

STATE OF SOUTH CAROLINA)	Ordinance to Adopt
)	Land Development Regulations
CITY OF GAFFNEY)	Chapter 19 of the Municipal Code
)	Ordinance No. 2013 - 6

WHEREAS, after due notice and advertisement on May 14 and 15, 2013, the City of Gaffney Planning Commission held a public hearing on June 11, 2013 for the purpose of receiving comments in regard to the proposed amendments to the Land Development Regulations of the City of Gaffney. Thereafter the Planning Commission submitted its report and recommendation to the City Council, recommending that amendments to the Land Development Regulations as presented be adopted, and

WHEREAS, in order to preserve, promote and protect the health, safety, and welfare of the community and to assure harmonious development of properties within the City of Gaffney in accordance with the Comprehensive Plan,

WHEREAS, City Council has determined that provisions of Chapter 19 of the Municipal Code relating to the adoption of Land Development Regulations should be included in the Municipal Code of the City of Gaffney;

NOW, THEREFORE:

BE IT ENACTED AND ORDAINED by the City Council of the City of Gaffney, South Carolina, in council assembled, that Chapter 19 of the Gaffney Municipal Code is hereby amended to add the following in its entirety to read and provide as follows:

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- Sec. 19-3. Definitions.
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- Sec. 19-5. Submission of plat to planning commission or staff; record; appeal.
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CHAPTER 19 LAND DEVELOPMENT REGULATIONS

ARTICLE 1. GENERAL PROVISIONS

Sec. 19-1. Statutory authority and jurisdiction.

This chapter is adopted pursuant to the authority granted by S.C. Code 1976 § 6-29-1110 et seq. The regulations contained in this chapter shall apply to all lands within the corporate limits of the City of Gaffney (i.e. City).

Sec. 19-2. Purpose.

The public health, safety, economy, good order, appearance, convenience, morals, and general welfare require the harmonious, orderly, and progressive development of land within the City of Gaffney. In furtherance of this general intent, the regulation of land development in the City is authorized for but not limited to, the following purposes:

- (a) To encourage the development of an economically sound and stable city;
- (b) To assure the timely provision of required streets, utilities, and other facilities and services to new land developments;
- (c) To assure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in and through land developments;
- (d) To assure the provision of needed public open spaces and building sites in new land developments through the dedication or reservation of land for recreational, educational, transportation, and other public purposes; and
- (e) To assure, in general, the wise and timely development of new areas, and redevelopment of previously developed areas in harmony with the comprehensive plan of the city.

State law references: Similar provisions, S.C. Code 1976, § 6-29-1120.

Sec. 19-3. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alley means a minor, permanent public service way, which is used mostly for a secondary vehicular service access to the back or the side of properties otherwise abutting a street.

Applicant means the owner of record or his designated representative.

Construction means any building or erection of a structure or any preparation for building or erection of a structure.

Cul-de-sac means a street having one end open to traffic and being permanently terminated within the plat by a permanent vehicular turnaround.

Developer means any person who acts in his own behalf, or as an owner or as an agent for an owner of property, or who makes application for the permit necessary to disturb land or vegetation.

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

Easement means a grant by the property owner of a strip of land for use by the public, a corporation or other person for specified purposes. No construction of any kind is permitted upon easements except that required in connection with the designated use.

Erosion means the movement of soil particles and/or aggregate by the action of water, wind, ice and gravity.

Flag Lot means an interior lot, located behind another lot that has a narrow strip of land that runs along one side of the front lot to provide access to the public street. A panhandle or pipe stem lot is considered a flag lot.

Grading means altering surfaces to specified elevations, dimensions and/or slopes; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof.

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

Land development means the changing of land characteristics through redevelopment, construction, subdivision into parcels, and similar developments for sale, lease, or any combination of owner and rental characteristics. This includes the combination or recombination of portions of previously platted lots.

Land disturbing activity means any use of the land by any person that results in a change in the natural cover or topography and that may cause or contribute to erosion.

Lot means a portion of a subdivision or other parcel of land having frontage on or access to a public street.

Owner means any person who owns a legal interest in the property or the person in legal control of the property.

Permit means the authorization to begin a specified activity.

Person means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of this state, any interstate body, or any legal entity.

Roadway means that portion of a street intended for the use of vehicular traffic.

Runoff means that portion of the precipitation falling on the land which reaches the drainage system.

Sediment means solid material, both mineral and organic, that:

- (a) Is in suspension;
- (b) Is being transported; or
- (c) Has been moved from its site of origin by air, water, ice or gravity as a product of erosion.

Setback line means that line which is parallel to and at a given distance from a boundary line of a lot or parcel of land and at such a minimum distance as is required by the Official Zoning Ordinance of the City of Gaffney.

Stormwater management and sediment control plan means a plan for the control of stormwater runoff, soil erosion and sedimentation resulting from a land disturbing activity.

Street means a dedicated and accepted public right-of-way for vehicular traffic. The following categories are definitions intended to distinguish between different categories of streets:

- (a) *Arterial streets* are streets of exceptional continuity that are intended to carry the greater portion of through traffic from one area of the city to another.
- (b) *Collector streets* are those streets that are neither arterial nor local streets. Their location and design are such that they provide access to or serve as routes connecting local streets between arterial streets.
- (c) *Local streets* are used primarily for providing the principal means of access to abutting property that are designed in such a way to restrict vehicles passing through the area with neither origin or destination within the area.

Subdivision means all divisions of a tract or parcel of land into two or more lots for the purpose of sale, transfer, or land development.

Sec. 19-4. Development plans to comply with regulations; filing with register of deeds.

No land development plan, plat, or document required by this chapter shall be approved by the Planning Commission or the designated staff representative unless it complies with the regulations of this chapter, as well as the City's Official Zoning Ordinance of the City of Gaffney. No plat within this jurisdiction may be recorded with the Register of Deeds Office, until the plat bears the stamp of approval and is properly signed by an authorized representative of the City. No building permits will be issued until the plat has been properly recorded. The submittal information and required documentation may vary from project to project. The Planning Commission and/or city staff have the authority to request specific information that is deemed necessary and appropriate for review prior to approval.

State law references: Similar provisions, S.C. Code 1976, §§ 6-29-1140, 6-29-1160.

Sec. 19-5. Submission of plat to planning commission or staff; record; appeal.

- (a) All plans or plats of any type which are required by this chapter shall be submitted to the designated staff, as otherwise required by the applicable article or division of this chapter. The Planning Commission or designated staff must take action on the properly submitted plans or plats within the required number of days of their submission. The time limit may be extended by mutual agreement.
- (b) The Planning Commission or designated staff shall maintain as a public record all actions on all plans and plats with the grounds for approval or disapproval and any conditions attached to the action.
- (c) Whenever staff action is authorized by the provisions of this chapter to approve or disapprove a land development plan or plat, the decision may be appealed to the Planning Commission by any party of interest. The Planning Commission shall act on the appeal within 60 days. An appeal from the decision of the Planning Commission may be taken to the circuit court within 30 days after

actual notice of the decision. Whenever actual notice is attempted by reasonable means but not achieved, notice by publication in a newspaper of general circulation in the city shall thereupon constitute actual notice under this section.

State law references: Similar provisions, S.C. Code 1976, § 6-29-1150.

Sec. 19-6. Approval not acceptance.

The approval of a land development plan, plat, easement, or like document shall not constitute or affect an acceptance by the city of any street, easement, or other ground shown upon the plat or plan. Public acceptance of any of the aforementioned items must be by action of the City Council.

State law references: Similar provisions, S.C. Code 1976, § 6-29-1170.

Sec. 19-7. Surety bond for completion of site improvements.

Whenever land development regulations under this chapter require the installation and approval of site improvements prior to approval of the land development plan or subdivision plat, or like document, for recording in the office of the Register of Deeds, the applicant may be required to post a surety bond, certified check, or other instrument readily convertible to cash. The surety must be in an amount equal to at least 125 percent of the cost of improvement. It is the responsibility of the applicant to substantiate the cost serving as a basis for the posted surety, and such responsibility shall be a continuing one throughout the project. The surety must be in favor of the city to insure that, in the event of default by the applicant, funds will be used to install the required improvements at the expense of the applicant or property owner, or both in the event they are different parties.

State law references: Similar provisions, S.C. Code 1976, § 6-29-1180.

Sec. 19-8. Transfer of title for property being developed.

No owner of property being developed may transfer title to any lots or parts of the development unless the land development plan, subdivision plat, or like document required under this chapter has been approved by the Planning Commission or the staff designated by this chapter and an approved plan or plat has been recorded in the Register of Deeds Office.

Sec. 19-9. Violation, penalties, remedies, and administrative enforcement.

A violation of any provision of this chapter is a misdemeanor, which is subject to prosecution in the municipal court. Any person convicted of a violation, or pleading guilty or nolo contendere, shall be subject to a fine, term of jail, or both as from time to time provided for convictions in municipal court. The City Administrator, City Attorney, or

City Council shall also be authorized to seek from a court of competent jurisdiction such remedies at law or in equity, specifically including but not limited to injunctive relief, as are appropriate to give effect to the purposes of this chapter. The designated staff responsible for issuing permits are specifically authorized to refuse issuance of permits or to issue stop work orders whenever any property owner, developer, or authorized representative for a land development project is not in compliance with the provisions of this chapter. The provisions of this section are in addition to, and not in lieu of, any other provisions on enforcement, penalties, and remedies contained in the specific articles of this chapter.

Sec. 19-10. Compatibility and conflict with other laws.

Whenever any provision of this chapter requires a more restrictive standard than another applicable provision of law, whether contained in this chapter or otherwise, or whenever some other provision or law requires a more restrictive standard than a provision of this chapter, then the more restrictive provision shall apply.

Sections 19-11 - - 19-30 Reserved.

ARTICLE II. SUBDIVISION REGULATIONS

Division 1. Administration.

Sec. 19-31. Designated Staff.

City staff of the Community Development Department shall administer this article.

Sec. 19-32. Procedures for subdivision approval.

(a) General

Any owner of land who intends to divide or resubdivide such land into two (2) or more lots for the purpose of either immediate or future sale or building development shall submit a plan of such proposed subdivision to the City for approval, and shall obtain such approval prior to the filing of the plat of his subdivision of land with the Office of the Register of Deeds. The information shall be presented in a manner specified in the following sections. No plat of the subdivision of land shall be filed or recorded by the Office of the Register of Deeds without the written approval of the City of Gaffney as specified herein.

(b) Minor Subdivision

Any subdivision that results in three (3) lots or less, where no flag lot is created, where no new streets or alleys are created, no changes are made to any right-of-way, and where no extension of utilities are required (except normal tap requirements), is considered a minor subdivision and may be approved by city staff, provided that the newly created lots meet all of the requirements of this section and the Official Zoning Ordinance of the City of Gaffney.

(c) Major Subdivision

Any subdivision that results in four (4) or more lots, or where a flag lot is created, or where new streets or alleys are created, or where changes are made to a right-of-way, or where extensions of utilities are required, is considered a major subdivision and must be approved by the Planning Commission prior to being recorded at the Register of Deeds Office.

The following procedure shall be implemented by the subdivider:

- (1) Consult with city staff concerning any questions relative to this chapter, the land being subdivided, or the subdivision practices and procedures. This consultation with staff may include a review of a preliminary sketch of the proposed layout of the subdivision and surrounding adjacent areas, showing how the subdivision relates to existing developments. This consultation should also include discussion concerning classification of the proposed streets and necessary easements, required improvements, etc. The overall design should be reviewed at this time for possible improvements.
- (2) Consult with the appropriate utility companies to determine the availability of the utilities and obtain their suggestions and comments as to the most appropriate layout of easements for such utilities. Consultation with the South Carolina Department of Transportation (SCDOT) may also be necessary if impacts are made to any state roads.
- (3) Complete and submit the preliminary plat, along with any required accompanying documents and fees in accordance with the regulations in this chapter, to city staff. Staff will process the completed information for the next available Planning Commission meeting agenda. The Planning Commission shall act on a preliminary plat within 60 days of the receipt of complete development plans or subdivision plats. Preliminary approval or denial of the subdivision plan shall be noted on the plat and certified by staff. Approval of a preliminary subdivision plat shall not guarantee approval of a final subdivision plat. Preliminary approval shall constitute approval of the proposed widths and alignments of streets and the dimensions and shapes of lots. The preliminary plat approval will become void after 24 months unless a final plat has been submitted for approval, or unless an extension of time is requested by the subdivider and granted in writing by the Planning Commission or staff.
- (4) After approval of the preliminary plat and prior to any land disturbance activities, the subdivider must apply for and obtain a site

grading/land disturbance permit with the City. Upon completion of any roadway improvement activities and subsequent inspection/approvals by city staff of the grade and alignment of the proposed streets, the installation of utilities may then be started according to the existing policy of the Gaffney Board of Public Works or other applicable utility provider.

- (5) The subdivider shall then prepare and submit a final plat of the subdivision upon fulfillment of the requirements of this chapter and the conditions of the preliminary approval, if any. No major subdivision shall be given final approval until all improvements have been installed and certification of their acceptability has been submitted to the Planning Commission by the appropriate agencies, or until the owner or his authorized agent shall have supplied a surety satisfactory to the City of Gaffney as valid and enforceable.

Sec 19-33. Plat submission for a minor subdivision.

(a) Procedure

The subdivider shall submit an application and the proposed subdivision plat to city staff. The plat will be reviewed to evaluate the adherence of the proposed subdivision to the standards of this chapter and the Official Zoning Ordinance of the City of Gaffney. Staff shall act on the request within fifteen (15) days after receipt thereof, and if approving, shall stamp the plat to indicate approval for filing within the Office of Register of Deeds; or if disapproving, shall express in writing their disapproval and their reasons therefore. Should the subdivider disagree with staff's decision on a subdivision request, the subdivider may appeal staff's decision to the Planning Commission.

(b) Requirements

A minimum of two (2) copies of the subdivision plat shall be submitted at a reasonable scale and shall include all requirements for a major subdivision [see Section 19-36(b)] that may be applicable. City staff will retain one copy of the plat, and the remaining copies will be returned to the applicant.

(c) Fee

The subdivider shall, at the time of submission of the subdivision plat, pay a filing fee to cover the administrative cost of processing and reviewing the subdivision. The fee for review of a minor subdivision is \$25.00. No part of the filing fee shall be returned.

Sec. 19-34. Preapplication review.

The purpose of the preapplication review is to afford the subdivider an opportunity to avail himself of the advice and assistance of the city staff by first submitting a simple sketch

plan of the proposed plat for review. This procedure is designed to facilitate the subsequent preparation and review of subdivision plats, but is not mandatory. This procedure does not require a formal application or fee. Submission of a preapplication review does not imply approval for subsequent submittals.

The sketch plan should show the tentative street layout, approximate street rights-of-way widths, lot arrangements, the location of the nearest water and sewer lines, water courses, drainage and utility easements, existing structures, total acres, approximate number of lots, adjoining streets, north arrow, tract boundary, proposed use of land, existing zoning, source and type of water supply and waste system proposed.

Sec 19-35. Plat submission for preliminary review of a major subdivision.

(a) Procedure

- (1) The subdivider shall prepare a preliminary plat and submit such plat to the city staff to be used for the purpose of determining the adherence of the proposed subdivision to design standards. An application requesting approval of the preliminary plat, together with copies of the plat and any required supplemental material, shall be submitted to the staff not less than fifteen (15) days prior to the meeting at which it is to be considered.
- (2) During the fifteen days prior to the Planning Commission meeting, the Zoning Administrator shall forward the plat to the offices of the City Engineer, Fire Marshal, and the Gaffney Board of Public Works for their review and comments. Their reports shall become an integral part of the application and shall certify compliance with or note deviations from the requirements of this ordinance and include comments on other factors, which bear upon the public interest.
- (3) The Planning Commission shall act on the preliminary plan within sixty (60) days after receipt thereof, and, if approving, shall indicate in writing, (1) the conditions of such approval, if any, (2) certification by the Planning Commission staff and, (3) the date on which the Planning Commission granted approval; or if disapproving, shall express in writing its disapproval and its reasons therefore.
- (4) Approval of the preliminary plat is conditional approval and does not constitute approval of the final plat. Preliminary plat approval shall be authorization for the subdivider to proceed with the implementation of the project, but shall not authorize the sale or transfer of lots. Approval of the preliminary plat shall become void unless installation of improvements is submitted for approval within 24 months of the date of said approval; provided, however, that the Planning Commission may waive this requirement and consent to an extension of said time period if requested in writing prior to the void date.

(b) Preliminary Plat Requirements

Twelve (12) copies on bond paper of the preliminary subdivision plan shall be submitted at a scale of not less than one inch to two hundred feet and shall include the following information:

- (1) Name and address of owner of record.
- (2) Proposed name of subdivision, date, north arrow, and graphic scale.
- (3) Name and seal of registered surveyor or civil engineer.
- (4) Name of municipality and county in which subdivision is located.
- (5) Vicinity map showing location of the subdivision.
- (6) Exact boundaries of the tract of land being subdivided, with bearings and distances.
- (7) All wooded areas, marshes, flood zones, and any other conditions affecting the site.
- (8) The location of existing streets, buildings, water courses, railroads, transmission lines, sewers, culverts and drainpipes, water mains, city limit lines, and any public utilities (e.g. fire hydrants) and utility easements on and adjacent to the tract being subdivided.
- (9) Should the Planning Commission or staff determine that the land to be subdivided warrants special consideration because of topographical or other conditions peculiar to the site, the subdivider shall then submit upon request, a topographic map at an interval deemed necessary by the Commission.
- (10) Proposed streets, alleys, sidewalks, fire hydrants, rights-of-way, and any proposed street names.
- (11) Proposed utility easement widths, and layouts of proposed water and sewer lines.
- (12) Proposed lot lines with bearings and distances, and lot and block numbers.
- (13) The minimum building setback lines as required by the Official Zoning Ordinance of the City of Gaffney.
- (14) Proposed use of lots, if known.
- (15) Site data:
 - i. Acreage in total tract.
 - ii. Acreage for each proposed lot.
 - iii. Total Number of proposed lots.
 - iv. Lineal feet in streets.
- (16) Preliminary plan for stormwater management and proposed storm drainage facilities.

(c) Fee

The subdivider shall, at the time of submission of the preliminary plat, pay a filing fee which is payable to the City of Gaffney to cover the administrative costs of processing and reviewing the preliminary and final plats. No part of the filing fee shall be returned. The fee for review of a major subdivision is \$100.00 plus \$15.00 per proposed lot.

Sec 19-36. Plat submission for final review of a major subdivision.

The final plat shall conform in all respects to the preliminary plat as previously approved, but shall incorporate all modifications required by the Planning Commission in its review of the preliminary plat. The Commission may, however, accept a final plat so modified as to reflect any substantial changes which have occurred on the site of the proposed subdivision or in its surroundings since the time of the preliminary plat approval. If the final plat and all supplementary data submitted comply with all the requirements pertaining to the particular subdivision being considered, the Planning Commission shall approve said plat. If the final plat is disapproved, the reasons for such action shall be stated in writing and forwarded to the subdivider. The procedure for obtaining final plat approval is as follows:

(a) Procedure

- (1) The subdivider shall submit to the Zoning Administrator, within 24 months of the date of preliminary plat approval, at least twelve (12) copies on bond paper of the final subdivision plan at a scale of not less than one inch to two hundred feet. These plans should include applicable certifications from the owner(s) and design professional (see Section 19-36.b.14).
- (2) The Zoning Administrator shall forward a copy of the plat to the offices of the City Engineer and Manager of the appropriate water and sewer utility provider for their review and certification, if approved.
- (3) The plat shall then be submitted to and checked by the Planning Commission for conformance with the approved preliminary plat and with the requirements of these regulations. The Planning Commission shall notify the subdivider in writing of any noncompliance with these regulations or any deviation from the approved preliminary plat which is found on the final plat, or submit a report to the City Council certifying compliance of the final plat with the requirements of these regulations, within sixty (60) days after submission of the final plat.
- (4) Upon approval and certification by the Planning Commission, the plat shall then be presented to the City Council for review. If approved, acceptance of all dedicated streets, easements, rights-of-way, public parks, and other public lands as shown on the plat shall be certified, and the plat shall be executed as required for recording by the Register of Deeds of Cherokee County. If disapproved, the reasons for disapproval shall be so stated and the plat shall be returned to the subdivider.
- (5) The approved final plat must be recorded by the subdivider with the Register of Deeds within six (6) months after approval by the City Council.

(b) Final Plat Requirements

The final plat shall be drawn on bond paper at a scale of not less than one inch to two hundred feet and shall conform substantially to the preliminary plat as approved. The final plat shall be prepared by a registered surveyor or civil engineer and shall show the following information:

- (1) Name and address of owner of record.
- (2) Name of subdivision, date, north arrow, and graphic scale.
- (3) Name and seal of registered surveyor or civil engineer.
- (4) Name of municipality and county in which subdivision is located.
- (5) Vicinity map showing location of the subdivision.
- (6) Boundaries of the parcel(s) subdivided, with bearings and distances.
- (7) Streets, alleys, sidewalks, rights-of-way, and street names.
- (8) Lot lines and lot and block numbers.
- (9) Minimum building setback lines.
- (10) Public spaces, if any.
- (11) Accurate description of the location of all survey monuments and markers.
- (12) Existing railroads, water courses, and city limit lines, if any.
- (13) Utility easements, widths, and layouts for:
 - (i) Water
 - (ii) Gas
 - (iii) Sanitary Sewer
 - (iv) Electrical Lines
 - (v) Storm water
- (14) Forms for Final Certification: The following certificates shall be lettered or rubber stamped on the final plat in such a manner as to insure that said certificates will be legible on any prints made therefrom:

(i) Certificate of Ownership and Dedication

I (We) hereby certify that I am (we are) the owner(s) of the property shown and described hereon and that I (we) hereby adopt this plan of subdivision with my (our) free consent, establish minimum building lines and dedicate all streets, alleys, walks, parks, and other sites to public or private uses as noted.

Date

Owner

Date

Owner

(ii) Certificate of Accuracy by the Design Professional

I hereby certify that the plans have been implemented in substantial accordance with the prepared drawings for the subdivision entitled _____.

Date

Registered Civil Engineer or
Registered Surveyor

(iii) Certificate of Approval of Streets and Stormwater System

I hereby certify that the streets and/or stormwater system have been satisfactorily installed or proposed for installation, in the subdivision entitled _____ and substantially meet the requirements in this ordinance.

Date

City Engineer

(iv) Certificate of Approval of Potable Water and Sewage Disposal System

I hereby certify that the potable water lines and the sanitary sewage disposal system have been satisfactorily installed, or proposed for installation, in the subdivision entitled _____.

Date

Manager of Utilities Dept.,
Gaffney Board of Public Works

(v) Certification of Approval of the Installation of Electrical Lines

I hereby certify that electrical lines have been satisfactorily installed, or proposed for installation, in the subdivision entitled _____.

Date

Manager of Utilities Dept.,
Gaffney Board of Public Works

(vi) Certificate of Approval by the Planning Commission

I, _____, Chairman of the Gaffney Planning Commission hereby certify that said Commission fully approved the final plat of the Subdivision entitled _____ on the ___ day of _____, 20 _____.

Chairman

(vii) Certificate of Approval for Recording and Acceptance of Dedications

I, the City Clerk of Gaffney, South Carolina do hereby certify that on the _____ day of _____ 20____, the City Council of the City of Gaffney accepted the dedication of the streets, easements, rights-of-way and public parks and other sites for public purposes as shown hereon.

Date

City Clerk

(Seal)

Sec. 19-37 – 19-60 Reserved.

Division 2. Required Improvements.

Sec. 19-61. Generally.

Every subdivider shall be required to install, or to have installed by the appropriate public utility, the improvements described in this division.

Sec. 19-62. Warranties.

As a condition of acceptance and maintenance by the City of a public street or right-of-way, all streets and improvements and acceptances thereto within the dedicated right-of-way in a subdivision shall carry a two-year warranty against failure due to quality of workmanship and materials. This warranty shall be provided by the developer in writing prior to final acceptance of the right-of-way by the City. A bond in the amount of ten percent of the construction cost may be required by the City for this two-year period.

Sec. 19-63. Streets.

All streets necessary to serve a proposed subdivision shall be installed by the subdivider in accordance with this chapter.

Sec. 19-64. Sidewalks and Multi-Purpose Paths.

Five-foot-wide sidewalks or City-approved multi-purpose paths are required on one side of any newly created street (except in areas where the development density, in terms of gross land area, does not exceed two parcels per acre with lots having a minimum of 100 feet of street frontage or more).

Sec. 19-65. Water supply.

Water facilities shall be installed and approved in accordance with the policies of the Gaffney Board of Public Works or other applicable utility provider.

Sec. 19-66. Fire hydrants.

Fire hydrants shall be installed at least every 500 feet commencing at the entrance on any new streets or roadways. The first hydrant will be located at each newly created entrance unless there is a hydrant on the existing road feeding the new development. If there is a hydrant on the existing road within 300 feet of the new entrance then this hydrant will be used to start the measurements for additional hydrants.

Sec. 19-67. Sanitary sewers.

Sewer facilities shall be installed and approved in accordance with the policies of the Gaffney Board of Public Works or other applicable utility provider.

Sec. 19-68. Storm drainage system.

Every new subdivision or land development shall be served by storm drainage facilities, including storm sewers, manholes, catch basins, culverts, ditches and other facilities as required by the city. All drainage facilities shall be designed to serve the entire drainage area in which the facilities are located. All street drains serving lots in the subdivision shall be installed by the developer. Whenever drainage ditches are used, such ditches shall retain natural design characteristics and be so designed that they do not present a hazard to life and safety.

Sec. 19-69. Stormwater facilities requiring maintenance.

Stormwater facilities, which are not within dedicated and accepted right-of-way and require perpetual maintenance, are to be circumscribed by a metes and bounds description for inclusion in either an easement or a nonbuildable lot. The intent of appropriate legal designation is to ensure that successors in title shall have reasonable notice of the facilities' purposes and maintenance provisions. The owner shall file for record, in the office of the Register of Deeds, covenants running with the land imposing the duty to maintain such structure or facilities.

Sections 19-70 Reserved.

Division 3. Design Standards.

Sec. 19-71. Generally.

The standards in this division shall be considered the minimum design standards for all plats which are required to be approved by the Planning Commission.

Sec. 19-72. Public streets.

The arrangement, character, extent, width, grade and location of all new streets are to conform to the design standards as established in this chapter and shall be considered in their relation to existing and planned streets, to topographical conditions, and to public convenience and safety, and in the appropriate relation to the proposed uses of the land to be served by such streets. All streets shall be designed and constructed in general accordance with South Carolina Department of Transportation's "Standard Specifications for Highway Construction", latest edition.

(a) *Relation to adjoining street system.*

- (1) The street layout of the proposed land development shall provide for the continuation or projection of streets and alleys already existing in areas adjacent to the area being developed. In addition, streets and alleys of the proposed development shall correspond in direction and width to existing streets and alleys to be continued.
- (2) The street system for the proposed development shall provide for extending an existing street at the same or greater width, but in no case shall a street extension be of less width than the minimum width required in this chapter for a street in its category.

(b) *Dead-end streets.* Where a land development contains a dead-end street for future continuation, other than a cul-de-sac, the developer is required to provide a temporary vehicular turnaround within the right-of-way.

- (c) *Right-of-way width.* Street right-of-way widths shall not be less than as follows:
- (1) Arterial streets: 100 feet.
 - (2) Collector streets: 60 feet.
 - (3) Local streets: 30 feet, or as required to accommodate appurtances.
 - (4) Cul-de-sac turnarounds: 60 feet.
 - (5) Alleys: 20 feet, or as required to accommodate appurtances.
- (d) *Paving width.* Minimum paving widths are as follows:
- (1) Arterial streets: 64 feet.
 - (2) Collector streets: 36 feet.
 - (3) Local streets: 24 feet.
 - (4) Cul-de-sac turnarounds (radius): 40 feet.
 - (5) Alleys: 20 feet.
- (e) *Dedication of additional right-of-way for existing streets.* Where a land development includes an existing street, the developer shall dedicate additional right-of-way on the existing street to meet the minimum street width requirements set out in this section.
- (f) *Street.* The following are maximum allowable street grades:
- (1) Arterial streets: Seven percent.
 - (2) Collector streets: Seven percent.
 - (3) Local streets: Ten percent.
 - (4) Alleys: 12 percent.
- (g) *Alignment.*
- (1) All changes in vertical grade shall be connected by vertical (crest-sag) curves of minimum length as approved by the City Engineer. In no case shall the vertical curve length be less than 100 feet. In approaches to intersections, there shall be a suitable leveling of the street at a grade not exceeding three percent for a distance of not less than 50 feet from the nearest line of the intersecting street.
 - (2) Local street lines within the block deflecting from each other at any one point more than five degrees, and collector and arterial streets containing any deflection angle, shall be connected by a curve with minimum centerline radii as follows:
 - (i) Arterial streets: 800 feet.
 - (ii) Collector streets: 450 feet.
 - (iii) Local streets: 200 feet.
 - (iv) Cul-de-sac: 100 feet.
- (h) *Street intersections.* Street intersections shall be at right angles if possible, and no intersection shall be at an angle less than 80 degrees.
- (i) *Pavement radius.* The pavement radius at street intersections shall be rounded by a radius of not less than 25 feet.

- (j) *Right-of-way triangle.* The right-of-way triangle is formed by the intersecting right-of-way lines and a straight line joining the right-of-way lines at points where the intersection of the right-of-way and straight line is 25 feet measured along both right-of-way lines from their point of intersection. Where the angle of intersection is less than 90 degrees, the engineering department may require a greater triangle.
- (k) *Street jogs.* Street jogs with centerline offsets of less than 125 feet for local streets and 200 feet for collector and arterial streets will not be permitted.
- (l) *Maximum length of cul-de-sac.* Cul-de-sac streets shall be designed so that the maximum length shall be 1,000 feet, including the circular turnaround.
- (m) *Half streets.* Half streets shall not be permitted. Where there exists a street width of less than the required minimum width adjacent to or within the land to be developed, the developer shall complete the street or easement and dedicate that portion necessary to increase the width to the required minimum width.
- (n) *Reserve strips.* Reserve strips controlling access to streets, alleys or public grounds shall not be permitted unless control is placed in the jurisdiction of the City and/or under conditions meeting the approval of the City Planning Commission.
- (o) *Utility easements.* The necessary easements for utilities shall be provided along the rear and/or the side of lot lines. Utility easements shall be provided in all subdivisions in such a manner that future water and gas installations will be closed systems. Where sanitary sewer is not available, the necessary easements for future installation will be provided as required by the City.
- (p) *Street name signs.* All street name signs on public and private streets shall meet local, state, and federal design requirements.

Sec. 19-73. Blocks.

- (a) *Generally.* The length, width and shape of all blocks shall be determined with due regard to:
 - (1) Provision of adequate building sites suitable to the special needs of the types of use contemplated.
 - (2) Zoning requirements as to lot size and dimensions, unless a planned development is contemplated.
 - (3) Needs for convenient access, circulation, control and safety of street traffic.
 - (4) Limitations and other opportunities of topography.
- (b) *Length.* In general, residential blocks should not be greater than 1,800 feet in length or less than 600 feet in length. In blocks over 1,000 feet long, the

Planning Commission may, when existing or proposed public gathering places so justify, require public crosswalks within the block.

- (c) *Width.* Residential blocks should be wide enough to provide two tiers of lots, except where a single tier of lots will facilitate nonresidential development or the separation of residential development from traffic arteries.

Sec. 19-74. Lots.

All lots shall meet the lot width, depth, and area requirements of the Official Zoning Ordinance of the City of Gaffney.

Sec. 19-75. Private roads.

- (a) Private roads may be permitted, provided they meet all requirements of this chapter. Subject to the conditions of subsection (b), no private road shall have the effect of terminating or unduly impeding the pre-existing flow of traffic on existing public streets with which they intersect.
- (b) When the utilization of private roads is projected to cause an increase in the volume of traffic on existing public streets, the resulting increase in volume shall not be a basis for the denial of private roads, provided the resulting impact of traffic on public streets is not unduly burdensome or a threat to public safety in view of standards and practices otherwise adhered to in the city. The city, at its sole discretion, may request any form of documentation to show compliance with this section.
- (c) The city shall be authorized to make inspections during and following construction of private roads for compliance with the provisions of this section.
- (d) All liability, maintenance, and upkeep of the travel surface, road bed, adjacent shoulders, related drainage system, as well as all incidental utility easements, facilities, and structures, if any, shall be the responsibility of the owners of parcels of property fronting on or directly serviced by the private streets, or the responsibility of a property owners association. The developer shall have the responsibility of submitting for Planning Commission approval the satisfactory means of achieving this requirement.
- (e) The final plat on which a private road is established must contain the following statement:
"Each owner of property shown on this plat is provided access to a public street by a private road in which each property owner has an undivided interest of access. The same owners shall be responsible for the maintenance and repair of the private road. Approval of the plat by the City through its authorized representatives does not constitute a representation that the road,

drainage system or other infrastructure is actually constructed as shown on the plat, or that the roads and infrastructure meet the design standards certified to by the design engineer. The city in its sole discretion may accept, in whole or in part, a private road and related infrastructure into its system of public streets. However, no private road or infrastructure will be accepted or maintained as a public right-of-way until such time as it meets minimum city street standards then in effect for streets and drainage."

- (f) Design standards. Unless specifically exempted by this section, design standards for private roads shall be the same as for public streets as provided in this chapter.
 - (1) Minimum paving width for low-density private roads shall be 22 feet, not inclusive of cul-de-sac turnarounds.
 - (2) The City Engineer may require the posting of signs and installation of safety devices as a condition of approval.
 - (3) All private roads, regardless of paved width, shall be contained within an appurtenant utility easement at least 30 feet in width.

Sections 19-76 - - 19-80. Reserved

ARTICLE III. STREET NAMES AND PROPERTY ADDRESSING

Division 1. Street Name Procedures.

Sec. 19-81. Approval of street names.

The Planning Commission shall, by proper certificate, approve and authorize the name of a street or road laid out within the city. It is unlawful for a person, in laying out a new street or road, to name a street or road on a plat, by a marking or in a deed or instrument without first obtaining approval from the Planning Commission. The owners and occupants of real property within the city shall use the correct street names as approved or as designated by official acts of the Planning Commission. Any person violating this provision is guilty of a misdemeanor and, upon conviction, will be punished in the discretion of the court.

Sec. 19-82. Changing street names.

- (a) The Planning Commission may, after reasonable notice through a newspaper having general circulation in the city, change the name of a street or road within the corporate limits of the city:

- (1) When there is duplication of names or other conditions which tend to confuse the traveling public or the delivery of mail, orders, or messages;
 - (2) When it is found that a change may simplify marking or giving directions to persons seeking to locate addresses; or
 - (3) Upon any other good and just reason that may appear to the Commission.
- (b) If a name is to be changed, after reasonable opportunity for a public hearing, the Planning Commission shall issue its certificate designating the change, which must be recorded in the Register of Deeds Office, and the name changed and certified is the legal name of the street or road.

Sec. 19-83. Street naming requirements.

- (a) The following shall be used in approving a new street name:
- (1) A new street name can have a maximum of 16 characters within the “legend” [excluding the suffix (St./Ave.) but including any prefix (East/West)].
 - (2) Street names should typically be words; however, a maximum of three initials is allowed for a new street name (“W C Smith” would be allowed but “W ABC Smith” would not. Also, “A B C D E Street” would not be allowed).
 - (3) A maximum of three spaces are allowed within the “legend” of a new street name (‘La De Da Da’ would be allowed but ‘E. La De Da Da’ would not).
 - (4) All street names that contain numbers must be spelled out (example: Sixth Street, not 6th Street).
 - (5) Prefixes indicating direction should reflect the correct orientation of the street (example: the name “North Bridge Road” would not be permitted if the road runs east to west).
 - (6) Similar names are allowed (example: Parkins Lake Road, Parkins Mill Road).
 - (7) The same name with different prefixes is allowed (example: Buford Street, Old Buford Street).
 - (8) No duplicate names are allowed.
 - (9) No phonetically similar names are allowed (example: Gayle Road, Gail Road, Gale Road).
 - (10) No street name may be duplicated by using a different suffix (example: Oak Drive, Oak Circle, Oak Lane).
 - (11) No street name may be duplicated by combining two words into one word (example: Oak Crest Court, Oakcrest Court).
 - (12) No street name may be duplicated by separating one word to make two words (example: Oakland Avenue, Oak Land Avenue).
 - (13) The same street name should not be used when a gap exists between the two pavements in questions.
 - (14) Street name signs shall be white letters on green background unless otherwise approved by the City.

- (b) The following suffixes should be used for approving street name types (examples: street, road, lane, circle, etc.):
- (1) All dead-end streets shall use one of these suffixes: court, way, place, trail, terrace or lane.
 - (2) Circle may only be used as the suffix when the street's beginning and ending intersection is the same adjacent street.
 - (3) Boulevard may only be used as the suffix when the street has four or more lanes and a length of greater than 1,000 feet.
 - (4) Through streets or streets connecting through streets may not use these suffixes: court, way, place, trail, terrace or lane.
 - (5) Avenue, street, road and drive may be used as the suffix of any street, except dead-end streets.

Sec. 19-84. Private drives and streets may be named.

Private drives and private roads may be named, provided the street name is approved by the Planning Commission. All street name restrictions that apply to public streets also apply to private drives and private roads. A legal address will be assigned on this drive or road only if it is the primary emergency access route for a structure, has a pavement width of 22 feet or greater, and, if applicable, has a cul-de-sac radius of 40 feet or greater. The construction of these drives must be approved by the City Engineering department.

Division 2. Property Addressing.

Sec. 19-85. All buildings to be numbered.

All city approved dwellings, stores, places of business, and principal buildings on any street in the city shall be numbered in the manner provided in this article.

Sec. 19-86. Base and division lines for addressing.

The City will assign addresses using a numbering system for each street as follows:

- (a) Limestone Street (north and south) and Buford Street (east and west) are used as base lines for the address numbering system.
- (b) Numbers will be assigned off the base streets on a block-by-block basis.
- (c) Within each block numbers will be assigned in increasing order from the base streets. Numbers will be assigned taking into consideration existing number assignments and future development.

- (d) Each principal building may be assigned a number at the discretion of the city. Where a building is divided into separate units, the property owner will designate the subunits by alphabetical letters or other acceptable means to the city.

Sections 19-87. Placement of numbers; size.

- (a) When each house or building has been assigned its respective number or numbers, the owner, occupant, or agent shall place or cause to be placed upon the house or building a number or numbers assigned under the uniform system as provided in this article.
- (b) The cost and installation of the numbers shall be the responsibility of the property owner. Residential and business numbers shall not be less than four (4) inches in height. The numbers should use Arabic numerals or the English alphabet. Numbers shall be made of a durable, clearly visible material and shall be in contrast to the color of the building.
- (c) Numbers shall be put in a conspicuous place near the common entrance to the building so that the number is clearly visible from the street line. In cases where the building is situated more than fifty (50) feet from the street line, or where the address numbers are not clearly visible from the street line, the building number shall be placed on the structure and near the common entrance to the building or upon the mailbox, gatepost, fence, curb, or other appropriate place so as to be clearly visible from the street line.
- (d) It shall be unlawful to tamper with or remove such numbers in such manner that the numbers are not legible to persons traveling along the sidewalk or roadway in front of such building. Should a change of numbers become necessary, this section shall apply to the new numbers assigned. It shall be unlawful for any person to fail, neglect or refuse to comply with this section.

Sec. 19-88. Duty of the property owner to apply for numbers; Assignment by City Engineer.

- (a) In the case of all new construction, it shall be the duty of the property owner to apply to the City Engineer or his designee for assignment of a number for each building or lot. It shall be the duty of the City Engineer to assign or cause to be assigned to the owner of each building or lot the proper number, and the City Engineer shall inform the owner, agent or person in possession of the premises as to the number assigned.
- (b) No building permit shall be issued for any house or building until the owner has properly obtained the assigned number or numbers.

- (c) Final approval of any house or building erected, repaired, altered, or modified shall be withheld by the City Building Official until permanent and proper numbers have been attached or fastened to said structure in compliance with the provisions of the article.

Sec. 19-89. Changing Numbers.

Where any house or building shall have been numbered or renumbered in accordance with this article, such number shall not be changed or altered without the consent of the City Engineer or his designee.

Sec. 19-90. Adjustments and reassignment.

In any case where numbers have been assigned on any street in pursuance of this article, it shall be the duty of the City Engineer or his designee thereafter to adjust and reassign such numbers as the same may be required from time to time. In any case where there is a mistake or conflict in numbers, the City Engineer or his designee is hereby authorized to make proper adjustment of the same.

Sections 19-91 – 19-180. Reserved.

ARTICLE IV. SOIL EROSION, STORMWATER MANAGEMENT AND FLOOD PROTECTION

Division 1. Designing and Permitting of Stormwater Management Systems.

Sec. 19-181. Purpose of division.

The purpose of this division is to protect, maintain and enhance the public health, safety and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased stormwater runoff associated with both future land development and existing developed land within the city.

Sec. 19-182. Authority.

The authority and direction for this division are contained in Act No. 194 of the Acts and Joint Resolutions of 1971 enacted by the General Assembly of the State of South Carolina, approved April 23, 1971.

Sec. 19-183. Scope of division.

The provisions of this division impose requirements on any person, unless specifically excluded, who engages in land disturbing activities. These requirements include the planning and implementation of effective temporary and permanent control measures to prevent accelerated erosion and sedimentation, as well as the appropriate stormwater management measures that control or manage runoff.

Sec. 19-184. City Engineer.

The City Engineer or his designee shall administer the provisions of this article.

Sec. 19-185. Land disturbance permit required; exceptions, fees.

- (a) The surface of land in the city shall not be disturbed or altered for any purpose until a land disturbance permit is issued by the City to the person responsible for such construction. No permit shall be issued until the applicant has submitted evidence of approval by the City Engineer and South Carolina Department of Health and Environmental Control (SCDHEC).
- (b) Exclusions are as follows:
 - (1) Agricultural land management and agricultural practices, or the construction of on-farm buildings and structures less than one acre in size used in a farming operation, provided that such practices or structures do not materially impede the runoff capability of the existing drainage channels.
 - (2) Construction or land improvement of single-family residences, one duplex dwelling or their accessory buildings which are separately built and not part of a multiple construction, and not located within the designated 100-year floodplain, provided that such construction does not materially impede the runoff capability of the existing drainage channels and does not disturb more than one acre.
 - (3) Mining and mineral resource extraction operations conducted in accordance with a valid mining permit issued by the mining and reclamation division of the state, provided that such construction does not materially impede the runoff capability of the existing drainage channels.
 - (4) Land disturbing activities undertaken on forest land for the production and harvesting of timber and timber products.
 - (5) Emergency repairs or maintenance of existing utilities and facilities which require ground to be broken.
 - (6) Construction activities by the SCDOT within their right-of-way.
 - (7) Activities relating to the routine maintenance and/or repair or rebuilding of the tracks, rights-of-way, bridges, communication

facilities and any other related structures and facilities of a railroad company.

- (8) Minor land disturbing activities, as determined by the City Engineer, that would not violate the integrity of this chapter.
 - (9) Land disturbing activities that are conducted under a federal environmental permit, license or certification, conditioned on compliance with the minimum standards and criteria developed under this chapter.
 - (10) Certain activities undertaken within public rights-of-way by utility providers that are not substantial land disturbing activities and are not intended to be regulated by this chapter.
- (c) Fees for land disturbance permits and plan review fees shall be approved by City Council.

Sec. 19-186. Issuance of land disturbance permit; conditions.

- (a) *Application.* All applications for land disturbance permits shall be submitted to the appropriate city building and zoning department for processing and permit issuance. Applications for permits shall be accompanied by at least three copies of the applicant's stormwater management and sediment control plan, as well as a copy of SCDHEC's approval of said plan.
- (b) *Approval or denial; resubmission; suspension, revocation or modification; expiration.*
 - (1) *Approval.* If the submittal conforms to the administrative requirements of this chapter, the City Engineer or his designated representative will review the plan within 10 working days. If the City Engineer approves the plan, the building department shall issue an approval letter to the applicant.
 - (2) *Denial.* If the submittal does not conform to this chapter, the application will be denied, and written notification of such, indicating the reason for denial, shall be forwarded to the applicant.
 - (3) *Suspension, revocation or modification.* The permit may be suspended, revoked or modified by the city upon finding that the holder is not in compliance with this chapter.
 - (4) *Expiration of approval.* Approved plans remain valid for six months from the date of approval, unless otherwise extended.
- (c) *Extension of time for completion of work.* If the applicant is unable to complete the work within the time specified in the permit and plan, he may, prior to the expiration of such time, present in writing to the City Engineer a request for an extension of time, setting forth the reasons for the requested extension and the estimated completion date. The City Engineer shall have the authority to grant the request for an extension, if good cause is shown and the integrity of this chapter would not be violated by such extension.

- (d) *Responsibilities of applicant.* During any land disturbing operation the applicant shall be responsible for carrying out the proposed work in accordance with the permit, approved plan, specifications and time schedule, and in compliance with all the requirements of this chapter.

Sec. 19-187. State requirements.

The S. C. Stormwater Management and Sediment Reduction Act (R.72-300) requires the person responsible for any land disturbing activity to submit a stormwater management and sediment control plan meeting the requirements of R.72-300. This State regulation contains specific design criteria, technical standards and specifications among other requirements for approval of site construction plans.

In addition to R.72-300, all projects that disturb one (1) acre or more are subject to the requirements of the NPDES General Permit for Stormwater Discharges from Large and Small Construction Activities (CGP). The NPDES requirements, SCR100000, focus on developing and implementing Stormwater Pollution Prevention Plans (SWPPPs). An application called a Notice of Intent (NOI) is required by SCDHEC from stormwater dischargers prior to being granted coverage under the permit. Guidelines for design principles for sedimentation and erosion control are set forth in SCDHEC manuals and handbooks.

Sec. 19-188. Implementation and maintenance of control measures.

- (a) *Implementation of control measures.*
 - (1) No clearing, grading, excavation, filling or other land disturbing activities shall be allowed until approved erosion and sediment control measures have been installed, except those operations needed to install such measures.
 - (2) These erosion and sediment control measures shall apply to all features of the construction site, including but not limited to street and utility installations, drainage facilities and other temporary and permanent improvements. Measures shall be installed to prevent or control erosion and sediment pollution during all stages of any land disturbing activity.
- (b) *Maintenance of control measures.* Maintenance of all soil erosion and sedimentation practices, whether temporary or permanent, shall be at all times the responsibility of the applicant.

Sec. 19-189. Inspections and enforcement.

- (a) The City Engineer or his designee shall periodically inspect the sites of land disturbing activities for which permits have been issued under this chapter.

- (b) The City Engineer shall determine if the activities are being conducted in accordance with the approved plan and if the measures required in the plan are effective in controlling erosion and sedimentation according to the best management practices.
- (c) If, through inspection, it is determined that a person engaged in land disturbing activities has failed to comply with an approved plan, a written notice of violation may be served upon that person and an immediate stop work order may be issued. The notice shall set forth the measures necessary to achieve compliance with the plan. Correction of these violations must be started immediately.
- (d) If it is determined that a person engaged in land disturbing activities has failed to obtain a proper land disturbance permit, an immediate stop work order shall be issued. Temporary sediment control measures shall be taken as approved by the City Engineer until the person engaged in the land disturbing activity has applied for a permit and submitted the required plans for review by the City Engineer. When work has begun prior to submitting and receiving an approved permit, the permit shall be subject to a double fee.
- (e) The City Engineer shall conduct such inspections at a frequency he deems necessary to carry out his duties as prescribed in this chapter. For this purpose, the City Engineer may enter any property, public or private, for the purpose of investigating and inspecting the sites of land disturbing activities.
- (f) No person shall refuse entry or access to the City Engineer when he requests entry onto the property for purposes of inspection and presents appropriate credentials. No person shall obstruct, hamper or interfere with the actions of the City Engineer while he is in the process of carrying out his official duties.
- (g) If any person fails to comply with the requirements of this division, he shall be deemed in violation and shall be subject to civil penalty.

Sec. 19-190. Ownership of facilities.

Any stormwater management facility, or components of a facility, which are on private property shall be privately owned and maintained. Stormwater management facilities shall be owned and/or maintained by the City only if on city-owned property, on city right-of-way, or accepted for maintenance by the City Council.

Sec. 19-191. Civil penalty.

Any person who violates any provision of this division or any part thereof, including failing to stop work upon order, or initiates or continues a land disturbing activity for which a stormwater management and sediment control plan is required except in accordance with the terms, conditions and provisions of an approved plan, is subject to a

civil penalty as determined by the court system. Each day of violation is subject to a separate offense.

Sec. 19-192. Conflicting regulations.

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

Sec. 19-193. Liability for damages.

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

Secs. 19-194--19-250. Reserved.

Division 2. Construction and Maintenance of Stormwater Management Systems.

Sec. 19-251. Purpose of division.

- (a) Improper construction and maintenance of stormwater management systems may result in system failures which cause soil erosion and downstream flooding. Because of the potential endangerment to life, health and property and the inconvenience to the general public, such improper construction and maintenance is declared to be a public nuisance.
- (b) The purpose of this division is to ensure proper construction and maintenance of stormwater management systems and to ensure that these systems are built and maintained in accordance with the approved plan.

Sec. 19-252. Conformance with approved plans.

All stormwater management systems must be constructed and installed in accordance with the design and in the time schedule approved by the City Engineer.

Sec. 19-253. Maintenance standards.

Proper maintenance includes the prevention of deterioration in the stormwater management system and the repair or replacement of failed system components. Proper maintenance shall include, but not be limited to:

- (a) Fertilization and vegetative practices, as well as cutting and/or spraying with an approved herbicide to remove undesirable vegetation.
- (b) Removal of all foreign materials from the system.
- (c) Maintaining a slope of no less than 0.5 percent on the bottom of retention and detention ponds for positive drainage.
- (d) Removal of all depressions in a normally dry detention facility where water might pocket when the water level is receding.
- (e) Removal of silt from the system if:
 - (1) The primary outlet capacity is reduced by 25 percent of the maximum design discharge; and/or
 - (2) The storage volume is reduced by 25 percent of the design storage volume.
- (f) Using an aquatic weed control program in permanently wet structures to prevent an overgrowth of vegetation in the pond. Manual harvesting is preferred. Fish may be stocked in permanently wet retention ponds.
- (g) Repair of erosion or other damage.
- (h) Any other maintenance-related item that allows the proper functioning of the system.

Sec. 19-254. Temporary use of detention pond as sediment control basin.

During construction, a detention pond may also serve the dual role of a sediment control basin. In such instances, it must be clearly indicated on the stormwater management and sediment control plan submitted to the City Engineer.

Sec. 19-255. Maintenance during construction.

The responsibility for maintenance of the stormwater management system during construction activities shall begin upon the issuance of a land disturbance permit.

Sec. 19-256. Maintenance covenants.

For stormwater management systems which have facilities that require long-term and/or perpetual maintenance, the owner shall file for record, in the office of the Register of Deeds, covenants running with the land imposing the duty to maintain such facilities. Failure to comply with the maintenance covenants shall constitute a public nuisance. The city may notify the owner of conditions needing correction, may require that the owner take such action as is necessary to correct the conditions, and if the conditions are not corrected may have city employees or a person employed for that purpose enter upon the property to correct the conditions. The cost of such action shall become a lien upon the real estate and shall be collectable in the same manner as municipal taxes.

Sec. 19-257. Modification of system.

No stormwater management system required by the city may be modified or altered in any way without prior written approval from the City Engineer.

Secs. 19-258—19-320 Reserved.

Division 3. Flood Protective Areas.

See Appendix B (Flood Damage Prevention) of the City Codes for requirements within floodplain areas.

Secs. 19-321--19-350. Reserved.

If any provision of the within Ordinance 2013-6 should conflict with or be contradictory to the provisions of any previously adopted Ordinance, the provisions of the within Ordinance 2013-6 shall prevail.

Except as amended herein the provisions of Chapter 19 of the Gaffney Municipal Code shall remain in full force and effect.

RATIFIED and ADOPTED in Council duly assembled this 2nd day of December, 2013

Henry L. Jolly
MAYOR

ATTEST:

James R. Taylor
City Administrator

First Reading: July 1, 2013

Second Reading: December 2, 2013