

**ORDINANCE AMENDING AND REENACTING SECTION 19 OF THE STORM WATER  
MANAGEMENT AND SURFACE WATER DISCHARGE CONTROL ORDINANCE**

Be it **ORDAINED** by the Council of the City of Williamstown that Section 19 of the Storm Water Management and Surface Water Discharge Control Ordinance be amended and reenacted as set forth on the attachment hereto.

Adopted this 6<sup>th</sup> day of December, 2016.

  
CITY CLERK

PROPOSED AMENDMENTS TO STORM WATER MANAGEMENT AND SURFACE WATER  
DISCHARGE CONTROL ORDINANCE

*It is proposed to replace the language of Section 19 with the following title and text:*

**Section 19. New Property Development and Redevelopment.**

(a) The requirements and standards of this section shall apply to all new development and redevelopment projects of properties including those defined as storm water hot spots. The intent of these regulations is to minimize the discharge and transport of pollutants to storm drain systems and prevent the deterioration of water quality. This program shall be applied to all sites that disturb a land area of one acre or greater, including projects involving an area of less than one acre that are part of a larger common plan of development or sale.

(b) The site design standards shall include managing the first 1-inch of rain falling in a 24-hr. storm that immediately follows a period of 48 hours without rain. Site design parameters for all new development and redevelopment projects that require management measure(s), in combination or separate, to retain and manage on-site the first 1-inch of rainfall may include any variety of guidelines as indicated in the latest issue of the WV Department of Environmental Protection's *West Virginia Stormwater Management & Design Guidance Manual* or the alternative approaches contained in the WVDEP Division of Water and Waste Water NPDES General Permit.

(1) Alternative approach(es) to that of retaining 100 percent of the first 1" of rainfall mentioned above are listed in the WV/NPDES General Water Pollution Control Permit No. WV0116025 issued July 22, 2009, including any subsequent revisions, and include engineered infiltration, payment in lieu of on-site retention, off-site mitigation, or other approved alternate means. Acceptable plans shall incorporate the use of any variety of guidelines or BMPs as indicated in the latest issue of the WV Department of Environmental Protection's *West Virginia Stormwater Management & Design Guidance Manual*.

(c) All new development and redevelopment projects within the City watershed shall include storm water management plans and comprehensive drainage plans including existing and proposed site slopes and grades as described in this section. They shall also include, as applicable to the new development or redevelopment project, the six watershed protection elements as listed below. These plans shall be subject to the review and approval of the Utility or its designated representative.

(1) Methods to be employed to minimize impervious surfaces. Submitted application information shall include a process to reduce impervious surfaces in the development or redevelopment plans. Acceptable plans shall incorporate the use of any variety of guidelines or BMPs as indicated in the latest issue of the WV Department of

Environmental Protection's *West Virginia Stormwater Management & Design Guidance Manual*.

(2) Methods to be employed to preserve ecologically sensitive areas. Submitted application information shall include a means to buffer ecologically sensitive areas in the development or redevelopment plans. Acceptable plans shall incorporate the use of any variety of guidelines or BMPs as indicated in the latest issue of the WV Department of Environmental Protection's *West Virginia Stormwater Management & Design Guidance Manual*.

(3) Methods to be employed to reduce thermal impacts. Submitted application information shall include a process to reduce thermal impacts to streams by including in development or redevelopment plan designs that minimize the area of connected impervious cover flowing to the MS4. Acceptable plans shall incorporate the use of any variety of guidelines or BMPs as indicated in the latest issue of the WV Department of Environmental Protection's *West Virginia Stormwater Management & Design Guidance Manual*.

(4) Methods to be employed to reduce or avoid hydromodification. Submitted application information shall include a process to reduce or avoid hydromodification of streams in the development or redevelopment plans. Acceptable plans shall incorporate the use of any variety of guidelines or BMPs as indicated in the latest issue of the WV Department of Environmental Protection's *West Virginia Stormwater Management & Design Guidance Manual*.

(5) Methods to be employed for tree protection. Submitted application information shall include in the development or redevelopment plans a requirement to replace trees removed during construction or addition of trees post construction. Acceptable plans shall incorporate the use of any variety of guidelines or BMPs as indicated in the latest issue of the WV Department of Environmental Protection's *West Virginia Stormwater Management & Design Guidance Manual*.

(6) Methods to be employed for protection of native soils and prevention of compaction of soils. Submitted application information shall include in the development or redevelopment plans guidelines for topsoil replacement after construction. Acceptable plans shall incorporate the use of any variety of guidelines or BMPs as indicated in the latest issue of the WV Department of Environmental Protection's *West Virginia Stormwater Management & Design Guidance Manual*.

(d) Storm water hot spots are new development or redevelopment projects that pose a potential for storm water discharges from land uses or activities with a high potential for pollutant loadings (Hot Spots) and require the use of water quality treatment practices prior to infiltration or discharge. These practices shall be designed for the specific pollutant and source while conforming with the requirements of the West Virginia Department of Environmental Protection and the United States Environmental Protection Agency.



(1) A project that is a potential Hot Spot, as discussed further herein, that cannot meet water quality treatment requirements with on-site controls must properly convey or transport, via a licensed waste hauler, storm water to an accepting NPDES-permitted wastewater treatment facility or a permitted treatment and disposal facility.

(2) A Stormwater Pollution Prevention Plan (SWPPP) if required by the WV Department of Environmental Protection shall be provided for all new or redeveloped storm water Hot Spots.

(3) Potential Stormwater Hot Spot land uses are as follows:

- Facilities with NPDES industrial permits
- Public works yard
- Auto and metal recyclers/scrap yards
- Petroleum storage facilities
- Highway maintenance facilities
- Wastewater, solid waste, composting facilities
- Industrial machinery and equipment
- Trucks and trailers
- Aircraft maintenance areas
- Fleet storage areas
- Parking Lots (40 or more parking spaces)
- Fuel Dispensing Stations
- Heavy equipment storage yards
- Vehicle/Equipment dealers
- Convenience stores
- Vehicle maintenance facilities
- Car washes (unless discharged to sanitary sewer)

100

100

100

AN ORDINANCE TO ADOPT THE CODIFIED ORDINANCES; TO ADOPT NEW MATTER; TO REPEAL ORDINANCES IN CONFLICT THEREWITH; AND TO DIRECT THAT THE STATUTORY REQUIREMENTS FOR THE CODIFICATION OF ORDINANCES BE COMPLIED WITH.

WHEREAS, the Council of the City of Williamstown, West Virginia has deemed it necessary to recodify the City ordinances of a permanent and general nature;

WHEREAS, it has heretofore entered into a contract with Walter H. Drane Company to prepare and publish such codification;

WHEREAS, the recodification of such ordinances, together with the new matter to be adopted, the matters to be amended and those to be repealed are before the Council;

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF WILLIAMSTOWN:

Section I: The ordinances of the City of Williamstown, West Virginia, of a general and permanent nature, as revised, codified, rearranged and consolidated into component codes, chapters, articles and sections are hereby approved, adopted and enacted as the Codified Ordinances of Williamstown, West Virginia, 2016.

Section II: Pursuant to West Virginia Code 8-11-4(b):

- (a) Notice of the proposed adoption of the Codified Ordinances shall be given by publication as provided in West Virginia Code 8-11-4(a)(2);
- (b) Through authentication of this Ordinance the Mayor shall certify the 2016 Williamstown Codified Ordinances which shall be filed as a permanent record in the office of the City Clerk.

Section III: The provisions of this Ordinance, including all provisions of the Codified Ordinances, shall be in full force and effect as provided by law. All ordinances and resolutions or parts thereof enacted prior to January 1, 2016, which are inconsistent with any provision of the Codified Ordinances, are hereby repealed as of the effective date of this Ordinance except as follows:

- (a) The enactment of the Codified Ordinances shall not be construed to affect a right or liability accrued or incurred under any legislative provisions prior to the effective date of such enactment, or an action or proceeding for the enforcement of such right or liability. Such enactment shall not be construed to relieve any person from punishment for an act committed in the violation of any such legislative provisions, nor to affect any indictment or prosecution therefor. For such purposes, any such legislative provisions shall continue in full force notwithstanding its repeal for the purpose of revision and codification.

- (b) The repeal provided above shall not affect:
- (1) The grant or creation of a franchise, license, right, easement or privilege.
  - (2) The purchase, sale, lease or transfer of property.
  - (3) The appropriation or expenditure of money or promise or guarantee of payment.
  - (4) The assumption of any contract or obligation.
  - (5) The issuance and delivery of any bonds, obligations or other instruments of indebtedness.
  - (6) The levy or imposition of taxes, assessments or charges.
  - (7) The establishment, naming, vacating or grade level of any street or public way.
  - (8) The dedication of property or plat approval.
  - (9) The annexation or detachment of territory.
  - (10) Any legislation enacted subsequent to December 31, 2015

Section IV: This ordinance shall become effective from and after its date of passage.

  
\_\_\_\_\_  
MAYOR

  
\_\_\_\_\_  
CLERK

First Reading: 2/2/16

Second Reading and Adoption: 2/16/16