

Section 17 - Permanent Stormwater Quality Maintenance

(orig. 7-11-06; am. 4-20-10; am. 6-1-19)

A. Purpose

The purpose of this section is to the extent practicable:

1. Protect and restore the water quality in the County's drainageways and surface waters. (orig. 7-11-06; am. 6-1-19)
2. Protect life, property, and the environment from loss, injury, and damage by structural and non-structural stormwater quality control measures that are not maintained or functioning. (orig. 7-11-06; am. 6-1-19)
3. Establish procedures to ensure long-term function and maintenance of structural and non-structural stormwater control measures structures. (orig. 7-11-06; am. 6-1-19)

B. General Provisions

1. Applicability

This section applies to all stormwater quality structures in Unincorporated Jefferson County approved after January 1, 2007. Applicable development sites that require structural and/or non-structural control measures include those that meet the requirements of the Storm Drainage Design and Technical Criteria, including development sites that disturb one acre or greater. (orig. 7-11-06; am 3-26-13; am. 6-1-19)

2. Maintenance Activities

Owners of structural and non-structural stormwater quality control measures must maintain the structural and non-structural control measures to function as designed. All maintenance activities must conform to approved plans. (orig. 7-11-06; am. 6-1-19)

3. Denial of Other Permits

No building permit will be issued by the County for any parcel of land or portion thereof which is in violation of this section and which violation is not corrected or approved for correction by the County. (orig. 7-11-06)

4. Liability

This section shall not relieve the owner from responsibility for damage to any person or property or impose any liability upon the County for damage to any person or property. (orig. 7-11-06; am 3-26-13)

5. Exemptions, Waivers, Variances and or Exclusions

Any exclusions, exemptions, waivers, and variances included in the regulatory mechanism must comply with the terms and conditions of the MS4 Permit (COR090000). (orig. 6-1-19)

C. Inspection Procedure

1. The County will inspect all stormwater quality control measures approved after January 1, 2007 and verify that they are functioning as designed in accordance with the Jefferson County Storm Drainage Design and Technical Criteria. Required function and maintenance will be determined by comparing the field conditions with the approved design and maintenance plan. (orig. 7-11-06; am. 6-1-19)
2. The County will send the owner an inspection summary. The owner must complete any maintenance noted in the inspection summary within the stated amount of time, not to exceed 30 days. (orig. 7-11-06; am. 11-24-15)

D. Enforcement

Non-compliance with the provisions in this section may result in a zoning violation enforcement procedure. (orig. 7-11-06)

1. Enforcement Response

- a. The escalation process for enforcement actions includes verbal warnings, written notifications, revocation of permits, denial of plan review, withholding of permits, withholding inspections, stop work orders, issuance of zoning violations (civil process), issuance of illicit discharge violations (criminal process), fines associated with the illicit discharge violation and/or using the performance

guarantee to hire a separate contractor to complete the work. The escalation process does not have to occur in that order. (orig. 6-1-19)

- b. The escalation process for chronic and recalcitrant violators of control measure requirements includes verbal warnings, written notifications, revocation of permits, denial of plan review, withholding of permits, withholding inspections, stop work orders, issuance of zoning violations (civil process), issuance of illicit discharge violations (criminal process), fines associated with the illicit discharge violation and/or using the performance guarantee to hire a separate contractor to complete the work. The escalation process does not have to occur in that order. (orig. 6-1-19)

2. Court Action

Nothing in this section shall be construed to prevent the County from instituting an injunctive proceeding to halt such violation of this section. (orig. 7-11-06)

3. Right of Entry

Whenever necessary to enforce the provisions of this section the County can enter the property at all reasonable times to perform any duty imposed by this section. If such entry is refused, the County shall have recourse to every remedy provided by law to secure entry. (orig. 7-11-06)

4. Violations of Other Regulations

Violations of this section may also cause violations of other State and/or Federal regulations and result in additional fines and penalties. (orig. 7-11-06)