

CHAPTER 18A
STORMWATER MANAGEMENT*

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***State law reference**—Regulation of Stormwater, Code of Va., § 15.2-2114.

ARTICLE I. RESERVED†

Sec. 18A-1 - 18A-19. Reserved. (Repealed September 9, 2008)

ARTICLE II. ILLICIT DISCHARGE

Sec. 18A-20. Purpose.

This ordinance is adopted as part of the James City County stormwater management program so as to reduce pollutants to the storm sewer system from illicit discharges to the maximum extent practicable, as required by the county's Municipal Separate Storm Sewer Virginia Stormwater Management Program (VSMP) discharge permit.
(Ord. No. 208A-1, 9-25-07)

Sec. 18A-21. Definitions.

The following words, terms, and phrases used in this ordinance shall have the following meanings, unless the context clearly indicates otherwise:

Director. The director of the stormwater division or his/her designee.

Discharge. Dispose, deposit, spill, pour, inject, dump, leak or place by any means, or that which is disposed, deposited, spilled, poured, injected, dumped, leaked or placed by any means.

Ground water. Subsurface water occupying the zone of saturation.

Illicit discharge. Any discharge to the storm sewer system that is not composed entirely of stormwater, except discharges pursuant to a Virginia Pollutant Discharge Elimination System (VPDES) or VSMP permit (other than the VSMP permit for discharges from the municipal separate storm sewer) or discharges from firefighting activities. This definition shall not include discharges listed in section 18A-22(b), unless such discharges are identified by the director to cause sewage, industrial wastes or other wastes to be discharged into the storm sewer system.

Industrial wastes. Liquid or other wastes resulting from any process of industry, manufacture, trade or business, or from the development of any natural resources.

Landscaping chemicals. Chemicals for maintaining lawns and landscapes including fertilizers, lime and pesticides which include herbicides, insecticides and fungicides.

†The provisions of former Article I, In General, Sections 18A-1 - 18A-8, were repealed by Ordinance No. 208A-4, adopted September 9, 2008.

Other *wastes*. Materials that can adversely affect waters of the United States should they be discharged into same, including, but not limited to, decayed wood, sawdust, chips, shavings, bark, leaves, lawn clippings, lawn chemicals (except those applied in accordance with manufacturer's recommendations), animal or vegetable matter, pet waste, construction debris, garbage, refuse, ashes, offal, tar, paint, solvents, petroleum products, gasoline, oil waste, antifreeze, or other automotive, motor or equipment fluids.

Person. Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, county, city, town or other political subdivision of the commonwealth, any interstate body, or any other legal entity.

Sanitary *sewer*. A system of underground conduits, operating by either gravity or pressure flow, that collect and deliver wastewater, and all pumping stations and treatment plants and appurtenances, public or private.

Sewage. The water-carried human wastes from residences, buildings, industrial establishments or other places, together with such industrial wastes, stormwater or other water as may be present.

Storm *sewer system*. The system of roads, streets, catch basins, curbs, gutters, ditches, pipes, lakes, ponds, channels, infiltration facilities, storm drains and other facilities located within the county which are designed or used for collecting, storing, treating or conveying stormwater, or through which stormwater is collected, stored, treated or conveyed.

Stormwater. Runoff from rain, snow or other forms of natural precipitation, and surface runoff and drainage.

(Ord. No. 208A-1, 9-25-07)

Sec. 18A-22. Prohibitions.

(a) It shall be a violation of this ordinance to:

(1) Discharge, or cause or allow to be discharged, sewage, industrial wastes or other wastes into the storm sewer system, or any component thereof, or onto driveways, sidewalks, parking lots or other areas draining to the storm sewer system; or

(2) Connect, or cause or allow to be connected, any sanitary sewer to the storm sewer system, including any sanitary sewer connected to the storm sewer system as of the date of adoption of this article.

(3) Throw, place or deposit or cause to be thrown, placed or deposited into the storm sewer system anything that impedes or interferes with the free flow of stormwater therein.

(b) The following activities shall not be in violation of this ordinance; provided they are otherwise in compliance with the county code:

Air conditioning condensation;

Any activity authorized by a valid Virginia Pollutant Discharge Elimination System (VPDES) permit or Virginia Pollution Abatement (VPA) permit; or

Any other water source not containing sewage, industrial wastes or other wastes.

Diverting stream flows or rising groundwater;

Flows from riparian habitats or wetlands;

Individual residential car washing;

Infiltration of uncontaminated groundwater;

Landscape irrigation;

Public safety activities, including but not limited to, law enforcement and fire suppression;

Street washing;

Swimming pool discharges that have been de-chlorinated or are free of other disinfecting agents;

Water line flushing;

Watering and maintenance with landscaping chemicals in accordance with manufacturer's recommendations;

Well-point dewatering or pumping of uncontaminated ground water, discharges from potable water sources, foundation drains, irrigation waters, springs, or water from crawl spaces or footing drains;

(c) In the event any of the activities listed in subsection (b) above are found to cause sewage, industrial wastes or other wastes to be discharged into the storm sewer system, the director shall so notify the person performing such activities or the property owner where such activities occur and shall order that such activities be stopped or conducted in such a manner as to avoid the discharge of sewage, industrial wastes or other wastes into the storm sewer system. The failure to comply with such an order shall constitute a violation of the provisions of this ordinance.

(Ord. No. 208A-1, 9-25-07)

Sec. 18A-23. Penalties.

(a) A willful violation of the provisions of this ordinance shall constitute a Class 1 misdemeanor. Each day that a continuing violation of this ordinance is maintained or permitted to remain shall constitute a separate offense.

(b) Any person who, intentionally or otherwise, commits any of the acts or allows such acts to be committed on his or her property prohibited by section 18A-22 of this ordinance shall be liable to the county for all costs of monitoring, containment, cleanup, abatement, removal and disposal of any substance unlawfully discharged into the storm sewer system.

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(c) Any person who, intentionally or otherwise, commits any of the acts prohibited by section 18A-22 of this ordinance shall be subject to a civil penalty in an amount not to exceed \$1,000 for each day that a violation of this ordinance continues. The court assessing such penalties may, at its discretion, order such penalties be paid into the treasury of the county for the purpose of abating, preventing, monitoring, or mitigating environmental pollution.

(d) The county may bring legal action to enjoin a continuing violation of this ordinance, and the existence of any other remedy, at law or in equity, shall be no defense to any such action.

(e) The remedies set forth in this section shall be cumulative, not exclusive; and it shall not be a defense to any action, civil or criminal, that one or more remedies set forth herein has been sought or granted.
(Ord. No. 208A-1, 9-25-07)

Sec. 18A-24. Civil charges.

With the consent of any person who has violated any provision of this chapter, the county may provide for the payment of civil charges for violations in specific sums, not to exceed \$1,000. Civil charges shall be in lieu of any appropriate civil penalty. Such civil charges shall be paid into the treasury of the county for the purpose of abating environmental damages in the county.
(Ord. No. 208A-1, 9-25-07)

Sec. 18A-25. Inspections and monitoring.

The director shall have authority to make such lawful inspections and conduct of monitoring of stormwater outfalls or other components of the storm sewer system as may be necessary or appropriate in the administration and enforcement of this ordinance.
(Ord. No. 208A-1, 9-25-07)