

Bradley E. Grose, Mayor
William "Wes" Nance, Vice Mayor
I. Douglas Adams, Jr., Council Member
Robert R. Altice, Council Member
Matthew S. Hare, Council Member



Vinton Municipal Building
311 South Pollard Street
Vinton, VA 24179
(540) 983-0607

**Vinton Town Council
Regular Meeting
Council Chambers
311 South Pollard Street
Tuesday, April 1, 2014**

AGENDA

Consideration of:

A. 6:00 p.m. - WORK SESSION

1. Review of the Town of Vinton Stormwater Management (SWM) and Storm Sewer System Illicit Discharge Ordinance as required under the Virginia Stormwater Management Program (VSMP) Permit Regulations and the Virginia Stormwater Management Act § 62.1-44.15:27 of the Code of Virginia (1950), as amended.

B. 7:00 p.m. - ROLL CALL AND ESTABLISHMENT OF A QUORUM

C. MOMENT OF SILENCE

D. PLEDGE OF ALLEGIANCE TO THE U. S. FLAG

E. UPCOMING COMMUNITY EVENTS/ANNOUNCEMENTS

F. CONSENT AGENDA

1. Consider approval of minutes for the regular Council meeting of March 18, 2014.

G. AWARDS, RECOGNITIONS, PRESENTATIONS

1. GFWC Woman's Club of Vinton – Child Abuse Awareness Prevention Month
2. Proclamation – Mayor's Day of Recognition for National Service
3. Request for funding presentations by Community Agencies:
 - a. Brain Injury Services of SWVA
 - b. Vinton Dogwood Festival

H. CITIZENS' COMMENTS AND PETITIONS - This section is reserved for comments and questions for issues not listed on the agenda.

I. TOWN ATTORNEY

J. TOWN MANAGER

ITEMS REQUIRING ACTION

1. Consider adoption of a Resolution appropriating funds in the amount of \$4,822.55 for the receipt of an insurance claim made on a Town vehicle involved in the snow storm of February 2014.

UPDATE ON OLD BUSINESS

K. FINANCIAL REPORT FOR FEBRUARY 2014

L. MAYOR

M. COUNCIL

N. ADJOURNMENT

NOTICE OF INTENT TO COMPLY WITH THE AMERICANS WITH DISABILITIES ACT.

Reasonable efforts will be made to provide assistance or special arrangements to qualified individuals with disabilities in order to participate in or attend Town Council meetings. Please call (540) 983-0607 at least 48 hours prior to the meeting date so that proper arrangements may be made.

NEXT TOWN COMMITTEE/COUNCIL MEETINGS/EVENTS:

March 31, 2014 – 5:30 p.m. – Finance Committee meeting – Finance Conference Room

April 3, 2014 – 10:00 a.m. – Vinton Ground Breaking for new library branch and upcoming downtown projects – site of new library branch – 300 South Pollard Street

April 10, 2014 – 8:30 a.m. – Special Budget Work Session – Vinton War Memorial, 814 Washington Avenue

April 15, 2014 – 6:00 p.m. – Work Session followed by regular Council Meeting – Council Chambers



Town Council Agenda Summary

Meeting Date

April 1, 2014

Department

Planning and Zoning

Issue

Review of the Town of Vinton Stormwater Management (SWM) and Storm Sewer System Illicit Discharge Ordinances as required under the Virginia Stormwater Management Program (VSMP) Permit Regulations and the Virginia Stormwater Management Act § 62.1-44.15:27 of the Code of Virginia (1950), as amended.

Summary

By July 1, 2014, the Town, like the rest of the MS4s localities, will have to enforce the new SWM regulations and will also become the VSMP Authority. Becoming the local VSMP Authority will result in the need for an amended SWM Ordinance and Storm Sewer System Illicit Discharge Ordinance to be adopted by May 15, 2014, to align with the new VSMP regulations. Staff has been working with Roanoke County Engineering Division personnel in the development of the SWM and illicit discharge ordinances.

A proposed Ordinance to amend Chapter 15, Stormwater Management and a proposed Ordinance to amend Chapter 15.3 are attached to this Cover Sheet. Also, the amendment of these two Chapters will also necessitate the amendment of Chapter 15.1, Erosion and Sediment Control and Steep Slope Development to renumber that Chapter to 15.2.

Attachments

Draft Ordinance Amending Chapter 15, Stormwater Management
Draft Ordinance Amending Chapter 15.1, Erosion and Sediment Control and Steep Slope Development
Draft Ordinance Amending Chapter 15.3, Storm Sewer System Illicit Discharge
Draft Roco Stormwater Management Ordinance
TOV Fee Schedule

Recommendations

No action required at this time

ORDINANCE NO.

AT A REGULAR MEETING OF THE VINTON TOWN COUNCIL, HELD ON TUESDAY, MAY 6, 2014, AT 7:00 P.M., IN THE COUNCIL CHAMBERS OF THE VINTON MUNICIPAL BUILDING, 311 SOUTH POLLARD STREET, VINTON, VIRGINIA.

AN ORDINANCE REPEALING THE VINTON TOWN CODE CHAPTER 15. STORMWATER MANAGEMENT, SECTION 15-1. ADOPTED, STORMWATER MANAGEMENT STANDARDS BY ADOPTING A NEW CHAPTER OF THE VINTON TOWN CODE – CHAPTER 15.1. STORMWATER MANAGEMENT ORDINANCE.

WHEREAS, the Federal Clean Water Act requires the U. S. Environmental Protection Agency (EPA) to enact regulations to permit and eliminate pollutants discharged into the nation’s waterways; and

WHEREAS, the EPA has required the states and in the Commonwealth of Virginia, the Department of Environmental Quality (DEQ) to enforce these regulations; and

WHEREAS, Town of Vinton through the state-mandated programs is required to lessen the adverse impacts from stormwater runoff from land disturbing activities and from previous development through the local erosion and sediment control ordinance, the Virginia Stormwater Management Program (VSMP), Municipal Separate Storm Sewer System (MS4) Permit, and Total Maximum Daily Load (TMDL) Program; and

WHEREAS, the Commonwealth of Virginia has determined that to increase the effectiveness of these programs, the administration of the VSMP is being transferred to the localities and the stormwater management requirements are being completely revised effective July 1, 2014; therefore, Town of Vinton’s/Roanoke County’s stormwater ordinance must be repealed and a new ordinance adopted; and

WHEREAS, since Town of Vinton is becoming the local VSMP authority, which will result in additional plan reviews, field inspections, educational activities, enforcement actions, and coordination with DEQ; and

WHEREAS, many of Town of Vinton’s creeks and streams are listed by DEQ as impaired and the Town has been assigned seven (7) different “waste local allocations” to limit the pollutants entering the Town’s impaired streams from its storm sewer system; and

WHEREAS, the Town is required through its MS4 permit to reduce these pollutants over time to satisfy the assigned wasteload allocations; and

WHEREAS, as of August 2013, the Vinton Town Council and the Roanoke County Board of Supervisors entered into two Memorandums of Understanding (MOU) for the County of Roanoke personnel to provide to provide stormwater management plan review services, as well as stormwater management facilities inspections; and

WHEREAS, this ordinance satisfies the DEQ requirements effective July 1, 2014; and

WHEREAS, on April 1, 2014, the Vinton Town Council met in work session with Town staff to review the proposed ordinance.

NOW THEREFORE BE IT ORDAINED by the Vinton Town Council, Vinton, Virginia, as follows:

1. That Chapter 15-1. Stormwater Management be, and hereby is, repealed in its entirety.
2. That a new Chapter 15.1 entitled “Stormwater Management Ordinance” be, and hereby is, adopted to read as set out below.
3. That the effective date of this ordinance is July 1, 2014.

~~CHAPTER 15
STORMWATER MANAGEMENT~~

~~Sec. 15.1. Adopted; stormwater management standards.
The town adopts by reference Chapter 23, Stormwater Management, introduction and sections 23-1 et seq., of the Roanoke County Code, as such chapter may from time to time be amended.~~

~~2. That the Roanoke County “Stormwater Management Design Manual”, as such manual may from time to time be amended, is hereby adopted by reference in order to implement the requirements of stormwater management ordinance.~~

~~3. That this ordinance shall be effective from and after the date of its adoption, to remain in compliance with Federal and State regulations under the Clean Water Act and the conditions VPDES Permit, however, its requirements shall not be enforced until January 1, 2008.~~

Chapter 15.1

Stormwater Management Ordinance

Sec. 15.1-1. Adopted; Stormwater Management Ordinance.

The town adopts by reference Chapter 23, Stormwater Management Ordinance, introduction and sections 23-1 et seq., of the County of Roanoke Code; as such chapter may from time to time be amended.

Sec. 15.1-2. Title and Authority

- A. This ordinance shall be known as the “Stormwater Management Ordinance of the Town of Vinton, Virginia.”
- B. Pursuant to § 62.1-44.15:27 of the Code of Virginia, the Town of Vinton hereby establishes a Virginia Stormwater Management Program (VSMP) for land-disturbing

activities and adopts the applicable Regulations that specify standards and specifications for VSMPs promulgated by the State Water Control Board (State Board) for the purposes set out in Section 15.1-3 of this ordinance. The Town of Vinton hereby designates the Town Manager or his/her designee as the Administrator of its Virginia Stormwater Management Program.

Sec. 15.1-3. Purpose

The purpose of this ordinance is to promote and protect the general health, safety, and welfare of the citizens of the Town and to protect property, state waters, stream channels, and other natural resources from the potential harm of unmanaged stormwater, and to establish requirements whereby stormwater is managed to protect water quality and downstream property owners.

This ordinance provides the framework for the administration, implementation, and enforcement of the provisions of the Virginia Stormwater Management Act (VSMA) and delineates the procedures and requirements to be followed in connection with the permits issued by the Administrator.

Sec. 15.1-3. Permit Required.

- A. No grading, building, or other local permit will be issued for a property until a VSMP authority permit has been issued by the Administrator, unless the activity is specifically exempted from VSMP permitting by this Ordinance.
- B. No VSMP authority permit will be issued unless and until the permit application and attendant materials and supporting documentation demonstrate that all land clearing, construction, disturbance, land development and drainage will be done according to the requirements of this Ordinance, including an approved erosion and sediment control plan; and an approved stormwater management plan or an executed agreement in lieu of a stormwater management plan.
- C. No VSMP authority permit will be issued without the general permit registration statement.

Sec. 15.1-4. Hearings and Appeals

Sec. 15.1-4.1. Hearings

- A. Any permit applicant or permittee, or person subject to the requirements of this Ordinance, who is aggrieved by any action, of the County in approving or disapproving any plans required by this Ordinance, or by any enforcement action taken pursuant to County of Roanoke Sec. 23-9, shall have the right to request, in writing, a hearing to the Vinton Town Manager or his/her designee provided a petition requesting such hearing is filed with the Town Manager within 30 days after notice of such action is given by the Administrator.
- B. The hearing shall be held provided that the Town Manager and the aggrieved party have at least thirty (30) days prior notice.

- C. A verbatim record of the proceedings of such hearings shall be taken and filed with the Town Council. Depositions may be taken and read as in actions at law.
- D. The Town Manager, shall have power to issue subpoenas and subpoenas duces tecum, and at the request of any party shall issue such subpoenas. The failure of any witness without legal excuse to appear or to testify or to produce documents shall be acted upon by the Town Manager whose actions may include the procurement of an order of enforcement from the Roanoke County Circuit Court. Witnesses who are subpoenaed shall receive the same fees and reimbursement for mileage as in civil actions.
- E. During its review, the Town Manager shall consider evidence presented by all parties. After considering the evidence, the Town Manager's decision shall be final.

Sec. 15.1-4.2 APPEALS

Final decisions of the Town Manager, under this Ordinance, shall be subject to judicial review by the Roanoke County Circuit Court, provided an appeal is filed within thirty (30) days from the date of any written decision adversely affecting the rights, duties, or privileges of any permit applicant, permittee, or person subject to any enforcement action under this Ordinance.

BE IT FURTHER ORDAINED that this Ordinance shall become effective July 1, 2014.

This Ordinance adopted on motion made by Council Member _____, and seconded by Council Member _____, with the following votes recorded:

AYES:

NAYS:

APPROVED:

Bradley E. Grose, Mayor

ATTEST:

Susan N. Johnson, Town Clerk

ORDINANCE NO.

AT A REGULAR MEETING OF THE VINTON TOWN COUNCIL, HELD ON TUESDAY, _____, 2014 AT 7:00 P.M., IN THE COUNCIL CHAMBERS OF THE VINTON MUNICIPAL BUILDING, 311 SOUTH POLLARD STREET, VINTON, VIRGINIA.

AN ORDINANCE amending Chapter 15.1, Erosion and Sediment Control and Steep Slope Development, of the Vinton Town Code and establishing an effective date.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Vinton that Chapter 15.1, Erosion and Sediment Control and Steep Slope Development, Sections 15.1-1 to 8.1-11 of the Vinton Town Code, is amended as follows:

Chapter ~~15.1~~ 15.2 EROSION AND SEDIMENT CONTROL AND STEEP SLOPE DEVELOPMENT

Sec. ~~15.1~~-1. Title, purpose and authority.

This chapter shall be known as the "Erosion and Sediment Control and Steep Slope Development Ordinance of the Town of Vinton, Virginia." The purpose of this chapter is to conserve the land, water, air and other natural resources of the county by establishing requirements for the control of erosion and sedimentation, and by establishing requirements for development of steep slopes, and by establishing procedures whereby these requirements shall be administered and enforced.

This Chapter is authorized by the Code of Virginia, title 10.1, chapter 5, article 4 (§ 10.1-560 et seq.), known as the Virginia Erosion and Sediment Control Law.
(Ord. No. 847, 4-3-2007)

Sec. ~~15.1~~-2. Applicability of chapter in town.

The provisions of this chapter shall be applicable within the corporate limits of the town. Administrative procedures and review fees may be established to accommodate the review of plans for development located within the town.
(Ord. No. 847, 4-3-2007)

Sec. ~~15.1~~-3. Definitions.

As used in this chapter, unless the context requires a different meaning:

Agreement in lieu of a plan means a contract between the plan-approving authority and the owner which specifies conservation measures which must be implemented in all construction disturbing between 2,500 square feet and 5,000 square feet and/or 250 to 500 cubic yards; this contract may be executed by the plan-approving authority in lieu of a formal site plan.

Applicant means any person submitting an erosion and sediment control plan for approval or requesting the issuance of a permit, when required, authorizing land-disturbing activities to commence.

Board means the state soil and water conservation board.

Certified inspector means an employee or agent of a program authority who holds a certificate of competence from the board in the area of project inspection.

Certified plan reviewer means an employee or agent of a program authority who:

- (1) Holds a certificate of competence from the board in the area of plan review;
- (2) Is licensed as a professional engineer, architect, certified landscape architect or land surveyor pursuant to article 1 (Code of Virginia, § 54.1-400 et seq.) of chapter 4 of title 54.1.

Certified program administrator means an employee or agent of a program authority who holds a certificate of competence from the board in the area of program administration.

Clearing means any activity which removes the vegetative ground cover including, but not limited to, root mat removal or top soil removal.

Conservation plan, erosion and sediment control plan or plan means a document containing material for the conservation of soil and water resources of a unit or group of units of land. It may include appropriate maps, an appropriate soil and water plan inventory, and management information with needed interpretations and a record of decisions contributing to conservation treatment. The plan shall contain all major conservation decisions to assure that the entire unit or units of land will be so treated to achieve the conservation objectives.

County means the County of Roanoke.

Denuded means a term applied to land that has been physically disturbed and no longer supports vegetative cover.

Department means the department of conservation and recreation.

Development means a tract of land developed or to be developed as a single unit under single ownership or unified control which is to be used for any business or industrial purpose or is to contain three or more residential dwelling units.

Director means the director of community development or his assignee.

District or soil and water conservation district refers to the Blue Ridge Soil and Water Conservation District.

Dormant refers to denuded land that is not actively being brought to a desired grade or condition.

Erosion impact area means an area of land not associated with current land disturbing activity but subject to persistent soil erosion resulting in the delivery of sediment onto neighboring properties or into state waters. This definition shall not apply to any lot or parcel of land of 10,000 square feet or less used for residential purposes.

Excavating means any digging, scooping or other methods of removing earth materials.

Filling means any depositing or stockpiling of earth materials.

Geotechnical report means a report provided at the applicant's expense, prepared and stamped by a professional engineer, that communicates site conditions, and recommends design and construction methods.

- (1) The geotechnical report shall include any or all of the following basic information, as determined by the professional engineer:
 - a. Summary of all subsurface exploration data, including subsurface soil profile, exploration logs, laboratory or in situ test results, and ground water information;
 - b. Interpretation and analysis of the subsurface data;
 - c. Specific engineering recommendations for design;
 - d. Discussion of conditions for solution of anticipated problems; and
 - e. Recommended geotechnical special provisions.
- (2) For guidance in investigating site conditions and preparing geotechnical reports, the professional engineer may refer to all applicable sections of: "Checklist and Guidelines for Review of Geotechnical Reports and Preliminary Plans and Specifications", US Department of Transportation, Federal Highway Administration Publication No. FHWA ED-88-053, as amended.
- (3) The geotechnical report shall be submitted to the plan-approving authority and included in site development files prior to issuance of a land disturbing permit.

Grading means any excavating or filling of earth material or any combination thereof, including the land in its excavated or filled conditions.

Land-disturbing activity means any land change which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands in the commonwealth, including, but not limited to, clearing, grading, excavating, transporting and filling of land, except that the term shall not include:

- (1) Minor land-disturbing activities such as home gardens and individual home landscaping, repairs and maintenance work;
- (2) Individual service connections;
- (3) Installation, maintenance, or repairs of any underground public utility lines when such activity occurs on an existing hard-surfaced road, street or sidewalk provided

- such land-disturbing activity is confined to the area of the road, street or sidewalk which is hard-surfaced;
- (4) Septic tank lines or drainage fields unless included in an overall plan for land-disturbing activity relating to construction of the building to be served by the septic tank system;
 - (5) Surface or deep mining;
 - (6) Exploration or drilling for oil and gas including the well site, roads, feeder lines, and off-site disposal areas;
 - (7) Tilling, planting, or harvesting of agricultural, horticultural, or forest crops, or livestock feedlot operations; including engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of chapter 11 (Code of Virginia § 10.1-1100 et seq.) of this title or is converted to bona fide agricultural or improved pasture use as described in subsection B of Code of Virginia § 10.1-1163;
 - (8) Repair or rebuilding of the tracks, rights-of-way, bridges, communication facilities and other related structures and facilities of a railroad company;
 - (9) Agricultural engineering operations including but not limited to the construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds not required to comply with the Dam Safety Act, article 2 (§ 10.1-604 et seq.) of chapter 6 of the Code of Virginia, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation;
 - (10) Disturbed land areas for all uses of less than 2,500 square feet and/or less than 250 cubic yards in size;
 - (11) Installation of fence and sign posts or telephone and electric poles and other kinds of posts or poles;
 - (12) Emergency work to protect life, limb or property, and emergency repairs; provided that if the land-disturbing activity would have required an approved erosion and sediment control plan, if the activity were not an emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirements of the plan-approving authority.

Land disturbing permit means a permit issued by the county for the clearing, filling, excavating, grading, transporting of land or for any combination thereof or for any purpose set forth herein.

Local erosion and sediment control program or program means an outline of the various methods employed by the county to regulate land-disturbing activities and thereby minimize erosion and sedimentation in compliance with the state program and may include such items as local ordinances, policies and guidelines, technical materials, inspection, enforcement, and evaluation.

Owner means the owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a property.

Permittee means the person to whom the permit authorizing land-disturbing activities is issued or the person who certifies that the approved erosion and sediment control plan will be followed.

Person means 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.

Plan-approving authority means the department of community development which is responsible for determining the adequacy of a conservation plan submitted for land-disturbing activities on a unit or units of lands and for approving plans.

Post-development refers to conditions that may be reasonably expected or anticipated to exist after completion of the land development activity on a specific site or tract of land.

Pre-development refers to conditions at the time the erosion and sediment control plan is submitted to the plan-approving authority. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time the erosion and sediment control plan for the initial phase is submitted for approval shall establish pre-development conditions.

Program authority means the county which has adopted a soil erosion and sediment control program approved by the board.

Responsible land disturber means an individual from the project or development team, who will be in charge of and responsible for carrying out a land-disturbing activity covered by an approved plan or agreement in lieu of a plan, who:

- (1) Holds a responsible land disturber certificate of competence;
- (2) Holds a current certificate of competence from the board in the areas of combined administration, program administration, inspection or plan review;
- (3) Holds a current contractor certificate of competence for erosion and sediment control; or
- (4) Is licensed in state as a professional engineer, architect, certified landscape architect or land surveyor pursuant to article 1 (§ 54.1-400 et seq.) of chapter 4 of title 54.1.

Single-family residence means a noncommercial dwelling that is occupied exclusively by one family.

Steep slope means a slope greater than 3:1, or 33.3 percent.

Stabilized means an area that can be expected to withstand normal exposure to atmospheric conditions without incurring erosion damage.

State waters means all waters on the surface and under the ground wholly or partially within or bordering the commonwealth or within its jurisdictions.

Town means the incorporated Town of Vinton.

Transporting means any moving of earth materials from one place to another place other than such movement incidental to grading, when such movement results in destroying the vegetative ground cover either by tracking or the buildup of earth materials to the extent that erosion and sedimentation will result from the soil or earth materials over which such transporting occurs.

(Ord. No. 847, 4-3-2007)

Sec. 15.21-4. Administration of chapter in conjunction with subdivision and zoning ordinances.

This chapter shall be administered, where applicable, in conjunction with the county's subdivision and zoning ordinances wherein such apply to the development and subdivision of land within the county or where such apply to development on previously subdivided land within the county.

(Ord. No. 847, 4-3-2007)

Sec. 15.21-5. Local erosion and sediment control program.

- (a) Pursuant to Code of Virginia § 10.1-562, the county hereby adopts the regulations, references, guidelines, standards and specifications promulgated by the state soil and water conservation board and those more stringent local stormwater management criteria which the county board of supervisors, may adopt by resolution and incorporate into the manual of regulations and policies entitled "Design and Construction Standards Manual" for the effective control of soil erosion and sediment deposition to prevent the unreasonable degradation of properties, stream channels, waters and other natural resources. Said regulations, references, guidelines, standards and specifications for erosion and sediment control are included in but not limited to the "Virginia Erosion and Sediment Control Regulations" and the Virginia Erosion and Sediment Control Handbook, as amended.
- (b) The county hereby designates the director of community development or his assignee as the plan-approving authority.
- (c) The program and regulations provided for in this chapter shall be made available for public inspection at the office of the department of community development.
- (d) Pursuant to Code of Virginia § 10.1-561.1, an erosion control plan shall not be approved until it is reviewed by a certified plan reviewer. Inspections of land-disturbing activities shall be conducted by a certified inspector. The erosion

control program of the county shall contain a certified program administrator, a certified plan reviewer, and a certified inspector, who may be the same person.

(Ord. No. 847, 4-3-2007)

Sec. 15.21-6. Regulated land-disturbing activities; submission and approval of plans; contents of plans.

- (a) Except as provided herein, no person may engage in any land-disturbing activity until he or she has submitted to the department of community development an erosion and sediment control plan for the land-disturbing activity and such plan has been approved by the plan-approving authority. Where land-disturbing activities involve lands under the jurisdiction of more than one local control program, an erosion and sediment control plan, at the option of the applicant, may be submitted to the board for review and approval rather than to each jurisdiction concerned.
 - (1) Where the land-disturbing activity results in between 2,500 square feet and 5,000 square feet and/or 250 to 500 cubic yards of disturbed area, an "agreement in lieu of a plan" may be substituted for an erosion and sediment control plan if executed by the plan-approving authority.
 - (2) Where the land-disturbing activity results in between 5,000 square feet and 10,000 square feet and/or 500 to 750 cubic yards of disturbed area, either a plot plan prepared by a certified responsible land disturber or an engineered plan prepared by a professional engineer showing the erosion and sediment control measures must be submitted and executed by the plan-approving authority. A certified responsible land disturber must be named.
 - (3) Where the land-disturbing activity results in 10,000 square feet or more and/or 750 cubic yards or more of disturbed area, an erosion and sediment control plan must be submitted which has been prepared by a professional engineer. For disturbed areas of less than 10,000 square feet, refer to the chart below to determine requirements for the site.

Square Feet	And/Or	Cubic Yards	Requirements
2,500		0	Exempt from E&S Plan; *building permit plot plan required
2,500—5,000		250—500	"Agreement in Lieu" of a plan; permit fee; *building permit plot plan required
5,000—10,000		500—750	Certified RLD, *building permit plot plan by a certified RLD or a P.E.; permit fee
10,000		>750	RLD, Erosion and sediment control plan prepared by a P.E.; agreement; surety; a *building permit plot plan, if required by the building commissioner

- (b) *Refer to the Virginia Uniform Statewide Building Code for Building Permit Plot Plan Requirements.
- (c) If lots in a subdivision are sold to another owner, that person is responsible for obtaining a certified responsible land disturber and submitting a plot plan for each lot to obtain an erosion and sediment control permit.
- (d) The standards contained with the "Virginia Erosion and Sediment Control Regulations," and The Virginia Erosion and Sediment Control Handbook and those more stringent local stormwater management criteria which the board of supervisors of the county, may adopt by resolution and incorporate into the manual of regulations and policies entitled "Design and Construction Standards Manual" are to be used by the applicant when making a submittal under the provisions of this chapter and in the preparation of an erosion and sediment control plan. In cases where one standard conflicts with another, the more stringent applies. The plan approving authority, in considering the adequacy of a submitted plan, shall be guided by the same standards, regulations and guidelines. The plan approving authority may waive or modify any of the regulations that are deemed inappropriate or too restrictive for site conditions by granting a variance under the conditions noted in 4VAC50-30-50 of the Virginia Erosion and Sediment Control Regulations.
- (e) The plan approving authority shall grant written approval within 45 days of the receipt of the plan, if it is determined that the plan meets the requirements of the local control program, and if the person responsible for carrying out the plan certifies that he or she will properly perform the erosion and sediment control measures included in the plan and will conform to the provisions of this chapter.

When the plan is determined to be inadequate, written notice of disapproval stating the specific reasons for disapproval shall be communicated to the applicant within 45 days. The notice shall specify the modifications, terms and conditions that will permit approval of the plan. If no action is taken by the plan-approving authority within the time specified above, the plan shall be deemed approved and the person authorized to proceed with the proposed activity.

- (f) Responsible land disturber requirement. As a prerequisite to engaging in the land-disturbing activities shown on the approved plan, the person responsible for carrying out the plan shall provide the name of an individual holding a certificate of competence, to the program authority, as provided by section 10.1-561, of the Virginia Erosion and Sediment Control Law, who will be in charge of and responsible for carrying out the land-disturbing activity (the responsible land disturber). Failure to provide the name of an individual holding a certificate of competence prior to engaging in land-disturbing activities may result in revocation of the approval of the plan and the person responsible for carrying out the plan shall be subject to the penalties provided in this chapter.

However, the plan-approving authority may waive the certificate of competence for an "agreement in lieu of a plan" for construction of a single-family residence meeting the requirements in 15.21-3 of this chapter. If a violation occurs during the land-disturbing activity, then the person responsible for carrying out the "agreement in lieu of a plan" shall correct the violation and provide the name of an individual holding a certificate of competence, as provided by section 10.1-561 of the Virginia Erosion and Sediment Control Law. Failure to provide the

name of an individual holding a certificate of competence shall be a violation of this chapter and may result in penalties provided in this chapter.

- (g) An approved plan may be changed by the plan approving authority when:
 - (1) The inspection reveals that the plan is inadequate to satisfy applicable regulations; or
 - (2) The person responsible for carrying out the plan finds that because of changed circumstances or for other reasons the approved plan cannot be effectively carried out, and proposed amendments to the plan, consistent with the requirements of this chapter, are agreed to by the plan approving authority and the person responsible for carrying out the plan.
- (h) In order to prevent further erosion, the county may require approval of a conservation plan for any land identified in the local program as an erosion impact area.
- (i) When land-disturbing activity will be required of a contractor performing construction work pursuant to a construction contract, the preparation, submission, and approval of an erosion control plan shall be the responsibility of the owner.
- (j) Electric, natural gas and telephone utility companies, interstate and intrastate natural gas pipeline companies and railroad companies shall file general erosion and sediment control specifications annually with the Board for review and written comments. The specifications shall apply to:
 - (1) Construction, installation or maintenance of electric transmission, natural gas and telephone utility lines, and pipelines; and
 - (2) Construction of the tracks, rights-of-way, bridges, communication facilities and other related structures and facilities of the railroad company.

Individual approval of separate projects within subdivisions (1) and (2) of this subsection is not necessary when board approved specifications are followed, however, projects included in subdivisions (1) and (2) must comply with board approved specifications. Projects not included in subdivisions (1) and (2) of this subsection shall comply with the requirements of the county erosion and sediment control ordinance.

The board shall have 60 days in which to approve the specifications. If no action is taken by the board within 60 days, the specifications shall be deemed approved. The board shall have the authority to enforce approved specifications.

- (k) State agency projects are exempt from the provisions of this chapter, pursuant to Code of Virginia, § 10.1-564.
- (l) If the grade of a site is more than 33.3 percent, refer to the International Building Code for steep slope development requirements.
- (m) Cut slopes or fill slopes shall not be greater than 2:1 (horizontal:vertical), unless a geotechnical report is provided for the proposed slopes.
- (n) Cut slopes or fill slopes shall not be greater than 25 vertical feet in height, unless a geotechnical report is provided for the proposed slopes. Cut slopes or fill slopes less than or equal to 3:1 (horizontal:vertical) may exceed 25 vertical feet in height and shall not require a geotechnical report.

- (o) For any cut slopes or fill slopes greater than or equal to 2:1 (horizontal:vertical) and greater than or equal to 25 vertical feet in height, as-built plans showing that the finished geometry is in substantial conformity with the design shall be provided to the plan-approving authority.
- (p) Fill materials, compaction methods and density specifications shall be indicated on the site development plans. Fill areas intended to support structures shall also be indicated on the site development plans. Compaction test results (per VDOT standards) shall be submitted to the plan approving authority.
- (q) Development plans for all new subdivisions shall show proposed lot grades to ensure positive drainage.

(Ord. No. 847, 4-3-2007)

Sec. 15.21-7. Permits; fees; bonding; etc.

- (a) Agencies authorized under any other law to issue grading, building, or other permits for activities involving land-disturbing activities may not issue any such permit unless the applicant submits with his application an approved erosion and sediment control plan and certification that the plan will be followed.
- (b) No person shall engage in any land-disturbing activity until he has acquired a land-disturbing permit, unless the proposed land-disturbing activity is specifically exempt from the provisions of this chapter, and has paid the fees and posted the required bond.
- (c) Fees. An applicant requesting permission to begin land-disturbing activity pursuant to this article shall pay the following fees to cover the administrative expense of review, permitting, and inspection.

Square Feet	And/Or	Cubic Yards	Fees	Cap	Requirement
<2,500		<250	\$0.00		None
2,500—5,000		250—500	\$25.00		In lieu of agreement
5,000—10,000		500—750	\$50.00		Responsible land disturber
>10,000		>750	\$100.00 + \$100/disturbed acre or portion	\$500.00	Certified inspector for project
>10,000		>750	\$100.00 + \$100/disturbed acre or portion		No certified inspector for project

- (d) Bond. All applicants for permits shall provide to the county a performance bond, cash escrow, or an irrevocable letter of credit acceptable to the director of community development or his assignee, to ensure that measures could be taken by the county at the applicant's expense should the applicant fail, after proper notice, within the time specified to initiate or maintain appropriate conservation

measures required of him as a result of his land-disturbing activity. Should it be necessary for the county to take such conservation action, the county may collect from the applicant any costs in excess of the amount of the surety held.

Within 60 days of adequate stabilization and completion of all other site requirements, as determined by the director of community development or his assignee, such bond, cash escrow or letter of credit, or the unexpended or unobligated portion thereof shall be either refunded to the applicant or terminated.

- (e) These requirements are in addition to all other provisions relating to the issuance of permits and are not intended to otherwise affect the requirements for such permits.

(Ord. No. 847, 4-3-2007)

Sec. 15.21-8. Monitoring, reports, and inspections.

- (a) The county may require the person responsible for carrying out the plan and/or the responsible land disturber to monitor and maintain the land-disturbing activity. The responsible land disturber will maintain records of these inspections and maintenance, to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation.
- (b) The department of community development shall periodically inspect the land-disturbing activity as required under the state program to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sedimentation. The owner, permittee, or person responsible for carrying out the plan shall be given notice of the inspection. If the director of community development or his assignee determines that there is a failure to comply with the plan or if the plan is determined to be inadequate, notice shall be served upon the permittee, person responsible for carrying out the plan or the responsible land disturber by registered or certified mail to the address specified in the permit application or in the plan certification, or by delivery at the site of the land-disturbing activities to the agent or employee supervising such activities.

The notice shall specify the measures needed to comply with the plan and shall specify the time within which such measures shall be completed. Upon failure to comply within the specified time, the permit may be revoked and the permittee shall be deemed to be in violation of this chapter and, upon conviction, shall be subject to the penalties provided by this chapter.

- (c) Upon determination of a violation of this chapter, the director of community development or his assignee may, in conjunction with or subsequent to a notice to comply as specified in this chapter, issue an order requiring that all or part of the land-disturbing activities permitted on the site be stopped until the specified corrective measures have been taken.

If land-disturbing activities have commenced without an approved plan or proper permits, the director of community development or his assignee may, in conjunction with or subsequent to a notice to comply as specified in this chapter, issue an order requiring that all of the land-disturbing and/or construction activities be stopped until an approved plan or any required

permits are obtained. Failure to comply will result in civil penalties as outlined in section 15.1-9 of this chapter.

Where the alleged noncompliance is causing or is in imminent danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the commonwealth, or where the land-disturbing activities have commenced without an approved plan or any required permits, such an order may be issued without regard to whether the permittee has been issued a notice to comply as specified in this chapter. Otherwise, such an order may be issued only after the permittee has failed to comply with such a notice to comply. The order shall be served in the same manner as a notice to comply, and shall remain in effect for a period of seven days from the date of service pending application by the enforcing authority or permit holder for appropriate relief to the circuit court.

If the alleged violator has not obtained an approved plan or any required permits within seven days from the date of service of the order, the director of community development or his assignee may issue an order to the owner requiring that all construction and other work on the site, other than corrective measures, be stopped until an approved plan and any required permits have been obtained. Such an order shall be served upon the owner by registered or certified mail to the address specified in the permit application or the land records of the county.

The owner may appeal the issuance of an order to the circuit court of the county. Any person violating or failing, neglecting or refusing to obey an order issued by the director of community development or his assignee may be compelled in a proceeding instituted in the circuit court of the county to obey same and to comply therewith by injunction, mandamus or other appropriate remedy. Upon completion and approval of corrective action or obtaining an approved plan or any required permits, the order shall immediately be lifted. Nothing in this section shall prevent the director of community development or his assignee from taking any other action authorized by this chapter.

(Ord. No. 847, 4-3-2007)

Sec. 15.21-9. Penalties, injunctions, and other legal actions.

- (a) Violators of this chapter shall be guilty of a class I misdemeanor.
- (b) Civil penalties:
 - (1) A civil penalty in the amount listed on the schedule below shall be assessed for each violation of the respective offenses:
 - a. Commencement of land disturbing activity without an approved plan as provided in section 8.6-1 shall be \$1,000.00/day.
 - b. Vegetative measures—Failure to comply with items (1), (2) and (3) of the minimum standards shall be \$100.00/violation/day.
 - c. Structural measures—Failure to comply with items (2), (4), (9), (10), (11), (15) and (17) of the minimum standards shall be \$100.00/violation/day.
 - d. Watercourse measures—Failure to comply with items (12), (13) and (15) of the minimum standards shall be \$100.00/violation/day.

- e. Underground utility measures—Failure to comply with item (16)a. and/or c. shall be \$100.00/violation/day.
 - f. Failure to obey a stop work order shall be \$100.00/day.
 - g. Failure to stop work when permit revoked \$100.00/day.
- (2) Each day during which the violation is found to have existed shall constitute a separate offense. However, in no event shall a series of specified violations arising from the same operative set of facts result in civil penalties which exceed a total of \$3,000.00, except that a series of violations arising from the commencement of land-disturbing activities without an approved plan for any site shall not result in civil penalties which exceed a total of \$10,000.00. The assessment of civil penalties according to this schedule shall be in lieu of criminal sanctions and shall preclude the prosecution of such violation as a misdemeanor under subsection (a) of this section.
- (c) The director of community development or his assignee may apply to the circuit court of the county to enjoin a violation or a threatened violation of this chapter, without the necessity of showing that an adequate remedy at law does not exist.
 - (d) In addition to any criminal penalties provided under this chapter, any person who violates any provision of this chapter may be liable to the county in a civil action for damages.
 - (e) Civil penalty enumerated. Without limiting the remedies which may be obtained in this section, any person violating or failing, neglecting, or refusing to obey any injunction, mandamus or other remedy obtained pursuant to this section shall be subject, in the discretion of the court, to a civil penalty not to exceed \$2,000.00 for each violation. A civil action for such violation or failure may be brought by the county. Any civil penalties assessed by a court shall be paid into the treasury of the county, except that where the violator is the locality itself, or its agent, the court shall direct the penalty to be paid into the state treasury.
 - (f) With the consent of any person who has violated or failed, neglected or refused to obey any regulation or condition of a permit or any provision of this chapter, the county may provide for the payment of civil charges for violations in specific sums, not to exceed the limit specified in subsection (b)(2) of this section. Such civil charges shall be instead of any appropriate civil penalty which could be imposed under subsection (b) or (e).
 - (g) The county's attorney shall, upon request of the county or the permit issuing authority, take legal action to enforce the provisions of this chapter.
 - (h) Compliance with the provisions of this chapter shall be prima facie evidence in any legal or equitable proceeding for damages caused by erosion, siltation or sedimentation that all requirements of law have been met, and the complaining party must show negligence in order to recover any damages.

(Ord. No. 847, 4-3-2007)

Sec. 15.21-10. Appeals and judicial review.

Any applicant under the provision of this chapter who is aggrieved by any action of the county or its agent in disapproving plans submitted pursuant to this chapter shall have the right to

apply for and receive a review of such action by the county board of supervisors. In reviewing the agent's actions, the board of supervisors shall consider evidence and opinions presented by the aggrieved applicant and agent. After considering the evidence and opinions, the board of supervisors' decision shall be final, subject only to review by the circuit court of the county. Any applicant who seeks an appeal hearing before the board of supervisors shall be heard at the next regularly scheduled board of supervisors' public hearing provided that the board of supervisors and other involved parties have at least 30 days prior notice.

Final decisions of the county under this chapter shall be subject to review by the county circuit court, provided an appeal is filed within 30 days from the date of any written decision adversely affecting the rights, duties, or privileges of the person engaging in or proposing to engage in land-disturbing activities.

(Ord. No. 847, 4-3-2007)

| **Sec. ~~15.28~~-1.11. Civil violations, summons, generally.**

- (a) The director shall prepare an appropriate erosion and sediment control civil violation summons for use in enforcing the provisions of this chapter.
- (b) Any inspector of the plan approving authority charged with enforcing this chapter shall serve upon any owner or permittee in violation of this chapter, a summons notifying the owner or permittee of said violation. If unable to serve the owner or permittee in person, the inspector may notify by summons an owner or permittee committing or suffering the existence of a violation by certified, return receipt requested mail, of the infraction. The county sheriff's office may also deliver the summons. The summons shall contain the following information:
 - (1) The name and address of the person charged.
 - (2) The nature of the violation and chapter provision(s) being violated.
 - (3) The location, date, and time that the violation occurred, or was observed.
 - (4) The amount of the civil penalty assessed for the violation.
 - (5) The manner, location, and time that the civil penalty may be paid to the county.
 - (6) The right of the recipient of the summons to elect to stand trial for the infraction and the date of such trial.
- (c) The summons shall provide that any person summoned for a violation may, within five days of actual receipt of the summons or, within ten days from the date of mailing of the summons, elect to pay the civil penalty by making an appearance in person, or in writing by mail to the county treasurer's office and, by such appearance, may enter a waiver of trial, admit liability, and pay the civil penalty established for the violation charged and provide that a signature to an admission of liability shall have the same force and effect as a judgment in court; however, an admission shall not be deemed a criminal conviction for any purpose.
- (d) If a person charged with a violation does not elect to enter a waiver of trial and admit liability, the county shall cause the sheriff of county to serve the summons on the person charged in the manner prescribed by law. The violation shall be tried in general district court in the same manner and with the same right of appeal as provided for in title 8.01 of the Code of Virginia. In any trial for a

scheduled violation authorized by this section, it shall be the burden of the county to show the liability of the violator by the preponderance of the evidence. Any admission of liability, or finding of liability shall not be a criminal conviction for any purpose.

- (e) The remedies provided for in this section are cumulative, and are not exclusive and, except as provided above, shall be in addition to any other remedies by law.
- (f) The owner or permittee may pay the civil penalty to the treasurer prior to the trial date, provided he also pays necessary court costs in addition to the civil penalty.
- (g) Within the time period prescribed in (c), above, the owner or permittee, may contest the violation by presenting it to the director, who shall certify the contest in writing, on an appropriate form, to the general district court.
- (h) Failure to pay the civil penalty, or to contest the violation, within the time period prescribed in (c), above, shall result in the immediate issuance of a stop work order and the revocation of the permit, if any.

(Ord. No. 847, 4-3-2007)

This ordinance shall take effect on _____, 2014.

This Ordinance adopted on motion made by Council Member _____, seconded by Council Member _____, with the following votes recorded:

AYES:

NAYS:

APPROVED:

Bradley E. Grose, Mayor

ATTEST:

Susan N. Johnson, Town Clerk

ORDINANCE NO.

AT A REGULAR MEETING OF THE VINTON TOWN COUNCIL HELD ON TUESDAY, MAY 6, 2014, AT 7:00 P.M., IN THE COUNCIL CHAMBERS OF THE VINTON MUNICIPAL BUILDING, 311 SOUTH POLLARD STREET, VINTON, VIRGINIA.

AN ORDINANCE TO REPEAL CHAPTER 15.3 STORM SEWER SYSTEM ILLICIT DISCHARGE OF THE TOWN OF VINTON CODE, AND REPLACE CHAPTER 15.3 IN ITS ENTIRETY BY ADOPTING AND ENACTING CHAPTER 15.3 ILLICIT DISCHARGE ORDINANCE OF THE TOWN OF VINTON CODE.

WHEREAS, the Town Council finds that the uncontrolled discharge of pollutants to its Municipal Separate Storm Sewer System (MS4) has an adverse impact on the water quality of receiving waters; and

WHEREAS, amendments to the Federal Water Pollution Control Act, commonly known as the Clean Water Act, established the National Pollutant Discharge Elimination System (NPDES) Program, which requires permits for discharges from regulated municipal separate storm sewer systems into the waters of the United States; and

WHEREAS, the United States Environmental Protection Agency (EPA) has promulgated regulations implementing the NPDES program, and the EPA has authorized the Commonwealth of Virginia to issue NPDES permits under the Virginia Pollutant Discharge and Elimination System (VPDES) permit system; and

WHEREAS, the VPDES regulations for stormwater discharges require Town of Vinton to control the contribution of pollutants to its regulated MS4 by prohibiting illicit discharges, and to inspect, monitor, and enforce the prohibitions of illicit discharges to its regulated MS4; and

WHEREAS, the Town Planning and Zoning Staff has been working with County of Roanoke Engineering Division Staff in developing the guidelines and regulations for the storm sewer system illicit discharges ordinance to meet the VPDES and the VSMP regulations; and

WHEREAS, on April 1, 2014, the Vinton Town Council met in work session with Town staff to review the proposed ordinance.

NOW THEREFORE, BE IT ORDINED that that the Vinton Town Council does hereby repeal Chapter 15.3 Storm Sewer System Illicit Discharge Ordinance of the Town Code in its entirety by adopting and enacting Chapter 15.3 Illicit Discharge Ordinance, of the Town Code, as follows:

Chapter 15.3

STORM SEWER SYSTEM ILLICIT DISCHARGE ORDINANCE

Section 1. — Title

~~This ordinance shall be known as the Town of Vinton Storm Sewer System Discharge Ordinance.~~

Section 2. — Findings of Fact

~~The Town Council finds that the uncontrolled discharge of pollutants to the storm sewer system has an adverse impact upon the water quality of the receiving waters. More specifically:~~

- ~~(a) The Federal Water Pollution Control Act, commonly known as the Clean Water Act, established the National Pollutant Discharge Elimination System (NPDES) program, which requires permits for discharges from municipal storm sewer systems into the waters of the United States. The Environmental Protection Agency (EPA) has promulgated regulations implementing the NPDES program.~~
- ~~(b) The NPDES regulations for stormwater discharges require certain municipalities, including the Town of Vinton, to:
 - ~~(1) Control through ordinance, permit, contract, order or similar means, the contribution of pollutants to storm sewer systems by stormwater discharges associated with industrial activity and the quality of stormwater discharged from sites of industrial activity;~~
 - ~~(2) Prohibit through ordinance, order or similar means, illicit discharges to storm sewer systems;~~
 - ~~(3) Control through ordinance, order or similar means discharges to storm sewer systems of spills, dumping or disposal of materials other than stormwater;~~
 - ~~(4) Require compliance with conditions in ordinances, permits, contracts or orders; and~~
 - ~~(5) Carry out all inspection, surveillance, and monitoring procedures necessary to determine compliance and noncompliance with permit conditions, including prohibitions of illicit discharges to the storm sewer system.~~~~

Section 3. Purpose and Objectives

- ~~(a) The purpose of this ordinance is to provide for the health, safety and general welfare of the citizens of the Town of Vinton through the regulation of non-stormwater discharges to the storm sewer system.~~

- (b) ~~This ordinance establishes methods for controlling the introduction of pollutants into the storm sewer system in order to comply with the requirements of the NPDES program and the Virginia Pollutant Discharge Elimination System (VPDES) program.~~
- (c) ~~The objectives of this ordinance are:
 - (1) ~~To regulate the contribution of pollutants to the storm sewer system by stormwater discharges by any user;~~
 - (2) ~~To prohibit illicit connections and illicit discharges to the storm sewer system;~~
 - (3) ~~To establish legal authority to carry out all inspections, surveillance and monitoring procedures necessary to ensure compliance with this ordinance.~~~~
- (d) ~~If the provisions of this ordinance conflict with other Town of Vinton ordinances or regulations, the more stringent limitations or regulations shall apply.~~

Section 4. Definitions

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

- (a) ~~*Best Management Practices (BMPs)*— Schedules of activities, prohibitions of practices, maintenance procedures and other management practices to prevent or reduce pollutants from entering the storm sewer system or being discharged from the storm sewer system. BMPs include, but are not limited to, treatment methods and practices to control discharge of pollutants.~~
- (b) ~~*Clean Water Act (CWA)*— The Federal Water Pollution Control Act, as amended, 22 United States Code 1251 et seq.~~
- (c) ~~*Director*— The Town of Vinton Public Works Director or his designee.~~
- (d) ~~*Discharge*— Dispose, deposit, spill, pour, inject, pump, leak or place by any means, or that which is disposed, deposited, spilled, poured, injected, pumped leaked or placed by any means.~~
- (e) ~~*Illicit Connection*— Point source discharges to the Town of Vinton's storm sewer system or to the waters of the United States, which are not composed entirely of stormwater and are not authorized by a NPDES permit. Failure of an industrial facility or construction site to notify the Town of Vinton Public Works Director of a connection to the Town's storm sewer system constitutes an illicit connection.~~
- (f) ~~*Illicit Discharge*— Any discharge to the storm sewer system or to the waters of the United States that is not composed entirely of stormwater, with the exception of~~

discharges which are exempt pursuant to Section 5 of this Ordinance. Any discharge in violation of a NPDES or VPDES permit shall constitute an illicit discharge.

- (g) ~~*Industrial Wastes*~~—Liquid or wastes resulting from any process of industry, manufacture, trade or business, or from the development of any natural resource.
- (h) ~~*Inspection*~~—Includes, but is not limited to, any on-site physical examination of all facilities and grounds which may discharge to a storm sewer system, a review of all records on operation and maintenance of facilities and the results of any monitoring performed for compliance with state, federal and local regulations or permit conditions.
- (i) ~~*National Pollutant Discharge Elimination System (NPDES)*~~—Federal program for issuing, modifying, revoking, reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under Sections 307, 318, 402 and 418 of the CWA.
- (j) ~~*Other Wastes*~~—Wastes that can adversely affect waters of the United States when discharged into those waters, including, but not limited to, garbage, refuse, lime, fertilizer, ashes, offal, tar, paint, solvents, petroleum products, antifreeze and chemicals.
- (k) ~~*Person*~~—Any individual, firm organization, partnership, association, organization or other entity, including governmental entities, or any combination thereof, or any agent or employee of any such person.
- (l) ~~*Sanitary Sewer*~~—A system of underground conduits that collect and deliver sanitary wastewater to a wastewater treatment plant.
- (m) ~~*Storm Sewer System*~~—The conveyance or system of conveyances located within the Town of Vinton, which are designed or used for collecting, storing or conveying stormwater or through which stormwater is collected, stored or conveyed, including, but not limited to, roads, streets, catch basins, drop inlets, curbs, gutters, ditches, pipes, lakes, ponds, man-made channels, storm drains, outfalls, retention, detention and infiltration basins and other facilities.
- (n) ~~*Stormwater*~~—Runoff from rain, snow or other precipitation, surface runoff and drainage.
- (o) ~~*Virginia Pollutant Discharge Elimination System (VPDES)*~~—The permit issued by the State of Virginia for imposing and enforcing pretreatment requirements pursuant to the Clean Water Act.

Section 5. Prohibited Discharge to the Storm Sewer System

- (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.~~
 - ~~(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 the adoption of this Ordinance.~~
 - ~~(3) Connect, or cause or allow to be connected to the storm sewer system, without a valid VPDES or NPDES permit, any structure that conveys any liquid other than stormwater or discharges listed in subsection (b), including, but not limited to, pipes, drains, sanitary sewer lines, washing machine drains or floor drains.~~
 - ~~(4) Prohibitions 2 and 3 listed in Section 5(a) expressly include, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.~~
- ~~(b) Subject to the provisions of subsection (c), the following activities shall not be in violation of this Ordinance:~~
- ~~(1) Water line flushing;~~
 - ~~(2) Landscape irrigation;~~
 - ~~(3) Diverted stream flows or rising groundwater;~~
 - ~~(4) Infiltration of uncontaminated groundwater;~~
 - ~~(5) Pumping of uncontaminated groundwater;~~
 - ~~(6) Discharges from potable water sources, foundation drains, irrigation water, springs, water from crawl spaces or footing drains;~~
 - ~~(7) Air conditioning condensation;~~
 - ~~(8) Lawn watering;~~
 - ~~(9) Residential car washing;~~
 - ~~(10) Dechlorinated swimming pool discharge;~~
 - ~~(11) Street washing~~
 - ~~(12) Discharges or flows from emergency fire fighting activities and emergency respond activities employing BMPs;~~
 - ~~(13) Any activity authorized by a valid VPDES or NPDES permit or Virginia Pollution Abatement (VPA) permit.~~
- ~~(c) In the event any of the activities listed in subsection (b) are found to be the cause of pollutants to be discharged into the storm sewer system, the Director shall so notify the person performing such activities, and shall order that such activities be ceased or conducted in such a manner as to avoid the discharge of pollutants into the storm sewer system. The failure to comply with any such order shall constitute a violation of the provisions of this Ordinance.~~

Section 6. — Watercourse Protection

~~Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, yard wastes, and other obstacles that would pollute, contaminate or significantly retard the flow of water through the watercourse. The owner or lessee shall not remove healthy bank vegetation beyond that necessary for maintenance, nor remove said vegetation in such a manner as to increase the vulnerability of the watercourse to erosion. The property owner shall be responsible for maintaining and stabilizing that portion of the watercourse that is within their property lines in order to protect against erosion and degradation of the watercourse originating or contributed from their property. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.~~

Section 7. — Inspections and Monitoring

~~The Director shall have the authority to inspect and monitor discharges and sources of potential discharge to the storm sewer system to ensure compliance with this Ordinance, including the authority to enter upon private property to inspect or monitor such discharges or sources of potential discharge. The Director shall also have the authority to initiate enforcement actions in accordance with Section 8 of this Ordinance.~~

Section 8. — Penalties

- ~~(a) Any person who knowingly violates any provision of this Ordinance shall be guilty of a Class 1 misdemeanor. Each day that such violation is committed, and each day that such violation is permitted to remain uncorrected, shall constitute a separate offense.~~
- ~~(b) Any person who, intentionally or otherwise, commits any of the acts prohibited by Section 5 of this Ordinance shall be liable to the Town of Vinton for all costs of containment, cleanup, abatement, removal and disposal of any substance unlawfully discharged into the storm sewer system.~~
- ~~(c) Any person who, intentionally or otherwise, violates any provision of this Ordinance shall be subject to a civil penalty in an amount not to exceed one thousand dollars (\$1,000) for each day that a violation of this Ordinance continues. The court assessing such penalties, may, at its discretion, order such penalties to be paid into the Treasury of the Town of Vinton for the purposes of abating, preventing or mitigating environmental pollution.~~
- ~~(d) The Director may bring legal action to enjoin the 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 (1) or more of the remedies set forth herein has been sought or granted.~~

Section 9. — Severability

~~If the provisions of any article, section, subsection, paragraph, subdivision or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order or judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this chapter.~~

Section 10. — Ultimate Responsibility

~~The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore this Ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.~~

Chapter 15.3

ILLICIT DISCHARGE ORDINANCE

INTRODUCTION

Town of Vinton finds that the uncontrolled discharge of pollutants to its municipal separate storm sewer system (MS4) has an adverse impact on the water quality of receiving waters. Amendments to the Federal Water Pollution Control Act, commonly known as the Clean Water Act, established the National Pollutant Discharge Elimination System (NPDES) Program, which requires permits for discharges from regulated municipal separate storm sewer systems into the waters of the United States.

The United States Environmental Protection Agency (EPA) has promulgated regulations implementing the NPDES program. Moreover, the EPA has authorized the Commonwealth of Virginia to issue NPDES permits under the Virginia Pollutant Discharge and Elimination System (VPDES) permit system. The VPDES regulations for stormwater discharges require certain localities, including Town of Vinton, to control the contribution of pollutants to its regulated MS4 by prohibiting illicit discharges, and to inspect, monitor, and enforce the prohibitions of illicit discharges to its regulated MS4.

Sec. 15.3-1. GENERAL PROVISIONS

Sec. 15.3-1.1. TITLE AND AUTHORITY

- A. This ordinance shall be known as the “Illicit Discharge Ordinance of the Town of Vinton, Virginia.”
- B. This ordinance establishes the Town’s illicit discharge program that regulates non-stormwater discharges to its regulated MS4, consistent with state regulations promulgated pursuant to the law.

- C. The Town of Vinton hereby designates the Town Manager as the Administrator of the illicit discharge program.

Sec. 15.3-1.2. PURPOSE

The purpose of this ordinance is to promote the general health, safety, and welfare of the citizens of the Town by protecting property and state waters through the prohibition of illicit discharges of non-stormwater within the Town’s regulated MS4 area; subject to certain exceptions.

Sec. 15.3-1.3. APPLICABILITY

This ordinance is applicable to any non-stormwater discharge that enters, or has the potential of entering the Town’s regulated MS4 area.

Sec. 15-1.4. COMPATABILITY WITH OTHER REQUIREMENTS

This ordinance is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. The requirements of this ordinance shall be considered minimum requirements, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall apply.

Sec. 15.3-1.5. SEVERABILITY

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this ordinance.

SEC. 15.3-2. DEFINITIONS

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

“Administrator” means the position responsible for administering the illicit discharge program on behalf of the Town of Vinton, Roanoke. The Administrator shall be the Town Manager or his/her designee.

“Best Management Practice or BMP” means schedules of activities, prohibitions of practices, including both structural or non-structural practices, maintenance procedures, and other management practices to prevent or reduce the pollution of surface waters and groundwater systems from the impacts of land-disturbing activities.

“Clean Water Act or CWA” means the federal Clean Water Act (33 United States Code 1251 et seq.), formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972, Public Law 92-500, as amended by Public Law 95-217, Public Law 95-576, Public Law 96-483, and Public Law 97-117, or any subsequent revisions thereto.

"Control measure" means any best management practice or other method used to prevent or reduce the discharge of pollutants to surface waters.

“County” means the County of Roanoke, Virginia.

“Department” means the Virginia Department of Environmental Quality (DEQ).

“Discharge” means to dispose, deposit, spill, pour, inject, dump, pump, leak, or place by any means, or that which is disposed, deposited, spilled, poured, injected, dumped, pumped, leaked, or placed by any means.

“Illicit discharge” means any discharge to the Town’s MS4 that is not composed entirely of stormwater, except discharges pursuant to a VPDES or VSMP permit (other than the VSMP permit for discharges from the MS4), discharges resulting from firefighting activities, and discharges identified by and in compliance with 9VAC25-870-400 D 2 c (3).

"Municipal separate storm sewer" means a conveyance or system of conveyances otherwise known as a municipal separate storm sewer system or "MS4," including roads with drainage systems, municipal streets, catch basins, drop inlets, curbs, gutters, ditches, man-made channels, storm drainage pipes, or other drainage structures:

1. Owned or operated by Town of Vinton;
2. Designed or used for collecting or conveying stormwater;
3. That is not a combined sewer; and
4. That is not part of a publicly owned treatment works (POTW).

“Municipal separate storm sewer system” or **“MS4”** means all municipal separate storm sewers that are located within the Town of Vinton.

“National Pollutant Discharge Elimination System” (NPDES) means the federal program for issuing, modifying, revoking, reissuing, terminating, monitoring, and enforcing permits, and imposing and enforcing pre-treatment requirements under the Clean Water Act (CWA).

“Person” means any individual, firm, organization, partnership, association, organization or other entity, including governmental entities, or any combination thereof, or any agent or employee of any such entity.

“State waters” means all water, on the surface and under the ground, wholly or partially within or bordering the Commonwealth or within its jurisdiction, including wetlands.

“Stormwater” means precipitation that is discharged across the land surface or through conveyances to one or more waterways, which may include rainfall runoff, snow melt runoff, and surface runoff and drainage.

“Town” means Town of Vinton, Virginia.

“Virginia Pollutant Discharge Elimination System” (VPDES) means the program issued by the Commonwealth of Virginia for imposing and enforcing pre-treatment requirements pursuant to the Clean Water Act (CWA).

“Virginia Stormwater Management Program” (VSMP) means a program approved by the State Board after September 13, 2011, that has been established by a locality to manage the quality and quantity of runoff resulting from land-disturbing activities, which shall include such items as local ordinances, rules, permit requirements, annual standards and specifications, policies and guidelines, technical materials, and requirements for plan review, inspection, enforcement, where authorized in this article, and evaluation consistent with the requirements of this article and associated regulations.

Sec. 15.3-3. PROHIBITED DISCHARGES

- A. It shall be unlawful and a violation of this ordinance to allow any discharge that is not composed entirely of stormwater, except as described in subsection C below, that enters, or has the potential of entering, the MS4.
- B. Illicit discharges include, but are not limited to:
 - 1. Discharging, or causing or allowing to be discharged, sewage, industrial wastes, yard wastes, or other wastes, into the storm sewer system, or any component thereof, or onto driveways, sidewalks, parking lots, the ground, or any other areas draining to the storm sewer system.
 - 2. Connecting, or causing or allowing connection of any sanitary sewer to the storm sewer system, including any sanitary sewer connected to the storm sewer as of the date of the adoption of this ordinance.
 - 3. Connecting, or causing or allowing any connection to the storm sewer system, without a valid VSMP, VPDES, or NPDES permit, any structure that conveys any liquid other than stormwater or discharges listed in subsection C, including, but not limited to, pipes, drains, sanitary sewer lines, washing machine drains, or floor drains.
 - 4. Prohibitions 2 and 3 listed in this subsection expressly include, without limitations, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of the connection.

5. Throwing, placing, or depositing, or causing to be thrown, placed, or deposited in the storm sewer system anything that impedes or interferes with the free flow of stormwater therein, or adversely affects water quality.
- C. The following non-stormwater discharges are allowable under this ordinance:
1. Discharges or flows covered by a separate individual or general VPDES or VSMP permit for non-stormwater discharges;
 2. Individual non-stormwater discharges or flows that have been identified in writing by the Virginia Department of Environmental Quality as de minimis discharges that are not significant sources of pollutants to state waters and do not require a VPDES permit;
 3. Non-stormwater discharges or flows as listed in the following categories, unless they are identified by the Administrator or Virginia Water Control Board, as significant contributors of pollutants.
 - a. Water line flushing;
 - a. Landscape irrigation;
 - b. Diverted stream flows or rising groundwater;
 - c. Uncontaminated ground water infiltration;
 - d. Uncontaminated pumped groundwater;
 - e. Discharges from potable water sources;
 - f. Foundation drains;
 - g. Air conditioning condensate;
 - h. Irrigation water;
 - i. Springs;
 - j. Water from crawl space pumps;
 - k. Footing drains;
 - l. Lawn watering;
 - m. Individual residential car washing;
 - n. Flows from riparian habitats and wetlands;
 - o. Dechlorinated swimming pool discharges;
 - p. Street wash water; and
 - q. Firefighting activities
 4. The discharge of material resulting from a spill that is necessary to prevent loss of life, personal injury, or severe property damage. The responsible party shall take all reasonable steps to minimize or prevent any adverse effect on human health or the environment. This provision does not transfer liability for the spill itself from the party(ies) responsible for the spill, nor relieve the party(ies) responsible for a spill from the reporting requirements of 40 CFR Part 117 and 40 CFR Part 302 (2001).
- D. In the event any of the activities listed in sub-paragraph C.3 of this section are found to be a significant contributor of pollutants to be discharged into the MS4, the

Administrator shall so notify the person performing such activities, and shall order that such activities be ceased or be conducted in such a manner as to avoid the discharge of pollutants into the MS4. The failure to comply with any such order shall constitute a violation of the provisions of this ordinance.

Sec. 15.3-4. INSPECTIONS AND MONITORING

- A. The Administrator shall have the authority to carry out all inspections and monitoring procedures necessary to determine compliance and/or noncompliance with this ordinance, and to enforce the requirements of this ordinance.
- B. The Administrator shall have the authority, at his sole discretion, to require a Stormwater Pollution Prevention Plan (SWPPP) from any person whose property discharges, or has the potential to discharge, to the MS4.
- C. The Administrator and/or his/her duly authorized employees, agents, or representatives of the Town, bearing proper credentials and identification, shall be authorized to enter any public property or to request entry into private property at any reasonable time for the purpose of enforcing this ordinance, including, but not limited to taking samples of discharges, inspecting monitoring equipment, inspecting and copying documents relevant to the enforcement of this ordinance, and such other items as may be deemed necessary for the enforcement of this ordinance.

If the person in charge of the property refuses to allow the Administrator to enter in accordance with subsection C, then the Administrator may present sworn testimony to a magistrate or court of competent jurisdiction and request the issuance of an inspection warrant to enter the property for the purpose of making such inspections and investigations. The Administrator shall make a reasonable effort to obtain consent from the owner or person in charge of the property prior to seeking the issuance of an inspection warrant under this section.

- D. The Administrator shall have the authority to require any person responsible for a discharge to the MS4 to document that such discharge meets and is in compliance with the requirements of this ordinance. This includes, but is not limited to, the ability of the Administrator to require such person to provide monitoring reports, test results, and such other matters as may be deemed necessary to show that such discharge is in compliance with the requirements of this ordinance. The cost of any required documentation shall be the responsibility of the person responsible for the discharge.
- E. The failure of any person to comply with any of the requirements of this section shall constitute a violation of this chapter.

Sec. 15-3-5. ENFORCEMENT AND PENALTIES

- A. Any person who violates any of the provisions of this ordinance shall be guilty of a Class I misdemeanor and, upon conviction, is subject to punishment by a fine of not more than two thousand five hundred dollars (\$2,500.00) per violation per day and confinement in jail for not more than twelve (12) months, either or both.
- B. Each day during which a violation of this ordinance occurs or continues shall be deemed a separate and distinct violation of this chapter.
- C. Any person who commits any of the acts prohibited by this chapter or violates any of the provisions of this ordinance shall be liable to the Town for all costs of testing, containment, cleanup, abatement, removal, disposal, and any other related costs or expenses that the Town may incur in connection with the enforcement of this ordinance and/or the prohibition and/or correction of a violation of this ordinance.
- D. The Administrator may bring legal action to enjoin a violation of this ordinance and the existence of any other remedy shall be no defense to any such action.
- E. In addition to any of the remedies set forth above, the Administrator may seek to impose, or have imposed by the appropriate authority, any of the remedies provided for by § 62.1-44.15:48, Code of Virginia (1950), as amended, which are incorporated herein by reference.
- F. In any court action that may result from enforcement of this ordinance, a judge hearing the case may direct the person responsible for the violation or the property owner to correct the violation and each day that the violation continues shall constitute a separate violation of this chapter.
- G. Any person who knowingly makes any false statements, representations, or certifications in any record, report, or other document, either filed or requested pursuant to this chapter, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required or used by the director under this chapter in monitoring discharges, shall be guilty of a violation of this ordinance.
- H. The remedies set forth in this section shall be cumulative, not exclusive, and it shall be no defense to any action that one (1) or more of the remedies set forth in this section has been sought or granted.

BE IT FURTHER ORDAINED that this Ordinance shall become effective July 1, 2014.

This Ordinance adopted on motion made by Council Member _____, and seconded by Council Member _____, with the following votes recorded:

AYES:

NAYS:

APPROVED:

Bradley E. Grose, Mayor

ATTEST:

Susan N. Johnson, Town Clerk

DRAFT

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF ROANOKE COUNTY, VIRGINIA, HELD AT THE ROANOKE COUNTY ADMINISTRATION CENTER ON TUESDAY, APRIL 8, 2014

ORDINANCE REPEALING CHAPTER 23. STORMWATER MANAGEMENT IN ITS ENTIRETY AND ADOPTING A NEW CHAPTER OF THE ROANOKE COUNTY CODE – CHAPTER 23. STORMWATER MANAGEMENT ORDINANCE

WHEREAS, the Federal Clean Water Act requires the U. S. Environmental Protection Agency (EPA) to enact regulations to permit and eliminate pollutants discharged into the nation's waterways; and

WHEREAS, the EPA has required the states and in the Commonwealth of Virginia, the Department of Environmental Quality (DEQ) to enforce these regulations; and

WHEREAS, Roanoke County through the state-mandated programs is required to lessen the adverse impacts from stormwater runoff from land disturbing activities and from previous development through the local erosion and sediment control ordinance, the Virginia Stormwater Management Program (VSMP), Municipal Separate Storm Sewer System (MS4) Permit, and Total Maximum Daily Load (TMDL) Program; and

WHEREAS, the Commonwealth of Virginia has determined that to increase the effectiveness of these programs, the administration of the VSMP is being transferred to the localities and the stormwater management requirements are being completely revised effective July 1, 2014; therefore, Roanoke County's stormwater ordinance must be repealed and a new ordinance adopted; and

WHEREAS, since Roanoke County is becoming the local VSMP authority, which will result in additional plan reviews, field inspections, educational activities, enforcement actions, and coordination with DEQ; and

WHEREAS, many of Roanoke County's creeks and streams are listed by DEQ as impaired and the County has been assigned thirteen (13) different "waste local allocations" to limit the pollutants entering the County's impaired streams from its storm sewer system; and

WHEREAS, the County is required through its MS4 permit to reduce these pollutants over time to satisfy the assigned wasteload allocations; and

WHEREAS, this ordinance satisfies the DEQ requirements effective July 1, 2014; and

WHEREAS, the first reading of this ordinance was held on April 8, 2014, and the second reading and public hearing was held on April 22, 2014.

NOW THEREFORE BE IT ORDAINED by the Board of Supervisors of Roanoke County, Virginia, as follows:

- 1. That Chapter 23. Stormwater Management be, and hereby is, repealed in its entirety.*
- 2. That a new Chapter 23, entitled "Stormwater Management Ordinance" be, and hereby is, adopted to read as set out below.*
- 3. That the effective date of this ordinance is July 1, 2014.*

**Stormwater Management Ordinance From Chapter 23 of the County of Roanoke
Code**

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Chapter 23
Stormwater Management Ordinance
County of Roanoke, Virginia

INTRODUCTION

The County of Roanoke is home to a vast array of scenic natural resources, from the mountains that span our landscape to the streams that flow through our valleys. This picturesque environment has embraced generations of citizens while drawing in more newcomers every year. The continual increase in population aids in the growth and development of this area, improving jobs and enhancing economic stability. Yet, intensive development can degrade the beautiful natural resources that make the County so special.

Inadequate management of stormwater runoff from land-disturbing activities and development in watersheds increases flood flows and velocities, erodes and/or silts stream channels, pollutes water, overloads existing drainage facilities, undermines floodplain management in downstream communities, reduces groundwater recharge, and threatens public safety. More specifically, surface water runoff can carry pollutants into receiving waters.

The Roanoke River and many of its tributaries inside the County are listed as impaired waters by the Virginia Department of Environmental Quality (DEQ).

Many future problems can be avoided through proper stormwater management, and the County is dedicated to preventing the damaging effects that uncontrolled stormwater may present. The lands and waters of Roanoke County are valuable natural resources that need to be protected. The County finds that it is in the public interest to establish a stormwater management program.

Pursuant to Code § 62.1-44.15:27, this ordinance is part of an initiative to integrate the County of Roanoke's stormwater management requirements with the County of Roanoke's erosion and sediment control (Chapter 8.1) and floodplain management (Section 30-74) requirements into a unified stormwater program. The unified stormwater program is intended to facilitate the submission and approval of plans, issuance of permits, payment of fees, and coordination of inspection and enforcement activities into a more convenient and efficient manner for both the County of Roanoke and those responsible for compliance with these programs.

SECTION 23-1

GENERAL PROVISIONS

Section 23-1.1 TITLE AND AUTHORITY

- A. This ordinance shall be known as the “Stormwater Management Ordinance of the County of Roanoke, Virginia.”
- B. Pursuant to § 62.1-44.15:27 of the Code of Virginia, the County of Roanoke hereby establishes a Virginia Stormwater Management Program (VSMP) for land-disturbing activities and adopts the applicable Regulations that specify standards and specifications for VSMPs promulgated by the State Water Control Board (State Board) for the purposes set out in Section 23-1.2 of this ordinance. The County of Roanoke hereby designates the Director of Community Development as the Administrator of its Virginia Stormwater Management Program.

Section 23-1.2 PURPOSE

The purpose of this ordinance is to promote and protect the general health, safety, and welfare of the citizens of the County and to protect property, state waters, stream channels, and other natural resources from the potential harm of unmanaged stormwater, and to establish requirements whereby stormwater is managed to protect water quality and downstream property owners.

This ordinance provides the framework for the administration, implementation, and enforcement of the provisions of the Virginia Stormwater Management Act (VSMA) and delineates the procedures and requirements to be followed in connection with the permits issued by the Administrator.

Section 23-1.3 APPLICABILITY

- A. Except as provided herein, no person may engage in any land-disturbing activity until a permit has been issued by the Administrator in accordance with the provisions of this ordinance.
- B. A stormwater management plan, or an **agreement in lieu of a stormwater management plan**, shall be reviewed and approved by the Administrator prior to permit issuance.
- C. Notwithstanding any other provisions of this ordinance, the following activities are exempt, unless otherwise required by federal law:

1. Permitted surface or deep mining operations and projects, or oil and gas operations and projects conducted under the provisions of Title 45.1;
2. Clearing of lands specifically for agricultural purposes and the management, tilling, planting, or harvesting of agricultural, horticultural, or forest crops, livestock feedlot operations, or as additionally set forth by the State Water Control Board in regulations, including engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11 (§ 10.1-1100 et seq.) or is converted to bona fide agricultural or improved pasture use, as described in subsection B of § 10.1-1163 of Article 9 of Chapter 11 of Title 10.1 of the Code of Virginia;
3. Single-family residences separately built and disturbing less than one acre and not part of a larger common plan of development or sale, including additions or modifications to existing single-family residential structures;
4. Other land disturbing activities that disturb less than one acre of land area, except land disturbing activities that are part of a larger common plan of development or sale that is one acre or greater of disturbance;
5. Discharges to a sanitary sewer or a combined sewer system;
6. Activities under a state or federal reclamation program to return an abandoned property to an agricultural or open land use;
7. Routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original construction of the project. The paving of an existing road with a compacted or impervious surface and reestablishment of existing associated ditches and shoulders shall be deemed routine maintenance performed in accordance with this subsection; and
8. Conducting land-disturbing activities in response to a public emergency where the related work requires immediate authorization to avoid imminent endangerment to human health or the environment. In such situations, the Administrator shall be advised of the disturbance within seven days of commencing the land-disturbing activity and compliance with the administrative requirements of subsection A is required within 30 days of commencing the land-disturbing activity.

Section 23-1.4 COMPATABILITY WITH OTHER REQUIREMENTS

This ordinance is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. The requirements of this ordinance should be considered minimum requirements, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall apply.

Section 23-1.5 SEVERABILITY

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this ordinance.

Section 23-1.6 STORMWATER MANAGEMENT TECHNICAL CRITERIA FOR REGULATED LAND DISTURBING ACTIVITIES

The County hereby adopts the technical criteria for regulated land-disturbing activities set forth in Part IIB of the Regulations, as amended, expressly to include 9VAC25-870-62 [applicability]; 9VAC25-870-63 [water quality design criteria requirements]; 9VAC25-870-65 [water quality compliance]; 9VAC25-870-66 [water quantity]; 9VAC25-870-69 [offsite compliance options]; 9VAC25-870-72 [design storms and hydrologic methods]; 9VAC25-870-74 [stormwater harvesting]; 9VAC25-870-76 [linear development projects]; 9VAC25-870-85 [stormwater management impoundment structures or facilities]; and 9VAC25-870-92 [comprehensive stormwater management plans], which shall apply to all land disturbing activities regulated pursuant to this ordinance, except as expressly set forth in section 23-1.7 of this ordinance.

Section 23-1.7 STORMWATER MANAGEMENT TECHNICAL CRITERIA FOR REGULATED LAND DISTURBING ACTIVITIES: GRANDFATHERED PROJECTS AND PROJECTS SUBJECT TO THE PROVISIONS OF 9VAC25-870-47B

- A. The County hereby adopts the technical criteria for regulated land-disturbing activities set forth in Part IIC of the Regulations, as amended, expressly to include 9VAC25-870-93 [definitions]; 9VAC25-870-94 [applicability]; 9VAC25-870-95 [general]; 9VAC25-870-96 [water quality]; 9VAC25-870-97 [stream channel erosion]; 9VAC25-870-98 [flooding]; and 9VAC25-870-99 [regional (watershed-wide) stormwater management plans], which shall only apply to all land disturbing activities regulated pursuant to this section.

- B. Any land-disturbing activity shall be considered grandfathered and shall be subject to the Part II C technical criteria of the Regulations, provided:
1. A proffered or conditional zoning plan, zoning with a plan of development, preliminary or final subdivision plat, preliminary or final site plan, or any document determined by the locality to be equivalent thereto (i) was approved by the locality prior to July 1, 2012, (ii) provided a layout as defined in 9VAC25-870-10 and section 23-2, (iii) will comply with the Part II C technical criteria of the VSMP Regulation, and (iv) has not been subsequently modified or amended in a manner resulting in an increase in the amount of phosphorus leaving each point of discharge, and such that there is no increase in the volume or rate of runoff;
 2. A state permit has not been issued prior to July 1, 2014; and
 3. Land disturbance did not commence prior to July 1, 2014.
- C. County, state, and federal projects shall be considered grandfathered and shall be subject to the Part II C technical requirements of the Regulations, provided:
1. There has been an obligation of County, state, or federal funding, in whole or in part, prior to July 1, 2012, or the Department has approved a stormwater management plan prior to July 1, 2012;
 2. A state permit has not been issued prior to July 1, 2014; and
 3. Land disturbance did not commence prior to July 1, 2014.
- D. Land disturbing activities grandfathered under subsections B and C of this section shall remain subject to the Part II C technical criteria of the Regulations for one additional state permit cycle. After such time, portions of the project not under construction shall become subject to the technical criteria in effect at that time.
- E. In cases where governmental bonding or public debt financing has been issued for a project prior to July 1, 2012, such project shall be subject to the technical requirements of the Part II C technical criteria of the Regulations.
- F. Land disturbing activities that obtain general permit coverage or commence land disturbance prior to July 1, 2014, shall be conducted in accordance with the Part II C technical criteria of the Regulations and Roanoke County's local stormwater management requirements that were in effect at the time of receiving general permit coverage or commencing land disturbance. Such projects shall remain subject to these requirements for an additional two general permit cycles, if general permit coverage is maintained. After that time, portions of the project,

not under construction, shall become subject to the technical criteria in effect at that time.

- G. An operator may choose to decline grandfather status and to instead comply with the technical requirements of section 23-1.6 of this ordinance. Nothing in this section shall preclude an operator from constructing to a more stringent standard at his discretion.

Section 23-1.8 STORMWATER MANAGEMENT DESIGN MANUAL

- A. The County will utilize the policies, criteria and information contained within the County Stormwater Management Design Manual for proper implementation of the requirements of this ordinance.
- B. The County Stormwater Management Design Manual may be updated and revised from time to time. The Administrator shall recommend any updates, supplements, or modifications of the County Stormwater Management Design Manual subject to the authorization and approval by the Board of Supervisors by resolution.

Section 23-1.9 COUNTY RIGHT OF ENTRY

- A. The Administrator and/or duly authorized employees, agents, or representatives of the County, bearing proper credentials and identification, may, at any reasonable times and under reasonable circumstance, enter any establishment or upon any property, public or private, which has a VSMP permit or a maintenance agreement, for the purpose of enforcing this ordinance, including, but not limited to:
 - 1. Obtaining information or conducting surveys or investigations;
 - 2. Taking samples of discharges;
 - 3. Inspecting monitoring equipment;
 - 4. Inspecting and copying documents relevant to the enforcement of this ordinance;
 - 5. Initiating or maintaining appropriate actions which are required by the permit conditions associated with a land-disturbing activity when a permittee, after proper notice, has failed to take acceptable action within the time specified;

6. Inspecting stormwater management facilities or other BMPs or to initiate or maintain appropriate actions which are required to restore proper stormwater management facility or other BMP operation when a land owner, after proper notice, has failed to take acceptable action within the time specified;
 7. And such other items as may be deemed necessary for the enforcement of this ordinance.
- B. If the Administrator has cause to believe an activity regulated under this ordinance is occurring without a VSMP permit, or if the person in charge of the property refuses to allow the Administrator to enter in accordance with subsection A, then the Administrator may present sworn testimony to a magistrate or court of competent jurisdiction and request the issuance of an inspection warrant to enter the property for the purpose of making such inspection and investigation. The Administrator shall make a reasonable effort to obtain consent from the owner or person in charge of the property prior to seeking the issuance of an inspection warrant under this section.

SECTION 23-2

DEFINITIONS

In addition to the definitions set forth in 9VAC25-870-10 of the Virginia Stormwater Management Regulations, as amended, which are expressly adopted and incorporated herein by reference, the following words and terms used in this ordinance have the following meanings, unless otherwise specified herein. Where definitions differ, those incorporated herein shall have precedence.

“Administrator” means the VSMP authority responsible for administering the VSMP on behalf of the County of Roanoke. The Administrator shall be the Director of Community Development and any duly authorized agent of the Director of Community Development, or the person designated by the County Administrator to administer this ordinance on behalf of the County.

"Agreement in lieu of a Stormwater Management Plan" means a contract between the VSMP authority and the owner or permittee that specifies methods that shall be implemented to comply with the requirements of a VSMP for the construction of a single-family residence; such contract may be executed by the VSMP authority in lieu of a stormwater management plan.

“Applicant” means any person submitting an application for a permit or requesting issuance of a permit under this Ordinance.

“Best Management Practice or BMP” means schedules of activities, prohibitions of practices, including both a structural or nonstructural practice, maintenance procedures, and other management practices to prevent or reduce the pollution of surface waters and groundwater systems from the impacts of land-disturbing activities.

“Clean Water Act or CWA” means the federal Clean Water Act (33 United States Code 1251 et seq.), formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972, Public Law 92-500, as amended by Public Law 95-217, Public Law 95-576, Public Law 96-483, and Public Law 97-117, or any subsequent revisions thereto.

“Common plan of development or sale” means a contiguous area where separate and distinct construction activities may be taking place at different times on different schedules.

"Control measure" means any best management practice or other method used to prevent or reduce the discharge of pollutants to surface waters.

“County” means the County of Roanoke, Virginia.

“Department” means the Department of Environmental Quality.

“Development” means land disturbance and the resulting landform associated with the construction of residential, commercial, industrial, institutional, recreation, transportation or utility facilities or structures or the clearing of land for non-agricultural or non-silvicultural purposes.

“Executed Development Agreements” means documents that are executed by the applicant and County that implements the various sureties.

“Fee in lieu” means a payment of money to the County for the use of a regional stormwater management facility in place of meeting all or part of the stormwater performance standards required by this Ordinance on the site.

"General permit" means the state permit titled GENERAL PERMIT FOR DISCHARGES OF STORMWATER FROM CONSTRUCTION ACTIVITIES found in Part XIV (9VAC25-880-1 et seq.) of the Regulations authorizing a category of discharges under the CWA and the Act within a geographical area of the Commonwealth of Virginia.

“Illicit discharge” means any discharge to a municipal separate storm sewer that is not composed entirely of stormwater, except discharges pursuant to a VPDES or VSMP permit (other than the VSMP permit for discharges from the municipal separate storm sewer), discharges resulting from firefighting activities, and discharges identified by and in compliance with 9VAC25-870-400 D 2 c (3).

“Land disturbance” or **“Land-disturbing activity”** means a manmade change to the land surface that potentially changes its runoff characteristics including any clearing, grading, or excavation, except that the term shall not include those exemptions specified in Section 23-1.3 of this Ordinance.

“Layout” means a conceptual drawing sufficient to provide for the specified stormwater management facilities required at the time of approval.

"Minor modification" means an amendment to an existing general permit before its expiration not requiring extensive review and evaluation including, but not limited to, changes in EPA promulgated test protocols, increasing monitoring frequency requirements, changes in sampling locations, and changes to compliance dates within the overall compliance schedules. A minor general permit modification or amendment does not substantially alter permit conditions, substantially increase or decrease the amount of surface water impacts, increase the size of the operation, or reduce the capacity of the facility to protect human health or the environment.

"Municipal separate storm sewer" means a conveyance or system of conveyances otherwise known as a municipal separate storm sewer system or "MS4," including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains:

1. Owned or operated by Roanoke County;
2. Designed or used for collecting or conveying stormwater;
3. That is not a combined sewer; and
4. That is not part of a publicly owned treatment works.

“Municipal separate storm sewer system” or **“MS4”** means all municipal separate storm sewers that are located within the portion of the County that is identified as “urbanized” by the U.S. Bureau of the Census in the latest Decennial Census.

“Municipal Separate Storm Sewer Management Program” or **“MS4 Program”** means a management program covering the duration of a permit for a municipal separate storm sewer system that includes a comprehensive planning process that involves public participation and intergovernmental coordination, to reduce the discharge of pollutants to the maximum extent practicable, to protect water quality, and to satisfy the appropriate water quality requirements of the CWA and regulations and the Act and attendant regulations, using management practices, control techniques, and system design and engineering methods, and such other provisions that are appropriate.

“Off-site facility” means a stormwater management measure located outside the subject property boundary described in the permit application for land-disturbing activity.

“Operator” means the owner or operator of any facility or activity subject to regulation under this Ordinance.

“Permit or VSMP Authority Permit” means an approval to conduct a land disturbing activity issued by the Administrator for the initiation of a land-disturbing activity, in accordance with this Ordinance, which may only be issued after evidence of general permit coverage has been provided by the Department.

“Permittee” means the person to whom the VSMP Authority permit is issued.

“Person” means any individual, corporation, partnership, firm, association, joint venture, public or private or municipal corporation, trust, estate, commission, board, public or private institution, utility, cooperative, county, city, town or other political subdivision of the Commonwealth, any interstate or governmental body, or any other legal entity, or any agent or employee of any such person.

“Regional stormwater management facility” or **“Regional facility”** means a facility or series of facilities designed to control some or all of the adverse impacts from stormwater runoff from two or more parcels or lots, located in the same watershed, although only portions of the area may experience development.

“Regulations” means the Virginia Stormwater Management Program (VSMP) Permit Regulations, 9VAC25-870-10 et seq., as amended.

“Site” means the land or water area where any facility or land-disturbing activity is physically located or conducted, including adjacent land used or preserved in connection with the facility or land-disturbing activity.

“State” means the Commonwealth of Virginia.

“State Board” means the State Water Control Board.

“State Permit” means an approval to conduct a land-disturbing activity issued by the State Board in the form of a state stormwater individual permit or coverage issued under a state general permit or an approval issued by the State Board for stormwater discharges from an MS4. Under these state permits, the Commonwealth imposes and enforces requirements pursuant to the federal Clean Water Act and regulations, the Virginia Stormwater Management Act and the Regulations.

“State Water Control Law” means Chapter 3.1 (§62.1-44.2 et seq.) of Title 62.1 of the Code of Virginia (1950), as amended.

“State waters” means all water, on the surface and under the ground, wholly or partially within or bordering the Commonwealth or within its jurisdiction, including wetlands.

“Stormwater” means precipitation that is discharged across the land surface or through conveyances to one or more waterways and that may include stormwater runoff, snow melt runoff, and surface runoff and drainage.

“Stormwater facility maintenance agreement” means a legally binding agreement between the owner of a property and the County regarding long-term maintenance of stormwater management facilities.

“Stormwater Management Facility” or “SWMF” means a device that controls stormwater runoff and changes the characteristics of that runoff including, but not limited to, the volume, rate of flow, quality, the period of release, or the velocity of flow.

“Stormwater management plan” means a document(s) containing material ~~for~~ describing methods for complying with the requirements of Section 23-3.5 of this Ordinance.

“Stormwater Pollution Prevention Plan” or “SWPPP” means a document that is prepared in accordance with good engineering practices and that identifies potential sources of pollutants that may reasonably be expected to affect the quality of stormwater discharges from the construction site, and otherwise meets the requirements of this Ordinance. In addition, the document shall identify and require the implementation of control measures, and shall include, but not be limited to the inclusion of, or the incorporation by reference of, an approved erosion and sediment control plan, an approved stormwater management plan, and a pollution prevention plan.

“Subdivision” means the division of a parcel of land into two (2) or more parcels of any size by the establishment of new boundaries lines or by the adjustment, relocation, or vacation of existing boundary lines, for the purpose whether immediate or future, of transfer of ownership or building development. A subdivision includes all changes in street or lot lines, and any portion of any such subdivision previously recorded in which building development or street creation occurs, or is required, subsequent to such recordation. The transfer of ownership of land to the Commonwealth of Virginia or a political subdivision thereof and the division of lands by court order or decree shall not be deemed a subdivision as otherwise herein defined.

“Total Maximum Daily Load” or “TMDL” means the sum of the individual wasteload allocations for point sources, load allocations for nonpoint sources, natural background loading and a margin of safety. TMDLs can be expressed in terms of either mass per time, toxicity, or other appropriate measures. The TMDL process provides for point versus nonpoint source trade-offs.

“Town” means the incorporated Town of Vinton.

“Virginia Stormwater Management Act” or “Act” means Article 2.3 (§ 62.1-44.15:24 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia.

“Virginia Stormwater BMP Clearinghouse website” means a website that contains detailed design standards and specifications for control measures that may be used in Virginia to comply with the requirements of the Virginia Stormwater Management Act and associated regulations.

“Virginia Stormwater Management Program” or “VSMP” means a program approved by the State Board after September 13, 2011, that has been established by a locality to manage the quality and quantity of runoff resulting from land-disturbing activities and shall include such items as local ordinances, rules, permit requirements, annual standards and specifications, policies and guidelines, technical materials, and requirements for plan review, inspection, and enforcement, where authorized in this Ordinance, and evaluation consistent with the requirements of this Ordinance and associated regulations.

“Virginia Stormwater Management Program authority” or VSMP authority” means an authority approved by the State Board after September 13, 2011, to operate a Virginia Stormwater Management Program. For the purpose of this Ordinance, Roanoke County is the VSMP Authority.

SECTION 23-3

PROGRAM PERMIT PROCEDURES AND REQUIREMENTS

Section 23-3.1 PERMIT REQUIRED

- A. No grading, building, or other local permit will be issued for a property until a VSMP authority permit has been issued by the Administrator, unless the activity is specifically exempted from VSMP permitting by this Ordinance.
- B. No VSMP authority permit will be issued unless and until the permit application and attendant materials and supporting documentation demonstrate that all land clearing, construction, disturbance, land development and drainage will be done according to the requirements of this Ordinance, including an approved erosion and sediment control plan; and an approved stormwater management plan or an executed agreement in lieu of a stormwater management plan.
- C. No VSMP authority permit will be issued without the general permit registration statement.

Section 23-3.2 PERMIT APPLICATION CONTENTS

- A. Unless specifically exempted by this Ordinance, any land owner or operator desiring a permit for a land disturbance activity shall submit to the County a permit application on a form provided by the County for that purpose. Permit applications shall comply with the requirements contained within the County Stormwater Management Design Manual that is available from the Department of Community Development office.
- B. No VSMP authority permit shall be issued by the Administrator, until the following items have been submitted to and approved by the Administrator as prescribed herein.
 - 1. A permit application that includes a fully-executed general permit registration statement, except that construction activity involving a single-family detached residential structure, within or outside of a common plan of development or sale does not require a permit registration statement;
 - 2. An erosion and sediment control plan approved in accordance with the County Erosion and Sediment Control Ordinance [Chapter 8.1];
 - 3. A stormwater management plan, or agreement in lieu of a stormwater management plan, that meets the requirements of Section 23-3.5;
 - 4. Maintenance agreement in accordance with Section 23-3.7;
 - 5. Performance bonds in accordance with Section 23-3.8;
 - 6. Fees in accordance with Section 23-3.9; and,
 - 7. Executed Development Agreements.

- C. Pursuant to § 62.1-44.15:40 of the Code of Virginia, the Administrator may require every VSMP authority permit applicant or permittee, or any such person subject to VSMP authority permit requirements under this Ordinance, to furnish, when requested, such application materials, plans, specifications, and other pertinent information as may be necessary to determine the effect of the permittee's discharge on the quality of state waters, or such other information as may be necessary to accomplish the purposes of this Ordinance.

Section 23-3.3 STORMWATER POLLUTION PREVENTION PLANS

- A. The Stormwater Pollution Prevention Plan (SWPPP) required by the general permit, shall comply with the requirements set forth in 9VAC25-870-54 and shall also comply with the requirements and general information set forth in Section 9VAC25-880-70, Section II [stormwater pollution prevention plan] of the general permit.

The SWPPP shall include:

- 1. An approved erosion and sediment control plan;
 - 2. An approved stormwater management plan, or agreement in lieu of a stormwater management plan;
 - 3. A pollution prevention plan for regulated land disturbing activities; and
 - 4. Description of any additional control measures necessary to address a TMDL.
- B. The SWPPP shall be amended, by the operator, whenever there is a change in design, construction, operation, or maintenance that has a significant effect on the discharge of pollutants to state waters, which is not addressed by the existing SWPPP.
- C. The SWPPP shall be maintained at a central location onsite. If an onsite location is unavailable, notice of the SWPPP's location must be posted near the main entrance at the construction site. Operators shall make the SWPPP available for public and County review in accordance with Section II of the general permit, either electronically or in hard copy.

Section 23-3.4 POLLUTION PREVENTION PLANS

- A. A Pollution Prevention Plan, required by 9VAC25-870-56, shall be developed, implemented, and updated as necessary and must detail the design, installation, implementation, and maintenance of effective pollution prevention measures to minimize the discharge of pollutants.

- B. At a minimum, such measures must be designed, installed, implemented, and maintained to:
 - 1. Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;
 - 2. Minimize the exposure of all materials, including, but not limited to building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials present on the site to precipitation and to stormwater; and
 - 3. Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures.
- C. The pollution prevention plan shall include effective best management practices to prohibit the following discharges:
 - 1. Wastewater from washout of concrete, unless managed by an appropriate control;
 - 2. Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials;
 - 3. Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and
 - 4. Soaps or solvents used in vehicle and equipment washing.
- D. The pollution prevention plan shall prohibit discharges from dewatering activities, including discharges from dewatering of trenches and excavations, unless managed by appropriate controls.

Section 23-3.5 STORMWATER MANAGEMENT PLANS

- A. No application for land-disturbing activity will be approved unless it includes a stormwater management plan or agreement in lieu of a stormwater management plan, as required by this Ordinance, detailing how runoff and associated water quality impacts resulting from the activity will be controlled or managed.
- B. Submittal, review, approval, and resubmittal of stormwater management plans, and agreements in lieu of stormwater management plans shall comply with the requirements set forth in this Ordinance and the County Stormwater Management Design Manual.
- C. The stormwater management plan shall apply the stormwater management technical criteria set forth in Section 23-1.6 of this Ordinance to the entire land-

disturbing activity. Individual lots in new residential, commercial, or industrial developments shall not be considered to be separate land-disturbing activities.

- D. The stormwater management plan must consider all sources of surface runoff and all sources of subsurface and groundwater flows converted to surface runoff.
- E. If an operator intends to meet the water quality and/or quantity requirements set forth in 9VAC25-870-63 or 9VAC25-870-66 through the use of off-site compliance options, where applicable, then a letter of availability from the off-site provider must be included. Approved off-site options must achieve the necessary nutrient reductions prior to the commencement of the applicant's land-disturbing activity except as otherwise allowed by §62.1-44.15:35 of the Code of Virginia.
- F. Elements of the stormwater management plans that include activities regulated under Chapter 4 (§54.1-400 et seq.) of Title 54.1 of the Code of Virginia shall be appropriately sealed and signed by a professional registered in the Commonwealth of Virginia pursuant to Article 1 (§ 54.1-400 et seq.) of Chapter 4 of Title 54.1 of the Code of Virginia.
- G. Where a stormwater management plan is required, a construction record drawing for permanent stormwater management facilities shall be submitted to the Administrator and approved prior to the release of bonds. The construction record drawing shall be appropriately sealed and signed by a professional registered in the Commonwealth, certifying that the stormwater management facilities have been constructed in compliance with the approved plan. Stormwater management facilities include all storm drain structures, storm drain pipes, culverts, open channels, BMPs, and all other facilities used to convey, control, or treat stormwater runoff.
- H. The stormwater management plan shall include the following information:
 - 1. Information on the type and location of stormwater discharges; information on the features to which stormwater is being discharged including surface waters or karst features, if present, and the pre-development and post-development drainage areas;
 - 2. Contact information including the name, address, and telephone number of the owner and the tax reference number and parcel number of the property or properties affected;
 - 3. A narrative that includes a description of current site conditions and final site conditions;
 - 4. A general description of the proposed stormwater management facilities and the mechanism through which the facilities will be operated and maintained after construction is complete;

5. Information on the proposed stormwater management facilities, including:
 - (i) The type of facilities;
 - (ii) Location, including geographic coordinates;
 - (iii) Acres treated; and
 - (iv) Surface area, volume, depth, and width of facilities, if applicable;
 - (v) The surface waters or karst features, if present, into which the facility will discharge ;and
 - (vi) The Hydrologic Unit Code (HUC) into which the facilities drain.

6. Hydrologic and hydraulic computations, including runoff characteristics;

7. Documentation and calculations verifying compliance with the water quality and quantity requirements.

8. A map or maps of the site that depicts the topography of the site and includes:
 - (i) All contributing drainage areas;
 - (ii) Existing streams, ponds, culverts, ditches, wetlands, other water bodies, and floodplains;
 - (iii) Soil types, geologic formations if karst features are present in the area, forest cover, and other vegetative areas;
 - (iv) Current land use, including existing structures, roads, and locations of known utilities and easements;
 - (v) Sufficient information (such as grades) on adjoining parcels to assess the impacts of stormwater from the site on these parcels;
 - (vi) The limits of clearing and grading, and the proposed drainage patterns on the site;
 - (vii) Proposed buildings, roads, parking areas, utilities, and stormwater management facilities; and
 - (viii) Proposed land use with tabulation of the percentage of surface area to be adapted to various uses, including but not limited to planned locations of utilities, roads, and easements.

- I. An agreement in lieu of stormwater management plan shall conform to the Regulations and the County Stormwater Management Design Manual.

Section 23-3.6 COMPREHENSIVE STORMWATER MANAGEMENT PLANS AND REGIONAL STORMWATER MANAGEMENT FACILITIES

- A. The County may develop comprehensive stormwater management plans in accordance with 9VAC25-870-92 as a means to more effectively and efficiently

address water quality objectives, quantity objectives, or both; through the implementation of regional stormwater management facilities.

- B. Once a comprehensive stormwater management plan is adopted by the County and approved by the Director of the Virginia Department of Environmental Quality, it is enforceable under this Ordinance.
- C. Stormwater management plans for land disturbing activities located in areas that have a comprehensive stormwater management plan, adopted by the County, and approved by the Director of the Virginia Department of Environmental Quality, shall comply with the requirements of the comprehensive stormwater management plan.
- D. If a proposed regulated land-disturbing activity is located in a watershed that has a regional stormwater management facility currently constructed, and if the regional stormwater management facility is in accordance with a comprehensive stormwater management plan, the County shall have the option to require the payment of a fee-in-lieu of providing a portion or all of the proposed regulated land-disturbing activities stormwater management requirements. The fee-in-lieu shall be based on the reasonable proportion of stormwater impacts from the proposed regulated land-disturbing activity compared to the total stormwater impacts that the regional stormwater management facility is designed to mitigate, multiplied by the total estimated project costs. The reasonable proportion of project costs shall be solely determined by the County. Project costs include, but are not limited to, the costs of land, professional services for investigations, studies, design, environmental permitting, surveying, construction phase services, legal services, and construction. Project costs may also include County staff costs for project development, design, construction, permitting, oversight, or other project activities; and other direct costs. Project costs shall also include the present value of the estimated operation and maintenance costs for the next 20 years, if the County is responsible for the regional stormwater management facility's operation and maintenance.
- E. The County and any other party(ies) may mutually agree to share the costs of a regional stormwater management facility, in the absence of a comprehensive stormwater management plan. The fee-in-lieu shall be based on project costs apportioned to each party in reasonable proportion of each party's contribution to the total stormwater impacts that the regional stormwater management facility is designed to mitigate, as mutually negotiated.

Section 23-3.7 STORMWATER MANAGEMENT FACILITY MAINTENANCE AGREEMENTS

- A. Maintenance of all stormwater management facilities shall be ensured through the creation of a formal maintenance agreement that is executed by the property

owner and submitted prior to plan approval and recorded by the County in the County land records prior to permit termination. The maintenance agreement shall be binding on all subsequent property owners.

- B. The property owner of the site shall execute an access easement agreement, prior to plan approval, to provide for access to stormwater management facilities at reasonable times for periodic inspection by the County, or their contractor or agent, to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this Ordinance. The easement agreement shall be recorded in the County land records by the County and it shall be binding on all subsequent property owners.
- C. A stormwater management facility that serves more than one parcel shall be located on its own, separate parcel. The land owners of each parcel served by the stormwater management facility shall be jointly and severally responsible for the maintenance of the stormwater management facility through a formal maintenance agreement with the County.
- D. Responsibility for the operation and maintenance of stormwater management facilities, unless assumed by a governmental agency, shall remain with the property owner and shall pass to any successor or owner. If portions of the land are to be sold, legally binding arrangements, acceptable to the County, shall be made to pass the responsibility to successors in title. These arrangements shall designate for each land owner, governmental agency, or other legally established entity to be permanently responsible for maintenance.
- E. As part of the maintenance agreement, a schedule shall be developed identifying anticipated routine maintenance, to be performed by the property owner, needed for proper function of the stormwater management facility. The maintenance agreement shall also include a schedule for periodic inspections, to be performed by the property owner, to ensure proper performance of the facility between scheduled routine maintenance activities, and it shall require repairs when needed for proper function of the SWMF. The maintenance agreement shall require that the property owner document routine maintenance, repair, and periodic inspection activities, maintain said documentation for five (5) years, and submit said documentation to the County, if requested.
- F. The maintenance agreement shall also include "failure to maintain" provisions. In the event that maintenance or repair is neglected, or the stormwater management facility becomes a danger to public health, safety, or the environment, the County reserves the authority to perform the necessary maintenance or repair work and to recover the costs from the property owner. Nothing in this Ordinance shall be construed to mean that the County has the responsibility to maintain privately-owned SWMFs.

G. Prior to the release of the performance security or bond, the developer shall either (1) transfer the maintenance responsibilities of the stormwater management facilities to a Home Owners Association or (2) provide the County with a maintenance security.

1. Requirements for Transfer of Maintenance Responsibilities to the Home Owners Association (HOA)

- i. Submission of acceptable record drawings.
- ii. Acceptable final inspection of the stormwater management facility by the County.
- iii. Transfer of the necessary property to the HOA.
- iv. Organize and hold a meeting attended by the developer, the County and members of the HOA. Provide evidence to the County that each member of the HOA was provided prior notice of the meeting. The meeting shall be held at a place and time convenient for members of the HOA.
- v. Provide a copy of the recorded documents establishing the Home Owners Association to the County.
- vi. Provide the County with evidence that the Home Owners Association is funded. Minimum funding shall be based on the following schedule:

1-20 lots = \$1,000

21-50 lots = \$1,500

51 and over = \$1500 + \$30 per lot over 50

2. Requirements for Posting Maintenance Security.

- i. The County shall require a maintenance guaranty in the amount of twenty (20%) percent of the construction costs of the stormwater management facility.
- ii. The maintenance security shall contain forfeiture provisions for failure, after proper notice, to complete work within the time specified, or to initiate or maintain appropriate actions which may be required of the permittee in accordance with the approved stormwater management plan.
- iii. If the County takes such action upon such failure by the permittee, the County may collect from the permittee the difference should the amount of the reasonable cost of such action exceed the amount of the security held.
- iv. The maintenance agreement and security will be the responsibility of the permittee or owner until such time as the permittee or owner provides the County with the necessary requirements for Transfer of Maintenance Responsibilities to the Home Owners Association as outlined above in (1).

Section 23-3.8 PERFORMANCE SECURITIES

- A. The County may, at its discretion, require the submittal of a performance security or bond with surety, cash escrow, letter of credit, or other acceptable legal arrangement, all of which shall be in a form approved by the County, prior to plan approval, in order to ensure that the stormwater practices are installed by the permittee, as required by the approved stormwater management plan.
- B. Until July 1, 2017, the amount of the performance security shall be the total estimated construction cost of the storm drainage systems and stormwater management facilities approved under the permit, plus 10% contingency. After July 1, 2017, the amount of the performance security shall be the total estimated construction cost of the storm drainage systems and stormwater management facilities approved under the permit, plus 25% contingency. The amount of contingency is in accordance with Title 15.2, Chapter 22, Article 41 (§ 15.2-2241 et seq.) of the Code of Virginia (1950), as amended.
- C. The performance security shall contain forfeiture provisions for failure, after proper notice, to complete work within the time specified, or to initiate or maintain appropriate actions which may be required of the permittee in accordance with the approved stormwater management plan.
- D. If the County takes such action upon such failure by the permittee, the County may collect from the permittee the difference should the amount of the reasonable cost of such action exceed the amount of the security held.
- E. Within 60 days of the completion of the requirements of the permit conditions, including request for permit termination by the operator, such bond, cash escrow, letter of credit, or other legal arrangement, or the unexpended or unobligated portion thereof, will be refunded to the permittee or terminated.

Section 23-3.9 FEES

- A. Fees to cover costs associated with implementation of a VSMP related to land disturbing activities and issuance of general permit coverage and VSMP authority permits shall be imposed in accordance with the appropriate fee schedule established by the County Board of Supervisors, as amended. VSMP costs include County costs associated with stormwater management plan review, VSMP registration statement review, permit issuance, state-coverage verification, inspections, reporting, and compliance activities associated with land-disturbing activities, as well as state program oversight costs.
- B. Fees for providing coverage under the General Permit for Discharges of Stormwater from Construction Activities shall be imposed in accordance with the appropriate fee schedule established by the County Board of Supervisors, as amended. Fifty percent (50%) of the total fee shall be paid by the applicant at the

time that a stormwater management plan, or agreement in lieu of a stormwater management plan, is submitted for review. The remaining total fee is to be paid by the applicant prior to issuance of coverage under the General Permit for Discharges of Stormwater from Construction Activities.

- C. When a site or sites has been purchased for development within a previously permitted common plan of development or sale, the applicant shall be subject to fees in accordance with the disturbed acreage of their site or sites according to the fee schedule established by the County Board of Supervisors, as amended.
- D. Fees for the modification or transfer of registration statements from the general permit issued by the State Board shall be imposed in accordance with the fee schedule established by the County Board of Supervisors, as amended. If the permit modifications result in changes to stormwater management plans that require additional review by the County, such reviews shall be subject to the fee schedule established by the County Board of Supervisors, as amended. The fee assessed shall be based on the total disturbed acreage of the site. In addition to the general permit modification fee, modifications resulting in an increase in total disturbed acreage shall pay the difference in the initial permit fee paid and the permit fee that would have applied for the total disturbed acreage in accordance with the fee schedule established by the County Board of Supervisors, as amended.
- E. General permit maintenance fees: Annual permit maintenance fees required by 9VAC25-870-830 shall be imposed in accordance with the fee schedule established by the County Board of Supervisors, as amended, including fees imposed on expired general permits that have been administratively continued. With respect to the general permit, these fees shall apply until the permit coverage is terminated. General permit coverage maintenance fees, for permits issued in a previous calendar year, shall be paid by April 1st of each year that it is in effect. No permit will be reissued or automatically continued without payment of the required fee. General permit coverage maintenance fees shall be applied until a Notice of Termination is effective.
- E. Persons whose coverage under the general permit has been revoked shall apply to the Department for an Individual Permit for Discharges of Stormwater from Construction Activities.
- F. No permit application fees will be assessed to:
 - 1) Permittees who request minor modifications to permits as defined in Section 23-2 of this Ordinance. Permit modifications at the request of the permittee resulting in changes to stormwater management plans that require additional review by the Administrator shall not be exempt pursuant to this section.
 - 2) Permittees whose permits are modified or amended at the initiative of the Department or Administrator, excluding errors in the registration

statement identified by the Administrator or errors related to the acreage of the site.

- G. All incomplete payments will be deemed as nonpayments, and the applicant shall be notified of any incomplete payments. Interest may be charged for late payments at the underpayment rate set forth in §58.1-15 of the Code of Virginia and is calculated on a monthly basis at the applicable periodic rate. A 10% late payment fee shall be charged to any delinquent (over 90 days past due) account. The County shall be entitled to all remedies available under the Code of Virginia in collecting any past due amount.
- H. In addition to the fees contained on the fee schedule established by the County Board of Supervisors, as amended, the County may collect convenience fees associated with processing credit card payments.

Section 23-3.10 PERMIT APPLICATION PROCEDURE

- A. Permit applications and the stormwater management plan, or agreement in lieu of a stormwater management plan, shall include all of the information required by this Ordinance and the County Stormwater Management Design Manual.
- B. No VSMP authority permit shall be issued until the maintenance agreement required in section 23-3.7 is approved, performance securities required in section 23-3.8 have been submitted and accepted, and fees required to be paid, pursuant to section 23-3.9, are received.
- C. All applications will be processed in accordance with procedures set forth below and in the County Stormwater Management Design Manual.
 - 1. The Administrator shall determine the completeness of a plan in accordance with section 23-3.2 of this Ordinance and shall notify the applicant, in writing, of such determination, within 15 calendar days of receipt. If the plan is deemed to be incomplete, the above written notification will contain the reasons the plan is deemed incomplete.
 - 2. The Administrator shall have an additional 60 calendar days from the date of the communication of completeness to review the plan, except that if a determination of completeness is not made within the time prescribed above, then plan shall be deemed complete and the Administrator shall have 60 calendar days from the date of submission to review the plan.
 - 3. The Administrator shall review any plan that has been previously disapproved, within 45 calendar days of the date of resubmission.

4. During the review period, the plan shall be approved or disapproved and the decision communicated in writing to the applicant or his/her designated agent. If the plan is not approved, the reasons for not approving the plan shall be provided in writing. Approval or denial shall be based on the plan's compliance with the requirements of this Ordinance.
 5. If a plan meeting all requirements of this Ordinance is submitted and no action is taken within the time provided above, the plan shall be deemed approved.
- D. Approved stormwater management plans may be modified, as follows:
1. Modification to an approved stormwater management plan shall be allowed only after review and written approval by the Administrator. The Administrator shall have 60 calendar days to respond in writing either approving or disapproving such request.
 2. The Administrator may require that an approved stormwater management plan be amended, within a time prescribed by the Administrator, to address any deficiencies noted during inspection.
- E. The Administrator shall require the submission of a construction record drawing for permanent stormwater management facilities.

SECTION 23-4

EXCEPTIONS TO STORMWATER MANAGEMENT REQUIREMENTS

- A. The Administrator may grant exceptions to the technical requirements of Part II B or Part II C of the Regulations, provided that (i) the exception is the minimum necessary to afford relief, (ii) reasonable and appropriate conditions are imposed so that the intent of the Act and this Ordinance are preserved, (iii) granting the exception will not confer any special privileges that are denied in other similar circumstances, and (iv) exception requests are not based upon conditions or circumstances that are self-imposed or self-created. Economic hardship alone is not sufficient reason to grant an exception from the requirements of this Ordinance.
1. Exceptions to the requirement that the land-disturbing activity obtain the required VSMP authority permit shall not be given by the Administrator, nor shall the Administrator approve the use of a BMP not found on the Virginia Stormwater BMP Clearinghouse Website, unless it is duly approved by the Director of Environmental Quality.

2. Exceptions to requirements for phosphorus reductions shall not be allowed unless offsite options otherwise permitted pursuant to 9VAC25-870-69 have been considered and found not available.
 3. Nothing in this section shall preclude an operator from constructing to a more stringent standard at their discretion.
- B. The Administrator may grant an exception from provisions contained in the County Stormwater Management Design Manual when not reasonably achievable, provided that acceptable mitigation measures are provided.
 - C. Requests for an exception to the stormwater technical requirements shall be submitted in writing to the Administrator.

SECTION 23-5

PROPERTY OWNER RESPONSIBILITIES FOR DRAINAGE WAYS

- A. Drainage ways consist of natural watercourses, storm sewers, gutters, manmade channels, and other natural or manmade drainage paths.
- B. Every person owning property through which a drainage way passes, or such person's lessee, shall keep and maintain that part of the drainage way within the property free of trash, debris, yard wastes, and other obstacles that could pollute, contaminate, or significantly retard the flow of water.
- C. No person shall sweep, wash, or otherwise place dirt, trash, debris, yard wastes, or other materials in drainage ways where they could be picked up and carried off the person's property by stormwater runoff.
- D. The property owner or such person's lessee shall maintain healthy vegetation to protect the drainage way from excessive erosion during storm events. Particular care shall be taken to maintain healthy bank vegetation along watercourses.

SECTION 23-6

CONSTRUCTION INSPECTION

Section 23-6.1 NOTICE OF CONSTRUCTION COMMENCEMENT

The permittee shall notify the County in advance before the commencement of land disturbing activities. In addition, the permittee shall notify the County in advance of construction of critical components of a stormwater management facility.

Section 23-6.2 PERIODIC CONSTRUCTION INSPECTION

- A. The Administrator shall periodically inspect the land-disturbing activity during construction for:
1. Compliance with the approved erosion and sediment control plan;
 2. Compliance with the approved stormwater management plan, or executed agreement in lieu of a stormwater management plan;
 3. Development, updating, implementation with the pollution prevention plan;
 4. Development and implementation of any additional control measures necessary to address a TMDL.
- B. If the County inspections find any violations, the permittee shall be notified in writing of the nature of the violation and the required corrective actions. No additional construction or land-disturbing activity in the area of the violation shall proceed until any violations are corrected and all work previously completed has received approval from the County. The permittee is responsible for maintenance and repair for all stormwater management facilities during construction.
- C. The person responsible for implementing the approved plan is required to provide adequate inspection monitoring and reports to ensure compliance with the approved plan, to determine whether the measures required in the plan provide effective stormwater management and to allow the registered professional to certify the record documents in accordance with Section 23-3.5. All permittee inspections shall be documented and written reports prepared that contain the following information:
1. The date and location of the permittee inspection;
 2. Whether construction is in compliance with the approved stormwater management plan;
 2. Variations from the approved construction specifications;
 3. Corrective actions that have been taken to correct previous violations;
 4. Any violations that exist; and.
 5. The name and signature of the person who performed the inspection.

Permittee inspection documentation shall be organized chronologically and be stored with the SWPPP.

- D. If the County determines that there is a failure to comply with the plan, notice shall be served upon the permittee or person responsible for carrying out the plan in accordance with Section 23-9 of this Ordinance.

Section 23-6.3 FINAL INSPECTION AND RECORD-DOCUMENTATION

- A. The permittee shall submit record drawings and supporting documentation for all stormwater management facility and storm drainage system associated with the project before final County inspection. Record drawings and supporting documents shall comply with the requirements contained in the County Stormwater Management Design Manual.
- B. Receipt of record drawings and supporting documentation, final inspection and approval by the County, execution and recordation of maintenance agreement, and permit termination is required before the release of performance securities.
- C. If it is determined from the record drawings, or inspections, that the storm drainage systems and the stormwater management facilities have not been constructed in accordance with the approved stormwater management plan, then corrective action will be taken to comply with the approved Plan or the permittee shall provide studies and information required by the County to demonstrate that the constructed system will function equivalent to the approved Stormwater Management Plan, and that all regulatory requirements are met.

SECTION 23-7

POST CONSTRUCTION INSPECTION, MAINTENANCE AND REPAIR OF STORMWATER MANAGEMENT FACILITIES

Section 23-7.1 MAINTENANCE INSPECTIONS OF STORMWATER MANAGEMENT FACILITIES

- A. Following the completion and acceptance of construction, the property owner is responsible for the maintenance and repair of stormwater structures and stormwater management facilities. The property owner shall ensure that proper maintenance and repair of stormwater structures and stormwater management facilities occur and that periodic inspection, maintenance, and repair are performed so that the structures and facilities operate properly. All inspection, maintenance, and repair activities, performed by the property owner shall be documented. Documentation shall be submitted to the County, if requested.

- B. Stormwater structures and stormwater management facilities that have recorded stormwater facility maintenance agreements shall be operated, inspected, maintained and repaired in conformance with the applicable performance requirements contained in the approved stormwater facility maintenance agreement.
- C. Existing stormwater structures and stormwater management facilities that do not have a recorded stormwater facility maintenance agreement shall be operated, inspected, maintained and repaired as required for proper operation of the structures and facilities. Following are the minimum requirements for stormwater structures and stormwater management facilities that do not have a recorded stormwater facility maintenance agreement:
1. Stormwater structures and stormwater management facilities shall be inspected, by the property owner, after significant rainfall events that cause localized flooding, and at least annually.
 2. All structures and slopes shall be kept in a safe condition.
 3. The stormwater management facility shall be kept clear of grass clippings, cut brush, and other debris.
 4. All pipes and structures shall be kept clean and clear of debris that could decrease flow capacity.
 5. Sediment and silt that washes into stormwater management facilities shall be removed and properly disposed of when the sediment and silt builds up to the point that they adversely impact the facility's proper operation.
 6. Trees and other woody plants shall be cut and removed from embankment slopes annually.
 7. Trees and woody plants shall be cut and removed from non-embankment areas of a stormwater management facility as needed to avoid buildup of debris in the facility and to avoid a nuisance. Periodic cutting and brush removal shall occur at a frequency of at least once in three years.
 8. Landscaping and grass cover shall be maintained for proper operation and erosion control. Replace landscaping as required. Repair erosion and replace grass cover as required.
- D. In addition to the inspections performed by the property owner, the County will periodically inspect stormwater management facilities. In the event that the stormwater management facility has not been maintained and/or becomes a danger to public safety, public health, or the environment, the County shall notify

the property owner by registered or certified mail. The notice shall specify the measures needed to comply and shall specify the time within which such measures shall be completed. If the responsible party fails or refuses to correct the violation, the County, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition, and recover the costs from the property owner.

- E. If stormwater management facility inspection requires entry into a confined space, or special equipment or training, then the County may hire licensed professionals to perform the inspection, or it may require the property owner to hire a licensed professional to perform the inspection. The cost for any licensed professionals to perform the required inspection shall be paid by or recovered from the owner.
- F. The County will conduct post-construction inspections of stormwater management facilities pursuant to the County's developed, and State Board's approved inspection program and will inspect each stormwater management facility at least once every five (5) years.

Section 23-7.2 RECORDS OF INSPECTION, MAINTENANCE AND REPAIR

- A. Property owners responsible for the operation and maintenance of stormwater management facilities shall make records of all inspections, maintenance, and repairs, and shall retain the records for at least five (5) years.
- B. Upon request from the County, property owners shall provide copies of records documenting property owner inspections, maintenance, and repairs.

SECTION 23-8

HEARINGS AND APPEALS

Section 23-8.1 HEARINGS

- A. Any permit applicant or permittee, or person subject to the requirements of this Ordinance, who is aggrieved by any action, of the County in approving or disapproving any plans required by this Ordinance, or by any enforcement action taken pursuant to Sec. 23-9, shall have the right to request, in writing, a hearing to the County Administrator or his/her designee provided a petition requesting such hearing is filed with the Administrator within 30 days after notice of such action is given by the Administrator.

- B. The hearing shall be held provided that the County Administrator and the aggrieved party has at least thirty (30) days prior notice.
- C. A verbatim record of the proceedings of such hearings shall be taken and filed with the Board of Supervisors. Depositions may be taken and read as in actions at law.
- D. The County Administrator, shall have power to issue subpoenas and subpoenas duces tecum, and at the request of any party shall issue such subpoenas. The failure of any witness without legal excuse to appear or to testify or to produce documents shall be acted upon by the County Administrator whose actions may include the procurement of an order of enforcement from the circuit court. Witnesses who are subpoenaed shall receive the same fees and reimbursement for mileage as in civil actions.
- E. During its review, the County Administrator shall consider evidence presented by all parties. After considering the evidence, the County Administrator's decision shall be final.

Section 23-8.2 APPEALS

Final decisions of the County Administrator, under this Ordinance, shall be subject to judicial review by the Roanoke County Circuit Court, provided an appeal is filed within thirty (30) days from the date of any written decision adversely affecting the rights, duties, or privileges of any permit applicant, permittee, or person subject to any enforcement action under this Ordinance.

SECTION 23-9

ENFORCEMENT AND PENALTIES

Section 23-9.1 VIOLATIONS

Any land-disturbance activity that is commenced or is conducted contrary to this Ordinance or the approved plans or agreements and permit, may be subject to the enforcement actions outlined in this section and the Virginia Stormwater Management Act.

Section 23-9.2 NOTICE OF VIOLATION

- A. If the Administrator determines that there is a failure to comply with the VSMP authority permit conditions, notice shall be served upon the permittee or person

responsible for carrying out the permit conditions by any of the following: verbal warnings and inspection reports, notices of corrective action, consent special orders, and notices to comply.

- B. Written notices shall be served by registered or certified mail to the address specified in the permit application or by delivery at the site of the development activities to the agent or employee supervising such activities.
- C. If there is no permittee, the notices shall be issued to the property owner.
- D. The notice of violation shall contain:
 - 1. The name and address of the permittee, or if there is no permittee, the property owner;
 - 2. The address when available or a description of the building, structure, or land upon which the violation is occurring;
 - 3. A statement specifying the nature of the violation;
 - 4. A description of the remedial measures necessary to bring the land-disturbing activity into compliance with this Ordinance and a time schedule for the completion of such remedial action;
 - 5. A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed;
 - 6. A statement that the determination of violation may be appealed by filing a written notice of appeal within 30 days of service of notice of violation.

Section 23-9.3 STOP WORK ORDERS

- A. If a permittee fails to comply with a notice issued in accordance with Section 23-9.2 within the time specified, the Administrator may issue an order requiring the owner, permittee, person responsible for carrying out an approved plan, or the person conducting the land-disturbing activities without an approved plan or required permit to cease all construction land-disturbing activities until the violation of the permit has ceased, or an approved plan and required permits are obtained, and specified corrective measures have been completed.
- B. However, if the Administrator finds that any such violation presents an imminent and substantial danger of causing harmful stormwater runoff impacts to its MS4 system or waters within the watersheds of the Commonwealth, it may issue, without advance notice or hearing, an emergency order directing such person to cease immediately all land-disturbing activities on the site and shall provide an

opportunity for a hearing, after reasonable notice as to the time and place thereof, to such person, to affirm, modify, amend, or cancel such emergency order. If a person who has been issued an order is not complying with the terms thereof, the Administrator may request the County Attorney to institute a proceeding for an injunction, mandamus, or other appropriate remedy.

- C. This “stop work order” shall be in effect until the County confirms that the land-disturbing activity is in compliance with the requirements of this Ordinance and the violation has been satisfactorily addressed. Upon failure to comply within the time specified, the permit may be revoked and the applicant shall be deemed to be in violation of this article and upon conviction shall be subject to the penalties provided by this Ordinance.

Section 23-9.4 CIVIL AND CRIMINAL PENALTIES

- A. Any person violating or failing, neglecting, or refusing to obey any rule, regulation, ordinance, order, approved standard or specification, or any permit condition issued by the Administrator may be compelled in a proceeding instituted in the Roanoke County Circuit Court to obey same and to comply therewith by injunction, mandamus, or other appropriate remedy.
- B. Any person who violates any provision of this Ordinance or who fails, neglects, or refuses to comply with any order of the Administrator, shall be subject to a civil penalty not to exceed \$32,500 for each violation within the discretion of the court. Each day of violation of each requirement shall constitute a separate offense.
- C. Violations for which a penalty may be imposed under this Subsection include, but are not limited to the following:
 - 1. No state permit registration;
 - 2. No SWPPP;
 - 3. Incomplete SWPPP;
 - 4. SWPPP not available for review;
 - 5. No approved erosion and sediment control plan;
 - 6. Failure to install stormwater BMPs or erosion and sediment controls;
 - 7. Stormwater BMPs or erosion and sediment controls improperly installed or maintained;

8. Operational deficiencies;
 9. Failure to conduct required inspections;
 10. Incomplete, improper, or missed inspections; and
 11. Discharges not in compliance with the requirements of Section 9VAC25-880-70 of the general permit.
- D. The Administrator may issue a summons for collection of the civil penalty and the action may be prosecuted in the appropriate court.
 - E. In imposing a civil penalty pursuant to this Subsection, the court may consider the degree of harm caused by the violation and also the economic benefit to the violator from noncompliance.
 - F. Any civil penalties assessed by a court as a result of a summons issued by the County shall be paid into the County treasury to be used for the purpose of minimizing, preventing, managing, or mitigating pollution of the waters of the County and abating environmental pollution therein in such manner as the court may, by order, direct.
 - G. With the consent of any person who has violated or failed, neglected or refused to obey this Ordinance or any condition of a permit, the County may provide, in an order issued by the County against such person, for the payment of civil charges for violations in specific sums, not to exceed the limit specified in subdivision B of this section. Such civil charges shall be instead of any appropriate civil penalty which could be imposed under subdivision B.
 - H. Notwithstanding any other civil or equitable remedy provided by this Section or by law, any person who willfully or negligently violates any provision of the Ordinance, any order of the Administrator, any condition of a permit, or any order of a court shall, be guilty of a misdemeanor punishable by confinement in jail for not more than 12 months or a fine of not more than \$2,500, or both.

Section 23-9.5 RESTORATION OF LANDS

- A. Any violator may be required to restore land to its undisturbed condition or in accordance with a notice of violation, stop work order, or permit requirements.
- B. In the event that restoration is not undertaken within a reasonable time after notice, the County may take necessary corrective action, the cost of which shall be covered by the performance security, or become a lien upon the property until paid, or both.

Section 23-9.6 HOLDS ON CERTIFICATE OF OCCUPANCY

Final certificates of occupancy will not be granted until corrections have been made in accordance with the approved plans, notices of violation, stop work order, or permit requirements, and accepted by the County.

~END~

Town of Vinton Planning and Zoning Department
Virginia Stormwater Management Program (VSMP) Schedule of Fees

NOTE: As of August 2013, the Vinton Town Council and Roanoke County Board of Supervisors entered into two Memoranda of Understanding (MOU) for the County of Roanoke personnel to provide stormwater management plan review services, as well as stormwater facilities inspections services to the Town of Vinton.

Fee Table 1 – Coverage under the General Permit for Discharges of Stormwater from Construction Activities

1. 50% of total fee is due with original submittal. Remaining fee is due prior to issuance of coverage under the General Permit for Discharges of Stormwater from Construction Activities.
2. When a site or sites are purchased for development within a previously permitted common plan of development or sale, the applicant shall be subject to fees ("total fee to be paid by applicant" column) in accordance with the disturbed acreage of their site or sites.
3. Applicant pays total fee to Town of Vinton. The Town will transfer the State portion of fee to State.
4. A single-family detached residential structure, within or outside of a common plan of development or sale, is not required to pay the state portion of the total fee.

		Total fee	Town portion of Fee" (72%)	State portion of Fee" (28%)
A.	General / Stormwater Management - Small Construction Activity/Land Clearing (Single-family detached residential structure, sites or areas within common plans of development or sale with land-disturbance acreage less than one acre)	\$209	\$209	\$0
B.	General / Stormwater Management - Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land-disturbance acreage less than one acre)	\$290	\$209	\$81
C.	General/Stormwater Management – Small Construction Activity/Land Clearing (Single-family detached residential structure, sites or areas within or outside a common plan of development or sale that is equal to or greater than 1 acre but less than 5 acres)	\$209	\$209	\$0
D.	General / Stormwater Management - Small Construction Activity/Land Clearing (Sites, or areas within common plans of development or sale, with land-disturbance acreage equal to or greater than one acre and less than five acres)	\$2,700	\$1,944	\$756

E.	General / Stormwater Management - Large Construction Activity/Land Clearing (Sites, or areas within common plans of development or sale, with land-disturbance acreage equal to or greater than five acres and less than 10 acres)	\$3,400	\$2,448	\$952
F.	General / Stormwater Management - Large Construction Activity/Land Clearing (Sites, or areas within common plans of development or sale, with land-disturbance acreage equal to or greater than 10 acres and less than 50 acres)	\$4,500	\$3,240	\$1,260
G.	General / Stormwater Management - Large Construction Activity/Land Clearing (Sites, or areas within common plans of development or sale, with land-disturbance acreage equal to or greater than 50 acres and less than 100 acres)	\$6,100	\$4,392	\$1,708
H.	General / Stormwater Management - Large Construction Activity/Land Clearing (Sites, or areas within common plans of development or sale, with land-disturbance acreage equal to or greater than 100 acres)	\$9,600	\$6,912	\$2,688

Fee Table 2 – Modification or Transfer of Registration Statements for the General Permit for Discharges of Stormwater from Construction Activities (VSMP)

1. Applies to modification or transfer of registration statements.
2. If changes result in changes to stormwater management plans that require additional review by the Town of Vinton/County of Roanoke, reviews shall be subject to the fees set out in this section. The fee shall be based on the total disturbed acreage of the site. In addition to the modification fee, modifications resulting in an increase in total disturbed acreage shall pay the difference in the initial state permit fee paid and the permit fee that would have applied for the total disturbed acreage, on Fee Table 2.

A.	General / Stormwater Management – Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land disturbance acreage less than one acre)	\$20
B.	General / Stormwater Management – Small Construction Activity/Land Clearing (Sites, or areas within common plans of development or sale, with land-disturbance acreage equal to or greater than one and less than five acres)	\$200
C.	General / Stormwater Management – Large Construction Activity/Land Clearing (Sites, or areas within common plans of development or sale, with land-disturbance acreage equal to or greater than five acres and less than 10 acres)	\$250
D.	General / Stormwater Management – Large Construction Activity/Land Clearing (Sites, or areas within common plans of development or sale, with land-disturbance acreage equal to or greater than 10 acres and less than 50 acres)	\$300

E.	General / Stormwater Management – Large Construction Activity/Land Clearing (Sites, or areas within common plans of development or sale, with land-disturbance acreage equal to or greater than 50 acres and less than 100 acres)	\$450
F.	General / Stormwater Management – Large Construction Activity/Land Clearing (Sites, or areas within common plans of development or sale, with land-disturbance acreage equal to or greater than 100 acres)	\$700

Fee Table 3 – Annual Maintenance Fees for Coverage under the General Permit for Discharges of Stormwater from Construction Activities (VSMP)

1. The following annual permit maintenance fees apply to each permit identified below. These fees shall apply until the permit coverage is terminated.
2. Annual maintenance fees are due to the Town of Vinton by April 1st of each calendar year, for permits issued in a previous calendar year, to maintain coverage under the General Permit for Discharges of Stormwater from Construction Activities.
3. Permit coverage will lapse if the annual maintenance fee is not paid by the time stated in note 2.

A.	General / Stormwater Management – Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land-disturbance acreage less than one acre)	\$50
B.	General / Stormwater Management – Small Construction Activity/Land Clearing (Sites, or areas within common plans of development or sale, with land-disturbance equal to or greater than one acre and less than five acres)	\$400
C.	General / Stormwater Management – Large Construction Activity/Land Clearing (Sites, or areas within common plans of development or sale, with land-disturbance acreage equal to or greater than five acres and less than 10 acres)	\$500
D.	General / Stormwater Management – Large Construction Activity/Land Clearing (Sites, or areas within common plans of development or sale, with land-disturbance acreage equal to or greater than 10 acres and less than 50 acres)	\$650
E.	General / Stormwater Management – Large Construction Activity/Land Clearing (Sites, or areas within common plans of development or sale, with land-disturbance acreage equal to or greater than 50 acres and less than 100 acres)	\$900
F.	General / Stormwater Management – Large Construction Activity/Land Clearing (Sites, or areas within common plans of development or sale, with land-disturbance acreage equal to or greater 100 acres)	\$1,400



Town Council Agenda Summary

Meeting Date

April 1, 2014

Department

Town Clerk

Issues

Consider approval of minutes for regular Council meeting on March 18, 2014.

Summary

None

Attachments

March 18, 2014 minutes

Recommendations

Motion to approve minutes

MINUTES OF A REGULAR MEETING OF VINTON TOWN COUNCIL HELD AT 5:45 P.M. ON TUESDAY, MARCH 18, 2014, IN THE COUNCIL CHAMBERS OF THE VINTON MUNICIPAL BUILDING LOCATED AT 311 SOUTH POLLARD STREET, VINTON, VIRGINIA.

MEMBERS PRESENT: Bradley E. Grose, Mayor
William W. Nance, Vice Mayor
I. Douglas Adams, Jr.
Robert R. Altice
Matthew S. Hare

STAFF PRESENT: Christopher S. Lawrence, Town Manager
Theresa Fontana, Town Attorney
Susan N. Johnson, Town Clerk
Ryan Spitzer, Assistant to the Town Manager
Barry Thompson, Finance Director/Treasurer
Karla Turman, Associate Planner/Code Enforcement Officer
Joey Hiner, Assistant Public Works Director
Anita McMillan, Planning & Zoning Director
Ben Cook, Police Chief

The Mayor called the work session to order at 5:45 p.m.

to hear request for funding presentations by some of our community agencies. Christine Drake with the American Red Cross-Roanoke Valley Chapter, began by commenting that the Red Cross has submitted a request to help victims of local house fires. The majority of the 70,000 disasters that the Red Cross responds to each year are local house fires and floods. In FY 2013, the Red Cross responded to five incidents in Vinton, four single-family fires and one single-family flood. These incidents affected 17 people and they received immediate disaster relief. Also, all residents of Vinton who wished were afforded shelter and food following the Dericho. Ms. Drake then introduced Chris Bruner, the Disaster Services Program Manager, who made brief comments on what the Red Cross does on a day to day basis.

Doug Forbes commented next as Treasurer of the Vinton Historical Society. The Society operates the Vinton Museum, which is the only historical museum in the County. He expressed thanks for the operating fund grant and the use and support of the Upson House where the Museum is housed. There are approximately 3,000 artifacts currently at the Museum and we are collecting more. We have outgrown the present facility and need to expand; however, we would like to stay in our present location because of its proximity to the new library branch being built downtown. A 25th anniversary celebration of the Museum is planned for April 12th and everyone is invited to attend. Mr. Forbes also recognized the members of the Historical Society who were present--Barbara and John Hargis, Mattie Forbes, Mayor Grose and Doug Adams.

Liz Lively, current President of the Vinton Area Chamber of Commerce, commented that she is excited about the upcoming projects and the coming together with some of the local business owners to look at how we can better help and serve them. The Chamber is looking to grow the partnership with the Town, to grow the strength of the businesses already here and to help bring in new businesses. The focus is on what we have and how we can grow and make it better. Over the next 24 months the Chamber intends to partner with the Town in several areas, one being advertising to help with economic development.

Vice Mayor Nance asked Ms. Lively how specific she could be about the proposed usage of their requested funding increase. Ms. Lively responded that the Chamber wants to allocate \$5,000 to partner with the Town to host joint town membership meetings at venues in Vinton for free of charge. We want to bring in some high caliber speakers that can help some of the local businesses. Also, over the past couple of years we have not been able to use any of that money for economic development, economic growth or to put new programs into place. Mr. Nance then commented about the banners needed for the new streetlights and he recalled the Chamber helping with those banners. Ms. Lively responded the Chamber has provided the funds for the banners every year in the past and the costs would be coming out of this year's bottom line. Mr. Nance then asked if the Chamber would be tying in the new branding campaign with that and the response was yes. Over the past two weeks, the Chamber has changed everything we use such as logos, signatures and everything in social media to include the "In Vinton".

The Mayor commented that he, the Town Manager, Angie Lewis and Ms. Lively meet about once a month. Their recent discussions have been along the lines of formulating some type of group that can call on businesses. The Town Manager commented that with the request for extra money, an agreement is being drafted, that will spell out how these funds will be used.

Kelly Cass, on behalf of the Mountain View Humane Spay/Neuter, presented a handout to Council. She began by commenting that each year we ask the local governments of the areas that we serve to fund spay/neuter assistance for their residents. Last year the Town gave a \$500 grant and we have served 96 animals from Vinton and only 19 of those animals used the funding provided by the Town. Other resources of funding were found for 33 of the animals and 44 required no subsidy. We are requesting the same \$500 amount again this year. After other comments, Ms. Cass read a letter from a Vinton resident who did receive assistance for a kitten. The Town Manager commented

about how Mountain View did not request their funds up front, but waited until they had used the \$500 as a subsidy for Vinton residents. He also commented that the Pound is going to start a coupon program that individuals can use at Mountain View or other local veterinarian offices for spay and neuter services.

The last presentation was by Lisa Kornegay on behalf of the William Byrd High School After Prom Committee. She announced that the After Prom is this weekend and is a safe alternative for the kids from midnight to 3:30 a.m. William Byrd is the only school in Roanoke County that offers the event for free. The After Prom is run 100% on donations and fundraisers and the budget this year is \$10,000. The Committee appreciates the donation from the Town last year and we want to keep it free as long as possible. Ms. Kornegay further commented that last year the Committee put out a request to all of the parents in Vinton for gift cards for prizes and through their contacts collected 150 gift cards. The retention rate (number of kids that stay for the entire event) was the highest last year at 87%. There are incentives to stay such as a t-shirt and chances at some great prizes.

The Mayor expressed thanks to all the agencies that made a presentation this evening and all of their requests will be considered as part of the budget process.

The Work Session ended at 6:20 p.m. and Council took a recess.

The Mayor called the regular meeting to order at 7:00 p.m. The Town Clerk called the roll with Council Member Adams, Council Member Altice, Council Member Hare, Vice Mayor Nance, and Mayor Grose present. After a Moment of Silence, Mr. Hare led the Pledge of Allegiance to the U.S. Flag.

Roll Call

Under upcoming community events/announcements, Doug Adams announced that the second meeting on the small pocket park will be on March 27th. The Town Manager announced that a ground breaking for all of the downtown projects will be on April 3rd at 10 a.m. on the site of the new library. Invitations will be going out today. Ryan Spitzer announced the Senior Expo on March 25th at the War Memorial. The Mayor reminded everyone of the Dogwood Festival to be held April 23-27.

Mr. Adams made a motion that the consent agenda be approved as presented; the motion was seconded by Vice Mayor Nance and carried by the following vote, with all members voting: Vote 5-0; Yeas (5) – Adams, Altice, Hare, Nance, Grose; Nays (0) – None.

Approved minutes of the regular Council meeting of March 4, 2014

Vice Mayor Nance read a letter from Chief Cook naming Detective Sergeant James Testerman and Detective Brandon Hill as Officers for the Month for February 2014.

The next item on the agenda was a Public Hearing to receive comments regarding setting of the real estate, personal property and machinery and tools tax rates for calendar year 2014. Barry Thompson, Finance Director/Treasurer, gave brief comments and reviewed the assessment rates as advertised for the Public Hearing. The rate was a 0.25% decrease for a total amount of \$349.

After the staff report, the Mayor opened the Public Hearing at 7:11 p.m. Hearing no comments, the Public Hearing was closed at 7:12 p.m.

Public hearing opened and closed, no comments

Mr. Hare commented there is no proposal to change the tax rate and Mr. Thompson responded that the proposed rate for 2014 is \$0.03, the same as it was for 2013. Mr. Hare asked when would the bills go out and the response was the first week of April. Mr. Hare then asked if in theory they could have one more Council meeting to act on this and Mr. Thompson said it would push the schedule because Roanoke IT is looking at the last week in March to make all of the changes for the billing.

Mr. Hare further commented that these questions were prompted by the struggle with what to do on the challenge we have on the Fire/EMS side. There is not an unlimited pool of money in the budget and public safety is the No. 1 priority. With the potential to have to add staffing, we know it is going to cost us \$70-80,000 in personnel costs along with a potential loss of \$30,000 in ambulance recovery fees. Mr. Hare stated that he is not a proponent of tax increases, but he would not want a couple of cents difference to come between his family's safety and not having it.

After additional comments from Mr. Hare and the Mayor, Mr. Altice said it is rather unusual how it is set up, you set the tax rate and then you prepare the budget. Mr. Thompson then commented that if we wanted to increase the tax rate, we would have to advertise again for two times, which would put us into April. The Town Manager asked Mr. Thompson what a penny increase would be and he responded about \$46,000.

The Mayor asked Mr. Thompson what would happen to this schedule if this was delayed for one meeting and he responded that it would be doable. However, if we are looking at increasing the tax rate, we would have to advertise twice for a Public Hearing and April 15th would be too late.

Vice Mayor Nance asked what had been requested of the department heads as far as budget goals. The Town Manager responded that he has asked for two proposals, one was level budget and with that there is still a \$200,000 gap right now. We also asked for a 5% cut to each budget and we are working through those numbers.

Mr. Adams stated that next year he would like to be able to discuss this at an earlier time where Council is not locked into a time period. The Town Manager commented that usually we do a revenue presentation, ask for approval to advertise a certain rate and then we have the Public Hearing in March. We can move that whole schedule back to February if Council desires.

Mr. Altice made a motion to adopt the Ordinance setting the real estate tax rate for calendar year 2014 as presented; the motion was seconded by Vice Mayor Nance. After additional comments by Council, the motion was carried by the following roll call vote, with all members voting: Vote 5-0; Yeas (5) – Adams, Altice, Hare, Nance, Grose; Nays (0).

Adopted Ordinance No. 946 setting the real estate tax rate for calendar year 2014

After comments by Mr. Thompson, Mr. Hare made a motion to adopt the Ordinance setting the personal property and machinery and tools tax rate for calendar year 2014 as presented; the motion was seconded by Mr. Altice, and carried by the following roll call vote, with all members voting: Vote 5-0; Yeas (5) – Adams, Altice, Hare, Nance, Grose; Nays (0).

Adopted Ordinance No. 947 setting the personal property and machinery and tools tax rate for calendar year 2014

The next item for consideration was a Resolution to set the allocation percentage for the Personal Property Tax Relief for the 2014 tax year. Mr. Thompson made brief comments and stated that for 2014, the rate for the Town is 63.41%. Vice Mayor Nance made a motion to adopt the Resolution as presented; the motion was seconded by Mr. Adams and carried by the following roll call vote, with all members voting: Vote 5-0; Yeas (5) – Adams, Altice, Hare, Nance, Grose; Nays (0).

Adopted Resolution No. 2056 setting the allocation percentage for the Personal Property Tax Relief for the 2014 tax year

The next item was to consider adoption of an Ordinance decreasing an excise tax on the sale of cigarettes from \$0.35 to \$0.25 on each package containing 25 or fewer cigarettes. The Town Manager commented that last year when he proposed increasing the tax \$0.15 his primary focus was on the continued financial need primarily in capital. The increase was approved and we estimated it would bring in about \$460,000 which is an additional \$160,000 over our previous year's budget. If we look at what we approved in the budget, revenue to date and our new projection, we are expected to be down around \$130,000 by June 30th of this year. Based on information from the wholesalers and the

retailers, sales are down; however, if this decrease is approved, that will put us at about \$165,000 under budgeted.

The Town Manager next commented that we are obligated to only spend what is approved and only if the revenue is there to cover those expenditures. We began looking at the budget in January to see where we could trim and the first items to consider were capital improvements. We were able to save \$90,000 and are now looking at trimming in other areas.

The Mayor commented that this is not an encouragement for people to smoke more. Vice Mayor Nance commented that when the tax increase does not help the Town, does not increase the revenues and hurts our businesses, it makes for a pretty easy decision. Council received two emails from citizens who discouraged them from decreasing taxes on cigarettes because they felt it was encouraging people to smoke and may send a wrong message. Mr. Nance further stated that the taxes in the Town are to fund the working of this government and to fund the infrastructure, public safety, public works and the services we provide to our citizens and stakeholders and nothing else. He is in support of the decrease.

Mr. Hare commended Council and staff for taking a look at this issue and recognizing the need to change direction. The funds received over the last several years from this tax have funded some important infrastructure and personnel needs for our community. By responding to the needs of our community that this is not what we want and is not what we are going to support, that sends a strong and valuable message that the Town is still open for business and wants people to come and purchase items in Vinton. The Mayor added that the tax did not work and we are willing to admit that and make the appropriate changes. Mr. Adams commented that we listened to our citizens, researched the issue, realized it was not the right thing and are willing to correct it.

Mr. Hare made a motion to adopt the Ordinance as presented; the motion was seconded by Vice Mayor, and carried by the following roll call vote, with all members voting: Vote 5-0; Yeas (5) – Adams, Altice, Hare, Nance, Grose; Nays (0). The Town Manager commented that this decrease will go into effect tomorrow.

Adopted Ordinance No. 948 decreasing an excise tax on the sale of cigarettes from \$0.35 to \$0.25 on each package containing 25 or fewer cigarettes

The next item was to consider adoption of a Resolution approving the final Revolving Loan Program Plan and Guidelines Manual and its supporting documents to administer the Revolving Loan Program as part of the CDBG Program. Ryan Spitzer reviewed the change on Page 4 of the Program Plan and Guidelines Manual to add that the Loan Review Committee can determine if a loan can be

subordinate or not based on the amount or specifics for the loan. There were also changes on Page 2 of the Loan Agreement under Section 2 and there will be a requirement for other loan closing documents to be completed along with this Agreement.

In response to a question about participation, Mr. Spitzer commented that four different businesses have inquired about the loan program. Mr. Hare commented that if the decision to allow subordination will happen at the time the Committee reviews the application, what would happen if someone comes back later and asks to subordinate. Mr. Spitzer responded they would have to go back to the Committee as a matter of procedure.

After further discussion about subordination, the Town Attorney commented that because the Town loan is first, it cannot be subordinated without the Town's permission. The Agreement is to memorialize that they have gone through the process and we have agreed to loan them a certain amount of money. The loan is subject to the applicant signing all of the closing documents and prior to that, the Committee will identify what collateral is going to be used, who needs to be a party to the closing documents and the appropriate documents will be recorded.

Mr. Hare made a motion that the Resolution be approved as presented; the motion was seconded by Mr. Adams and carried by the following roll call vote, with all members voting: Vote 5-0; Yeas (5) – Adams, Altice, Hare, Nance, Grose; Nays (0) – None.

Under briefing, the item related to required amendments to Division 4, Accessory Buildings and Temporary Buildings, Sections 5-15 through 5-17.2, of Article V, Supplementary Regulations, of Appendix B, Zoning, of the Town Code. Karla Turman began by commenting that in the past Council had approved temporary health care structures that were mandated by the State. These are structures that localities have to allow on properties if they meet certain requirements in a residential district. During the 2013 legislative session, the General Assembly amended the ordinance to add some definitions to clarify "activities of daily living", "assistance", and also if the couple is married, one of them can live there as long as one of them is assisting the one who needs the help. This new legislation also requires that once the structure is no longer needed, it can remain on the property for 60 days instead of 30.

The Town Manager asked if we currently have any of these structures in Town and Ms. Turman responded no. She stated that it would be difficult for anyone to have one because of the setback regulations and there are not that

Adopted Resolution No. 2057 approving the final Revolving Loan Program Plan and Guidelines Manual and its supporting documents to administer the Revolving Loan Program as part of the CDBG Program

many properties that would accommodate one of these structures.

Mr. Hare asked about Section 5-17.2 (b)(5) that refers to a married couple and how would that stand up now that our Constitution has been amended and how does it define a married person. Ms. Turman responded that she does not know and the Town Attorney responded in the same way. Ms. Turman further commented that possibly that issue would be challenged in the future and that there are also couples who are not legally married that would not fall under this. The Planning Commission Public Hearing is scheduled for March 25th and the Council's Public Hearing is scheduled for April 15th.

The Town Manager commented that the delivery of the proposed budget will be delayed two weeks. After we adjourn our meeting, he would like to check everyone's calendar to schedule the department presentations. He would also propose to use the fifth Tuesday in April as a budget work session as well. That will leave the May 5th meeting for additional budget discussion and then the Public Hearing can be scheduled for May 20th and the adoption of the budget set for the first meeting in June. However, the adoption could be done at the second meeting in June. The Town Manager further commented that VRS and our health Insurance are going up and revenues are going down in a couple of areas.

The Mayor expressed thanks again for those who helped during the recent weather events. He also expressed thanks to staff for their monthly reports which are very informative and detailed.

Comments from Council: Mr. Hare asked about getting information out about the cigarette tax decrease and Mr. Thompson responded that a mailing has been prepared to send out tomorrow.

Anita McMillan announced that April 5th is Clean Valley Day for the Roanoke Valley and that April 17th will be the Town's Arbor Day Celebration at the Craig Center at 4:00 p.m.

Mr. Hare asked Ms. McMillan about the status of the boat ramp. She responded that we applied for a grant through the Roanoke Valley Foundation, but did not receive it. There is a budget for it of \$3,500-7,000 to improve a section of the parking area and to put proper signage as required by our insurance. We are talking about \$3,500-7,000. There is an area where we need to stabilize a section to prevent any future erosion, but at least \$2,100 we can probably get in donations or possibly get it done as a boy scout project. Mr. Hare then asked if there would be any way-finding signs and

the response was just the sign to meet the insurance requirements. Mr. Hare then commented that he wants to make sure we are a part of the overall effort in the Valley to promote outdoor recreation. Ms. McMillan responded that she is on the Blue Way Committee and there will be a press release and a map showing the boat access coming from Tinker and 22 other access points to the Roanoke River. She is also on the aesthetic committee working on signage to let people know where the Greenways are and the trails, but also for safety management for individuals in case they get hurt on a trail, they will be able to identify exactly where they are by markers or signage.

Mr. Adams made a motion to adjourn the meeting; the motion was seconded by Mr. Hare and carried by the following vote, with all members voting: Vote 5-0; Yeas (5) – Adams, Altice, Hare, Nance, Grose; Nays (0) – None. The meeting was adjourned at 8:15 p.m.

Meeting adjourned

The Work Session was continued to hear funding presentations by the Vinton Volunteer First Aid Crew and the Vinton Volunteer Fire Department.

Tom Philpott, Chief of the Vinton Volunteer First Aid Crew gave the first presentation. Mr. Philpott began by stating how much the Crew appreciates all that Council does for them. This year we are requesting \$17,000. We have eight new members we need to equip with the basic uniforms and personal protective equipment at a cost of around \$800-900 per person. We would also like to replace a couple of computers and need funds for training, batteries for equipment and service on equipment to keep it certified. In October the Vinton First Aid Crew will be celebrating 75 years and there will be an event that everyone will be invited to. We are putting the Rehab Truck together and the offer is still on the table to pay the Town's portion on an ambulance. We know the Town is in a financial situation and we appreciate anything the Town can do.

The Mayor commented that he appreciates all the Crew does and this is one of the oldest partnerships with the Town. Mr. Philpott stated that the Crew did answer over 1,300 calls this past year and this past weekend the training officer conducted classes in Town and awarded some 840 continuing education hours for people from all over the State.

Mr. Altice asked how much we received in transport fees and Mr. Thompson said around \$175,000. Mr. Adams commented that he would like to have a better understanding of the reporting because he does not understand how the number of calls are going up, but the dollar amount is staying the same. Mr. Thompson commented that Chief Simon is sending a report that reflects the payment we get from

Roanoke County and he will be glad to send that report to Council, but it does not give the details of each of the calls. The Town Manager commented that he can check with the County about getting such a detailed report.

Richard Oakes, Chief for the Vinton Volunteer Fire Department, began his presentation by commenting that we are asking for the same amount again this year. The funds will be used for station uniforms replacement and shirts, contract fees, office supplies, travel for some out-of-town classes that are not available locally and equipment replacement. This past February is the first time in about five years that we were able to go to the Chiefs' Conference in Virginia Beach. Mr. Oakes expressed appreciation to Council for all they do for the department. Mr. Adams asked about the new brush truck and the response was we still need to add side steps, but that it was used on a brush fire call last week.

Mr. Hare commented that he has the pleasure of serving with Chief Philpott and Chief Oakes along with Mr. Adams on the Public Safety Committee and in regard to the 24-hour fire coverage, they have stepped up and attended extra meetings. They are willing to give up their personal time with the family to serve their fellow citizens. Mr. Adams commented that Chief Cook, who was present in the audience, is also on that Committee.

The Work Session was adjourned at 8:40 p.m.

APPROVED:

Bradley E. Grose, Mayor

ATTEST:

Susan N. Johnson, Town Clerk



Town Council Agenda Summary

Meeting Date

April 1, 2014

Department

Administration

Issue

GFWC Woman's Club of Vinton – Child Abuse Awareness Prevention Month

Summary

The GFWC Woman's Club of Vinton in conjunction with the Police Department will again be planting pinwheels in the flower garden in front of the Municipal Building to promote the month of April as Child Abuse Awareness Prevention Month. A member of the Woman's Club or Chief Cook will make brief comments at the meeting.

Attachments

None

Recommendations

No action required



Town Council Agenda Summary

Meeting Date

April 1, 2014

Department

Administration

Issue

Proclamation – Mayor’s Day of Recognition for National Service

Summary

On April 1, 2014, Mayors all over the nation will participate in the second annual Mayors Day of Recognition for National Service. The goals of this day are to highlight the impact of national service and thank individuals serving in AmeriCorps and Senior Corps programs locally and across the country.

In Virginia, approximately 9,300 AmeriCorps and Senior Corps members are in service in their communities. Focusing on education, economic opportunity, disaster readiness, healthy futures, environmental stewardship, and services to vets and military families, these individuals are providing high impact, low cost solutions to compelling community needs.

Samantha Lukasiewicz, AmeriCorps VISTA Leader of our local Advancement Foundation will attend the meeting to accept this Proclamation.

Attachments

Fact Sheet
Proclamation

Recommendations

Read proclamation and present to representatives at the meeting.



Fact Sheet

Annual Statistical Highlights

- Engages more than 75,000 members annually
- Members serve at 15,000 locations across the country
- Mobilizes 4 million volunteers annually
- Leverages \$480 million in outside funding and donations each year

AmeriCorps



AmeriCorps engages more than 75,000 men and women in intensive service each year at more than 15,000 locations including nonprofits, schools, public agencies, and community and faith-based groups across the country. AmeriCorps members help communities tackle pressing problems while mobilizing millions of volunteers for the organizations they serve. Members gain valuable professional, educational, and life benefits, and the experience has a lasting impact on the members and the communities they serve.

AmeriCorps consists of three main programs: AmeriCorps State and National, whose members serve with national and local nonprofit and community groups; AmeriCorps VISTA, through which members serve full time fighting poverty; and AmeriCorps NCCC (National Civilian Community Corps), a team-based residential program for young adults 18-24 who carry out projects in public safety, the environment, youth development, and disaster relief and preparedness.

Focus on Impact

The bipartisan Edward M. Kennedy Serve America Act focused AmeriCorps' efforts in six key areas: disaster services, economic opportunity, education, environmental stewardship, healthy futures, and veterans and military families. To strengthen accountability, AmeriCorps programs are required to demonstrate their impact using standard performance measures.

AmeriCorps members make our communities safer, stronger, healthier, and improve the lives of tens of millions of our most vulnerable citizens. AmeriCorps' impacts are proven and measurable.

Disaster services: In response to the tornado that struck Joplin, Missouri on May 22nd, 2011, AmeriCorps teams organized a large-scale volunteer response center that recruited and supervised more than 75,000 volunteers. Through the AmeriCorps-led operation, unaffiliated volunteers contributed more than 579,000 hours of service. These hours completely

defrayed over \$17.7 million in emergency match dollars owed by the City of Joplin to the federal government at the conclusion of the response.

Economic opportunity: VISTA, AmeriCorps' poverty-fighting program, engages more than 8,000 members each year in fighting poverty by creating businesses, expanding access to technology, recruiting volunteers to teach literacy, and strengthening antipoverty groups.

Education: AmeriCorps places thousands of teachers, tutors, and mentors into low-performing schools, helping students succeed in school and gain skills necessary to get 21st century jobs.

Environmental stewardship: Members build trails, restore parks, protect watersheds, run recycling programs, and promote energy efficiency, weatherization, and clean energy.

Corporation for
**NATIONAL &
COMMUNITY
SERVICE** ★★ ★

1201 New York Ave., NW
Washington, DC 20525
202-606-5000
AmeriCorps.gov

Healthy futures: AmeriCorps members save lives through HIV/AIDS education and outreach, drug and alcohol prevention training, and connecting poor families to health clinics and services.

Veterans and military families: AmeriCorps supports the military community by engaging veterans in service, helping veterans readjust to civilian life, and providing support to military families.

Strengthening Nonprofits and the Volunteer Sector

Strengthening nonprofits: AmeriCorps members help faith-based and community groups expand services, build capacity, raise funds, develop new partnerships, and create innovative, sustainable programs.

Encouraging competition and local control: AmeriCorps pushes funding and decision-making to the state and local level. Most grantees are chosen by bipartisan state commissions appointed by the governor.

Advancing social innovation: AmeriCorps invests in entrepreneurial organizations that have been recognized for their innovative approaches to citizen problem-solving such as Teach for America, City Year, YouthBuild, JumpStart, Citizen Schools, and Experience Corps.

Expanding Educational Opportunity and Building Future Leaders

Expanding educational opportunity: In exchange for a year of full-time service, AmeriCorps members earn a Segal AmeriCorps Education Award (equal to the maximum Pell Grant) that helps pay for college or pay back student loans. AmeriCorps members have earned more than \$2.4 billion in these awards since 1994.

Preparing the 21st Century Workforce: AmeriCorps is a pathway to economic opportunity that provides

members with valuable skills specific to their service (construction, teaching, weatherization, etc.) as well as general skills of leadership and problem-solving that all employers are looking for.

Creating future leaders: AmeriCorps members gain new and useful skills, advance their education, and become more connected to their communities. A longitudinal study has shown that AmeriCorps alumni are more likely to be civically engaged, to go into public service careers—such as teaching, public safety, social work, and military service—and to volunteer in their communities.

Leveraging a Powerful Return on the Investment

Public private partnerships: AmeriCorps leverages substantial private investment—more than \$480 million in non-CNCS funds each year from businesses, foundations, and other sources. AmeriCorps has cut costs and become more efficient by supporting more members with fewer federal dollars.

Mobilizing volunteers: AmeriCorps is a powerful catalyst and force-multiplier for community volunteering. Last year AmeriCorps members recruited, trained, and supervised more than 4 million community volunteers for the organizations they serve.

AmeriCorps Fast Facts

800,000	Number of people who have served as AmeriCorps members since 1994.
1 billion	Total number of hours served by AmeriCorps members since 1994.
5.2 million	Number of disadvantaged youth tutored, mentored, or served by AmeriCorps members in fiscal 2011.
4 million	Number of community volunteers managed or mobilized by AmeriCorps members in fiscal 2011.
\$480 million	Value of cash and in-kind donations leveraged by AmeriCorps members in fiscal 2010.
15,000	Number of AmeriCorps service locations in 2012.
\$2.4 billion	Total amount of Segal AmeriCorps Education Awards earned by AmeriCorps members since 1994.

AmeriCorps in Virginia



AMERICORPS TOTALS

PARTICIPANTS

PROGRAMS/PROJECTS

CURRENT (as of March 11, 2013)

722

66

COMPLETED (within last 12 months)

196

34

Primary City	Program/Project Name Sponsor Organization	Number of Participants	Program Type
Abingdon	Leveraging Volunteers in Reforestation and Community Projects-Appalachia Appalachian Coal Country Team (ACCT)	-	AmeriCorps NCCC In-State Projects
Alexandria	CADCA National Guard Project (Completed)	-	AmeriCorps VISTA
Alexandria	Community Anti-Drug Coalitions of America (Active)	36	AmeriCorps VISTA
Alexandria	CADCA VetCorps VISTA (Current)	6	AmeriCorps State Formula
Alexandria	Child Thrive! (Current)	4	AmeriCorps National
Alexandria	Alexandria Department of Human Services National Military Family Association (Current)	2	AmeriCorps National
Alexandria	American Legion Auxiliary National Headquarters Rebuilding Together Alexandria (Current)	-	AmeriCorps National
Alexandria	Rebuilding Together, Inc VetCorps Project S&N (Completed)	2	AmeriCorps VISTA
Alexandria	Community Anti-Drug Coalitions of America (Active)	6	AmeriCorps State Formula
Alexandria	Women's ArtsCorps Works! (Current)	7	AmeriCorps State Formula
Arlington	Empowered Women International AmeriCorps Four-Mile Run restoration (Completed)	10	AmeriCorps State Formula
Arlington	Arlington County Arlington Works! (Current)	1	AmeriCorps National
Arlington	Arlington Public Schools Learning Links AmeriCorps (Current)	62	AmeriCorps National
Arlington	Greenbrier Learning Center Rebuilding Together Arlington/Fairfax/Falls Church (Current)	-	AmeriCorps VISTA
Arlington	Rebuilding Together, Inc SCA Virginia (Current)	26	AmeriCorps State Formula
Arlington	Student Conservation Association, Inc. Youth Venture (Completed)	4	AmeriCorps VISTA
Arlington	Youth Venture	4	AmeriCorps VISTA
Big Stone Gap	MECC AmeriCorps (Current)	2	AmeriCorps National
Blacksburg	Mountain Empire Community College Community Partnerships VISTA Network (Current)	3	AmeriCorps VISTA
Bluefield	Virginia Polytechnic Institute and State University ZinSpire Program (Current)	12	AmeriCorps State Formula
Bluefield	Bluefield College Bluefield College VA 24605-1709 (Completed)	11	AmeriCorps NCCC In-State Projects
Bridgewater	The College of New Jersey Northeast Neighborhood Revitalization Project (Current)	13	AmeriCorps State Formula
Charlottesville	Bridgewater College CALM AmeriCorps (Current)	10	AmeriCorps NCCC In-State Projects
Charlottesville	Charlottesville Abundant Life Ministries Charity Treks	1	AmeriCorps VISTA
Charlottesville	Charity Treks, Inc College Guide Program (Current)	-	AmeriCorps VISTA
Charlottesville	The Rector and Visitors of the University of Virginia Forest and Preserve Stewardship Projects Throughout Virginia	5	AmeriCorps State Formula
Charlottesville	The Nature Conservancy - Virginia JABA VISTA (Current)	-	AmeriCorps NCCC In-State Projects
Charlottesville	Jefferson Area Board For Aging Resources, Integration & Access Project (Completed)	13	AmeriCorps State Formula
Charlottesville	International Rescue Committee- Charlottesville Trail Construction; Environmental Conservation with State Forests	-	AmeriCorps NCCC In-State Projects
Chesapeake	Virginia Department of Forestry Serve the City and The Urban Outreach Center (Current)	10	AmeriCorps NCCC In-State Projects
	Heart of Compassion Partnerships	5	AmeriCorps State Formula

AmeriCorps in Virginia



AMERICORPS TOTALS

PARTICIPANTS

PROGRAMS/PROJECTS

CURRENT (as of March 11, 2013)

722

66

COMPLETED (within last 12 months)

196

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Primary City	Program/Project Name Sponsor Organization	Number of Participants	Program Type
Culpeper	Rappahannock Legal Services Capacity Building Project (Current) Rappahannock Legal Services, Incorporated	2	AmeriCorps VISTA
Emory	Emory and Henry College VA 24327-0947 (Current) The College of New Jersey	24	AmeriCorps National
Fairfax	Volunteer Fairfax (Current) Points of Light Foundation	1	AmeriCorps National
Falls Church	Committee Volunteers in Action (Completed) Hispanic Committee of Virginia	-	AmeriCorps VISTA
Falls Church	ESOL and Family Learning Programs (Current) Literacy Council of Northern Virginia	8	AmeriCorps State Formula
Ferrum	Ferrum College VA 24088-2612 (Completed) The College of New Jersey	-	AmeriCorps National
Fishersville	Serving Virginians with Disabilities (Current) Ms. Wheelchair Virginia, Inc.	13	AmeriCorps State Formula
Fredericksburg	Friends of the Rappahannock (Current) Friends of the Rappahannock	4	AmeriCorps VISTA
Fredericksburg	GoodSkills Literacy Corps (Current) Rappahannock Goodwill Industries Inc	5	AmeriCorps State Formula
Fredericksburg	Rcasa Capacity Building Project (Current) Rappahannock Council Against Sexual Assault	2	AmeriCorps VISTA
Great Falls	Camp restoration from derecho; trail clearing, debris removal; repairs Living Classrooms of the National Capital Region (LC-NCR)	9	AmeriCorps NCCC In-State Projects
Hampton	Hand and Hand, Inc. (Completed) Hand and Hand, Inc.	-	AmeriCorps VISTA
Hampton	HRHA Serve America Act VISTA Program (Current) Hampton Redevelopment and Housing Authority	1	AmeriCorps VISTA
Hampton	PASS - Peninsula AmeriCorps Service and Support (Current) Alternatives Inc	68	AmeriCorps State Formula
Hampton	Virginia Veterans Corps (Current) Virginia Department of Veterans Services	22	AmeriCorps State Formula
Hillsville	Reading for Life (Current) Carroll County Public School Division	30	AmeriCorps State Formula
Lebanon	AmeriCorps Community Care (Current) Occupational Enterprises, Inc.	13	AmeriCorps State Formula
Leesburg	Loudoun HFH (Current) Habitat for Humanity International, Inc.	1	AmeriCorps National
Lexington	Shepherd Poverty Alliance (Current) The College of New Jersey	10	AmeriCorps National
Lexington	Shepherd Poverty VA 24550-2249 (Completed) The College of New Jersey	20	AmeriCorps National
Lexington	Washington & Lee U. VA 24550-2116 (Current) The College of New Jersey	17	AmeriCorps National
Lorton	New Trail Construction and Invasive Species Eradication Virginia Dept of Conservation and Recreation- Mason Neck State Park	10	AmeriCorps NCCC In-State Projects
Lynchburg	Lynchburg College VA 24501-3113 (Current) The College of New Jersey	10	AmeriCorps National
Manassas	Neighborhood Stabilization and Revitalization (Current) City of Manassas	4	AmeriCorps VISTA
Middleburg	Facilitating Nature Classes and Ropes Course; Trail Improvements Camp Highroad	11	AmeriCorps NCCC In-State Projects
Newport News	Building Great Futures (Current) Boys & Girls Clubs of the Virginia Peninsula	3	AmeriCorps VISTA
Newport News	Christopher Newport U. VA 23606-2949 (Current) The College of New Jersey	16	AmeriCorps National

AmeriCorps in Virginia



AMERICORPS TOTALS

PARTICIPANTS

PROGRAMS/PROJECTS

CURRENT (as of March 11, 2013)

722

66

COMPLETED (within last 12 months)

196

34

Primary City	Program/Project Name Sponsor Organization	Number of Participants	Program Type
Newport News	Volunteer Recruitment and Management System (Completed) Just Us Kidz Inc.	-	AmeriCorps VISTA
Norfolk	American Red Cross NPRC - Coastal Virginia Region (Current) American National Red Cross	2	AmeriCorps National
Norfolk	ODU-Center for Service & Civic Engagement (Current) Old Dominion University	2	AmeriCorps VISTA
Norfolk	South Hampton Roads, Inc.; HFH of (Current) Habitat for Humanity International, Inc.	1	AmeriCorps National
Oakton	Northern Virginia Family Services Outreach Program (Current) Northern Virginia Family Service	2	AmeriCorps VISTA
Petersburg	Pathways AmeriCorps (Current) Pathways-VA, Inc.	13	AmeriCorps State Formula
Providence Forge	Trail Construction; Environmental Conservation with State Forests Virginia Department of Forestry	11	AmeriCorps NCCC In-State Projects
Pulaski	Beans and Rice, Inc. - U Serv (Current) Beans and Rice, Inc.	6	AmeriCorps State Formula
Radford	Beans and Rice, Inc. (Completed) Beans and Rice, Inc.	-	AmeriCorps VISTA
Radford	New River Community Action AmeriCorps (Current) New River Community Action Inc.	19	AmeriCorps State Formula
Richmond	AmeriCorps ACES (Action for Community Enhancement Services) (Current) City of Richmond - Human Services Commission	14	AmeriCorps State Formula
Richmond	CARITAS Americorps (Current) CARITAS	19	AmeriCorps State Formula
Richmond	CCC Refugee, Immigrants, and Interpreter Services Program (Current) Commonwealth Catholic Charities	4	AmeriCorps VISTA
Richmond	Community Works (Completed) Embrace Richmond	23	AmeriCorps State Formula
Richmond	Diocese of Richmond (Current) University of Notre Dame	1	AmeriCorps National
Richmond	Fit4Kids Volunteer Program (Current) Greater Richmond Fit4Kids	1	AmeriCorps VISTA
Richmond	HandsOn Greater Richmond (Completed) Points of Light Foundation	3	AmeriCorps National
Richmond	HOME Capacity Building Project (Current) Housing Opportunities Made Equal of Virginia, Inc	3	AmeriCorps VISTA
Richmond	Project RISE! (Current) Community Housing Partners Corporation	16	AmeriCorps State Formula
Richmond	Richmond, VA Public Assistance FEMA-Joint Field Office-Richmond	12	AmeriCorps NCCC In-State Projects
Richmond	Telamon/VA (Completed) Association of Farmworker Opportunity Programs	1	AmeriCorps National
Richmond	United Virginia Capacity Expansion (Current) United Virginia Education Fund	2	AmeriCorps VISTA
Richmond	University of Richmond VA 23173-0001 (Current) The College of New Jersey	4	AmeriCorps National
Richmond	VCU AmeriCorps (Current) Virginia Commonwealth University	49	AmeriCorps State Formula
Richmond	Virginia Ambassador of Mentoring (Current) Virginia Mentoring Partnership	9	AmeriCorps VISTA
Richmond	Virginia Medical Reserve Corps (Current) Virginia Department of Health	2	AmeriCorps VISTA
Richmond	Virginia Wounded Warrior Program (Current) Virginia Department of Veterans Services	4	AmeriCorps VISTA

AmeriCorps in Virginia



AMERICORPS TOTALS	PARTICIPANTS	PROGRAMS/PROJECTS
CURRENT (as of March 11, 2013)	722	66
COMPLETED (within last 12 months)	196	34

Primary City	Program/Project Name Sponsor Organization	Number of Participants	Program Type
Roanoke	Computer Literacy Program (Current) City of Roanoke - Libraries	15	AmeriCorps State Formula
Roanoke	Rebuilding Together Roanoke (Current) Rebuilding Together, Inc	2	AmeriCorps National
Suffolk	Fire Composite US Fish & Wildlife Service, Northeast Region Fire Management	8	AmeriCorps NCCC In-State Projects
Suffolk	Fire Composite Team US Fish & Wildlife Service, Northeast Region Fire Management	10	AmeriCorps NCCC In-State Projects
Suffolk	Installation of Water System Infrastructure in Historic Village Hobson Artesian Well Association, Inc.	10	AmeriCorps NCCC In-State Projects
Suffolk	Trail 2 Wildfire US Fish & Wildlife Service, Northeast Region Fire Management	4	AmeriCorps NCCC In-State Projects
Suffolk	US Fish & Wildlife US Fish & Wildlife Service, Northeast Region Fire Management	8	AmeriCorps NCCC In-State Projects
Suffolk	US Fish & Wildlife Services US Fish & Wildlife Service, Northeast Region Fire Management	8	AmeriCorps NCCC In-State Projects
Suffolk	US Fish and Wildlife Fire Management U.S. Fish and Wildlife Service, VA	8	AmeriCorps NCCC In-State Projects
Tazewell	Clinch Valley Community Action, Inc. (Completed) Clinch Valley Community Action Inc.	-	AmeriCorps VISTA
Vienna	Westmoreland Volunteers (Current) Catholic Volunteer Network	10	AmeriCorps National
Vinton	The Advancement Foundation (Current) The Advancement Foundation	18	AmeriCorps VISTA
Williamsburg	Office of Community Engagement (Completed) The College of William and Mary	-	AmeriCorps VISTA
Williamsburg	Virginia Legacy Soccer (Current) Up2Us, Inc.	2	AmeriCorps National
Winchester	VISTA Catalysts for Student Service (Current) Shenandoah University	2	AmeriCorps VISTA
Winchester	Winchester Individual Assistance Applicant Services FEMA - Region III	21	AmeriCorps NCCC In-State Projects
Woodbridge	AmeriCorps Interpretive Project (Current) DCR, Division of State Parks	37	AmeriCorps State Formula
Wytheville	Wythe-HOPE VISTA 2012 (Current) Helpng Overcome Poverty's Existence, Inc.	1	AmeriCorps VISTA

Notes: If there are programs with identical names in separate entries, they are different grants to the same organization. If no members are shown, either the grant is for planning or technical assistance, or enrollment data was not available at the time of printing.

The city column refers to the location of the sponsor organization. AmeriCorps members may be serving in other locations than the city listed.

Virginia At a Glance

AmeriCorps	Projects	Service Locations	Participants ¹	Education Scholarships ²	Program Funding
AmeriCorps National	18	22	170	\$326,510	\$166,457 ³
AmeriCorps NCCC In-State Projects	1	1	10	-	- ⁴
AmeriCorps State Formula	23	95	426	\$1,274,562	\$2,996,846
AmeriCorps VISTA	24	31	116	\$643,800	\$1,845,444
AMERICORPS TOTAL	66	149	722	\$2,244,872	\$5,008,747
Senior Corps	Projects	Service Locations	Participants	Education Scholarships	Program Funding
Foster Grandparent Program	4	147	399	-	\$1,233,347
RSVP	19	1,068	8,003	-	\$1,182,737
Senior Companion Program	3	32	231	-	\$675,211
SENIOR CORPS TOTAL	26	1,247	8,633	-	\$3,091,295
Social Innovation Fund	Projects	Service Locations	Participants	Education Scholarships	Program Funding
Intermediary Grantmakers	1	-	-	-	-
Nonprofit Subgrantees	3	-	-	-	\$1,589,459
SOCIAL INNOVATION FUND TOTAL	4	-	-	-	\$1,589,459
Other Funding	Projects	Service Locations	Participants	Education Scholarships	Program Funding
Disability Outreach	1	-	-	-	\$106,191
State Commission Operations Support	1	-	-	-	\$291,648
OTHER FUNDING TOTAL	2	-	-	-	\$397,839
PROGRAM TOTALS	98	1,396	9,355	\$2,244,872	\$10,087,341
TOTAL CNCS FUNDING (including Segal AmeriCorps Education Awards)					\$12,332,213
TOTAL LOCAL PROGRAM SUPPORT (Non-CNCS Resources)					\$5,840,860 ⁵
TOTAL CNCS FUNDING + TOTAL LOCAL PROGRAM SUPPORT					\$18,173,073

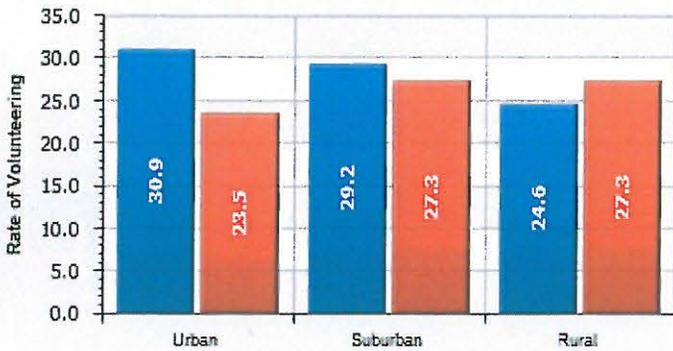
Notes: The data shown represents a snapshot in time. CNCS project sites, participants, and funding change throughout the year, so the data may not reflect current conditions.

- This figure represents the number of awarded positions available to be filled in the 2012 - 2013 program year. For AmeriCorps VISTA, this represents the actual number of VISTA members in active service.
- This figure represents the maximum potential value of Segal AmeriCorps Education Awards that can be earned by AmeriCorps members serving in Virginia. The award can be used in any state to pay for college, graduate school, vocational training, or to pay back student loans. The education award total is included in total CNCS funding.
- AmeriCorps National figures may include national programs headquartered in the state and/or operating sites of national programs that are headquartered in other states. Funding reflects the estimated proportionate share of the national grant associated with operating sites in this report. Some national organizations do not report operating site data, or it was not available at time of publishing, so figures may not reflect current conditions.
- Virginia is served by the AmeriCorps NCCC campus located in Vicksburg, Mississippi. In the past year, AmeriCorps NCCC teams have served on projects in Lorton, Providence Forge, Charlottesville, Great Falls, Winchester, Middleburg, Richmond, Suffolk.
- As part of its public-private partnership approach, CNCS requires grantees to leverage additional resources to strengthen community impact and increase the return on the federal investment. This figure reflects non-CNCS cash and in-kind resources that CNCS grantees and project sponsors have committed to raise to support their programming activities across the state.

Volunteering and Civic Life in America

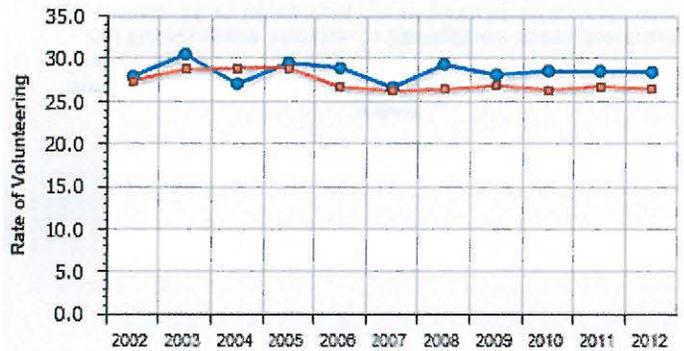
Virginia

Urban/Suburban/Rural Volunteer Rate



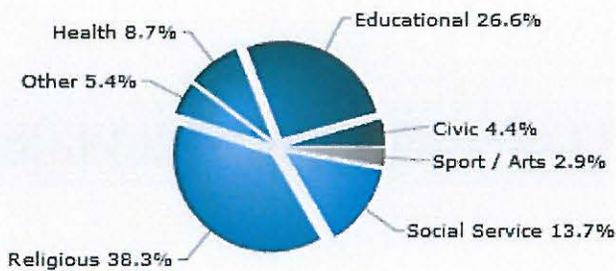
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■ Virginia ■ US

Volunteer Rate (2002-2012)



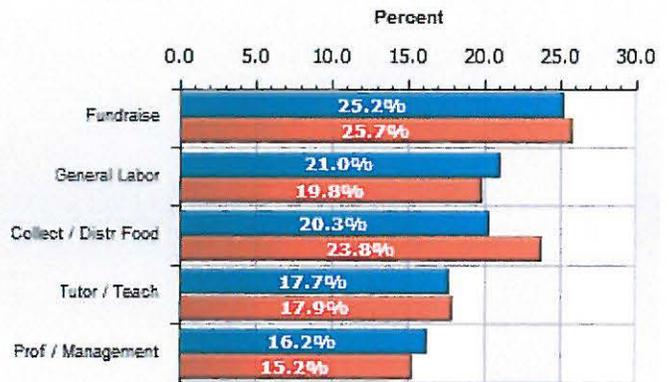
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Where People Volunteer



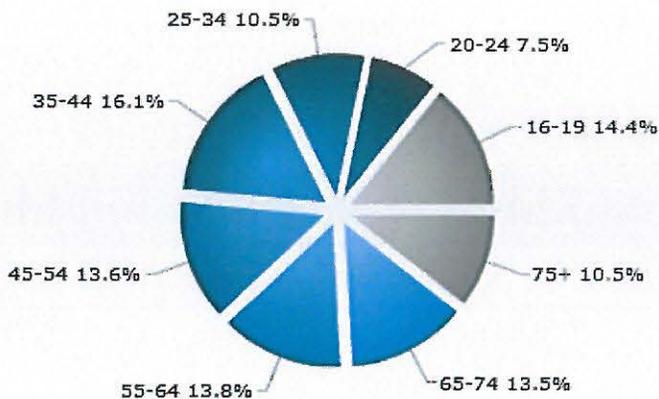
Numbers in the chart may not add up to 100% because of rounding

Among the Top 5 Volunteer Activities



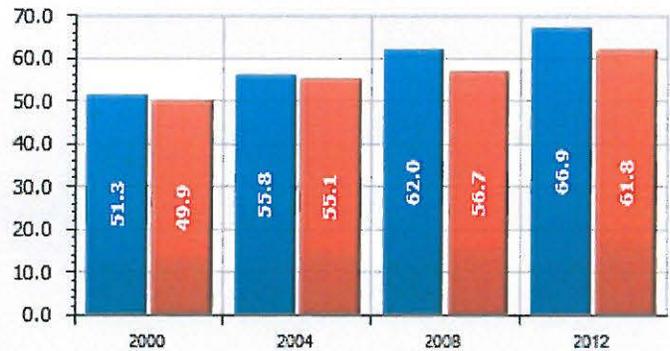
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■ Virginia ■ US

Ages of Volunteers



Numbers in the chart may not add up to 100% because of rounding

Voting Trends



Legend
■ Virginia ■ US

National Service In Virginia

More than 700 AmeriCorps members and 8,600 Senior Corps volunteers are meeting local needs, strengthening communities, and increasing civic engagement through national service in Virginia. This year, CNCS will commit more than \$12,330,000 to support Virginia communities through national service.

Senior Corps in Virginia



SENIOR CORPS TOTALS

PARTICIPANTS

PROGRAMS

CURRENT (as of March 11, 2013)

8,633

26

COMPLETED (within last 12 months)

853

4

Primary City	Program Name Sponsor Organization	Number of Participants	Program Type
Big Stone Gap	Mt Empire Older Citizens FGP (Current) Mountain Empire Older Citizens Inc.	41	Foster Grandparent Program
Charlottesville	Jefferson Area RSVP (Current) Jefferson Area Board For Aging	522	RSVP
Christiansburg	RSVP of Montgomery County and Radford (Current) Montgomery County Board of Supervisors	310	RSVP
Culpeper	Rappahannock Rapidan RSVP (Current) Rappahannock Rapidan Community Services Board/Area Agency on Aging	490	RSVP
Fairfax	NV-RSVP (Current) Volunteer Fairfax	420	RSVP
Gate City	RSVP of Planning District 1 (Current) Appalachian Community Action and Development Agency Inc.	90	RSVP
Hampton	City of Hampton (Current)	157	Foster Grandparent Program
Leesburg	Loudoun County RSVP (Completed) Loudoun County Aging Services Area Agency on Aging	399	RSVP
Manassas	Prince William Area RSVP (Current) Voluntary Action Center of the Prince William Area Inc.	212	RSVP
Marion	District 3 Southwest Va RSVP (Current) District III Governmental Cooperative	930	RSVP
Newport News	RSVP of the Virginia Peninsula- PNS (Current) RSVP of the Virginia Peninsula, Inc.	596	RSVP
Norfolk	Prime Plus RSVP Portsmouth (Current) Norfolk Senior Center, Inc.	100	RSVP
Norfolk	RSVP of Senior Services of Southeastern Virginia (Current) Senior Services of Southeastern VA	800	RSVP
Norfolk	SCP Sr. Services of SEVA (Current) Senior Services of Southeastern VA	97	Senior Companion Program
North Tazewell	Clinch Valley RSVP (Current) Clinch Valley Community Action Inc.	350	RSVP
North Tazewell	Clinch Valley SCP (Current) Clinch Valley Community Action Inc.	61	Senior Companion Program
Petersburg	Petersburg FGP (Current) Crater District Area Agency on Aging	131	Foster Grandparent Program
Petersburg	RSVP Southside Inc. (Current) Crater District Area Agency on Aging	250	RSVP
Portsmouth	RSVP of Portsmouth (Completed) Brighton's Solid Rock, Inc.	299	RSVP
Pulaski	Pulaski County RSVP (Current) New River Valley Agency on Aging	180	RSVP
Radford	RSVP of Floyd/Giles Co (Current) New River Community Action Inc.	233	RSVP
Richmond	Richmond Area FGP (Current) Senior Connections, the Capital Area Agency on Aging	70	Foster Grandparent Program
Richmond	Richmond RSVP (Current) Senior Connections, the Capital Area Agency on Aging	335	RSVP
Roanoke	LOA Area Agency on Aging SCP (Completed) Local Office on Aging, Inc. Area Agency on Aging	67	Senior Companion Program
Roanoke	LOA Area Agency on Aging SCP (Current) Local Office on Aging, Inc. Area Agency on Aging	73	Senior Companion Program
Roanoke	LOA Foster Grandparent Program (Completed) Local Office on Aging, Inc. Area Agency on Aging	88	Foster Grandparent Program
Roanoke	RSVP Roanoke Valley (Current) Council of Community Services	250	RSVP

Senior Corps in Virginia



SENIOR CORPS TOTALS	PARTICIPANTS	PROGRAMS
CURRENT (as of March 11, 2013)	8,633	26
COMPLETED (within last 12 months)	853	4

Primary City	Program Name Sponsor Organization	Number of Participants	Program Type
Rustburg	Campbell County RSVP (Current) Campbell County Board of Supervisors	255	RSVP
Urbanna	Bay Aging RSVP (Current) Bay Aging	838	RSVP
Urbanna	Bay Aging RSVP (Current) Bay Aging	842	RSVP

Note: The city column refers to the location of sponsor organization. Volunteers may be serving in other locations than the city listed.



PROCLAMATION

WHEREAS, service to others is a hallmark of the American character, and central to how we meet our challenges; and

WHEREAS, the nation's mayors are increasingly turning to national service and volunteerism as a cost-effective strategy to meet city needs; and

WHEREAS, national service participants address the most pressing challenges facing our communities, from educating students for the jobs of the 21st century and supporting veterans and military families to providing health services and helping our communities recover from natural disasters; and

WHEREAS, national service expands economic opportunity by creating more sustainable, resilient communities and providing education, career skills, and leadership abilities for those who serve; and

WHEREAS, national service participants serve in more than 60,000 locations across the country, bolstering the civic, neighborhood, and faith-based organizations that are so vital to our economic and social well-being; and

WHEREAS, national service participants increase the impact of the organizations they serve with, both through their direct service and by recruiting and managing millions of additional volunteers; and

WHEREAS, national service represents a unique public-private partnership that invests in community solutions and leverages non-federal resources to strengthen community impact and increase the return on taxpayer dollars; and

WHEREAS, national service participants demonstrate commitment, dedication, and patriotism by making an intensive commitment to service, a commitment that remains with them in their future endeavors; and

WHEREAS, the Corporation for National and Community Service shares a priority with mayors nationwide to engage citizens, improve lives, and strengthen communities; and is joining with the National League of Cities, City of Service, and mayors across the country to recognize the impact of service on the Mayors Day of Recognition for National Service on April 1, 2014.

NOW, THEREFORE, I, Bradley E. Grose, Mayor of the Town of Vinton and on behalf of Town Council and all our citizens do hereby proclaim April 1, 2014, as **National Service Recognition Day**, and encourage residents to recognize the positive impact of national service in our town, to thank those who serve; and to find ways to give back to their communities.

IN WITNESS WHEREOF, I have set my hand and caused the seal of the Town of Vinton, Virginia to be affixed on this 1st day of April, 2014.

Bradley E. Grose, Mayor



Town Council Agenda Summary

Meeting Date

April 1, 2014

Department

Administration

Issue

Request for funding presentations by:

- a. Brain Injury Services of SWVA
- b. Vinton Dogwood Festival

Summary

Representatives will be present to give a 10 minute presentation to support their request for funding in the FY2015 budget.

Attachments

Brain Injury Services of SWVA FY2015 Request for Funding Application

Recommendations

No action required



FY 2015 REQUEST FOR FUNDING APPLICATION

Instructions

1. Please type or print.
2. Answer each question within the space provided. Please do not include additional attachments or supplementary pages unless they are essential to our understanding of your organization.
3. **Attach organization's most recent audit. May be submitted later if not currently available.**
4. Sign, date and send the completed application to:

Christopher Lawrence, Town Manager
 311 South Pollard Street
 Vinton, VA 24179

Applicant Information Non-Profit Public Other Private Association (Circle One)

Name of Organization & Tax ID or EIN number				Brain Injury Services of SWVA ID# 54-2011536	
Address 3094 Franklin Rd., Ste. B					
City Roanoke		State VA		Zip 24014	

CONTACT PERSON

Name Mae Johnson	
Title Development & Marketing Dir.	Phone 540-344-1200

ORGANIZATION INFORMATION

Describe your organization's mission: Our mission is to create and sustain an organization that helps	
brain injury survivors and their families in Southwest Virginia. Our goal is to make a positive,	
measurable difference in survivors' abilities to fulfill their service potential and optimize their	
reintegration into their families and communities.	
How many people are served by your organization? There were 266 families served last fiscal year.	
How many Vinton Residents are served by your organization? There are two Vinton families being served.	
Geographic area served by your organization:	Year the organization was established: 2000
We serve brain injury survivors in 11,000 square miles of Southwest Virginia.	

SERVICES PROVIDED

Describe the service your organization provided to Town of Vinton citizens: (Detailed Project or Event Description – Tell us about what you want to do and when (include dates, names of co-sponsors, etc)

The requested funds will go to support comprehensive Case Management services and Community Support Services to brain injury survivors in the Town of Vinton. Case Managers identify, coordinate and monitor services and resources needed to meet each client's needs and seek to fulfill their service potential based on the client's life goals.

FUNDING

List all funding received and requested from surrounding jurisdictions: (List the Town of Vinton first)

Jurisdiction (i.e. other towns, cities, counties, companies, etc)	Received FY 2014	Requesting FY 2015
TOWN OF VINTON	\$0	\$500
Roanoke City	\$0	\$5,000
Roanoke County	\$2,900	\$3,000
Salem	\$2,000	\$2,000
Botetourt County	\$3,500	\$3,500
Craig County	\$500	\$500

IMPACT STATEMENT

Describe in detail the positive and negative impacts to the community in the following areas:

1. Fiscal/Economic Impact
2. Environmental Impact
3. Quality of Life Impact

See attached document.

Signature



Date

1-31-2014

Impact statement:

By providing comprehensive, individualized service coordination and promoting development of each client's service potential the Agency supports the client, family and caregiver during the difficult journey through rehabilitation and reintegration back into family and community. Without individualized case management services many survivors and their families are unable to navigate the complex rehabilitation, medical and human service system resulting in disastrous outcomes. Case management supports optimal reintegration back into the community and lessens the cost to municipalities through reducing the financial burden and dependence on safety net services for both the survivor and their family. The program allows many for our clients to live in the community instead of a more restrictive setting. Money invested upfront in rehabilitation and case management for the survivor and family, especially during the pivotal acute post injury phase, allows for the most successful outcomes and healing and substantially lessens the costs to the community.



Town Council Agenda Summary

Meeting Date

April 1, 2014

Department

Public Works

Issue

Consider adoption of a Resolution appropriating funds in the amount of \$4,822.55 for the receipt of an insurance claim made on a Town vehicle involved in the snow storm of February 2014.

Summary

A check in the amount of \$4,822.55 has been received from the VML Insurance Program and deposited in Revenue Account 200.1901.001 Recoveries and Rebates. This check is for the payment of collision loss less the deductible on a 2001 International 4700 Dump/Plow Vin #2174 that was being using during the snow event in February 2014.

Bids were received and Virginia Truck Center was awarded the repairs contract on the vehicle. It is necessary to appropriate the \$4,822.55 to Public Works Highway, Streets and Maintenance Account 200.4101.304 Maintenance and Repairs – Equipment in order to pay the invoice when it is received.

Attachments

Resolution

Recommendations

Motion to adopt Resolution

RESOLUTION NO.

AT A REGULAR MEETING OF THE VINTON TOWN COUNCIL HELD ON TUESDAY, APRIL 1, 2014 AT 7:00 PM IN THE COUNCIL CHAMBERS OF THE VINTON MUNICIPAL BUILDING, 311 SOUTH POLLARD STREET, VINTON, VIRGINIA 24179

WHEREAS, during the snow storm of February 2014, the 2001 International Dump Truck/Plow 4700 vin #2174 was involved in an accident; and

WHEREAS, the proper insurance filing was made with the VML Insurance Programs and payment from VML has been received into the Revenue Account 200.1901.001– Recoveries and Rebates in the amount of \$4,822.55; and

WHEREAS, in order that Virginia Truck Center, who received the bid to do the repair work on the vehicle can be paid when the invoice is received for the work, it is necessary for the Vinton Town Council to appropriate the funds from the Revenue Account 200.1901.001 – Recoveries and Rebates to the Public Works Operating Budget Account Number 200.4101.304 Highway, Maintenance and Streets - Maintenance and Repair of Equipment.

NOW, THEREFORE, BE IT RESOLVED that the Vinton Town Council does hereby approve the following accounting transaction and authorizes the Town Manager to pay the Virginia Truck Center Invoice when presented for the completion of the work on the 2001 International Dump Truck/Plow 4700 vin #2174.

FROM:	200.1901.001	Recoveries and Rebates	\$4,822.55
TO:	200.7103.350	Hwy, Mnt & Streets-Mnt and Repairs-Equipment	\$4,822.55

This Resolution adopted on motion made by Council Member _____, seconded by Council Member _____, with the following votes recorded:

AYES:

NAYS:

APPROVED:

Bradley E. Grose, Mayor

ATTEST:

Susan N. Johnson, Town Clerk



Town Council Agenda Summary

Meeting Date

April 1, 2014

Department

Finance/Treasurer

Issue

Financial Report for period ending February 28, 2014

Summary

The Financial Report for the period ending February 28, 2014 has been placed in the Town's Dropbox and on the Town's Website.

The Finance Committee will meet on Monday, March 31, 2014 at 5:30 pm to discuss this report and will make a presentation Council during the Council Comment Section of the Regular Meeting.

Attachments

February 28, 2014 Financial Report Summary

Recommendations

Motion to approve the February 28, 2014 Financial Report

**Financial Report Summary
Month Ending February 28, 2014**

THE TOWN OF
VINTON
V I R G I N I A



	Adopted Budget	Revised YTD Budget	MTD	YTD Posted	REMAINING BALANCE	%
General Fund 200						
Revenues	7,905,867	4,523,731	739,717	4,278,507	(245,224)	95%
Accrued Revenue Adjustment			263,439	263,439		
Total Adj. Revenues	7,905,867	4,523,731	1,003,155	4,541,946	18,214	100%
Expenditures	7,905,867	5,576,227	511,216	4,736,677	(839,550)	85%
Revenues over/(under) Expenditures		(1,052,495)	491,939	(194,731)		
Utility Fund 300						
Revenues	3,429,380	2,160,880	442,700	2,116,456	(44,425)	98%
Less: Tinker Creek Project Revenue		0	0	0		0%
Less: Bond Series 2013		0	0	0		
Operating Revenues	3,429,380	2,160,880	442,700	2,116,456	(44,425)	98%
Expenditures	3,429,380	2,319,475	171,246	2,523,188	203,713	109%
Less: Tinker Creek Project Expenditures		0	0	0	0	0%
Less: Bond Series 2013		0	0	606,536		
Operating Expenditures		2,319,475	171,246	1,916,652	(402,823)	83%
Revenues over/(under) Expenditures		(158,594)	271,454	199,804		
Total All Funds						
Revenues	11,335,247	6,684,612	1,445,855	6,658,401	(26,210)	100%
Expenditures	11,335,247	7,895,701	682,462	6,653,328	(1,242,373)	84%
Revenues over/(under) Expenditures		(1,211,090)	763,393	5,073		

*excludes Tinker Creek Project

*excludes 2013 Bond Issue