

**Hampshire County  
Storm Water Management Ordinance**

**Section I Title, Authority, and Purpose**

This article shall be known as the Hampshire County Storm Water Management Ordinance.

**Section II Authority and Purpose**

This Ordinance is adopted by the authority of the West Virginia Code §8-24-1 to 35 seq.

This Ordinance is adopted for the following purposes:

To protect and provide for the public health, safety, and general welfare of the citizens of Hampshire County

To mitigate the impact of increased storm water runoff due to changes in land use; and thereby

To safeguard lives and property from loss by flood and erosion

**Section III Applicability, Definitions, Exemption, Waivers and Variances**

Any activity which is subject to Hampshire County Subdivision Ordinance, as amended shall provide adequate storm water management measures that control and manage storm water runoff from such development/improvements, except as provided herein.

*Definitions:*

Commission: As used herein commission shall mean the Hampshire County Commission and its staff or designated representatives or agents.

Planning Commission: As used herein Planning Commission shall mean the Hampshire County Planning Commission and its staff or designated representatives or agents.

*Exemptions:* The following activities are exempt from the requirement to provide storm water management measures.

Agricultural land management activities

Additions or modifications to existing single family detached residential structures

Activities that do not result in an increase in impervious land use area greater than 3,000 square feet

The development consists of single-family residences, each one a lot of two acres or greater

*Waivers:* The Commission may grant a waiver of the Storm Water Management Ordinance requirements for individual developments provided that a written request is submitted by the applicant containing descriptions, drawings, and any other information that is required and necessary to evaluate the proposed development. If there are subsequent additions, extensions, or modifications to a development receiving a waiver, a separate written waiver request shall be required in accordance with the provisions of this section. A development shall be considered for a waiver if the applicant can conclusively demonstrate that:

The proposed development will not generate more than a 10 percent increase in the one year twenty-four hour post development peak discharge rate, over the one year twenty-four hour pre-development rate; and that the development will not cause an adverse impact on receiving wetland, watercourse, or water body; or

The site is completely surrounded by existing developed areas which are served by an existing network of public storm drainage systems of adequate capacity with stable outfalls to accommodate the runoff from additional development.

*Variances:* The Commission may grant a written variance from Storm Water Management requirements if there are exceptional circumstances applicable to the site such that strict adherence to the provisions of these regulations will not fulfill the intent of these requirements. The applicant shall submit a written request to the Commission stating the specific technical documentation in accordance with section 6 of this ordinance, as applicable.

#### **Section IV Storm Water Management Minimum Control Requirements**

Storm water management facilities shall control post-development runoff for the twenty-four hour, one year, and ten year frequency storms, respectively, and shall pass the twenty four hour, 100 year frequency storm without damage to the facilities. Both the volume and rate of runoff shall be controlled.

#### **Section V Specific Design Criteria**

- A. Infiltration measures, where feasible, shall be preferred to detention or retention systems. Where infiltration measures are not feasible the Commission may require that supporting documentation so demonstrating is submitted.

- B. Infiltration measures shall be designed in accordance with accepted engineering practices and published design criteria, and shall meet the following requirements;
- I. The requirements for demonstrating that filtration measures are feasible, or are not feasible, shall be the same as those required by the West Virginia Department of Health for demonstrating that a site is suitable for the use of an individual on-site septic drain field, except that:
    - a. Infiltration (Perc.) test shall be made at an elevation of depth of the proposed bottom of the storm water facility
    - b. The number of tests shall be sufficient to show the suitability of the soil over the entire area of the proposed facility
    - c. Where more than one facility is proposed for a site, tests demonstrating the feasibility of each facility shall be provided
    - d. Tests shall be made by certified septic installer or other qualified professional
    - e. The minimum acceptance rate of infiltration shall be one-half inch per hour
  - II. Infiltration measure shall be:
    - a. Constructed with the bottoms at least three feet above the seasonal high water table; and
    - b. Located at least twenty-five feet and down slope from all building on permanent foundations
  - III. Infiltration measures designed to accept runoff from commercial or industrial impervious parking area shall:
    - a. Be a minimum of 100 feet from any water supply well
    - b. Include an oil/water separator
    - c. Provide pretreatment of twenty-five percent of the design volume through the use of grass filter strips or other acceptable measure.
  - IV. The facility design shall include an overflow system designed to provide a non-erosive velocity of flow along its length and at the outfall.

Infiltration measures shall not receive runoff until the entire contributory drainage to the infiltration system is stabilized or the system is protected by satisfactory sediment control measures; Sediment which has accumulated in the measure during construction shall be removed and the bottom scarified before final seeding and mulching; and

Post-construction infiltration test showing that the facilities will function as intended shall be made by a certified septic installer or other qualified professional and the results submitted to the Commission in writing.

- V. Retention and detention ponds shall be designed and constructed in accordance with the criteria of the US Department of Agriculture, Natural Resource Conservation Service, or as published "Storm Water Management Pond Design Manual" as published by Maryland Association of Soil Conservation Districts and shall include the following:
  - a. Velocity dissipation devices shall be placed at the outfall of all retention or detention structures and along the length of any outfall channel as necessary to provide a non-erosive velocity of flow from the structure to a watercourse.
  - b. Storm water management design shall include an analysis of the impacts of storm water flow downstream in the watershed. The analysis shall include hydrologic and hydraulic calculations necessary to determine the impact of the proposed development upon a dam, highway, structure, or natural point of stream-flow restrictions to a tributary of the following size:
    - i. The first downstream tributary whose drainage area equals or exceeds the contributing area to the pond; or
    - ii. The first downstream tributary whose peak discharge exceeds the largest designed release rate of the pond.
  - c. The designed release rate of the structure shall be modified if any increase in flooding or stream channel erosion would result at the downstream point.
- VI. For the determination of pre-developed peak discharge, all land uses shall be assumed to be in good hydrologic condition; and land use shall be based on the average use of the land in question for the five years preceding the proposed change in the utilization of said land.
- VII. Where a Storm Water Management system involves redirection of some or all runoff off the site, it shall be the responsibility of the developer to obtain permission from the property owners impacted by such redirection. Approval

of a Storm Water Management plan does not create or affect any such right; nor does it relieve the developer from any liability due to flooding.

- VIII. The basic design and analysis criteria, methodologies, and construction specification shall be those of the Natural Resource Conservation Service and Maryland Water Resource Administration found in the most current edition of the following publications;

“Urban Hydrology for Small Watersheds,” Technical Release No. 55;

“Storm Water Management Pond Design Manual,” Maryland Association of Soil Conservation Districts;

“Natural Resource Conservation Service Engineering Field Handbook;”

“Natural Resource Conservation Service Field Office Technical Guide Standard 378;” and

“Maryland Standards and Specifications for Storm Water Management Infiltration Practices.”

## **Section VI Storm Water Management Plan**

- I. Review and Approval of Storm Water Management Plan

The Storm Water Management Plan and Design Report shall contain supporting computation, drawings, and sufficient information describing the manner, location, and type of measures by which storm water runoff from the entire development will be managed. The Commission shall review all plans and supporting information. The approval plan shall serve as the basis for all subsequent construction. Any deviation from the plan must be approved in writing.

- II. Contents of the Storm Water Management Plan Design Report

The developer is responsible for submitting a Storm Water Management Plan and Design Report which meets the requirements contained herein. The plan and report shall include sufficient information to evaluate the environmental characteristics of the affected areas, the potential impacts of the proposed development on water resources, and the effectiveness and acceptability of measures proposed for managing runoff. The minimum information submitted for a Storm Water Management plan or request for a waiver shall be as follows:

## A. Design Report

- i. USGS topographic map showing the project site
- ii. Soils map showing the project site
- iii. Test results showing the feasibility or lack thereof infiltration measures
- iv. Narrative describing
  - a. existing conditions and character of the site;
  - b. the nature and extent of the proposed development
  - c. the measures proposed for storm water management
  - d. a summary of pre- and post-development runoff for the two, ten, and one hundred year frequency storm;
  - e. the impact of the proposed development downstream from the site; and
  - f. organization of the data and computations in the remainder of the report.
- v. Computations, including:
  - a. pre-and post-development hydrology computations including curve number weighting, time of concentration and travel time, and sub-area, combination and outting hydrographs for the two, ten, and one hundred year storms; and
  - b. hydraulic computations including structure sizing and performance for the two, ten, and one hundred year storms, resistance to overturning and flotation, and location and sizing of anti-seep collars, as applicable
- vi. Pre- and post- development drainage maps showing existing and proposed contours, if applicable, at a scale and contour interval appropriate for the design of the development and the storm water management facilities and including as applicable:

- a. extent of soils of each classification;
  - b. extent of land use of each classification;
  - c. drainage sub-area labeled to correspond with computations;
  - d. flow paths showing each segment with length, type of flow and slope; and
  - e. location of drainage structures and storm water management facilities.
- vii. Storm water management plans shall include, in addition to information required by the Subdivision Ordinance:
- a. dimensions sufficient to show location, size, depth and depth volume of each storm water management facility and structure;
  - b. details and specifications for each structure including (but not limited to) culverts, orifices, risers, inlet boxes, weirs, trash racks, spillways, riprap lining, and anti-seep collars;
  - c. location of existing and proposed easements and/or right-of-ways required for stormwater management facilities; and
  - d. other information as may be required for specific site conditions and developments.

## **Section VII Construction, As-Built Plans, and Final Approval**

The developer shall install and/or construct all required storm water management facilities.

As-built plans showing the completed location, size, volume and structure components shall be submitted to and approved by the Commission prior to the final approval of a subdivision or the issuance of an occupancy permit for a commercial or industrial development.

As-built plans shall be based on actual field measurements and shall be prepared by a registered professional surveyor or engineer in West Virginia

**Section VIII                    Inspections**

Construction of all Storm Water Management facilities shall be subject to inspection by the Commission or Natural Resource Conservation Service.

The Commission shall be responsible for keeping a record of any inspection made on Storm Water Management facilities. Any deficiencies noted will be forwarded to the owner in writing for correction.

The Commission, either by virtue of the nature of Storm Water Management Systems or by developer's lack of performance in accordance with the plans, may require the developer to hire a West Virginia licensed professional engineer to inspect the project and provide a report for the Commission. The report shall contain the developer's engineering certification of compliance as well as any "as built" plans, supplementary inspection reports, and laboratory or field testing results.

**Section IX                    Maintenance**

Prior to granting final approval to a project, the Commission shall require the owner to enter into an "Inspection and Maintenance Agreement of Private Storm Water Management Facilities" attached hereto.

The Commission may from time to time make maintenance inspections on Storm Water Management facilities. Records of such inspections will be kept in the Planning Commission and notice of any deficiencies shall be sent to the owner for correction.

If the owner shall assign his rights of ownership of a Storm Water Management system to another person or entity, notice of such change of ownership must be made to the Commission in writing within ten days of such assignment.

This Ordinance shall become effective

Passed \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

President

Attest: \_\_\_\_\_

**Inspections and Maintenance Agreement of  
Private Storm Water Management Facilities**

This Agreement, Made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

By and between \_\_\_\_\_

Hereinafter referred to as the "Owner(s)" of the following property:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

and the Hampshire County Planning Commission, hereinafter referred to as the  
"Commission"

**Witnessed:**

We, the Owner(s), with full authority to exceed deeds, mortgages, other covenants, all rights, titles, and interests in the property described above, do hereby covenant with the Commission and agree as follows:

1. The Owner(s) shall provide for the maintenance of the storm water management facility to ensure that the facility is and remains in proper working condition in accordance with approved design standards, rules and regulations, and applicable laws. The Owner(s) shall perform necessary landscaping (grass cutting, etc) and trash removal as part of regular maintenance.
2. If necessary, the Owner(s) shall levy regular or special assessments against all present or subsequent owners of the property served by the facility to ensure that the facility is properly maintained.
3. The Owner(s) shall grant the Commission or its agent and contractor the right of entry at reasonable times and in a reasonable manner for the purpose of inspecting, operating, installing, constructing, reconstructing, maintaining, or repairing the facility

4. Should the Owner(s) fail to maintain the facility or correct any defects within a reasonable period of time (30 days maximum) after proper written notice by the Commission, the Commission is authorized to perform the necessary maintenance or repairs and may assess the Owner(s) served by the facility for the cost of the work, and applicable penalties, and legal fees and court costs, if any. Said assessment shall be in lien against all properties served by the facility and may be placed on the property tax bill of said property and collected as ordinary taxes by the Commission. The Owner(s) shall maintain perpetual access from the public right-of-way to the facility for the Commission or its agent and contractor.
5. The Owner(s) shall indemnify and save the Commission harmless from any and all claims for damages to persons arising from the construction, maintenance and use of the facility.
6. The agreement and Covenants contained herein shall apply to and bind the Owner(s) and the Owner(s) heirs, executors, successors, and assigns, and shall bind all present and subsequent owners of the property served by the facility.
7. The Commission shall record this Agreement in the land records of the County.

IN WITNESS WHEREOF, the OWNER(S) and the COMMISSION executed this agreement as of this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

ATTEST:

FOR THE OWNER(S)

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

ATTEST:

FOR THE COMMISSION

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_, TO WIT

I hereby certify on this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, before the subscribed, a Notary Public of the State of \_\_\_\_\_, and for the County of \_\_\_\_\_, aforesaid personally appeared \_\_\_\_\_ for the Commission and did acknowledge the a foregoing instrument to be their Act.

In testimony whereof, I have affixed my official seal,

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
My Commission Expires

SEAL: