, substantial removal of vegetation, or any activity which bares soil or rock or involves the diversion or piping of any natural or man-made watercourse.

Landowner means 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.

Linear Development Project means a land development project that is linear in nature such as, but not limited to, (i) the construction of electric and telephone utility lines, and natural gas pipelines; (ii) construction of tracks, rights-of-way, bridges, communication facilities and other related structures of a railroad company; and (iii) highway construction projects.

Local Stormwater Management Program or *Local Program* means a statement of the various methods adopted pursuant to the Act and implemented by the Town of Christiansburg to manage the runoff from land development projects and shall include an ordinance with provisions to require the control of after development stormwater runoff rate of flow, water quality, the proper maintenance of stormwater management facilities, and minimum administrative procedures consistent with this Article.

Maintenance Agreement means a legally recorded document that acts as a property deed restriction, and which provides for permanent maintenance of stormwater management practices.

Nonpoint Source (NPS) Pollution means pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

Nonpoint Source Pollutant Runoff Load or *Pollutant discharge* means the average amount of a particular pollutant measured in pounds per year, delivered in a diffuse manner by stormwater runoff

Offset Fee means a monetary compensation paid to the Town of Christiansburg for failure to meet pollutant load reduction targets.

Off-Site Facility means a stormwater management measure located outside the subject property boundary described in the permit application for land development activity.

On-Site Facility means a stormwater management measure located within the subject property boundary described in the permit application for land development activity.

Owner means the owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee

or other person, firm or corporation in control of a property.

Percent Impervious means the impervious area within the site divided by the area of the site multiplied by 100.

Person means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, county, city, town or other political subdivision of the Commonwealth, any interstate body or any other legal entity.

Plan-approving Authority means the Virginia Board of Conservation and Recreation, the program authority, or a department of a program authority, responsible for determining the adequacy of a submitted stormwater management plan.

Planning Area means a designated portion of the parcel on which the land development project is located. Planning areas shall be established by delineation on a master plan. Once established, planning areas shall be applied consistently for all future projects.

Post-development refers to conditions that reasonably may be expected or anticipated to exist after completion of the land development activity on a specific site or tract of land.

Pre-development refers to the conditions that exist at the time that plans for the land development of a tract of land are approved by the plan approving authority. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time *prior to* the first item being approved or permitted shall establish pre-development conditions.

Program Authority means a district, county, city or town which has adopted a stormwater management program which has been approved by the Board.

Recharge means the replenishment of underground water reserves.

Redevelopment means the process of developing land that is or has been previously developed where 10,000 square feet or more is disturbed.

Regional (watershed-wide) Stormwater Management Facility or *Regional facility* means a facility or series of facilities designed to control stormwater runoff from a specific watershed, although only portions of the watershed may experience development.

Regional (watershed-wide) stormwater management plan or *Regional plan* means a document containing material describing how runoff from open space, existing development and future planned development areas within a watershed will be controlled by coordinated design and implementation of regional stormwater management facilities.

Runoff or *Stormwater runoff* means that portion of precipitation that is discharged across the land surface or through conveyances to one or more waterways.

Sand filter means a contained bed of sand which acts to filter the first flush of runoff.

The runoff is then collected beneath the sand bed and conveyed to an adequate discharge point or infiltrated into the in-situ soils.

Shallow marsh means a zone within a stormwater extended detention facility that exists from the surface of the normal pool to a depth of six to 18 inches, and has a large surface area and, therefore requires a reliable source of baseflow, groundwater supply, or a sizeable drainage area to maintain the desired water surface elevations to support emergent vegetation.

Site means the parcel of land being developed, or a designated planning area in which the land development project is located.

State waters means all waters on the surface and under the ground wholly or partially within or bordering the Commonwealth or within its jurisdiction.

Stop work order means an order issued which requires that all construction activity on a site be stopped.

Stormwater detention basin or *Detention basin* means a stormwater management facility which temporarily impounds runoff and discharges it through a hydraulic outlet structure to a downstream conveyance system. While a certain amount of outflow may also occur via infiltration through the surrounding soil, such amounts are negligible when compared to the outlet structure discharge rates and are, therefore, not considered in the facility's design. Since a detention facility impounds runoff only temporarily, it is normally dry during non-rainfall periods.

Stormwater extended detention basin or *Extended detention basin* means a stormwater management facility which temporarily impounds runoff and discharges it through a hydraulic structure over a period of time to a downstream conveyance system for the purpose of water quality enhancement or stream channel erosion control. While a certain amount of outflow may also occur via infiltration through the surrounding soil, such amounts are negligible when compared to the outlet structure discharge rates and, therefore, are not considered in the facility's design. Since an extended detention basin impounds runoff only, temporarily, it is normally dry during non-rainfall periods.

Stormwater extended detention basin-enhanced or *Extended detention basin-enhanced* means an extended detention basin modified to increase pollutant removal by providing a shallow marsh in the lower stage of the basin.

Stormwater management facility means a device that controls stormwater runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release or the velocity of flow.

Stormwater management means the use of structural or non-structural practices that are designed to reduce storm water runoff pollutant loads, discharge volumes, and/or peak flow discharge rates.

Stormwater management plan or *plan* means a document containing material for describing how existing runoff characteristics will be affected by a land development project and

methods for complying with the requirements of the local program.

Stormwater Retention Basin I or *Retention Basin I* means a retention basin with the volume of the permanent pool equal to three times the water quality volume.

Stormwater Retention Basin II or *Retention Basin II* means a retention basin with the volume of the permanent pool equal to four times the water quality volume.

Stormwater Retention Basin III or *Retention Basin III* means a retention basin with the volume of the permanent pool equal to four times the water quality volume with the addition of an aquatic bench.

Stormwater retrofit means a stormwater management practice designed for an existing development site that previously had either no stormwater management practice in place or a practice inadequate to meet the stormwater management requirements of the site.

Stormwater Treatment Practices (STPs) means measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing or reducing point source or nonpoint source pollution inputs to stormwater runoff and water bodies.

Stormwater management plan or *Plan* means a document containing material for describing how existing runoff characteristics will be affected by a land development project and methods for complying with the requirements of the local program, or this Article.

Subdivision means the division of a parcel of land as defined by Chapter 26 "Subdivisions." The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

Town means the Town of Christiansburg.

Vegetated filter strip means a densely vegetated section of land engineered to accept runoff as overland sheet flow from upstream development. It shall adopt any vegetated form, from grass meadow to small forest. The vegetative cover facilitates pollutant removal through filtration, sediment deposition, infiltration and absorption, and is dedicated for that purpose.

Water quality volume (WQV) means the volume equal to the first ½ inch of runoff multiplied by the impervious surface of the land development project.

Watercourse means a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

Watershed means a defined land area drained by a river, stream, drainage ways or system of connecting rivers, streams, or drainage ways such that all surface water within the area flows through a single outlet.

(Ord. 2007-4 of 11-6-07)

Sec. 10-21. Statutory authority.

The Virginia Stormwater Management Law (“Law”), Title 10.1, Chapter 6, Article 1.1 of the Code of Virginia, enables localities to adopt, by ordinance, a stormwater management program consistent with state regulations promulgated pursuant to the Law. (Ord. 2007-4 of 11-6-07)

Sec. 10-22. Purpose.

The purpose of this Article is to establish minimum stormwater management requirements and controls to protect properties, safeguard the general health, safety, and welfare of the public residing in watersheds within this jurisdiction, and protect aquatic resources. This Article seeks to meet that purpose through the following objectives:

1. Require that land development and land conversion activities maintain the after-development runoff characteristics, as nearly as practicable, as the pre-development runoff characteristics in order to reduce flooding, siltation, stream bank erosion, and property damage;
2. Establish minimum design criteria for the protection of properties and aquatic resources downstream from land development and land conversion activities from damages due to increases in volume, velocity, frequency, duration, and peak flow rate of stormwater runoff;
3. Establish minimum design criteria for measures to minimize nonpoint source pollution including nutrients from stormwater runoff which would otherwise degrade water quality;
4. Establish provisions for the long-term responsibility and maintenance of stormwater management control devices and other techniques specified to manage the quality and quantity of runoff; and
5. Establish certain administrative procedures for the submission, review, approval, and disapproval of stormwater plans, and the inspection of approved projects.

(Ord. 2007-4 of 11-6-07)

Sec. 10-23. Applicability.

This Article shall be applicable to all subdivision, site plan, or land use conversion applications, unless eligible for an exception by the Town of Christiansburg under the specifications of Sec. 10-34. The Article also applies to land development activities that are smaller than the minimum applicability criteria if such activities are part of a larger common plan of development that meets the applicability criteria, even though multiple separate and distinct land development activities may take place at different times on different schedules. In addition, all plans must be reviewed by the Town of Christiansburg to ensure that established water quality standards will be maintained during and after development of the site and that post construction runoff levels are consistent with any local and regional watershed plans.

To prevent the adverse impacts of stormwater runoff, the Town of Christiansburg has developed a set of performance standards that must be met at new development sites. These

standards apply to any land development, redevelopment, or land use conversion activity disturbing 10,000 square feet or more of land. The following activities are exempt from these stormwater performance criteria:

1. Permitted surface or deep mining operations and projects, or oil and gas operations and projects conducted under the provisions of Title 45.1 of the Act;
2. Tilling, planting or harvesting of agricultural, horticultural, or forest crops;
3. Single-family residences separately built and not part of a subdivision, including additions or modifications to existing single-family detached residential structures;
4. Land development projects that disturb less than 10,000 square feet of land area; and
5. Linear development projects, provided that (i) less than one (1) acre of land will be disturbed per outfall or watershed, (ii) there will be insignificant increases in peak flow rates, and (iii) there are no known existing or anticipated flooding or erosion problems downstream of the discharge point.

When a site development plan is submitted that qualifies as a redevelopment project as defined in this Article, decisions on permitting and on-site stormwater requirements shall be governed by the stormwater sizing criteria found in the current Virginia Stormwater Management Handbook. This criteria is dependent on the amount of impervious area created by the redevelopment and its impact on water quality. Final authorization of all redevelopment projects will be determined after a review by the Town of Christiansburg.
(Ord. 2007-4 of 11-6-07)

Sec. 10-24. Compatibility with other permit and Article requirements.

This Article is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. The requirements of this Article should be considered minimum requirements, and where any provision of this Article imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.
(Ord. 2007-4 of 11-6-07)

Sec. 10-25. Severability.

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this Article shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this Article.
(Ord. 2007-4 of 11-6-07)

Sec. 10-26. Stormwater Management Handbook.

The Town of Christiansburg will utilize the policy, criteria and information including

specifications and standards of the Virginia Stormwater Management Handbook, latest edition, for the proper implementation of the requirements of this Article. This Handbook includes a list of acceptable stormwater treatment practices, including the specific design criteria for each stormwater practice. The Handbook may be updated and expanded from time to time, based on improvements in engineering, science, monitoring and local maintenance experience. Stormwater treatment practices that are designed and constructed in accordance with these design and sizing criteria will be presumed to meet the minimum water quality performance standards.

(Ord. 2007-4 of 11-6-07)

Sec. 10-27. Valid stormwater management plan necessary for building and other permits.

No land owner or land operator shall receive any of the building, grading or other land development permits required for land disturbance activities without first meeting the requirements of this Article prior to commencing the proposed activity. Should a land-disturbing activity associated with an approved plan in accordance with this Article not begin during the 180-day period following approval or cease for more than 180 days, the Town of Christiansburg may evaluate the existing approved erosion and sediment control plan and stormwater management plan to determine whether the plan still satisfies Town requirements and to verify that all design factors are still valid. If the Town finds the previously filed plan to be inadequate, a modified plan shall be submitted and approved prior to the resumption of land-disturbing activities.

(Ord. 2007-4 of 11-6-07)

Sec. 10-28. Plan submittal requirements.

Unless specifically excluded by this Article, any land owner or operator desiring an approved Stormwater Management Plan shall submit to the Town, a complete plan, sealed and signed by a professional in adherence to all minimum standards and requirements pertaining to the practice of that profession in accordance with Chapter 4 (§ 54.1-400 et seq.) of Title 54.1 of the Code of Virginia and attendant regulations certifying that the plan meets all submittal requirements outlined in this Article and is consistent with good engineering practice. Unless otherwise excepted by this Article, a plan submittal must include at a minimum:

1. Stormwater management concept plan in accordance with Sec. 10-29
2. Stormwater management final plan in accordance with Sec. 10-29
3. Maintenance agreement in accordance with Sec. 10-30
4. Performance bond in accordance with Sec. 10-31
5. Plan review fee in accordance with Sec. 10-32

(Ord. 2007-4 of 11-6-07)

Sec. 10-29. Stormwater management plan required.

No application for land development, land use conversion, or land disturbance permit

will be approved unless it includes an approved stormwater management plan, as required by this Article, detailing how runoff and associated water quality impacts resulting from the activity will be controlled or managed. A stormwater management plan shall consist of a *concept plan*, when the Town deems necessary, to ensure adequate planning for the management of stormwater runoff, and a *final plan*. Both plans shall be in accordance with the criteria established in this Article. No building, grading, or sediment control permit shall be issued until a satisfactory final stormwater management plan, or a waiver thereof, shall have undergone a review and been approved by the Town of Christiansburg, after determining that the plan or waiver is consistent with the requirements of this Article.

A. Stormwater Management Concept Plan

A stormwater management concept plan shall be submitted for review and approval, at the Town's discretion, to ensure adequate planning for stormwater runoff. A stormwater management concept plan shall include all information from the submittal checklist, Technical Criteria Checklist for Stormwater Management Plans, part 4 of the Engineers Toolkit, for the Virginia Stormwater Management Program Permit Regulations. The stormwater management concept plan shall be used to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site, both present and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing stormwater generated at the project site. The concept plan should be prepared at the time of the preliminary plan of subdivision in accordance with Chapter 26 "Subdivisions" or other early step in the development process, to identify the type of stormwater management measures necessary for the proposed project. The intent of this conceptual planning process is to ensure adequate planning for management of stormwater runoff from future development. To accomplish this goal the following information shall be included in the concept plan:

1. A map (or maps) indicating the location of existing and proposed buildings, roads, parking areas, utilities, structural stormwater management and sediment control facilities. The map(s) will also clearly show proposed land use with tabulation of the percentage of surface area to be adapted to various uses; drainage patterns; locations of utilities, roads and easements; and the limits of clearing and grading. A written description of the site plan and justification of proposed changes in natural conditions may also be required.

2. Sufficient engineering analysis to show that the proposed stormwater management measures are capable of controlling runoff from the site in compliance with this Article and the specifications of the Virginia Stormwater Management Handbook.

3. A written or graphic inventory of the natural resources at the site and surrounding area as it exists prior to the commencement of the project and a description of the watershed and its relation to the project site. This description should include a discussion of soil conditions, forest cover, topography, wetlands, and other native vegetative areas on the site. Particular attention should be paid to environmentally sensitive features that provide particular opportunities or constraints for development.

4. A written description of the required maintenance burden for any proposed stormwater management facility.

5. The Town of Christiansburg may also require a concept plan to consider the maximum development potential of a site under existing zoning, regardless of whether the applicant presently intends to develop the site to its maximum potential.

6. The applicant may be required to include within the stormwater concept plan measures for controlling existing stormwater runoff discharges from development or redevelopment occurring on a previously developed site in accordance with the standards of this Article to the maximum extent practicable.

B. Stormwater Management Final Plan

After review of the approved stormwater management concept plan, if the concept plan was required, a final stormwater management plan must be submitted for approval. All stormwater management plans shall be appropriately sealed and signed by a professional in adherence to all minimum standards and requirements pertaining to the practice of that profession in accordance with Chapter 4 (§ 54.1-400 et seq.) of Title 54.1 of the Code of Virginia and attendant regulations certifying that the plan meets all submittal requirements outlined in this Article and is consistent with good engineering practice. The final stormwater management plan shall include all of the information required in the Final Stormwater Management Plan checklist found in the Virginia Stormwater Management Handbook. This includes:

1. *Contact information.* The name, address, and telephone number of all persons having a legal interest in the property and the tax reference number and parcel number of the property or properties affected.

2. *Topographic base map.* A minimum 1" = 20' to a maximum 1" = 50' topographic base map of the site which extends a minimum of 50 feet beyond the limits of the proposed development and indicates existing surface water drainage including streams, ponds, culverts, ditches, and wetlands; current land use including all existing structures; locations of utilities, roads, and easements; and significant natural and manmade features not otherwise shown.

3. *Calculations.* Hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in this Article. Such calculations shall include (i) description of the design storm frequency, intensity and duration, (ii) time of concentration, (iii) Soil Curve Numbers or runoff coefficients, (iv) peak runoff rates and total runoff volumes for each watershed area, (v) infiltration rates, where applicable, (vi) culvert capacities, (vii) flow velocities, (viii) data on the increase in rate and volume of runoff for the specified design storms, and (ix) documentation of sources for all computation methods and field test results.

4. *Soils information.* Geotechnical properties for the hydrologic and structural properties of soils, especially for dam embankments, shall be described in a soils report. The submitted report shall include boring depth, sampling frequency & types and associated laboratory testing with results and conclusions and follow the criteria in the Virginia Stormwater Management Handbook. Soil properties for infiltration facilities shall also conform to the guidance and specification outlined in the Virginia Stormwater Management Handbook.

5. *Maintenance plan.* The design and planning of all stormwater management facilities

shall include detailed maintenance procedures to ensure their continued function. These plans will identify the parts or components of a stormwater management facility that need to be maintained and the equipment and skills or training necessary. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan.

6. *Landscaping plan.* The applicant must present a detailed landscaping plan describing the woody and herbaceous vegetative stabilization and management techniques to be used within and adjacent to the stormwater practice. The landscaping plan must also describe who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved. This plan must be prepared by a qualified individual familiar with the selection of emergent and upland vegetation appropriate for the selected BMP.

7. *Maintenance agreement.* The applicant must execute and record a formal maintenance agreement binding on all subsequent owners of land served by an on-site stormwater management measure in accordance with the specifications of this Article. This agreement shall give the Town permission to access the site as the Town deems necessary for the inspection and or repair of the stormwater management facilities.

8. *Other environmental permits.* The applicant is responsible and shall be able to show to the Town's satisfaction, that all other applicable environmental permits have been acquired for the site prior to approval of the final stormwater management plan.
(Ord. 2007-4 of 11-6-07)

Sec. 10-30. Stormwater facility maintenance agreements.

Prior to the approval of any plan or the issuance of any permit for a development that has a stormwater management facility, as one of the requirements of plan approval, the applicant or owner of the site must execute a formal maintenance agreement that shall be binding on all subsequent owners of land served by the stormwater management facility. A copy of the recorded agreement shall be submitted to the Town prior to plan approval.

Maintenance of all stormwater management facilities shall be ensured through the execution, and recording of a formal maintenance agreement that shall be recorded by the Clerk of the Circuit Court in the Montgomery County Courthouse records prior to final plan approval. The Town of Christiansburg shall provide the owner a form for this agreement. The agreement shall identify by name or official title the person(s) responsible for carrying out the maintenance. Responsibility for the operation and maintenance of stormwater management facilities, unless assumed by a governmental agency, shall remain with the property owner and shall pass to any successor or owner. If portions of the land are to be sold, legally binding arrangements shall be made to pass the basic responsibility to successors in title. These arrangements shall designate for each property owner, governmental agency, or other legally established entity to be permanently responsible for maintenance. As part of the agreement, a schedule shall be developed for when and how often maintenance will occur to ensure proper function of the stormwater management facility. The agreement shall also include plans for annual inspections to ensure proper performance of the facility between scheduled maintenance and should also include "failure to maintain" provisions. In the event that maintenance or repair is neglected, or

the stormwater management facility becomes a danger to public health or safety, the Town of Christiansburg reserves the authority to perform the work and to recover the costs from the owner. The Town of Christiansburg, in lieu of a maintenance agreement, may accept dedication of any existing or future stormwater management facility for maintenance, provided such facility meets all the requirements of this Article and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.
(Ord. 2007-4 of 11-6-07)

Sec. 10-31. Performance bonds.

The Town of Christiansburg may, at its discretion, require the submittal of a performance security or bond with surety, cash escrow, letter of credit or such other acceptable legal arrangement prior to plan approval in order to insure that the stormwater practices are installed by the permit holder as required by the approved stormwater management plan.

1. The amount of the installation performance security shall be the total estimated construction cost of the stormwater management practices approved under the plan, plus 25%.
2. The performance security shall contain forfeiture provisions for failure, after proper notice, to complete work within the time specified, or to initiate or maintain appropriate actions which may be required of the applicant in accordance with the approved stormwater management plan.
3. If the Town of Christiansburg takes such action upon such failure by the applicant, the Town of Christiansburg may collect from the applicant for the difference should the amount of the reasonable cost of such action exceed the amount of the security held.
4. Within sixty days of the completion of the requirements of the approved stormwater management plan in the form of a professionally certified as-built report and survey, such bond, cash escrow, letter of credit or other legal arrangement, except for the landscaping survivability, shall be refunded to the applicant or terminated.
5. The landscaping portion of the stormwater management plan shall be inspected one (1) year after installation with replacement in accordance with the final plans and specifications prior to final release.
6. These requirements are in addition to all other provisions of Town of Christiansburg ordinances relating to the approval of such plans and are not intended to otherwise affect the requirements for such plans.

(Ord. 2007-4 of 11-6-07)

Sec. 10-32. Stormwater management plan review fees.

Applicants shall submit a \$1,000 Stormwater Management Plan review fee to the Town of Christiansburg when stormwater quality treatment is required. This fee shall be submitted when the Stormwater Management Final Plan is submitted for review and approval. This fee is in addition to, and does not replace or supersede the Town's existing plan review fees and

procedures, as outlined in Chapter 26 “Subdivisions” and Chapter 30 “Zoning.”
(Ord. 2007-4 of 11-6-07)

Sec. 10-33. Stormwater management plan submittal procedure.

A. Stormwater Management Plans shall be submitted to the Town of Christiansburg on any regular business day.

B. Plan submittals shall include the following: one copy of the stormwater management final plan, one copy of the maintenance agreement, and any required review fees. The Town may also require, at its discretion, submittal of a signed checklist stating that the submittal is complete, and all plans and calculations are consistent with good engineering judgment.

C. Within a maximum of 60 calendar days of the receipt of a complete stormwater management plan, including all documents as required by this Article, the Town of Christiansburg shall inform the applicant whether the plan and maintenance agreement are approved or disapproved.

D. If the stormwater management plan or maintenance agreement is disapproved, the Town of Christiansburg shall communicate the decision to the applicant in writing. The applicant may then revise the stormwater management plan or maintenance agreement. If additional information is submitted, the Town of Christiansburg shall have 30 calendar days from the date the additional information is received to inform the applicant that the plan and maintenance agreement are either approved or disapproved.

E. If the final stormwater management plan and maintenance agreement are approved by the Town of Christiansburg, the following conditions apply:

1. The applicant shall comply with all applicable requirements of the approved plan and this Article and shall certify that all land clearing, construction, land development and drainage will be done according to the approved plan.
2. The land development project shall be conducted only within the area specified in the approved plan.
3. The Town of Christiansburg shall be allowed, after giving notice to the owner, occupier or operator of the land development project, to conduct periodic inspections of the project.
4. The person responsible for implementing the approved plan shall conduct monitoring and submit reports as the Town of Christiansburg may require to ensure compliance with the approved plan and to determine whether the plan provides effective stormwater management.
5. No changes may be made to an approved plan without review and written approval by the Town of Christiansburg.
6. A professionally certified inspection of all aspects of the BMP, including surface as-

built surveys, and geotechnical inspections during subsurface or backfilling and compaction activities shall be required.
(Ord. 2007-4 of 11-6-07)

Sec. 10-34. Exceptions for providing stormwater management.

Every applicant shall provide for stormwater management, unless they file a written request to waive this requirement. Requests to waive the stormwater management plan requirements shall be submitted in writing to the Town of Christiansburg for approval. An exception from the stormwater management regulations may be granted, provided that: (i) exceptions to the criteria are the minimum necessary to afford relief and (ii) reasonable and appropriate conditions shall be imposed as necessary upon any exception granted so that the intent of the Law and this Article are preserved. The minimum requirements for stormwater management may be waived in whole or in part upon written request of the applicant, provided that at least one of the following conditions applies:

1. It can be demonstrated to the Town's satisfaction, that the proposed development is not likely to impair attainment of the objectives of this Article.

2. Alternative minimum requirements for on-site management of stormwater discharges have been established in a stormwater management plan that has been approved by the Town of Christiansburg and that is required to be implemented by local ordinance.

3. Provisions are made to manage stormwater by an off-site facility. The off-site facility is required to be in place, to be designed and adequately sized to provide a level of stormwater control that is equal to or greater than that which would be afforded by on-site practices and has a legally obligated entity responsible for long-term operation and maintenance of the stormwater practice.

4. The Town of Christiansburg finds that meeting the minimum on-site management requirements is not feasible due to the natural or existing physical characteristics of a site.

5. Economic hardship is not sufficient reason to grant an exception from the requirements of this Article.

In instances where one of the conditions above applies, the Town of Christiansburg may grant a waiver from strict compliance with stormwater management provisions that are not achievable, provided that acceptable mitigation measures are provided. However, to be eligible for a variance, the applicant must demonstrate to the satisfaction of the Town of Christiansburg that the immediately downstream waterways will not be subject to:

1. Deterioration of existing culverts, bridges, dams, and other structures;
2. Deterioration of biological functions or habitat;
3. Accelerated streambank or streambed erosion or siltation; or
4. Increased threat of flood damage to public health, life or property.

(Ord. 2007-4 of 11-6-07)

Sec. 10-35. General criteria for stormwater management.

1. Determination of flooding and channel erosion impacts to receiving streams due to land development projects shall be measured at each point of discharge from the development project and such determination shall include any runoff from the balance of the watershed which also contributes to that point of discharge.

2. The specified design storms shall be defined as either a 24-hour storm using the rainfall distribution recommended by the U.S. Soil Conservation Service when using U.S. Soil Conservation Service methods or as the storm of critical duration that produces the greatest required storage volume at the site when using a design method such as the Modified Rational Method. Pre-development and post-development runoff rates shall be verified by calculations that are consistent with good engineering practices.

3. For purposes of computing runoff, all pervious lands in the site shall be assumed prior to development to be in good condition (if the lands are pastures, lawns, or parks), with good cover (if the lands are woods), or with conservation treatment (if the lands are cultivated); regardless of conditions existing at the time of computation.

4. Construction of stormwater management facilities or modifications to channels shall comply with all applicable laws and regulations. Evidence of approval of all necessary permits, such as U.S. Army Corps of Engineers and Virginia Department of Environmental Quality Wetland Permits, National Department of Environmental Quality Virginia Pollution Discharge Elimination System (NPDES) Permits, Virginia Department of Environmental Quality Virginia Pollution Discharge Elimination System (VPDES) Permits, etc., shall be presented.

5. Impounding structures that are not covered by the Impounding Structure Regulations (4VAC 50-20-10 et seq.) shall be engineered for structural integrity during the 100-year storm event.

6. Pre-development and post-development runoff rates shall be verified by calculations that are consistent with good engineering practices.

7. Outflows from a stormwater management facility shall be discharged to an adequate channel, and velocity dissipaters shall be placed at the outfall of all stormwater management facilities and along the length of any outfall channel as necessary to provide a non-erosive velocity of flow from the basin to a channel.

8. Proposed residential, commercial, or industrial subdivisions shall apply these stormwater management criteria to the land development as a whole. Individual lots in new subdivisions shall not be considered separate land development projects, but rather the entire subdivision shall be considered a single land development project. Hydrologic parameters shall reflect the ultimate land development and shall be used in all engineering calculations.

9. All stormwater management facilities shall have a maintenance plan which identifies the owner and the responsible party for carrying out the maintenance plan.

10. Construction of stormwater management impoundment structures within a Federal Emergency Management Agency (FEMA) designated 100-year floodplain shall be avoided to the extent possible. When this is unavoidable, all stormwater management facility construction shall be in compliance with all applicable regulations under the National Flood Insurance Program, 44 CFR Part 59.

11. Natural channel characteristics shall be preserved to the maximum extent practicable.

12. Land development projects shall comply with the Virginia Erosion and Sediment Control Law and attendant regulations.

13. Non-structural stormwater practices designed to reduce the volume of stormwater runoff are encouraged to reduce the amount of stormwater runoff that must be managed. This will help to minimize the reliance on structural practices which require ongoing maintenance in order to be effective.

(Ord. 2007-4 of 11-6-07)

Sec. 10-36. Structural stormwater management practices.

A. Minimum control requirements

All stormwater management practices shall be designed so that the specific storm frequency storage volumes (e.g., water quality, channel protection, 10 year, 100 year) as identified in the current Virginia Stormwater Management Handbook are met, unless the Town of Christiansburg grants the applicant a waiver or the applicant is exempt from such requirements.

In addition, if hydrologic or topographic conditions warrant greater control than that provided by the minimum control requirements, the Town of Christiansburg reserves the right to impose any and all additional requirements deemed necessary to protect downstream properties and aquatic resources from damage due to increased volume, frequency, and rate of stormwater runoff.

B. Site design feasibility

Stormwater management practices for a site shall be chosen based on the physical conditions of the site. The factors that should be considered include topography, maximum drainage area, depth to water table, soils, slopes, terrain, hydraulic head, and location in relation to environmentally sensitive features or ultra-urban area.

Applicants shall consult the Virginia Stormwater Management Handbook for guidance on the factors that determine site design feasibility when selecting a stormwater management practice:

C. Conveyance issues

All stormwater management practices shall be designed to convey stormwater to allow

for the maximum removal of pollutants and reduction in flow velocities. This shall include, but not be limited to:

1. Maximizing of flowpaths from inflow points to outflow points
2. Protection of inlet and outfall structures
3. Elimination of erosive flow velocities
4. Providing of underdrain systems, where applicable.

The Virginia Stormwater Management Handbook provides detailed guidance on the requirements for conveyance for each of the approved stormwater management practices.

D. Pretreatment requirements

Every stormwater treatment practice shall have an acceptable form of water quality pretreatment, in accordance with the pretreatment requirements found in the current Virginia Stormwater Management Handbook. Stormwater infiltration practices, or practices having an infiltration component, as specified in the Virginia Stormwater Management Handbook are prohibited, even with pretreatment, in the following circumstances:

1. Where stormwater is generated from highly contaminated source areas known as “hotspots”
2. Where stormwater is carried in a conveyance system that also carries contaminated, non-stormwater discharges
3. Where stormwater is being managed in a designated groundwater recharge area
4. Under certain geologic conditions (e.g., karst) that prohibit the proper pretreatment of stormwater.

E. Treatment/geometry conditions

All stormwater management practices shall be designed to capture and treat stormwater runoff according to the specifications outlined in the Virginia Stormwater Management Handbook. These specifications will designate the water quality treatment and water quantity criteria that apply to an approved stormwater management practice (see Sec. 10-38--40 for specific criteria).

F. Landscaping plan required

All stormwater management practices must have a landscaping plan detailing both the vegetation to be in the practice and how and who will manage and maintain this vegetation. This plan must be prepared by a qualified individual familiar with the selection of emergent and upland vegetation appropriate for the selected BMP.

G. Maintenance agreements

A legally binding agreement specifying the parties responsible for the proper maintenance of all stormwater treatment practices shall be secured prior to plan approval. In addition, all stormwater treatment practices shall have an enforceable operation and maintenance agreement to ensure the system functions as designed. This agreement will include provisions for the Town of Christiansburg to access and inspect the stormwater treatment practices. (See Sec. 10-30 for specific maintenance provisions).
(Ord. 2007-4 of 11-6-07)

Sec. 10-37. Water quality.

Unless judged by the Town of Christiansburg for a project to be exempt, the following criteria shall be addressed for stormwater management at all sites:

A. All stormwater runoff generated from land development and land use conversion activities shall not discharge untreated stormwater runoff directly into a jurisdictional wetland or local water body without adequate treatment. Where such discharges are proposed, the impact of the proposal on wetland functions shall be assessed using a method acceptable to the Town of Christiansburg. In no case shall the impact on functions be any less than allowed by the Army Corp of Engineers (ACE) or the Department of Environmental Quality.

B. Annual groundwater recharge rates shall be maintained, by promoting infiltration through the use of structural and non-structural methods. At a minimum, annual recharge from the post development site shall mimic the annual recharge from pre-development site conditions.

C. Land development projects shall comply with the water quality Performance-based or Technology-based criteria in accordance with the following:

1. **Performance-based criteria.** For land development, the calculated post-development nonpoint source pollutant runoff load shall be compared to the calculated pre-development load based upon the average land cover condition or the existing site condition. A BMP shall be located, designed, and maintained to achieve the target pollutant removal efficiencies specified in Table 1 to effectively reduce the pollutant load to the required level based upon the following four applicable land development situations for which the performance criteria apply.

a. Situation 1 consists of land development where the existing percent impervious cover is less than or equal to the average land cover condition and the proposed improvements will create a total percent impervious cover which is less than the average land cover condition.

Requirement: No reduction in the after development pollutant discharge is required.

b. Situation 2 consists of land development where the existing percent impervious cover is less than or equal to the average land cover condition and the proposed improvements will create a total percent impervious cover which is greater than the average land cover condition.

Requirement: The pollutant discharge after development shall not exceed the existing pollutant discharge based on the average land cover condition.

c. Situation 3 consists of land development where the existing percent impervious cover is greater than the average land cover condition.

Requirement: The pollutant discharge after development shall not exceed (i) the pollutant discharge based on existing conditions less 10% or (ii) the pollutant discharge based on the average land cover condition, whichever is greater.

d. Situation 4 consists of land development where the existing percent impervious cover is served by an existing stormwater management BMP that addresses water quality.

Requirement: The pollutant discharge after development shall not exceed the existing pollutant discharge based on the existing percent impervious cover while served by the existing BMP. The existing BMP shall be shown to have been designed and constructed in accordance with proper design standards and specifications, and to be in proper functioning condition.

Table 1, from Virginia Stormwater Management Handbook, First Edition, 1999

Water Quality BMP	Target Phosphorus Removal Efficiency	Percent Impervious Cover
Vegetated filter strip	10%	16-21%
Grassed swale	15%	
Constructed wetlands	30%	22 -37%
Extended detention (2 x WQV)	35%	
Retention basin I (3 x WQV)	40%	
Bioretention basin	50%	38 -66%
Bioretention filter	50%	
Extended detention-enhanced	50%	
Retention basin II (4 x WQV)	50%	
Infiltration (1 x WQV)	50%	
Sand filter	65%	67 -100%
Infiltration (2 x WQV)	65%	
Retention basin III (4 x WQV with aquatic bench)	65%	

* Innovative or alternate BMPs not included in this table may be allowed at the discretion of the local program authority. Innovative or alternate BMPs not included in this table which target appropriate nonpoint source pollution other than phosphorous (such as petroleum, hydrocarbons, sediment, etc.) may be allowed at the discretion of the local program authority.

2. **Technology-based criteria.** For land development, the post-developed stormwater runoff from the impervious cover shall be treated by an appropriate BMP as required by the post-developed condition percent impervious cover as specified in Table 1. The selected BMP shall be located, designed, and maintained to perform at the target pollutant removal efficiency specified in Table 1. Design standards and specifications for the BMPs in Table 1 which meet the required target pollutant removal efficiency shall be consistent with those provided in the Virginia Stormwater Management Handbook.

D. Stormwater discharges to critical areas with sensitive resources (i.e., cold water fisheries, shellfish beds, swimming beaches, recharge areas, water supply reservoirs) may be subject to additional criteria, or may need to utilize or restrict certain stormwater management practices at the discretion of the Town of Christiansburg.

E. All National Pollutant Discharge Elimination System (NPDES) or Virginia Pollutant Discharge Elimination System (VPDES) permit holders are required to prepare and implement a stormwater pollution prevention plan, and shall file a notice of intent (NOI) under the provisions of the NPDES or VPDES general permit. The stormwater pollution prevention plan requirement applies to both existing and new industrial sites.

F. Stormwater discharges from land uses or activities with higher potential pollutant loadings, known as “hotspots”, may require the use of specific structural BMPs and pollution prevention practices.

G. Prior to design, applicants are required to consult with the Town of Christiansburg to determine if they are subject to additional stormwater design requirements.
(Ord. 2007-4 of 11-6-07)

Sec. 10-38. Stream channel erosion.

To protect stream channels from degradation, specific channel protection criteria shall be provided as prescribed in the Virginia Stormwater Management Handbook and Virginia Sediment and Erosion Control regulations.

1. Properties and receiving waterways downstream of any land development project shall be protected from erosion and damage due to increases in volume, velocity and frequency of peak flow rate of stormwater runoff in accordance with the minimum design standards set out in this Article.

2. The plan approving authority shall require compliance with subdivision 19 of 4 VAC 50-30-40 of the Erosion and Sediment Control Regulations, promulgated pursuant to Article 4 (§10.1-560 et seq.) of Chapter 5 of Title 10.1 of the Code of Virginia.

3. The plan approving authority may determine that some watersheds or receiving stream systems require enhanced criteria in order to address the increased frequency of bankfull flow conditions brought on by land development projects. Therefore, in lieu of the reduction of the 2-year post-developed peak rate of runoff as required in subsection 2 of this section, the land development project being considered shall provide 24-hour extended detention of the runoff generated by the 1-year, 24-hour duration storm.

4. In addition to subsections 2 and 3 of this section, the Town of Christiansburg may, by ordinance, adopt more stringent channel analysis criteria or design standards to ensure that the natural level of channel erosion, to the maximum extent practicable, will not increase due to the land development projects. These criteria may include, but are not limited to, the following:

a) Criteria and procedures for channel analysis and classification.

b) Procedures for channel data collection.

c) Criteria and procedures for the determination of the magnitude and frequency of natural sediment transport loads.

d) Criteria for the selection of proposed natural or man-made channel linings.

(Ord. 2007-4 of 11-6-07)

Sec. 10-39. Flooding.

1. The calculations for determining peak flows as found in the Virginia Stormwater Management Handbook shall be used for sizing all stormwater management practices.

2. Downstream properties and waterways shall be protected from damages from localized flooding due to increases in volume, velocity and peak flow rate of stormwater runoff in accordance with the minimum design standards set out in this Article.

3. The 10-year post-developed peak rate of runoff from the development site shall not exceed the 10-year pre-developed peak rate of runoff.

4. In lieu of subsection 3 of this section, the Town of Christiansburg may, by ordinance, adopt alternate design criteria based upon geographic, land use, topographic, geologic factors or other downstream conveyance factors as appropriate.

5. Linear development projects shall not be required to control post-developed stormwater runoff for flooding, except in accordance with a watershed or regional stormwater management plan.

(Ord. 2007-4 of 11-6-07)

Sec. 10-40. Regional stormwater management plans.

Applicants are directed to communicate with the Town of Christiansburg prior to submitting an application for stormwater management plan approval to determine if a Regional Stormwater Management Plan has been developed for the applicable watershed. If such a plan is

in existence, the applicant must provide stormwater management water quality treatment on-site in accordance with the provisions of the regional plan, and other management provisions as specified by the Town of Christiansburg.
(Ord. 2007-4 of 11-6-07)

Sec. 10-41. Construction inspection in general.

Stormwater management construction inspection shall utilize the final approved plans and specifications for compliance. In addition, the inspection shall comply with the latest version of the Erosion and Sediment Control Regulations, promulgated pursuant to Article 4 (§ 10.1-566) of Chapter 5 of Title 10.1 of the Code of Virginia.
(Ord. 2007-4 of 11-6-07)

Sec. 10-42. Notice of construction commencement.

The applicant must notify the Town of Christiansburg in advance before the commencement of construction. In addition, the applicant must notify the Town of Christiansburg in advance of construction of critical components of the SWM facility. Periodic inspections of the stormwater management system construction shall be conducted by the Town. Upon completion, the applicant is responsible for certifying that the completed project is in accordance with the approved plans and specifications (refer to as-built plans – Sec. 10-43) and shall provide regular inspections sufficient to adequately document compliance. All inspections shall be documented and written reports prepared that contain the date and location of the inspection, whether construction is in compliance with the approved stormwater management plan, variations from the approved construction specifications, and any violations that exist.

If any violations are found, the property owner shall be notified in writing of the nature of the violation and the required corrective actions. No additional work shall proceed until any violations are corrected and all work previously completed has received approval by the Town of Christiansburg.

In addition, the person responsible for carrying out the plan may be required to provide inspection monitoring and reports to ensure compliance with the approved plan and to determine whether the measures required in the plan provide effective stormwater management.

If the Town of Christiansburg determines that there is a failure to comply with the plan, notice shall be served upon the permittee or person responsible for carrying out the plan.

Sec. 10-43. Post-construction final inspection and as-built plans.

All applicants are required to submit actual “as built” plans for any stormwater management practices located on-site after final construction is completed. The plans must show the final design specifications for all stormwater management facilities and must be certified by a professional engineer. A final inspection by the Town of Christiansburg is required before the release of any performance securities can occur. A certified inspection of all aspects of the BMP construction is required, including surface as-built surveys, and geotechnical inspections during subsurface or backfilling, riser & principal spillway installation, bioretention soil placement and compaction activities.

(Ord. 2007-4 of 11-6-07)

Sec. 10-44. Maintenance inspection of stormwater facilities.

All stormwater management facilities must undergo inspections to document maintenance and repair needs and ensure compliance with the requirements of this Article and accomplishment of its purposes. These needs may include; removal of silt, litter and other debris from all catch basins, inlets and drainage pipes, grass cutting and vegetation removal, and necessary replacement of landscape vegetation and any repair or replacement of structural features. At a minimum, a stormwater management facility shall be inspected on an annual basis by the Town of Christiansburg. In the event that the stormwater management facility has not been maintained and/or becomes a danger to public safety or public health, the Town of Christiansburg shall notify the person responsible for carrying out the maintenance plan by registered or certified mail to the address specified in the maintenance agreement. The notice shall specify the measures needed to comply with the plan and shall specify the time within which such measures shall be completed. If the responsible party fails or refuses to meet the requirements of the maintenance agreement, the Town of Christiansburg, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition, and recover the costs from the owner.

(Ord. 2007-4 of 11-6-07)

Sec. 10-45. Records of maintenance and repair activities of stormwater facilities.

Parties responsible for the operation and maintenance of a stormwater management facility shall make records of the installation and of all maintenance and repairs, and shall retain the records for at least eight (8) years. These records shall be made available to the Town of Christiansburg during inspection of the facility and at other reasonable times upon request.

(Ord. 2007-4 of 11-6-07)

Sec. 10-46. Violations.

Any development activity that is commenced or is conducted contrary to this Article or the approved plans and permit, may be subject to the enforcement actions outlined in this Article and Virginia Stormwater Management Law.

(Ord. 2007-4 of 11-6-07)

Sec. 10-47. Notice of violation.

When the Town of Christiansburg determines that an activity is not being carried out in accordance with the requirements of this Article, it shall issue a written notice of violation delivered in person or by registered or certified mail to the applicant. The notice of violation shall contain:

1. The name and address of the applicant;
2. The address when available or a description of the building, structure or land 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 development activity into compliance with this Article and a time schedule for the completion of such remedial action;
5. A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;
6. A statement that the determination of violation may be appealed to the municipality by filing a written notice of appeal within thirty (30) days of service of notice of violation.

(Ord. 2007-4 of 11-6-07)

Sec. 10-48. Stop work orders.

Persons receiving a notice of violation will be required to halt all construction activities. This “stop work order” will be in effect until the Town of Christiansburg confirms that the development activity is in compliance and the violation has been satisfactorily addressed. Upon failure to comply within the time specified, the permit may be revoked and the applicant shall be deemed to be in violation of this article and upon conviction shall be subject to the penalties provided by this Article.

(Ord. 2007-4 of 11-6-07)

Sec. 10-49. Civil and criminal penalties.

Any person who violates any provision of this program adopted pursuant to the authority of this article shall be guilty of a Class 1 misdemeanor and shall be subject to a fine not exceeding \$1,000 and/or up to thirty days imprisonment, for each violation. In addition Town of Christiansburg may pursue the following actions:

1. The Town of Christiansburg may apply to the circuit court to enjoin a violation or a threatened violation of the provisions of this Article without the necessity of showing that an adequate remedy at law does not exist.
2. Without limiting the remedies which may be obtained in this Article, the Town of Christiansburg may bring a civil action against any person for violation of this Article or any condition of a permit. The action may seek the imposition of a civil penalty of not more than \$2,000 against the person for each violation.
3. With the consent of any person who has violated or failed, neglected or refused to obey this Article or any condition of a permit, the Town of Christiansburg may provide, in an order issued by Town of Christiansburg against such person, for the payment of civil charges for violations in specific sums, not to exceed the limit specified in subdivision 2 of this section. Such civil charges shall be instead of any appropriate civil penalty which could be imposed under subdivision 2.

(Ord. 2007-4 of 11-6-07)

Sec. 10-50. Restoration of lands.

Any violator may be required to restore land to its undisturbed condition or in accordance with a Notice of Violation, Stop Work Order, or Permit requirements. In the event

that restoration is not undertaken within a reasonable time after notice, the Town of Christiansburg may take necessary corrective action, the cost of which shall be covered by the performance bond, or become a lien upon the property until paid, or both.
(Ord. 2007-4 of 11-6-07)

Sec. 10-51. Holds on occupancy permits.

Occupancy permits shall not be granted until corrections to all stormwater practices have been made in accordance with the approved plans, Notice of Violation, Stop Work Order, or Permit requirements, and accepted by Town of Christiansburg.
(Ord. 2007-4 of 11-6-07)

Secs. 10-52--10-59. Reserved.

ARTICLE III. ILLICIT DISCHARGE

Sec. 10-60. In general.

The Town of Christiansburg finds that the discharge of pollutants to the Town's storm sewer system has an adverse impact on the water quality of the receiving waters. Illicit discharges of substances other than stormwater could result in a significant source of pollutants to the Town's storm sewer system. Amendments to the Federal Water Pollution Control Act, commonly known as the Clean Water Act, established the National Pollutant Discharge Elimination System (NPDES) Program, which requires permits for discharges from municipal storm sewer systems into the waters of the United States. The United States Environmental Protection Agency (EPA) has promulgated regulations implementing the NPDES program. Moreover, the EPA has authorized the Commonwealth of Virginia to issue NPDES permits under the Virginia Pollutant Discharge Elimination System (VPDES) permit system. The VPDES regulations for stormwater discharges require certain municipalities, including the Town of Christiansburg, to control the contribution of pollutants to its storm sewer system, to prohibit illicit discharges to its storm sewer system, and to inspect, monitor, and enforce the prohibitions of illicit discharges to its storm sewer system.
(Ord. 2007-5 of 11-6-07)

Sec. 10-61. Intent and purpose.

The intent and purpose of this Article is to promote the public health, safety, and welfare of persons in the Town through the regulation of stormwater discharges to the Town's storm sewer system and to prohibit the illicit discharge of nonstormwater to the Town's storm sewer system, subject to certain exceptions. This Article is also intended to prohibit illicit connections and illicit discharges to the Town's storm sewer system, and to establish inspections and monitoring procedures to ensure compliance with this Article.
(Ord. 2007-5 of 11-6-07)

Sec. 10-62. Definitions.

For the purposes of this Article, the following words and phrases shall have the meanings

respectively ascribed to them by this Article:

Best management practices (BMPs) means the schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce pollutants from entering the storm sewer system or being improperly discharged from the storm sewer system. BMPs include, but are not limited to, treatment methods and practices to control the discharge of pollutants.

Building Official means the Town of Christiansburg Building Official or his/her designee.

Clean Water Act (CWA) means the Federal Clean Water Act (33 USC § 1251 et seq.), formerly referred to as the Federal Pollution Control Act.

Discharge means to dispose, deposit, spill, pour, inject, dump, pump, leak, or place by any means, or that which is disposed, deposited, spilled, poured, injected, dumped, pumped, leaked, or placed by any means.

Gray Water means waste water discharged from lavatories, bathtubs, showers, clothes washers and laundry sinks.

Groundwater means all subsurface water, including, but not limited to, that part within the zone of saturation.

Illicit connection means any connection to the Town's storm sewer system which is not authorized by the Town, by a valid NPDES or VPDES permit, or as may otherwise be authorized by law.

Illicit discharge means any discharge to any storm sewer system, public or private, or to the waters of the United States that is not composed entirely of stormwater, except discharges which are exempt pursuant to Section 10-63 part (b), of this Article. Any discharge in violation of an NPDES or VPDES or other stormwater discharge permit shall constitute an illicit discharge.

Industrial wastes means any liquid or wastes resulting from any process of industry, manufacture, trade or business, or from the development of any natural resource.

Inspection shall mean and include, but is not limited to, any on-site physical examination of all facilities and grounds which may discharge to a storm sewer system or the waters of the United States; a review of all records on the operation and maintenance of facilities and the results of any monitoring performed for compliance with state, federal, and local regulations or permit requirements.

Landscaping chemicals means chemicals for maintaining lawns and landscapes. This includes but is not limited to fertilizers, lime, and pesticides which include herbicides, insecticides and fungicides, when used in accordance with the manufacturer's recommendations. If not used in accordance with manufacturer's recommendations, any release to the environment is considered an illicit discharge.

National Pollutant Discharge Elimination System (NPDES) means the federal program for issuing, modifying, revoking, reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements under the CWA.

Other wastes means wastes that may adversely affect waters of the United States when discharged into those waters, including, but not limited to, sewage, garbage, refuse, lime, fertilizer, ashes, offal, tar, paint, solvents, petroleum products, antifreeze, pesticides, and chemicals.

Person means any individual, firm, corporation, partnership, association, organization or other entity, including governmental entities, or any combination thereof, or any agent or employee of any such entity.

Private storm sewer system means all facilities, conveyances, structures, and other items located within the Town of Christiansburg not owned and/or operated by the Town which are designed or used for collecting, storing, treating, or conveying stormwater. These include, but not limited to catch basins, drop inlets, curbs, gutters, ditches, pipes, ponds, man-made channels, storm drains, retention basins, detention basins, and infiltration basins and other facilities.

Sanitary sewer means a system of pipes, conduits, or other devices that collect and/or convey sewage to a wastewater treatment or pumping facility.

Sewage means the sanitary wastewater from residences, buildings, industrial establishments or other places, together with such industrial wastes and other water that may be present.

Storm sewer system means all facilities, conveyances, structures, and other items located within the Town of Christiansburg and owned or operated by the Town which are designed or used for collecting, storing, treating, or conveying stormwater. These include, but not limited to catch basins, drop inlets, curbs, gutters, ditches, pipes, ponds, man-made channels, storm drains, retention basins, detention basins, and infiltration basins and other facilities.

Stowmwater means precipitation that is discharged across the land surface or through conveyances to one or more waterways and that may include stormwater runoff, snow melt runoff, and surface runoff and drainage.

Town means the Town of Christiansburg, Virginia.

Town Manager means the Town Manager of the Town of Christiansburg or his/her designee.

Virginia Pollution Discharge Elimination System (VPDES) means the program issued by the Commonwealth of Virginia for imposing and enforcing pretreatment requirements pursuant to the CWA.

(Ord. 2007-5 of 11-6-07)

Sec. 10-63. Prohibited discharges or connections to the storm sewer system.

(a) It shall be unlawful and a violation of this Article to do any of the following, except as may be allowed in subsection (b) below:

- (1) Cause or allow any illicit discharges, including but not limited to the discharge of sewage, gray water, industrial wastes or other wastes, into the storm sewer system, or any component thereof, or onto driveways, sidewalks, parking lots, or any other areas draining to the storm sewer system.
- (2) Connect or cause, or allow to be connected, any sanitary sewer to the storm sewer system, including any unauthorized sanitary sewer connected to the storm sewer system as of the date of the adoption of this Article.
- (3) Connect or cause, or allow to be connected, to the storm sewer system, without a valid VPDES or NPDES permit, or unless otherwise authorized by law, any structure that conveys any liquid or items other than stormwater or those discharges listed in subsection (b) below. Such illicit connections include, but are not limited to, pipes, drains, sanitary sewer lines, washing machine drains, or floor drains.
- (4) Discharge any materials or items other than stormwater to the storm sewer system by spill, dumping, or disposal of any type without a valid federal and/or state permit or unless otherwise authorized by law.
- (5) Throw, place, or deposit or cause to be thrown, placed, or deposited in the storm sewer system anything that impedes or interferes with the free flow of stormwater therein.
- (6) Failure by any property owner to notify the Town Manger of an illicit connection on or from such owner's property to the Town's storm sewer system.
- (7) Violate any condition or provision of this Article or any permit granted for stormwater discharges.
- (8) To enter in any stormwater retention pond, storm sewer or drain, except that this shall not apply to any Town personnel or others authorized to perform work in such areas.

(b) Subject to the provisions of subsection (c), the following activities shall not be unlawful or a violation of this Article:

- (1) Water line flushing;
- (2) Landscape irrigation;
- (3) Diverted stream flows or rising groundwater;
- (4) Infiltration of uncontaminated groundwater;

- (5) Pumping of uncontaminated groundwater;
- (6) Discharge from potable water sources, foundation drains, irrigation water, springs, water from crawl spaces or footing drains;
- (7) Air conditioning condensation;
- (8) Lawn watering and maintenance with landscaping chemicals in accordance with the manufacturer's recommendations;
- (9) Residential car washing;
- (10) Dechlorinated swimming pool discharge;
- (11) Street, right-of-way, and storm system construction/maintenance activities employing BMPs;
- (12) Discharge or flows from emergency firefighting activities and emergency response activities employing BMPs; or
- (13) Any activity authorized by a valid Virginia Stormwater Program permit (VSMP), a valid VPDES or NPDES permit or a valid Virginia Pollution Abatement (VPA) permit, or as may be otherwise permitted by law.

(c) In the event any of the activities listed in subsection (b) above are found to cause pollutants to be discharged into the storm sewer system, the Building Official shall so notify the person performing such activities, and shall order that such activities cease or be conducted in such a manner as to avoid the discharge of pollutants into the storm sewer system. The failure to comply with any such order shall constitute a violation of the provisions of this Article.
(Ord. 2007-5 of 11-6-07)

Sec. 10-64. Inspections and monitoring.

(a) The Building Official shall have the authority to carry out inspections of buildings, vessels, and other storage structures. The Town Manager shall have the authority to carry out all other inspections and monitoring procedures necessary to determine compliance and/or noncompliance with this Article. The Town Manager shall have the authority to determine compliance or noncompliance and to enforce this Article, including the prohibition of illicit discharges to the storm sewer system. The Town Manager may monitor stormwater outfalls or other components of the storm sewer system as may be appropriate in the administration and enforcement of this Article.

(b) The Town Manager shall have the authority to require a stormwater pollution prevention plan from any person whose discharges cause or may cause a violation of the Town's (VSMP) permit or any other permit required of the Town relating to stormwater discharges.

(c) The Building Official, Town Manager, and/or duly authorized employees, agents, or

representatives of the Town shall be authorized to enter any public or private property at any reasonable time for the purpose of enforcing this Article, including, but not limited to taking samples of discharges, inspecting monitoring equipment, inspecting and copying documents relevant to the enforcement of this Article, and such other items as may be deemed necessary for the enforcement of this Article.

(d) The Town Manager shall have the authority to require any person responsible for a discharge to the storm sewer system to document that such discharge meets and is in compliance with the requirements of this Article. This includes, but is not limited to, the ability of the Town Manager to require such person to provide monitoring reports, test results to show that the discharge meets the requirements of this Article, and such other matters as may be deemed necessary to show that such discharge is in compliance with the requirements of this Article. The cost of any required documentation shall be the responsibility of the person responsible for the discharge.

(e) The failure of any person to comply with any of the requirements of this Section shall constitute a violation of this Article.
(Ord. 2007-5 of 11-6-07)

Sec. 10-65. Enforcement of Article and penalties.

(a) Any person who violates any of the provisions of this Article shall be guilty of a Class I misdemeanor and upon conviction is subject to punishment by a fine of not more than two thousand five hundred dollars (\$2,500.00) per violation per day and confinement in jail for not more than twelve (12) months, either or both.

(b) Each day during which a violation of this Article occurs or continues shall be deemed a separate and distinct violation of this Article.

(c) Any person who commits any of the acts prohibited by this Article or violates any of the provisions of this Article shall be liable to the Town for all costs of testing, containment, cleanup, abatement, removal, disposal, and any other related costs or expenses that the Town may incur in connection with the enforcement of this Article and/or the prohibition and/or correction of a violation of this Article and/or the abatement of any illicit discharge to the storm sewer system.

(d) The Town may bring legal action to enjoin a violation of this Article and the existence of any other remedy shall be no defense to any such action.

(e) In addition to any of the remedies set forth above, the Town may seek to impose, or have imposed by the appropriate authority, any of the remedies provided for by § 10.1-603.14, Code of Virginia (1950), as amended, which are incorporated herein by reference.

(f) In any court action that may result from enforcement of this Article, a judge hearing the case may direct the person responsible for the violation or the property owner to correct the violation and each day that the violation continues shall constitute a separate violation of this Article.

(g) Any person who knowingly makes any false statements, representations, or certifications in any record, report, or other document, either filed or requested pursuant to this Article, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required or used by the Town under this Article in monitoring discharges, shall be guilty of a violation of this Article.

(h) The remedies set forth in this Article shall be cumulative, not exclusive, and it shall be no defense to any action that one (1) or more of the remedies set forth in this Article has been sought or granted.

(Ord. 2007-5 of 11-6-07)

Sec. 10-66. Compliance with other laws and regulations.

This Article supplements the provisions of other federal, state, and Town laws, codes, ordinances, rules, and regulations and all applicable federal, state, and Town laws, codes, ordinances, rules, and regulations shall be complied with as well as the provisions of this Article.

(Ord. 2007-5 of 11-6-07)