

ARTICLE 933

Stormwater Management and Surface Water Discharge Control

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Unless the context specifically indicates otherwise, the meaning of the terms used herein shall be as follows:

- (a) "Adverse impact" means any deleterious effects on stormwater system or water way, their quality, surface area, species composition, aesthetic or usefulness for human or natural uses that are or may potentially be harmful or injurious to human health, welfare, safety, or property.
- (b) "Best management practices" and "BMP" means physical, structural and managerial practices that, when used singly or in combination, control site run-off, spillage and leaks, waste disposal and drainage from raw material storage and prevent or reduce the discharge of pollutants directly or indirectly to waters of the State. BMP may include schedules of activities, prohibition of practices, design standards, educational activities and treatment requirements.
- (c) "Building permit" means the permit granted by the City to allow construction and includes all stormwater provisions, conditions, terms, and regulations stipulated by this article.
- (d) "City" means the City of South Charleston.
- (e) "Construction" means the act of constructing, building, grading, shaping, removing, demolishing, repairing, erecting, extending, installing equipment, or enlarging any building, structure, grounds, or premise. Construction is an activity regulated by the City through the issuance of a building permit.
- (f) "Disturbed area" means an un-stabilized land area where construction activity is occurring, such as building, grading, stockpiling or storing soil, rock, earth or building material.
- (g) "Drainage area" means that area contributing runoff to a single point.
- (h) "Earthwork" means any act by which soil or top soil is graded, shaped, moved, cleared, stripped, stockpiled, excavated, scarified, filled, or any combination thereof.
- (i) "Erosion" means process by which surface of land is worn away by water, wind, or chemical action.
- (j) "Facility" for purposes of Section 933.09 hereof is a building, structure, installation or site in which pollutants are or may be produced or generated as a result of any activity, process or processes, conducted within the building, structure, installation, or site.

(k) "Footing drain" is a pipe or conduit which is placed around the perimeter of a building foundation or other structures for the purpose of admitting ground water.

(l) "Illicit connection" means any physical connection to a publicly maintained storm drain system which has not been authorized by the City of South Charleston from the date of enactment of this article.

(m) "Illicit discharge" means any discharge to a storm drain or into the stormwater collection system that is not composed entirely of stormwater, except discharges pursuant to a NPDES permit, discharges resulting from firefighting activities, and other discharges exempted in this article.

(n) "Impervious area" means surfaces that prevent infiltration of water into the ground such as roofs, patios, streets, walks, parking areas, driveways, and unvegetated clay.

(o) "New development" means any construction activity upon undisturbed/undeveloped land.

(p) "Non-stormwater" means all flows to the stormwater system not meeting the definition of stormwater. This includes, but is not limited to, water containing pollutants, cooling water, process water, ground water from a purge well and chlorinated swimming pool discharge.

(q) "NPDES" stands for National Pollutant Discharge Elimination System.

(r) "Pollutant" means a contaminant existing at a concentration to cause pollution, having an adverse impact to water quality, the environment, public health or welfare including, but not limited to, dredged soil, solid waste, incinerator residue, sewage, garbage, sewage sludge, grease, petroleum products, munitions, chemicals, chemical waste, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, silt, dirt, industrial, municipal and agricultural waste, gasses entrained in water, paints, oil and other automotive fluids, soil, rubbish, debris, materials containing fecal coliform, fecal streptococcus, and enterococcus, heavy metals, hazardous wastes, yard waste, animal waste, materials that result from the process of building construction, and offensive matter of any kind.

(s) "Pollution" means the degradation of the physical, thermal, chemical, biological or radioactive properties of the waters of the State or the discharge of any pollutant to the waters of the State which will or is likely to create a nuisance or to render such waters harmful, detrimental or injurious to public health, safety or welfare or to the beneficial use of the water or the water environment.

(t) "Redevelopment" means any reconstruction of or modification to the impervious area of an existing property.

(u) "Registered professional engineer" means a person who has been duly registered or licensed as a registered professional engineer by the West Virginia state board of registration for professional engineers as required under West Virginia Code Chapter 30, Article 13.

(v) "Runoff" means any part of precipitation that flows over land.

(w) "Sediment" means soils or other materials transported by surface water as a product of erosion.

(x) "Stormwater" means atmospheric precipitation, snow and ice melt, surface runoff water, ground water discharge, water from operation of the water distribution system, water used in firefighting, runoff from street sweeping, flows from footing drains and all other discharge sources identified in the City of South Charleston stormwater NPDES permit, except as may be defined as non-stormwater by this article.

(y) "Stormwater management" means the process of collection, conveyance, storage, treatment and disposal of stormwater to ensure control of the magnitude and frequency of runoff to minimize the impact of the runoff upon the water quality of the receiving stream and the other hazards associated with flooding.

(z) "Stormwater system" includes all natural or manmade facilities, structures and water courses used for collecting and conducting stormwater to, through and from drainage areas and

drains to points of final outlet including, but not limited to, any and all of the following: Inlets, conduits, outlets, channels, ponds, drainage easements, catch basins, streams, creeks, rivers, ditches, gulches, flumes, culverts, siphons, retention or detention basins, dams, floodwalls, pipes, flood control systems, levies and pumping stations, and storm sewers. As applied in this article, "stormwater system" does not include highways, roads and drainage easements and stormwater facilities constructed, owned and/or operated by the West Virginia Division of Highways.

(aa) "User" is a firm, person or entity which is the legal owner or occupant of a property that directly or indirectly contributes stormwater or non-stormwater flow to the stormwater system, whether within or outside the corporate limits of the City. (Ord. 2210. Passed 2-5-15.)

933.02 GENERAL.

(a) This article has been enacted to protect and enhance the water quality of watercourses, water bodies, groundwater and wetlands in a manner pursuant to and consistent with the Clean Water Act and associated federal and state stormwater regulations.

(b) The intent of this article is:

(1) To improve water quality by controlling the quality and quantity of stormwater discharged to the waters of the State of West Virginia;

(2) To control non-stormwater discharges to stormwater systems;

(3) To reduce pollutants in stormwater discharges;

(4) To control stormwater runoff by providing criteria for permanent and temporary stormwater facilities;

(5) To maintain and improve the stormwater collection system in order to protect and improve water quality in the receiving streams and to reduce or eliminate local flooding resulting from stormwater accumulation; and

(6) To fully comply with federal and state statutory and regulatory requirements and schedules regarding stormwater management and the water quality of the receiving streams.

(Ord. 2210. Passed 2-5-15.)

933.03 GENERAL REQUIREMENTS AND PROHIBITIONS.

(a) The use of the stormwater system shall be the collection and transportation of stormwater.

(b) No person or entity shall place or cause to be placed any pollutant, illicit discharge, prohibited discharge, or non-stormwater discharge into the stormwater system.

(c) The City of South Charleston shall administer use of the stormwater system to all users within the City.

(d) No person or entity shall cause or permit the introduction of any pollutant, illicit discharge, or non-stormwater discharge into the stormwater system that will cause:

(1) Any adverse impact to the stormwater system;

(2) Chemical reaction, either directly or indirectly with the materials of construction used in the stormwater system or that will impair the strength or durability of stormwater system;

(3) Physical action that will obstruct, destroy, or damage stormwater system;

(4) Adverse effect on the normal maintenance and inspection of sewers;

(5) Diminished flow carrying or hydraulic capacity;

(6) Adverse effect to public health and safety or to the environment;

(7) Conditions that create a public nuisance;

(8) An oil sheen;

(9) An unusual or unnatural color;

(10) Abnormal hydraulic demand on the stormwater system capacity;

(11) An adverse effect upon the function and operation of the stormwater system; or

(12) The stormwater system to violate its NPDES permit or applicable receiving water standards or any other federal, state, and local regulations.

(e) Any person or entity engaged in activities which will or may result in pollutants entering the stormwater system shall undertake best management practices to reduce such pollutants.

(f) No person or entity shall throw, deposit, leave, maintain or cause to be thrown, deposited, left or maintained any refuse, rubbish, garbage, grease, petroleum products, or other discarded or abandoned objects, articles and accumulations in or upon any street, alley, sidewalk, storm drain inlet, catch basin, conduit or other drainage structures, parking area, or upon any private or public plot of land so that the same might become a pollutant, except where the pollutant is being temporarily stored in properly contained waste receptacles or is part of a well defined compost system.

(g) No person or entity shall cause or permit any dumpster, solid waste bin, or similar container to leak such that any pollutant is discharged into any street, alley, sidewalk, storm drain, inlet, catch basin, conduit or other drainage structure, or upon any public or private plot of land in the City's watershed.

(h) No person or entity shall use the stormwater system for discharge from any environmental cleanup that is regulated under federal or state law.

(i) No person or entity shall alter the configuration or condition of the stormwater system, or create a configuration or condition within the stormwater system, which adversely affects the function of the stormwater system.

(j) No person or entity shall purposefully discharge or purposefully cause the discharge of stormwater from their property without the use of an approved point of discharge to the City stormwater system. The work necessary within the private property to collect the stormwater and to connect to the City stormwater system shall be performed by and at the expense of the private party.

(k) No person or entity shall introduce, dump, or deposit gravel, stone, rocks, leaves, grass clippings, tree trimmings, mulch, or yard waste into the stormwater system.

(Ord. 2210. Passed 2-5-15.)

933.04 NON-PROHIBITED DISCHARGE.

(a) Discharges from the following activities will not be considered a source of pollutants to the stormwater system when properly managed: water line flushing and other discharges from potable water sources, landscape irrigation and lawn watering, irrigation water, diverted stream flows, rising ground waters, groundwater infiltration to the stormwater system, uncontaminated pumped ground water, foundation and footing drains, roof drains, water from crawl space pumps, residential air conditioning condensation, springs, individual residential and non-profit group car washes, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges and flows from fire fighting activities and training.

(b) Non-prohibited discharges are allowed to be discharged to the stormwater system.
(Ord. 2210. Passed 3-5-15.)

933.05 ILLICIT CONNECTIONS.

It is prohibited to establish, use, maintain or continue illicit connections to the City stormwater system and to commence or continue any illicit discharges to the City stormwater system.

(Ord. 2210. Passed 3-5-15.)

933.06 OUTDOOR STORAGE AREAS.

(a) No person or entity shall store grease, oil, chemicals, or other hazardous substances in a manner that will or may result in such substances entering the stormwater system. In outdoor areas, no person or entity shall store motor vehicles, machine parts, or other objects in a manner that may leak grease, oil, or other hazardous substances to the stormwater system.

(b) Properly sized and constructed spill containment systems shall be installed to prevent the discharge of hazardous substances to the stormwater system. Spill containment systems may consist of a system of dikes, walls, barriers, berms, or other devices as required. No person or entity shall operate a spill containment system such that it allows incompatible liquids to mix and thereby create a hazardous condition.

(Ord. 2210. Passed 2-5-15.)

933.07 CONSTRUCTION SITES.

(a) Any person or entity performing construction work in the City of South Charleston shall comply with the provisions of this article and shall provide BMP and erosion and sediment control that effectively prevent discharges of pollutants to the stormwater system.

(b) All applications for a building permit that includes earthwork or creates any disturbed area shall include a BMP and sediment and erosion control plan that describes in detail how the stormwater system will be protected from prohibited discharges.

(c) BMP and sediment and erosion control measures shall be properly installed before any other aspect of the construction activities are commenced.

(1) The City may choose not to conduct building inspections until all required sediment and erosion control measures are properly installed.

(2) In the event that unique site conditions require some other aspect of the construction to be accomplished prior to implementation of the measures required by the building permit, the building permit holder shall be required to provide and maintain temporary measures so that the intent of this article is accomplished. In such cases, site work shall be planned and prioritized so that implementation of the full measures of the permit are accomplished as soon as possible.

(d) Any permit issued shall be posted at the subject site during the time that such work is being performed in such manner and at such place on such premises as the same may be readily seen. In the event that any such permit so posted shall be removed, lost or destroyed, a duplicate thereof shall immediately be obtained.

(Ord. 2210. Passed 2-5-15.)

933.08 MINIMUM CONSTRUCTION ACTIVITY REQUIREMENTS.

(a) No building permit holder shall violate or cause to violate any provision of this article.

(b) A building permit holder shall at a minimum properly install the following if there is a potential for an adverse impact:

(1) Silt barriers or other sediment control structures around the perimeter of all disturbed area to prevent any silt laden runoff from entering the stormwater system.

(2) Measures to protect any catch basin or other stormwater inlet in the vicinity of the work from receiving polluted runoff water from the construction site.

(3) Stone base access road for ingress and egress to the work site from the public street.

(4) Provisions for washing concrete trucks, tools, and equipment that contain cementitious laden water and prevent water from entering stormwater system.

(c) Construction sites with unique characteristics or larger disturbed area shall be required to install the type and quality of BMP measures necessary to comply with this article.

(Ord. 2210. Passed 2-5-15.)

933.09 NOTIFICATION OF SPILLS.

(a) All persons in charge of a facility or responsible for emergency response for a facility are responsible to train facility personnel, maintain records of such training and maintain notification procedures to assure that immediate notification is provided to the City upon becoming aware of any suspected, confirmed or unconfirmed release of material, pollutants or waste creating a risk of discharge into the municipal stormwater system or into a receiving stream.

(b) Any person or entity causing an illicit discharge, prohibited discharge, or non-stormwater discharge shall immediately notify the City Engineer/Building Inspector and provide the discharge location, time of discharge, and type of discharge.

(Ord. 2210. Passed 2-5-15.)

933.10 CONSTRUCTION OF PUBLIC FACILITIES.

(a) Only City employees or private entities authorized by the City may perform construction upon the public owned stormwater system.

(b) Public owned system shall include:

(1) Manmade stormwater structures that serve two or more properties;

(2) All pipes connecting public stormwater structures to private stormwater structures from the public structure to the point of intersection with public easement or right of way line and private property line; and

(3) Stormwater system components situate within a public right of way.

(c) All costs and expenses as a part of the installation of private stormwater systems to public stormwater systems and installation of additional public facilities to facilitate and convey flows from a specific private facility shall be borne by the owner(s) of the private property.

(d) Private entities authorized by the City to perform construction, modification, or extension of the public stormwater system shall comply with the City's design and construction standards. The City has the authority to inspect the construction by the private entity. No facility may be covered or connected to a public stormwater system without specific inspection and approval of the City. (Ord. 2210. Passed 2-5-15.)

933.11 STORMWATER TAPS.

(a) The City shall install or cause to be installed stormwater system taps of the size and at the location requested in writing by an applicant and approved by the City. The applicant shall pay the full labor, equipment and materials cost of the tap installation. The City may require prepayment of all or part of such costs and expenses.

(b) The City may deny a tap when the public stormwater system is deemed inadequate.
(Ord. 2210. Passed 2-5-15.)

933.12 NEW DEVELOPMENT AND REDEVELOPMENT.

(a) The requirements and standards of this section shall apply to all new developments and redevelopment projects. 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.

(b) For development and redevelopment work disturbing one acre or more, including projects less than one acre that are part of a larger common plan of development or sale, the first one inch of rainfall from a 24-hour storm preceded by 48 hours of no measurable precipitation shall be retained and managed on site. Runoff volume reduction can be achieved by one or more of the following practices: canopy interception, soil amendments, evaporation, rainfall harvesting, engineered infiltration, extended filtration, and evapotranspiration. This first one inch of rainfall must be managed with no discharge to surface waters or the City stormwater system.

(c) Commercial, industrial, institutional, municipal, or transportation related operations that may produce higher levels of stormwater pollutants, or present a higher potential risk for spills, leaks, or illicit discharge, including but not limited to gas stations, petroleum wholesalers, vehicle maintenance and repair, auto recyclers, recycling centers, scrap yards, landfills, solid waste facilities, wastewater treatment plants, airports, railroad stations and associated maintenance facilities, and highway maintenance facilities, shall provide water quality treatment for associated pollutants (e.g., petroleum hydrocarbons at a vehicle fueling facility) before infiltration.

(d) Commercial, industrial, institutional, municipal, or transportation related operations that may produce higher levels of stormwater pollutants, or present a higher potential risk for spills, leaks, or illicit discharge, including but not limited to gas stations, petroleum wholesalers, vehicle maintenance and repair, auto recyclers, recycling centers, scrap yards, landfills, solid waste facilities, wastewater treatment plants, airports, railroad stations and associated maintenance facilities, and highway maintenance facilities that cannot implement adequate preventive or water quality treatment measures to ensure compliance with groundwater and surface water quality standards must properly convey stormwater to a NPDES-permitted wastewater treatment facility or via a licensed waste hauler to a permitted treatment and disposal facility.

(e) Any project that discharges or proposes to discharge to any surface water or ground water that is used as a source of drinking water must comply with all applicable requirements relating to source water protection.

(f) All development and redevelopment work disturbing one acre or more, including projects less than one acre that are part of a larger common plan of development or sale, shall be reviewed by the City prior to applying for a building permit to determine that the concept plan and performance standards comply with this ordinance, all State and Federal permits, and the Clean Water Act.

(g) All new developments and redevelopment work disturbing one acre or more, including projects less than one acre that are part of a larger common plan of development or sale, shall include stormwater management plans and drainage plans as described in this section as part of the building permit application.

(h) All applications for a building permit shall include:

(1) Detailed construction documents including plans, profiles, cross sections and details showing property lines, existing topography and conditions, and all proposed work signed by a registered professional engineer;

(2) Detailed construction documents including plans, profiles, cross sections, and details showing BMP and the sediment and erosion control plan and signed by a registered professional engineer;

(3) A statement on the construction documents showing the total impervious area measured in square feet; and

(4) Calculations prepared by a registered professional engineer showing post development runoff compliant with this article and indicating the adequacy of the stormwater system in handling such runoff.

(i) As-built documents prepared by a registered professional engineer showing as-built drawings of the actual construction and the improvement as-built compliant with the building permit and this article shall be submitted to the City within 30 days of completion of the work and prior to a certificate of occupancy being issued.

(j) The registered professional engineer signing the construction documents, calculations, and as-built documents shall be the engineer of record.

(k) The City may require any additional drawings, calculations, or information deemed necessary for evaluation of development or redevelopment.

(l) Stormwater detention or retention facilities shall be installed prior to commencing other development work. The City may choose not to conduct building inspections until all required control measures are properly installed.

(Ord. 2210. Passed 2-5-15.)

933.13 INSPECTION AND MAINTENANCE OF PRIVATE STORMWATER SYSTEM.

- (a) The stormwater system installed as a part of development or redevelopment work or existing as of the date of this ordinance located on private property shall be properly maintained by the owner of the property.
- (b) Non-functioning or inoperable private stormwater systems installed as a part of development or redevelopment work or existing as of the date of this ordinance shall be repaired or replaced by property owner so that the system operates as intended.
- (c) Disposal of waste from maintenance of private facilities shall be conducted in accordance with applicable federal, state and local laws and regulations.
- (d) The owner of a private stormwater system shall make annual inspections of the stormwater system and maintain records of such inspections for a period of five (5) years.
- (e) Records of maintenance and repair of private stormwater system by property owner shall be retained by the owner for a period of five (5) years. Inspection, maintenance and repair records shall be made available to the City upon request.
- (f) The City will perform corrective or maintenance work, which shall be at the owner's expense, upon any failure to maintain facilities or correct problems with facilities within thirty (30) days after receiving due notice.
- (g) Stormwater systems shall be inspected by the City during and after construction to assure consistency with the approved building permit and to assure proper operation and maintenance.
- (h) The owner of a privately owned stormwater facility shall have a maintenance agreement and maintenance plan for approved stormwater management practices. The property owner shall provide verification of maintenance for the approved stormwater management facility upon request from the City. The maintenance agreement shall address the procedure for transfer of operation and maintenance responsibilities in the event of conveyances or leases. The agreement shall include provisions to allow the City to perform necessary maintenance or corrective actions neglected by the property owner and to recoup costs from the property owner when the owner has not performed the necessary maintenance within thirty (30) days of notification by the City.
(Ord. 2210. Passed 2-5-15.)

933.14 ACTS RESULTING IN VIOLATION OF FEDERAL CLEAN WATER ACT.

Any person or entity who violates any provision of this article, or who discharges waste or wastewater which causes pollution, or who violates any cease and desist order, prohibition, or effluent limitation, also may be in violation of the federal Clean Water Act and may be subject to the sanctions of that Act including civil and criminal penalties.
(Ord. 2210. Passed 2-5-15.)

933.15 VIOLATIONS DEEMED A PUBLIC NUISANCE.

- (a) In addition to the penalties provided in this article, any condition caused or permitted to exist in violation of any of the provisions of this article shall be considered a threat to the public health, safety, welfare and the environment, may be declared and deemed a nuisance by the City and may be summarily abated and/or restored by the City. The City may initiate any administrative and civil actions as necessary to abate, enjoin or otherwise compel the cessation of such nuisance.
- (b) The cost of such abatement and restoration shall be borne by the owner of the property and the cost thereof shall be a lien upon and against the property. Such lien shall continue in existence until the same shall be paid.

(c) In any administrative or civil proceeding under this article in which the City or its agent prevails, the City or its agent shall be entitled to recover all costs of investigation, administrative overhead, out-of-pocket expenses, costs of hearings, costs of suit and reasonable attorneys' fees. (Ord. 2210. Passed 2-5-15.)

933.16 ENFORCEMENT AND DISCHARGE IN VIOLATION OF PERMIT.

(a) Any illicit discharge or prohibited discharge, or non-stormwater discharge or discharge that would cause a violation of a municipal NPDES permit, amendments, revisions or reissuance thereof, either separately considered or when combined with other discharges, is prohibited.

(b) Liability for any such discharge, including but not limited to the cost of remedial activity, shall be the responsibility of the person or entity causing or responsible for the discharge, and the City shall seek to have such person or entity defend, indemnify and hold harmless the City in any administrative or judicial enforcement action against the City relating to such discharge.

(c) No person or entity shall construct or maintain any property, residence or business not in compliance with the standards of this article.

(d) City officials bearing proper credentials and identification shall be permitted to enter upon all properties in the City watershed for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this article.

(e) No person or entity shall fail to provide any report or other information or perform any duty required by this article.

(f) The City may take appropriate legal action to require compliance with this article.

(g) The City may issue notices of violations for any conditions found to violate the requirements in this article. A notice of violation of this article shall be served upon the alleged violator by personal delivery or by certified mail, return receipt requested. The notice shall state the nature of the violation, the potential penalty, the action required to correct the violation, and a time limit for making the correction.

(h) Violations of this article shall be a criminal misdemeanor, subject to criminal citation and punishable by a fine of up to five hundred dollars (\$500.00) or imprisonment for a period not to exceed thirty days or both. Each and every day or portion thereof that a person or entity fails or refuses to remedy a violation shall be considered a separate offense. Citations may be issued against any person or entity who has violated or continues to violate any section of this article or any of the following:

- (1) Failing to comply with a valid notice of violation issued under this article;
- (2) Failing to allow entry, inspection or monitoring; or
- (3) Violation of reporting requirements or falsification of reports.

(i) If, after reasonable warning notice, a person or entity fails to comply with this article within the time limit included in the notice, the City may cause a criminal citation to be issued.

(j) A person or entity causing an illicit discharge, prohibited discharge or a non-stormwater discharge that appears to present an imminent danger to public health, safety, or welfare or imminent danger to the environment shall immediately eliminate the discharge and abate any damage to the stormwater system.

(k) The City may take all steps necessary to immediately and without notice halt any discharge of pollutants which reasonably appear to present an imminent danger to the health or welfare of persons or to the environment in the City in the event that a person or entity causing such discharge does not immediately eliminate the violation or abate the damage to the stormwater system.

(l) When the City finds that a person or entity has violated or continues to violate any section of this article, the City may petition a court of competent jurisdiction for the issuance of a permanent or temporary injunction, as appropriate, which restrains or compels specific compliance with this article. The City may also seek such other action as is appropriate for legal

and equitable relief, including a requirement that the person or entity conduct an environmental remediation. A petition for injunctive relief shall not be a bar against or a prerequisite for taking any other action against the person or entity. The City may recover from a violator reasonable attorney's fees, court costs and other expenses associated with the enforcement of this article, as well as the cost of actual damages incurred by the City.

(Ord. 2210. Passed 2-5-15.)

933.17 NONEXCLUSIVITY OF REMEDIES.

Remedies under this article are in addition to and do not supersede or limit any and all other remedies, whether administrative, civil or criminal. The remedies provided for herein shall be cumulative and not exclusive.

(Ord. 2210. Passed 2-5-15.)

933.18 APPEAL.

Any person or entity notified of non-compliance with this article or required to perform monitoring, analyses, reporting or corrective activities who is aggrieved by the decision of the City may appeal such decision in writing to the South Charleston City Council within ten (10) days following the effective date of the decision. Upon receipt of such request, the City Council shall request a report and recommendation from the decision maker and shall set the matter for an administrative hearing at the earliest practical date. At said hearing, the City Council may hear additional evidence and may revoke, affirm or modify the earlier decision. Such decision shall be final, subject to appeal to a Court of competent jurisdiction.

(Ord. 2210. Passed 2-5-15.)

933.19 DISCLAIMER OF LIABILITY.

The degree of protection required by this article is considered reasonable for regulatory purposes. The standards set forth herein are minimum standards and this article does not imply that compliance will ensure that there will be no unauthorized discharge of pollutants into the waters of the State. This article shall not create liability on the part of the City, any agent or employee thereof for any damages that result from reliance on this article or any administrative decision made thereunder.

(Ord. 2210. Passed 2-5-15.)