

**AMENDMENTS TO
ORDINANCE NO. IV:
THE SUMMERS COUNTY BUILDING ORDINANCE**

BE IT ENACTED AND ORDAINED BY THE COUNTY COMMISSION OF SUMMERS COUNTY, WEST VIRGINIA, TO PROVIDE THE FOLLOWING AMENDMENTS to "THE SUMMERS COUNTY BUILDING ORDINANCE" as follows:

ARTICLE I – GENERAL PROVISIONS, amended by adding Section 1.2, as follows:

Section 1.3 – DEFINITIONS

"1st order streams" means the smallest of streams and consists of small tributaries which feed larger streams but do not normally have any water flowing into them.

"2nd order streams" means headwater streams that generally form on steep slopes and flow quickly until they slow down and meet the next order waterway.

"Impervious area" means an area that does not allow water to enter or pass through.

"Industrial construction" means construction projects that are not for residential purposes.

"Ground covers" means the layer of vegetation below the shrub layer and anything that lies on top of the soil and protects it from erosion and inhibits weeds.

(c) "Stormwater management program" means those activities associated with the management, operation, maintenance and control of stormwater and stormwater systems, and shall include, but not be limited to, public education, stormwater and surface runoff water quality improvement, mapping, planning, flood control, inspection, enforcement and any other activities required by state and federal law. The term "stormwater management program" shall not include those activities associated with the management, operation, maintenance and control of highways, road and drainage easements, and/or stormwater facilities constructed, owned and/or operated by the West Virginia division of highways without the express agreement of the commissioner of highways.

"USGS 7.5 minute quadrangle/topographic map" means the United States Geological Survey map used to identify physiographic features which reflects the curvature of the earth.

ARTICLE II – BASIC FORMAT, amended by adding Section 2.1 and 2.2, as follows:

Section 2.1 – Basic Format of the Building permit shall include all of the requirements of the Ordinance as adopted heretofore and shall also include "7. Any other information as may be necessary or required to comply with this ordinance."

Section 2.2 – Watershed Stormwater Management Plan

1. A Watershed Stormwater Management Plan, including the requirements listed below, shall be provided by the entity proposing the construction for all industrial construction sites in Summers County where the total surface disturbance from the proposed project will be greater than 3 square acres.

2. The industrial construction site will be shown on a USGS 7.5-minute quadrangle/topographic map created by the proposing entity. For industrial construction sites on mountain ridges and drainage divides associated with watersheds of 1st order streams, the watersheds will be delineated and the acreages for those watersheds will be provided. Where construction sites are located in areas that are associated with 2nd order or greater streams, those watersheds will be delineated and the acreages for those watersheds will be provided.

Acreages of the different existing ground covers, as described in the West Virginia Department of Transportation Drainage Manual, within the watersheds and sub-watersheds will be determined for use in the stormwater discharge calculations.

3. The following stormwater discharge calculations shall be performed for each affected sub-watershed based on

- a. assumption of a totally forested ground cover;
- b. assumption of a 10 percent impervious area, with the remainder being a forested area; and
- c. actual existing ground covers and the post-construction ground cover of the construction site.

4. For all stormwater discharge calculations, the peak stormwater discharge will be provided in cubic feet per second (CFS) for a 1 year, 24-hour storm for each affected sub-watershed.

5. Stormwater discharge calculations will be performed in accordance with methodologies detailed in the West Virginia Department of Transportation Drainage Manual.

6. If stormwater discharge calculations described above indicate that the post-construction peak stormwater discharge exceeds the peak stormwater discharge of the watershed or sub-watershed, assuming a 10 percent impervious area with the remainder being forested, then the construction shall not be permitted.

7. Appropriate Best Management Practices (described in the West Virginia Department of Environmental Protection's "Instructions to Complete a Site Registration Application Form for the WV/NPDES General Permit for Construction Stormwater Activity") are a requirement for all industrial construction sites.

ARTICLE III – ADMINISTRATION amended by adding to Section 3.7, the following fee:

Additional fees as may be required by this Ordinance, as amended.

ARTICLE III – ADMINISTRATION amended by adding to Section 3.7, the following:

Application for a Building Permit for Industrial Construction projects as defined by Article I of this Section shall include a fee equal to the lesser of 1% of the total anticipated cost of construction within Summers County or \$25,000. Said fee will be payable to the Summers County Commission prior to the issuance of a permit to begin construction.

ARTICLE III – ADMINISTRATION amended by adding Section 3.8, as follows:

Section 3.8 – Fees for Stormwater Management Plan Review


The fee shall include an amount equal to any increased costs resulting from the review by a qualified professional hydrologist or Professional Engineer of the stormwater management portion of the ordinance.

First reading: January 4, 2016

Second reading: February 10, 2016

Third reading: March 9, 2016

Entered and Adopted this the 9th day of March, 2016



Jack David Woodrum, President and Commissioner



Bill Lightner, Commissioner



Tony Williams, Commissioner