

STORM WATER QUALITY MANAGEMENT ORDINANCE
HINDS COUNTY, MISSISSIPPI

Whereas, the United States Environmental Protection Agency and the Mississippi Department of Environmental Quality have imposed requirements on Hinds County and other political subdivisions in the State of Mississippi to regulate storm water drainage and discharge

Now, therefore, be it ordained by the Board of Supervisors of Hinds County, Mississippi, as follows:

SECTION 1 TITLE, PURPOSE AND GENERAL PROVISIONS

1.1 TITLE

- A. This article shall be known as the “Storm Water Quality Management Ordinance” of Hinds County, Mississippi and may be so cited.

1.2 JURISDICTION

- A. The Storm Water Quality Management Ordinance shall govern all unincorporated areas of Hinds County, Mississippi.
- B. This ordinance shall be applicable to all commercial, industrial, multi-family residential, single family residential, multi-lot subdivision or site plan applications where the size of the lot or tract being developed is at least one (1) or more acres, unless eligible for an exemption under the specifications of Section 1.2.C of this ordinance. The ordinance also applies to land development activities that are smaller than the minimum applicability criteria if such activities are part of a larger common plan of development that meets the following applicability criteria, even though multiple separate and distinct land development activities may take place at different times on different schedules. In addition, all plans must also be reviewed by local environmental protection officials to ensure that established water quality standards will be maintained during and after development of the site and that post construction runoff levels are consistent with any local and regional watershed plans
- C. The following development activities are exempt from the provisions of this ordinance.
 - 1. Any logging and agricultural activity which is consistent with an approved soil conservation plan or a timber management plan prepared or approved by the Mississippi Department of Environmental Quality (MDEQ) and/or the Natural Resources Conservation Service (NRCS), as applicable
 - 2. Additions or modifications to existing detached single-family dwellings
 - 3. Development where the size of the lot or tract being developed is less than one (1) acre. This exception may not be applied for contiguous properties that may have been subdivided and/or are attributed to multiple separate owners. This exemption applies only to permitting procedures and does not apply to any discharge of sediment or other

form of water pollution that may leave a small site. These discharges may be defined as illicit discharges.

1.3 DEMONSTRATION OF NEED

- A. Whereas, uncontrolled storm water drainage/discharge may have a significant adverse impact on the health, safety and general welfare of the citizens of Hinds County, Mississippi. More specifically, surface water runoff can carry pollutants and sediment pollution into receiving waters. The potential impacts include:
 - 1. Changing natural ecosystems through the destruction of habitat and the loss of plant and animal life.
 - 2. Posing significant health risks through an increase in bacteria and toxic materials.
 - 3. Accelerating eutrophication of receiving waters by introducing excessive nutrients.
 - 4. Increasing metal deposits creating toxicity for aquatic life.
 - 5. Reducing oxygen levels because of oil, grease and organic matter.
 - 6. Affecting animal and plant life, adversely, due to changing temperatures of receiving waters.
 - 7. Accumulation of excess sediment and/or debris that limits the function of flood control infrastructure.
- B. Whereas, adverse water quantity and quality consequences described above may result in substantial economic costs. Potential costs include, but are not limited to, increased wastewater treatment costs, diminished property values, as well as state and federal fines associated with water quality violations.
- C. Whereas, every parcel of property, both private and public, either uses or benefits from the Hinds County's storm water system.
- D. Whereas, current and anticipated growth will contribute to and increase the need for an effective storm water system.

1.4 GOALS

- A. Protection of the short-term and long-term public health, safety, and general welfare of the citizens of Hinds County.
 - 1. Objectives:
 - a. Providing for regulation and management of Hinds County's storm water system, including public and private facilities in Hinds County's service area.
 - b. Protecting and preserving water quality and fish and wildlife habitat within Hinds County and in downstream receiving waters.
 - c. Protecting properties downstream from water quality impairment.
- B. Compliance with state and federal storm water regulations developed pursuant to the Clean Water Act Amendments of 1987 and subsequent amendments through 2001.
 - 1. Objectives:

- a. Managing the quality of water discharged to the storm water systems by controlling the contribution of pollutants associated with residential, commercial and industrial activity.
 - b. Controlling storm water pollution caused by the suspension and transport of soils.
 - c. Protecting or enhancing storm water quality to a level of “designated use” and minimize the impacts from new development and/or areas of significant redevelopment.
- C. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to maximize beneficial use without increasing flood hazard potential or diminishing the quality of the natural storm water resources.
- D. Minimize damage to public facilities and utilities such as water and gas mains, electric telephone and sewer lines, streets and bridges.
- E. Ensure the use of the public and private storm water management system that will not result in excessive maintenance costs.
- F. Utilize natural and aesthetically pleasing design that maximizes preservation of natural areas.
- G. Control the discharge of sediment and construction site materials into the storm water system.
- H. Preserve floodplains, floodways and open spaces to protect and benefit the community’s quality of life and natural resources.

SECTION 2 DEFINITIONS

- 2.1 Accelerated Erosion: Erosion caused by development activities that exceeds the natural processes by which the surface of the land is worn away by the action of water, wind, or chemical action.
- 2.2 Applicant: A property owner or agent of a property owner who has filed an application for a storm water management permit.
- 2.3 Authorized Enforcement Agency: Hinds County acting through its Department of Public Works or any other designee of Hinds County.
- 2.4 Berm: An earthen mound designed to provide visual interest, screen undesirable views and/or decrease noise.
- 2.5 Best Management Practices (BMPs): Schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

- 2.6 Building: Any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal, or property, and occupying more than 100 square feet of area.
- 2.7 Caliper: Diameter of a tree trunk. The term “caliper” is used for trees less than 12 inches in diameter. For trees less than four inches in diameter, it is measured six inches from the ground. For trees between four inches and 12 inches in diameter, it is measured 12 inches from the ground.
- 2.8 Channel: A natural or artificial water course with a definite bed and banks that conducts continuously or periodically flowing water.
- 2.9 Clean Water Act: The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.
- 2.10 Commencement of Construction Activities: The initial disturbance of soils associated with clearing, grading, or excavating activities or other construction-related activities.
- 2.11 Construction Activity: Activities subject to NPDES Construction Permits. Prior to March 2003 these include construction projects resulting in land disturbance of 5 acres or more. Effective as of March 2003, NPDES Storm Water Phase II permits will be required for construction projects resulting in land disturbance of 1 acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.
- 2.12 Contractor: Person or entity carrying out site disturbance, if different from owner.
- 2.13 Control Measure: Any BMP or other method used to prevent or reduce the discharge of pollutants to waters of the United States.
- 2.14 DBH: Diameter at Breast Height. The term “DBH” is used for trees with a diameter greater than 12 inches and is measured 4½ feet above the ground.
- 2.15 Deciduous: A plant with foliage that is shed annually.
- 2.16 Dedication: Deliberate appropriation of property by its owner for general public use.
- 2.17 Detention: Temporary storage of storm runoff in a storm water management practice with the goals of controlling peak discharge rates and providing gravity settling of pollutants.
- 2.18 Detention Facility: A detention basin or alternative structure designed for the purpose of temporary storage of stream flow or surface runoff and gradual release of stored water at controlled rates.
- 2.19 Developed Area: The area of a lot that is disturbed for the purpose of developing structures, parking facilities, loading or storage areas, paved access to off-street parking or loading areas or other areas paved with an all-weather material, or landscaped areas. For the purpose of calculating landscape points, it may be submitted in the form of the legal description of the property, or a scaled, dimensioned and well-defined area of development that is referenced on the site plan.

- 2.20 Drainage Easement: A legal right granted by a landowner to a grantee allowing the use of private land for storm water management purposes.
- 2.21 Evergreen: A plant with foliage that persists and remains green year-round.
- 2.22 Groundcover: An evergreen or deciduous planting less than 24 inches in height. Turf grass is excluded.
- 2.23 Hazardous Materials: Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
- 2.24 Hotspot: An area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in storm water.
- 2.25 Hydrologic Soil Group (HSG): A Natural Resource Conservation Service classification system in which soils are categorized into four runoff potential groups. The groups range from A soils, with high permeability and little runoff production, to D soils, which have low permeability rates and produce much more runoff.
- 2.26 Illegal Discharge: Any direct or indirect non-storm water discharge to the storm drain system.
- 2.27 Illicit Connections: An illicit connection is defined as either of the following: Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by Hinds County or, any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by Hinds County.
- 2.28 Impervious Cover: Those surfaces that cannot effectively infiltrate rainfall (e.g., building rooftops, pavement, sidewalks, driveways, etc).
- 2.29 Industrial Activity: Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).
- 2.30 Industrial Storm Water Permit: A National Pollutant Discharge Elimination System permit issued to a commercial industry or group of industries which regulates the pollutant levels associated with industrial storm water discharges or specifies on-site pollution control strategies.
- 2.31 Infiltration: Process of percolating storm water into the subsoil.
- 2.32 Infiltration Facility: Any structure or device designed to infiltrate retained water to the subsurface. These facilities may be above grade or below grade.

- 2.33 Irrigation System: A permanent underground piping and sprinkler head system designed using industry standard methods to provide uniform irrigation coverage over a landscaped area.
- 2.34 Jurisdictional Wetland: An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.
- 2.35 Land Disturbance Activity: Any activity which changes the volume or peak flow discharge rate of rainfall runoff from the land surface. This may include the grading, digging, cutting, scraping, or excavating of soil, placement of fill materials, paving, construction, substantial removal of vegetation, or any activity which bares soil or rock or involves the diversion or piping of any natural or man-made watercourse.
- 2.36 Landowner: Legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.
- 2.37 Landscape Architect: As defined in Section 73-2-3 of the Mississippi State Landscape Architectural Practice Law, a person who is licensed to practice landscape architecture in this state under the authority of this chapter and is engaging in the practice of landscape architecture within the meaning and intent of this chapter when he performs or holds himself out as capable of performing any of the services or creative works within the definition of landscape architecture.
- 2.38 Landscape Architecture: As defined in Section 73-2-3 of the Mississippi State Landscape Architectural Practice Law, any service or creative work, the adequate performance of which requires landscape architectural education, training and experience; the performance of professional services such as consultation, investigation, research, associated planning, design, preparation of drawings, specifications or contract documents, and responsible supervision of construction management in connection with the development of land areas where, and to the extent that, dominant purpose of such services is the preservation, enhancement or determination of proper land uses, natural land features, ground cover and plantings, naturalistic and aesthetic values; the determination of settings, grounds and approaches for buildings and structures or other improvements; the determination of environmental problems of land relating to erosion, flooding, blight and other hazards; the shaping and contouring of land and water forms; the setting of grades, determination of drainage and providing for storm drainage systems where such systems do not require structural design of system components, and determination of landscape irrigation; the design of such tangible objects and features as are necessary to the purpose outlined herein, but shall not include the design of buildings or structures with separate and self-contained purposes such as are ordinarily included in the practice of architecture or engineering.
- 2.39 Landscape Buffer: A combination of living vegetation, such as trees, shrubs, grasses or ground cover material, planted or transplanted and maintained.
- 2.40 Landscape Designer: Any person submitting a landscape plan who is not a licensed landscape architect, architect or engineer, as defined in Section 73-2-3 of the Mississippi State Landscape Architectural Practice Law, shall be "limited to consultation and

- preparation of plans and specification with respect to choosing types of plants and planning the location thereof."
- 2.41 Landscape Plan: The preparation of graphic and written criteria, specifications, and detailed plans to arrange and modify the effects of natural and manmade features such as plantings, ground and water forms, circulation, walks, structures, and other features to comply with the provisions of this Ordinance.
 - 2.42 Landscaped Area: Any area that contains trees, shrubs, and/or groundcover that have been claimed for point credits.
 - 2.43 Maintenance Agreement: A legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of storm water management practices.
 - 2.44 Mulch: An organic material such as seed hulls, pine needles or tree bark used to control weed growth, reduce soil erosion and reduce water loss.
 - 2.45 National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit: A permit issued by EPA (or by a State under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.
 - 2.46 Non-Point Source Pollution: Pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.
 - 2.47 Non-Storm Water Discharge: Any discharge to the storm drain system that is not composed entirely of storm water.
 - 2.48 Off-Site Facility: A storm water management measure located outside the subject property boundary described in the permit application for land development activity.
 - 2.49 On-Site Facility: A storm water management facility located within the subject property boundary described in the permit application for land development activity.
 - 2.50 On-Site Control: A storm water management measure located within the subject property boundary described in the permit application for land development activity.
 - 2.51 Operator: Any party that meets either of the following criteria –
 - A. The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications;
 - B. The party has day-to-day operational control of those activities at a project or facility which are necessary to ensure compliance with a SWPPP for the site or other permit conditions (e.g. they are authorized to direct workers at a site to carry out activities required by the SWPPP or comply with other permit conditions).

- 2.52 Owner: Refers to landowner, its successor or assign who has the property rights of the land or facility.
- 2.53 Parking Lot: Any off-street, unenclosed ground level facility used for the purpose of temporary storage of motor vehicles. Enclosed parking facilities, such as single or multi-story garages or parking facilities constructed within the confines of a larger building or structure, or parking facilities associated with single family and duplex residential development are not included within this definition.
- 2.54 Parking Lot Planting: Plantings of trees, shrubs, and/or ground cover required due to the construction of impervious surface parking to be planted within and/or around the perimeter of the parking lot area, excluding parking garages, decks and covered parking.
- 2.55 Parking Lot Island: A planting island contained completely within the confines of a parking lot.
- 2.56 Parking Peninsula: A planting island that extends out into the parking area, and is bounded on at least one side by the outer edge of the paving or a building.
- 2.57 Perimeter/Outfall Protection Permit: A legal document that allows the permit holder to break ground or disturb soil in order to install sediment control practices at the hydrologic perimeter/outfall(s) of a construction site. This document does not give permission to the permit holder to break ground or disturb soil on an entire construction site, as is granted through the issuance of a Storm Water Quality Management Permit.
- 2.58 Person: Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.
- 2.59 Planting Plan: The preparation of graphic and written criteria of plant placement, plant specification of type, size and spacing, and other features to comply with the provisions of this Ordinance.
- 2.60 Planting Season: The most favorable time to plant trees in Hinds County.
- 2.61 Pollutant: Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.
- 2.62 Premises: Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.
- 2.63 Recharge: Replenishment of underground water reserves.

- 2.64 Redevelopment: Any construction, alteration or improvement which would require the uncovering or disturbing of 5,000 or more square feet of land in areas where existing land use is high density commercial, industrial, institutional or multi-family residential.
- 2.65 Right-of-way: A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another special use. The usage of the term "right-of-way" for platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels.
- 2.66 Sight-Proof Fence: A solid opaque fence or wall that is a minimum of 6 feet but no more than 8 feet in height made of wood, masonry, decorative metal, or other suitable material in compliance with the Building Code.
- 2.67 Sight Triangle: The area on either side of an access way at its junction with a street forming a triangle within which clear visibility of approaching vehicular or pedestrian traffic shall be maintained.
- 2.68 Significant Tree: Any existing tree with a caliper of 6 inches or greater that is determined to be in good health by a qualified professional (i.e. Urban Forester, Certified Arborist) following guidelines established by the International Society of Arboriculture.
- 2.69 Shrub: A living self-supporting woody deciduous or evergreen species no less than 8 inches in height, and no greater than 15 feet in height, which will remain full and attractive throughout the year.
- 2.70 Specimen Tree: A particularly special example of a species because of its size, age, habit or any trait that either epitomizes the character of species or makes the tree an unusual example of its species.
- 2.71 Stop Work Order: An order issued which requires that all construction activity on a site be stopped.
- 2.72 Storm Drainage/Drain System: Publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.
- 2.73 Storm Water: Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.
- 2.74 Storm Water Management: Use of structural or non-structural practices that are designed to reduce storm water runoff pollutant loads, discharge volumes, peak flow discharge rates and detrimental changes in stream temperature that affect water quality and habitat.
- 2.75 Storm Water Pollution Prevention Plan (SWPPP): A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or

reduce pollutant discharges to Stormwater, Stormwater Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

- 2.76 Storm Water Quality Management Permit: A legal document that allows the permit holder to break ground or disturb soil on an entire construction site within the provisions of a Grading Plan and a Construction Pollution Prevention Plan. The permit addresses erosion prevention, sediment control and non-sediment pollution prevention activities. The plans for this permit and the Perimeter/Outfall Protection Permit are approved simultaneously. However, the Storm Water Quality Management Permit is only issued after the provisions of the Perimeter/Outfall Protection Permit have been implemented, inspected and accepted. Approval of plans for a Storm Water Quality Management Permit does not constitute issuance of the permit.
- 2.77 Storm Water Retrofit: A storm water management practice designed for an existing development site that previously had either no storm water management practice in place or a practice inadequate to meet the storm water management requirements of the site.
- 2.78 Storm Water Runoff: Flow on the surface of the ground, resulting from precipitation.
- 2.79 Storm Water Treatment Practices (STPs): Measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing or reducing point source or nonpoint source pollution inputs to storm water runoff and water bodies.
- 2.80 Successful Completion: When all permanent BMPs have been properly installed, land disturbing construction activities have been completed and disturbed areas have been stabilized with no significant erosion occurring.
- 2.81 Tree: A living self-supporting woody or evergreen plant that normally grows to a minimum height of 15 feet, and which has one or several self-supporting stems or trunks and numerous branches.
- 2.82 Turf Grass: Existing or installed grass that has been sodded, seeded, or hydromulched. Turf grass eligible for point credits must be located within the property lines of a development. The maximum credit for turf is 25% of the total landscape points required for any site. All turf credited for points shall completely cover all exposed areas of soil after one full growing season.
- 2.83 Wastewater: Any water or other liquid, other than uncontaminated storm water, discharged from a facility.
- 2.84 Water Course: A course of water flowing in a particular direction by a regular channel having a bed with banks and sides and usually discharging itself into some other body or stream of water. Also, although it must have a well-defined and substantial existence, a water course need not flow continuously or never be dry.
- 2.85 Water Quality Volume (WQ_v): Storage needed to capture and treat 90% of the average annual storm water runoff volume. Numerically (WQ_v) will vary as a function of long term rainfall statistical data.
- 2.86 Xeriscape. A method of landscaping that emphasizes water conservation, accomplished by following sound horticultural and landscaping practices, such as planning and design,

soil improvement, limited turf areas, use of mulches, use of low-water demand plants, efficient irrigation practices and appropriate maintenance.

SECTION 3 AUTHORITY AND RIGHT OF ENTRY

- 3.1 Hinds County staff shall have right-of-entry on or upon the property of any person subject to this ordinance and any permit/document issued hereunder. The County staff shall be provided ready access to all parts of the premises for the purposes of inspection, monitoring, sampling, inventory, records examination and copying, and the performance of any other duties necessary to determine compliance with this ordinance.
- 3.2 Where a property, site or facility has security measures in force which require proper identification and clearance before entry into its premises, the person shall make necessary arrangements with its security personnel so that, upon presentation of suitable identification, County staff will be permitted to enter without delay for the purposes of performing specific responsibilities.
- 3.3 County staff shall have the right to set up on the person's property such devices as are necessary to conduct sampling and/or metering of the person's storm water operations or discharges.
- 3.4 Any temporary or permanent obstruction to safe and easy access to the areas to be inspected and/or monitored shall be removed promptly by the owner/operator at the written or verbal request of County staff. The costs of clearing such access shall be borne by the owner/operator.
- 3.5 The Director of the Hinds County Department of Public Works or his designee may inspect the facilities of any user in order to ensure compliance with this ordinance. Such inspection shall be made with the consent of the owner, manager, or signatory official. If such consent is refused, denied or not promptly addressed, the Designated County staff may seek issuance of an administrative search warrant.
- 3.6 The County has the right to determine and impose inspection schedules necessary to enforce the provisions of this article. Inspections may include, but are not limited to:
 - A. An initial inspection prior to storm water management plan approval.
 - B. An inspection prior to burial of any underground drainage structure.
 - C. Inspections as necessary to ensure effective control of sediment prior to discharge to the storm sewer system.
 - D. Inspections to verify that action plans identified in previous site visits were successfully implemented.
 - E. A final inspection when all work, including installation of storm management facilities, has been completed.
 - F. Annual or intermediate inspections as necessary to ensure effectiveness of required permanent stormwater management BMPs and facilities.

SECTION 4 STORMWATER PERMIT PROCEDURE

- 4.1 Two permits are required for construction and site disturbance regulated by this ordinance:
- A. Perimeter /Outfall Protection Permit
 - B. Storm Water Quality Management Permit
- 4.2 Both permits are applied for simultaneously before site disturbance. The *Storm Water Quality Management Permit* is not issued until compliance with the perimeter/outfall protection permit.
- 4.3 The permits required are to be obtained jointly by the owner and the developer/contractor doing the soil disturbance work if different from the owner, except for the post-construction permit which shall be obtained by the owner.
- 4.4 Required initial submissions are:
- A. Notice of Intent
 - B. Perimeter Control Plan
 - C. Grading Plan
 - D. Storm Water Pollution Prevention Plan, which covers
 1. Construction Phase
 2. Post Construction
 - E. For commercial, industrial and multifamily residential developments, a landscaping plan
 - F. An executed Maintenance Plan for post construction storm water management facilities and practices.
 - G. Permit Review Fee: A non-refundable permit review fee shall be submitted to the Hinds County Department of Public Works along with the permit applications.
 1. Permit review fee shall be in accordance with the following schedule:

Residential	\$20 (minimum) + \$5/acre*
Commercial	\$30 (minimum) + \$5/acre*

* The computation of disturbed land area shall be rounded to the nearest acre (e.g., 2.4 acres residential area = \$20 + \$5x2 = \$30)
 2. The permit review fee shall be no greater than two hundred fifty dollars (\$250).
 3. The above fees are subject to change.
- 4.5 Within 30 calendar days of the receipt of a complete permit application, including all documents as required by this ordinance, Hinds County shall inform the applicant whether the application, plan and maintenance agreement are approved or disapproved.

- 4.6 If the storm water pollution prevention plan or maintenance agreement is disapproved, the applicant may revise the storm water pollution prevention plan or agreement. If additional information is submitted, Hinds County shall have 15 calendar days from the date the additional information is received to inform the applicant that the plan and maintenance agreement are either approved or disapproved.
- 4.7 Upon successful completion of all required permanent BMPs and construction activities, the permittee shall notify the Hinds County Department of Public Works for the termination of permit coverage by submitting the Notice of Termination.
- 4.8 The Hinds County Department of Public Works shall respond to the permittee by performing a final inspection within fourteen (14) days after receiving the request for termination.

SECTION 5 PERIMETER/OUTFALL PROTECTION PERMIT

- 5.1 A *Perimeter/Outfall Protection Permit* must be issued prior to breaking ground or disturbing soil in order to install sediment control practices at the hydrologic perimeter/outfall(s) of a construction site. The permit does not give permission to the permit holder to break ground or disturb soil on the entire construction site, as is granted through the approval and issuance of a *Storm Water Quality Management Permit*.
- 5.2 A *Perimeter/Outfall Protection Permit* is a predecessor to a *Storm Water Quality Management Permit*. While plans for both permits are approved simultaneously, the provisions of a *Perimeter/Outfall Protection Permit* must be implemented, inspected and accepted by Hinds County prior to issuance of a *Storm Water Quality Management Permit*.
- 5.3 A *Perimeter/Outfall Protection Permit* may only be issued after the review and acceptance of a *Perimeter Control Plan*.
- 5.4 Securing the perimeter prior to any land disturbance will decrease sedimentation off-site once construction has begun. Perimeter protection shall focus on downstream points and outfall areas and does not necessitate protection of the entire site boundary. Efforts shall be focused on those areas where water flow is most likely to exit the project site.
- 5.5 Clearing, except that necessary to establish sediment control devices shall not begin until all sediment control devices have been installed and have been stabilized. Sediment control devices prevent eroded soil from leaving the project site through the site perimeter or outfalls.
- 5.6 Sediment control measures shall be regularly inspected and maintained throughout construction as often as necessary to ensure that appropriate erosion and sediment controls have been properly constructed and maintained to prevent erosion and sediment from leaving the site and determine if additional or alternative controls are required..
- 5.7 Compliance with this ordinance requires that a grading plan be developed and submitted, as part of the *Storm Water Quality Management Permit*, and a perimeter control plan be implemented before any clearing or stripping.
- 5.8 PERIMETER CONTROL PLAN

- A. The Perimeter Control Plan shall include measures to prevent sediment from leaving the site during initial disturbance activities and prior to any major clearing, grading or other land disturbing activities.
- B. The Perimeter Control Plan shall address downstream outfall points, while the Grading Plan defines site-wide erosion prevention and sediment control measures.
- C. Protection of Adjacent Properties: The Perimeter Control Plan shall address prevention of sediment deposition on adjacent properties and receiving waters. Utilizing well-vegetated buffer strips along lower perimeters, sediment barriers, filters, diversion berms, sediment basins or other means accepted by Hinds County may all be employed or combined to adequately protect adjacent properties and receiving waters.
- D. Selection of sediment control measures shall consider the type of flow, site terrain, soil type, and other relevant factors. Buffer strips may only be utilized for sheet flow and must be at least, but not limited to, twenty-five (25) feet in width. If ineffective, a single sediment control device shall be supplemented with additional perimeter controls or replaced with effective controls.
- E. Construction Exits: The Perimeter Control Plan shall address stabilizing construction entrances/exits to reduce the amount of sediment transported onto nearby roadways, and potentially into waterways. When crossing into a public right-of-way, alley, sidewalk, or parking lot, traffic shall first pass over a stabilized stone pad. This pad shall be at least six (6) inches thick, one hundred (100) feet long, and contain two (2) to three (3)-inch crushed coarse graded stone. If operating under seasonally wet conditions and/or soft soils, filter fabric shall underlie the stabilized stone pad. Any sediment that has accumulated on nearby roadways shall be removed daily.
- F. Outlet Sediment Trapping: The Perimeter Control Plan shall address protection of outlets such as pipes, drains, culverts, conduits or channels by significantly minimizing erosion and sedimentation by reducing the velocity of flows from the project site. The placement of rock, grouted rip-rap, or concrete rubble at the outlet of a pipe prevents scour of the soil around the culvert mouth caused by the high pipe flow velocities. The device dissipates flow energy to produce non-erosive velocities.

5.9 PERIMETER CONTROL PLAN COMPLIANCE ACCEPTANCE

- A. Site inspection and approval by Hinds County must be received before any land disturbance or grading may proceed.
- B. Hinds County shall inspect the site prior to the acceptance of compliance with perimeter control permit requirements. Inspection will be performed within seven (7) days after installation of the perimeter protection devices but before any disturbance or clearing has been performed. The inspector shall either approve the portion of work completed or shall notify the permittee wherein the work fails to comply with the perimeter protection plan as approved.

- C. Inspection of required perimeter protection BMPs shall consist of a visual check list for each type of BMP, to ensure that each was designed and installed according to site specific conditions.
 - D. Acceptance of the perimeter control plan and inspection of the appropriate BMPs shall compensate for and address any seasonal variations which may hinder the effectiveness of the BMPs. Seasonal variations may include changes in flow, hydrology, temperature, and vegetation. BMPs shall be designed according to these variations and appropriately to maintain a level of service.
- 5.10 Hinds County reserves the right to develop or adopt other guidance documents to serve as design and implementation standards. Other guidance documents distributed by Hinds County, Mississippi, or any other local authority should be reviewed and considered when preparing the Perimeter Control Plan. These documents may be applied by Hinds County as standards by which designs are to be prepared and controls implemented.

SECTION 6 STORM WATER QUALITY MANAGEMENT PERMIT

6.1 RELATION TO PERIMETER/OUTFALL PROTECTION PERMIT

- A. A *Storm Water Quality Management Permit* must be issued prior to breaking ground or disturbing soil of a construction site beyond that which is necessary to install sediment control practices at the hydrologic perimeter / outfall(s), as permitted by a *Perimeter/Outfall Protection Permit*.
- B. Approval of plans for a *Storm Water Quality Management Permit* does not constitute issuance of the permit. A *Storm Water Quality Management Permit* may only be issued after
 1. The review and acceptance of a Grading Plan and Storm Water Pollution Prevention Plan.
 2. The review and acceptance of a Perimeter Control Plan.
 3. The implementation, inspection and acceptance of provisions directed by a *Perimeter/Outfall Protection Permit*.
- C. A Grading Plan is a part of the *Storm Water Quality Management Permit*. It shall distinguish which erosion protection and sediment control practices/devices will be utilized within the project site to minimize soil erosion and control sediment within the site perimeter.
- D. A Storm Water Pollution Prevention Plan (SWPPP) is a part of the *Storm Water Quality Management Permit*. It shall identify which erosion protection and sediment control practices/devices will be utilized within the project site to minimize soil erosion, prevent sediment from leaving the site and control construction wastes and debris within the site perimeter.

6.2 GRADING PLAN

- A. The Grading Plan shall include provisions for operation and maintenance of measures identified in the Perimeter Control Plan.

- B. The Grading Plan shall make clear the erosion prevention and sediment controls which are to be used to the specific site conditions.
- C. The Grading Plan shall illustrate the location and extent of erosion prevention and sediment controls.
- D. The Grading Plan shall include sequencing and schedule information, structural and non-structural BMPs, temporary and permanent stabilization measures.
- E. The Grading Plan shall include anticipated inspection and maintenance requirements for permanent and temporary measures. This shall include the expected frequency of routine inspections and maintenance activities (such as removal of sediment and construction debris)
- F. The Grading Plan shall include provisions for disturbance phasing. This shall be designed so that stripping and clearing of the site exposes only the area necessary for immediate activities and minimizes the amount of soil exposed at any one time. This includes rough grading, construction of utilities, infrastructure and buildings, and final grading and landscaping. Phasing should identify the expected date on which clearing of the area will begin and the estimated duration of exposure. The sequence of phased clearing and the installation of temporary and permanent erosion control measures should be identified.
- G. The Grading Plan shall include provisions for a no-disturbance waterway buffer.
 - 1. The no-disturbance waterway buffer shall be defined as twenty-five (25) feet from the top of waterway bank as defined by geomorphic shape and not by the current water surface elevation.
 - 2. The no-disturbance waterway buffer shall be applied to all waterways and open-air drainage systems that drain more than one-hundred (100) acres of tributary area or is presented on a United State Geological Survey map as a blue line stream.
- H. The Grading Plan shall include provisions for stabilizing denuded areas and soil stockpiles.
 - 1. Soil stabilization shall be designed to prevent the erosive forces of rain and water flow from washing soil from the site. Soil stabilization measures may be temporary and/or permanent and should be appropriate to the seasonal hydrology, site conditions, and estimated duration the measure will be in place.
 - 2. Denuded areas must be stabilized with permanent or temporary soil stabilization measures within 15 days of either achieving final grade, or within 7 days to any area that will remain dormant for over 30 days.
 - 3. Soil stockpiles, if left undisturbed for 15 or more days, shall be stabilized. Sediment trapping measures such as sediment traps and detention ponds shall be utilized to prevent soil loss from the project site through the duration of soil stockpiling practices.
- I. The Grading Plan shall include provisions for stabilizing cut and fill slopes.
 - 1. Minimization of erosion must be considered when designing and constructing cut and fill slopes. Length, steepness, soil type, upslope

tributary area, groundwater, and other relevant factors must all be taken into account.

2. Stabilization practices such as rock rip-rap, geosynthetic material, or other methods approved by the Hinds County shall be used on cut and fill slopes at 3 to 1 or greater.
3. Cut and fill slopes must be stabilized with permanent or temporary soil stabilization measures within 15 days of either achieving final grade, or within 15 days to any area that will remain dormant for over 60 days.

J. The Grading Plan shall include provisions for erosion prevention measures. Erosion prevention measures shall be designed to minimize the suspension of sediment from the soil. The controls may function independently or in combination with sediment control measures to prevent sediment-laden runoff from leaving the construction site. Acceptable erosion prevention practices include:

1. Phased Construction/Clearing
2. Dust control
3. Construction Road Stabilization
4. Temporary seeding
5. Top Soiling
6. Mulching
7. Nets and Mats
8. Geotextiles
9. Terracing
10. Soil bioengineering – slope and stream stabilization
11. Rip-rap
12. Channel linings
13. Temporary diversions, drains and swales
14. Stream crossings
15. Water bar
16. Other measures reviewed and accepted by the County are also appropriate erosion prevention practices.

K. The Grading Plan shall include provisions for sediment control measures. Sediment control measures shall be designed to remove sediment, by settling, flocculating, filtering or other means, from storm runoff prior to discharge from the construction site. The controls may function independently or in combination with erosion prevention measures, to prevent sediment-laden runoff from leaving the construction site. Acceptable sediment control practices include

1. Stabilized construction entrance
2. Construction entrance tire washing
3. Buffer zones
4. Check dams
5. Silt fence
6. Double layered straw bale barrier
7. Sand bag barrier
8. Brush, rock filter and continuous berms
9. Sediment traps
10. Temporary sediment / detention basin
11. Temporary inlet protection
12. Temporary outlet protection

13. Infiltration systems
14. Wet detention ponds
15. Dry detention ponds
16. Constructed wetlands
17. Biofilter swales
18. Water quality inlets and hydrodynamic separators
19. Other measures reviewed and accepted by Hinds County are also appropriate sediment control practices.

6.3 STORM WATER POLLUTION PREVENTION PLAN

- A. The Storm Water Pollution Prevention Plan shall make clear the management controls appropriate to the specific site conditions.
- B. The Storm Water Pollution Prevention Plan shall demonstrate the location and extent of management controls.
- C. The Storm Water Pollution Prevention Plan shall include sequencing and schedule information, structural and non-structural BMPs, temporary and permanent control measures.
- D. The Storm Water Pollution Prevention Plan shall include anticipated inspection and maintenance requirements for permanent and temporary measures. This shall include the expected frequency of routine inspections and maintenance activities (such as removal of waste concrete)
- E. Management controls may function independently or in combination with other control measures, to prevent construction debris, waste or other forms of pollution from entering storm water discharges from the construction site.
- F. The Storm Water Pollution Prevention Plan shall include provisions for addressing:
 1. Waste concrete management
 2. Material delivery, handling and storage
 3. Sanitary/septic waste management
 4. Solid waste/trash and debris management
 5. Spill prevention control and countermeasures
 6. Vehicle and equipment cleaning, fueling and maintenance
 7. Sensitive and vegetated area preservation
- G. The Storm Water Pollution Prevention Plan shall include provisions for addressing the following issues as applicable to the site-specific construction activities.
 1. Dewatering operations
 2. Contaminated soil management
 3. Hazardous materials and waste management
 4. Pesticides, herbicides and fertilizer use
 5. Collection system maintenance
 6. Drainage system flushing
 7. Over-water activities

- H. The following performance criteria shall be addressed in storm water management at all sites:
1. All site designs shall establish storm water management practices to control the peak flow rates of storm water discharge associated with specified design storms and reduce the generation of storm water. These practices should seek to utilize pervious areas for storm water treatment and to infiltrate storm water runoff from driveways, sidewalks, rooftops, parking lots, and landscaped areas to the maximum extent practicable to provide treatment for both water quality and quantity.
 2. No storm water runoff generated from new development shall discharge directly into a jurisdictional wetland or local water body without adequate treatment. Where such discharges are proposed, the impact of the proposal on wetland functional values shall be assessed using a method acceptable to Hinds County. In no case shall the impact on functional values be any less than allowed by the Army Corp of Engineers (ACE) or the Mississippi Department of Environmental Quality or the Natural Resources Conservation Service responsible for natural resources.
 3. Annual groundwater recharge rates shall be maintained, by promoting infiltration through the use of structural and non-structural methods. At a minimum, annual recharge from the post development site shall mimic the annual recharge from pre-development site conditions.
 4. To protect stream channels from degradation, a specific channel protection criterion shall be provided.
 5. Storm water discharges to critical areas with sensitive resources (i.e., cold water fisheries, shellfish beds, swimming facilities, recharge areas, water supply reservoirs) may be subject to additional performance criteria, or may need to utilize or restrict certain storm water management practices.
 6. Storm water discharges from land uses or activities with higher potential pollutant loadings, known as “hotspots”, may require the use of specific structural STPs and pollution prevention practices.
 7. Prior to design, applicants are required to consult with Hinds County to determine if they are subject to additional storm water design requirements.
- I. Minimum Control Requirements:
1. All storm water management practices will be designed so that the specific storm frequency storage volumes (e.g., recharge, water quality, channel protection, 10 year, and 100 year) are met.
 2. In addition, if hydrologic or topographic conditions warrant greater control than that provided by the minimum control requirements, Hinds County reserves the right to impose any and all additional requirements deemed necessary to control the volume, timing, and rate of runoff.
- J. Site Design Feasibility:
1. Storm water management practices for a site shall be chosen based on the physical conditions of the site. Among the factors that should be considered:
 - a. Topography
 - b. Maximum Drainage Area

- c. Depth to Water Table
- d. Soils
- e. Slopes
- f. Terrain
- g. Head
- h. Location in relation to environmentally sensitive features or ultra-urban areas

K. Conveyance Issues:

- 1. All storm water management practices shall be designed to convey storm water to allow for the maximum removal of pollutants and reduction in flow velocities. This shall include, but not be limited to:
 - a. Maximizing of flow paths from inflow points to outflow points.
 - b. Protection of inlet and outfall structures.
 - c. Elimination of erosive flow velocities.
 - d. Providing of underdrain systems, where applicable.

6.4 REQUIREMENTS FOR STORM WATER POLLUTION PREVENTION PLAN APPROVAL

A. Storm Water Pollution Prevention Plan Required For All Developments:

- 1. No application for development will be approved unless it includes a storm water pollution prevention plan detailing in concept how runoff and associated water quality impacts resulting from the development will be controlled or managed. This plan must indicate whether storm water will be managed on-site or off-site and, if on-site, the general location and type of practices.
- 2. For commercial, industrial, multifamily residential, and multi-lot developments, the final plan must be signed by a licensed professional engineer (PE), who will verify that the design of all storm water management practices meet the submittal requirements.
- 3. No building or storm water permit shall be issued until a satisfactory final storm water pollution prevention plan shall have undergone a review and been approved by Hinds County after determining that the plan is consistent with the requirements of this ordinance.

B. Storm Water Pollution Prevention Plan Requirements

- 1. A storm water pollution prevention plan shall be required with all permit applications and will include sufficient information (e.g., maps, hydrologic calculations, etc) to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site, both present and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing storm water generated at the project site. The intent of the storm water pollution prevention plan is to determine the type of storm water management measures necessary for the proposed project, and ensure adequate planning for management of storm water runoff from future development. To accomplish this goal the following information shall be included in the storm water pollution prevention plan:
 - a. A narrative which addresses the following items:

- 1) Introduction of project which consists of the proposed works to be implemented, the length of the construction schedule and the acreage of land disturbance anticipated.
 - 2) Existing site condition shall include a description of the existing land uses, surrounding natural resources, terrain, existing drainage features, and any signs of erosion and/or potential source of pollutants.
 - 3) Existing soil information shall identify soil classification, the susceptibility to erosion, and other soil properties as required by the proposed improvements. If a storm water management control measure depends on the hydrologic properties of soils (e.g., infiltration basins), then a soils report shall be submitted. The soils report shall be based on on-site boring logs or soil pit profiles.
 - 4) Proposed condition shall address the proposed changes, areas of imperviousness, proposed drainage features, and the subsequent impacts of the improvements.
 - 5) Implementation sequence shall identify all critical phases of construction where the operation and maintenance will potentially affect the quality of the storm water discharge as well as the BMP to reduce the impacts.
 - 6) BMPs selected for pollutants prevention shall be in accordance with the MDEQ Planning and Design Manual for the Control of Erosion, Sediment & Stormwater or other recognized manual of design, and at a minimum consists of vegetative practices, structural practices, and post construction control measures.
 - 7) Post-construction storm water management shall identify the location of the BMPs, whether the storm water will be managed on-site or off-site the purpose and benefits of the BMPs, the proposed operations and maintenance, and the frequency of maintenance and inspection after construction.
 - 8) Housekeeping & pollution prevention practices shall address how runoff and associated water quality impacts will be controlled or managed, the handling of construction materials, storage, wash-off and waste etc. to prevent pollutants from leaving the construction site to the maximum extent practicable.
- b. A checklist of proposed BMPs.
 - c. A United States Geological Survey (USGS) quadrangle map, or photocopy, extending at least one-half mile beyond the facility of property boundaries with the site location outlined or highlighted.
 - d. An existing site layout identifying the existing contours, drainage structures, outlets and natural conveyances.
 - e. A proposed grading plan identifying the proposed contours, drainage structures, outlets and natural conveyances.

- f. Pertinent hydrologic and hydraulic design calculations, design forms and design criteria justifying the selection or omission of certain BMPs. Such calculations shall include:
 - 1) description of the design storm frequency, intensity and duration,
 - 2) time of concentration,
 - 3) soil Curve Numbers or runoff coefficients,
 - 4) peak runoff rates & total runoff volumes for each drainage area,
 - 5) infiltration rates, where applicable,
 - 6) culvert capacities,
 - 7) flow velocities,
 - 8) data on the increase in rate and volume of runoff for the design storms, and
 - 9) documentation of sources for all computation methods and field test results.
- 2. For development or redevelopment occurring on a previously developed site, an applicant shall be required to include within the storm water pollution prevention plan measures for controlling existing storm water runoff discharges from the site in accordance with the standards of this ordinance to the maximum extent practicable.

6.5 Hinds County reserves the right to develop or adopt other guidance documents to serve as design and implementation standards. Other guidance documents distributed by Hinds County, Mississippi, or any other local authority should be reviewed and considered when preparing the Grading Plan and Storm Water Pollution Prevention Plan. These documents may be applied by the County as standards by which designs are to be prepared and controls implemented.

6.6 LANDSCAPING PLAN

- A. Landscaping Plan is required for all commercial, industrial and multifamily residential developments.
- B. General Regulations
 - 1. A landscape plan shall not be required for single family or duplex development.
 - 2. Any alteration to existing building(s), development(s), or construction that increases the amount of gross floor area of the structure or building shall be required to come into compliance with landscaping requirements as follows:
 - a. Any alteration to existing building(s), development(s), or construction that increases the amount of gross floor area of the structure or building shall require a minimum of ten (10) points of landscaping be installed, plus two (2) points of landscaping for every additional parking space provided for the building addition.
 - b. The entire property shall come into compliance with the landscape code when the size of the building addition exceeds 100% of the size of the existing structure or building.

- c. If the site (including proposed building addition and parking areas) meets or exceeds current landscape standards, additional landscaping shall not be required.
 - d. If the site has insufficient green space to provide required landscaping, options are as follows:
 - 1) Optional Planting Areas: Landscaping may be installed in aboveground planters (built-in or moveable), decorative pots, or hanging baskets provided all irrigation requirements are met.
 - 2) Substitution of Landscaping for Parking Spaces: Up to 10% of the number of parking spaces required for a building addition may be used for landscaping, however point values increase from two (2) to ten (10) points for each substituted parking space.
 - e. The property owner is responsible, in perpetuity, for maintaining all landscaping by keeping lawns mowed, all plants properly groomed and maintained as disease-free, and planting beds groomed, except in naturally occurring dense growths of underbrush or shrubs.
 - f. An inspection of all plantings to ensure compliance with the submitted Landscape Plan is required prior to the issuance of a Certificate of Occupancy.
 - g. Nothing herein shall affect in any way the rights of, or exercise by, any public utility or County department of its present and future acquired rights to clear trees and other growth from lands used by the public utility or County department. The utility or County department shall cooperate and coordinate with the County when clearing or pruning in the rights-of-way.
3. All pervious surface areas of public and private parks, playgrounds, playing fields, and other outdoor recreation facilities shall be excluded from the calculation of Site Points as required by these regulations.
4. Size and Quality Requirements: Any tree planted to meet minimum requirements of these regulations shall have at least the following size requirements:

Tree Classification	Minimum Size Requirement (at the time of planting)	
	Large Tree	3-inch caliper
Medium Tree	2-inch caliper	7-8 ft. height
Small Tree	1-inch caliper	5-6 ft. height
Multi-Trunk Tree (min. 3 trunks)	6-foot height, with the smallest trunk 1-inch caliper	

- a. All trees planted to meet the minimum requirements of these regulations shall be in a healthy condition at the time of planting.
- b. Shrubs planted to meet the minimum requirements of these regulations shall be at least eight (8) inches in height at the time of planting.
- c. Turf Grass shall be planted in such a manner as to completely cover all exposed areas of soil after one full growing season.

- d. No disturbed ground shall be left exposed. Grass and other approved and appropriate groundcovers or mulch shall cover all non-paved and non-built Developed Areas.
 - 5. No more than fifteen percent (15%) of live trees having six inch (6") or more caliper are to be removed in areas other than driveways and the building "footprint." However, trees on improved residential lots may be removed at the discretion of the owner, unless otherwise specified in subdivision approval or subdivision covenants.
 - 6. Grounds Maintenance: The property owner, manager, or property owners' association shall:
 - a. Maintain the landscaping by keeping lawns mowed, all plants properly groomed and maintained as disease-free, and planting beds groomed, except in naturally occurring dense growths of shrubs or undergrowth; and
 - b. Replace any required planting(s), which have been removed, are diseased or no longer living, within one year or the first planting season, whichever occurs first, except those in naturally occurring dense growths of shrubs or undergrowth.
 - 7. Enforcement and Appeal: When it is determined that improvements required by these regulations are not being met, it shall be the duty of the Director of Public Works or designee to give notice in writing to the property owner. Such notice shall specify any deficiencies or violations and a date for compliance. Any person who is aggrieved by the decision of the Director of Public Works may file an appeal within 30-days from the decision of the Director of Public Works, with the Board of Supervisors.
 - 8. Violations and Penalties: Failure to provide the improvements required by this Ordinance or failure to maintain improvements in the manner prescribed by these regulations shall constitute an offense and violation of this Ordinance. Each day a violation exists shall be a new and separate violation. Upon conviction, the person who has violated the landscaping requirements shall be guilty and shall be punished by a fine not less than \$100 per violation, excluding costs and fees.
- C. Steps Required For Approval Of The Landscape Plan:
- 1. Step 1. Calculate Points - Determine the number of Site Points required for development, based on the size of the Developed Area, and the number of Parking Lot Points based on the number of parking spaces
 - 2. Step 2. Determine Plant Requirements - Determine the quantity, type, and size of plant materials needed to meet point requirements
 - 3. Step 3. Determine Additional Requirements - Determine whether Residential, Subdivision or other buffers apply to the development.
 - 4. Step 4. Develop a Landscape Plan - Develop a Landscape or Planting Plan with plantings that meet point requirements, including any applicable buffer(s).
- D. Landscape Requirements:
- 1. Planting Requirements/Point System:
 - a. The Owner may use any combination of plantings to obtain the necessary number of points required for the development. Different lots and landscapes will lend themselves to different

types of plantings. These regulations attempt to encourage creativity and diversity in landscaping.

- b. Landscaping within any Developed Area must equal or exceed a minimum number of points in order to obtain approval. Site Points are determined by the size of the Developed Area, and Parking Lot Points are determined by the number of parking spaces.
- c. Number of Points Required for the Developed Area:

Size of Developed Area	Number of Points Required
1 - 5,000 sq. ft.	Site Points = 25 Parking Lot Points = Two (2) points per required parking space and one (1) point for each proposed additional parking space
More than 5,000 sq. ft.	Site Points = 25, plus one (1) point for each additional 200 sq. ft. of developed area Parking Lot Points = Two (2) points per required parking space and one (1) point for each proposed additional parking space

- d. Exemptions from Site Points for the Developed Area:
 - 1) Industrial Use Units, and Transportation Facilities: Surface Goods (both Restricted and General) Use Units, the number of required points shall be derived from the parking space calculation only (three points per each required parking space).
 - 2) Single-Family and Duplex Residential.
- e. When only a portion of a large tract is developed (e.g. one (1) acre of a 10 acre tract), only the Developed Area shall be considered when determining the number of points required.
- f. Example of Retail Development:

<p>DESCRIPTION OF PROPERTY Developed Area = 20,000 sq.ft. Required Parking Spaces = 20 Proposed Parking Spaces = 30</p>					
<p>REQUIREMENTS</p> <ul style="list-style-type: none"> • Site Points for sites over 5,000 square feet require 25 points plus one (1) point for each additional 200 square feet. • Parking Lot Plantings require two (2) points for each required parking space and one (1) point for each additional parking space 					
<p>CALCULATION OF POINTS</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 80%;">Site Points for 5,000 sq. ft.</td> <td style="text-align: right;">25</td> </tr> <tr> <td>Additional 15,000 sq. ft. (÷ by 200)</td> <td style="text-align: right;">+75</td> </tr> </table>		Site Points for 5,000 sq. ft.	25	Additional 15,000 sq. ft. (÷ by 200)	+75
Site Points for 5,000 sq. ft.	25				
Additional 15,000 sq. ft. (÷ by 200)	+75				

Site Points	= 100
Two (2) points x 20 required parking spaces	40
One (1) point x 10 additional parking spaces	+ 10
Parking Lot Points	= 50
Total Points Required (100 Site Points + 50 Parking Lot Points)	150

2. Different types of plantings are worth different point values:

Type of Plant Material	Minimum Size (at time of planting)		Point Value
Large Tree	8-inch or greater caliper		26
	7-inch caliper		24
	6-inch caliper		22
	5-inch caliper		20
	4-inch caliper	11-12 ft. height	18
	3-inch caliper	9-10 ft. height	15
Medium Tree	2-inch caliper	7-8 ft. height	12
Small Tree or Ornamental Tree	Single Trunk: 1-inch caliper	5-6 ft. height	9
	Multiple Trunk (minimum 3 trunks): 6-foot height, and the smallest trunk 1-inch caliper minimum		9
Large Shrub	5 gallon, 24-inch height at planting		3
Medium Shrub	3 gallon, 12-inch height at planting		2
Small Shrub	2 gallon, 8-inch height at planting		1
Ornamental Grasses	1 gallon		½
Groundcover	1 gallon		½
	4-inch pots		¼
Existing Significant Tree	6-inch caliper		22 to 50
Landscaped Berm	30-inch height; 10-foot length, 3:1 slope		1 per 5 L.F.
Turf Grass	N/A		¼ per S.Y.

3. A minimum of 60% of required points shall be used for landscaping in the front and side yards.
4. A minimum of 25% of required points shall be used for evergreen plantings.
5. A maximum of 25% of required points may be used for turf grass.

- E. All Residential, Non-Residential, Horticultural, Office, Civic, and Commercial Use Units:
1. All required front, side and rear yards shall be landscaped, except walkways, parking, pertinent equipment, drainage utilities, and other accessory structures permitted by this chapter. The landscaping of these yards shall consist of a combination of living vegetation, such as trees, shrubs, grasses or ground cover materials, planted or transplanted and maintained, or preserved as existing natural vegetation areas (e.g. woods or thickets).
 2. All trees and shrubs shall be planted, maintained, or transplanted in accordance with the standards of the American Association of Nurserymen (a copy of which is on file in the Planning Department). All newly planted trees and shrubs shall be mulched and maintained to give a clean and weed-free appearance.
- F. Required Landscaping for Industrial Use Units, and Transportation Facilities: Surface Goods (both Restricted and General) Use Units:
1. For each required parking space, three (3) points shall be used to plant Parking Lot Plantings.
 - a. If the parking lot is located in the rear of the building, up to 50% of the parking lot points may be used along public frontage or around the building.
 2. For industrial development abutting a street designated as a freeway or expressway by the Functional Classification Plan, landscaping shall be provided according to the following:
 - a. For each 20 linear feet, or fraction thereof, of that portion of the developed area abutting a freeway/expressway right-of-way, at least one (1) medium tree shall be planted on the developed area. The tree shall be planted within 20 feet of the right-of-way.
 - b. A vegetative buffer consisting of trees, shrubs and/or berms shall be provided around all parking lots and outside storage areas not screened by buildings from the freeway/expressway. The vegetative buffer shall be at least three (3) feet in height and shall be placed along the freeway/expressway frontage of the parking lots and outside storage areas.
 3. For industrial development abutting a street other than a freeway or expressway, landscaping shall be provided according to the following:
 - a. For each 40 linear feet or fraction thereof, of that portion of the developed area abutting a street right-of-way, at least one (1) medium tree shall be planted on the developed area. The tree shall be planted within 20 feet of the right-of-way.
- G. Automotive Parking Lot Landscape Requirements for Non-Residential, Office, Civic, Commercial Use Units and the Horticultural Use Unit - The purpose of Parking Lot Islands and/or Parking Lot Peninsulas is to help reduce glare and heat buildup; to promote interior islands for pedestrian safety and traffic separation; to visually break up large expanses of pavement; and to reduce surface runoff. All non-covered, street-level parking facilities established and governed by this Ordinance shall be landscaped in accordance with the following requirements:

1. In addition to the number of Site Points required, two (2) additional points are added to the site for each required parking space. Any proposed parking space in excess of the number of required spaces shall require one (1) point of landscaping. These points must be used to plant Parking Lot Plantings. The plantings may be located:
 - a. Around the perimeter of the lot to provide a uniform and attractive design, and/or
 - b. Within Parking Lot Islands, Peninsulas, and/or Landscaped Areas within the developed parking lot.
 2. Each Parking Lot Island and/or Peninsula shall be a minimum of 162 square feet (the minimum area of a single parking space) with a minimum average width of five (5) feet.
 3. Each Parking Lot Island and/or Peninsula shall contain a minimum of one (1) tree.
 4. The distance between any parking space and a Landscaped Area shall be no more than 75 feet.
 5. Required Parking Lot Plantings shall be in-ground and not placed upon a paved surface
 6. All Parking Lot Planting areas shall be protected with concrete curbs, or equivalent barriers. Bumper blocks shall not be used for boundaries around the landscaped area
 7. Each tree shall be planted a minimum of two (2) feet away from the outside of any permanent barrier of a landscaped area or edge of the parking area
 8. Ground cover or grasses shall be planted to cover each Parking Lot Planting area within three (3) years from the date of issuance of the Certificate of Occupancy. All Ground Cover shall have a mature height of not more than 24 inches. Loose rock, gravel, decorative rock or stone, or mulch shall not exceed 20% of the Parking Lot Planting area
 9. Space devoted to required Parking Lot Planting areas shall be in addition to any required front, side, and rear yard buffer requirements
 10. Stand-alone parking lots shall require two (2) points of landscaping for each parking space
- H. Exceptions to Automotive Parking Lot Landscaping Requirements - The requirements of this subsection shall not apply to:
1. Parking garages or parking decks.
 2. Display areas for uses in the following use units:
 - a. Automotive Sales and Rentals
 - b. Automotive and Equipment: Sales and Rentals, Light Equipment
 - c. Automotive and Equipment: Sales and Rentals, Farm and Heavy Equipment
 3. Parking lots of existing developments, legally established prior to the adoption of this Ordinance, unless there is additional square footage added to the parking area. In which case, one (1) point worth of landscaping shall be added for each additional proposed parking space.
- I. Sight-proof Screening and Security Fences:
1. For properties located in multi-family, office, commercial or industrial districts, a sight-proof fence on the front property line and/or side

property line(s) abutting a street may be erected, provided a five (5) foot wide Landscape Buffer shall be required on the outside of the fence.

2. A security fence in the front yard not to exceed a height of eight (8) feet may be erected when permitted in industrial zoned districts. Such security fences may be topped with strands of barbed wire when the height of the barbed wire is over six (6) feet from grade. When located on a property across any street from residential, office, and commercial zoned districts, a five (5) foot wide Landscape Buffer located on the outside of the fence shall be required.
3. When property within an industrial zoned district, is separated by a local residential, collector, or arterial street from a residential district or use, no industrial use shall be made of the property until the owner/developer has erected sight-proof fence along a side or rear property line or along the front building or property line. In such cases, a five (5) foot wide Landscape Buffer, located on the outside of the fence shall be required on the front and side property lines. If there is any outdoor work, sales, display, and/or storage areas in the required front yard, a sight-proof fence and a five (5) foot wide Landscape Buffer, located on the outside of the fence, shall be required along the front property line.
4. Sight-proof screening or fencing required for any landscape buffer may be credited with two (2) landscape points per every 20 linear feet if constructed of upgraded building materials, such as masonry (limited to brick, split-face concrete block, stone or cultured stone), decorative pre-cast concrete fence systems, or decorative iron.

J. Residential Buffers - On any office, commercial, industrial, institutional, or multi-family development (three or more units) adjacent to a single family or duplex residential district or use, a landscaped buffer along the property line(s) of the developing property is required. The buffer shall run the entire length of the abutting lot line(s). The type of buffer may consist of any or all of the following:

1. A solid opaque fence not less than six (6) feet in height, with either:
 - a. A Landscape Buffer, minimum five (5) feet in width, located on the inside of the fence; or
 - b. Trees spaced 25 feet on center
2. A landscaped buffer no less than six (6) feet in width, planted with a series of evergreen plantings at least six (6) feet in height and spaced in a manner to provide an impervious visual barrier; or
3. A natural, undisturbed wooded area at least 20 feet in width.

K. Landscape Plans:

1. All landscape plans shall include the following information:
 - a. North arrow and scale;
 - b. The location of existing property lines and dimensions of the tract, accurately drawn to scale;
 - c. Exact locations and outline of all rights-of-way (both existing and proposed);
 - d. The location of all existing and proposed buildings and parking areas, including the exact number of parking spaces provided;
 - e. The location and size of any permanent fixture or structure, including but not limited to sidewalks, walls, fences, trash

enclosures, project storage, lighting fixtures, signs, and benches which are relevant to the landscape plan;

- f. The location, size, and type of all above-ground and underground public utilities with notation, where appropriate, as to any safety hazards to avoid during installation of landscaping. Alternatively, a letter of no objection provided by the utility company may be provided;
 - g. The location, size, type, spacing (on center), and quantity of all proposed plant materials and existing plant materials credited for points shall be graphically represented and referenced on the plan by a common name and/or scientific name, or an appropriate key of all plant species;
 - h. Detailed sprinkler diagram or irrigation plan showing coverage. If an automatic irrigation system is not proposed, the location of all required hose connections and other watering sources shall be noted;
 - i. All screening required by these regulations; and
 - j. A table listing the square footage of the developed area, number of proposed parking spaces, and all plant materials by scientific and common name, size, type, quantity, and point value and totals.
2. Consideration should be given to the location of trees so that when they reach mature height they do not interfere with utility wires. In addition, property owners shall keep vegetation trimmed so that it does not obstruct the free, convenient, and safe travel over and along streets.
 3. Completion Requirement: A Certificate of Occupancy, for any use, shall not be issued until the required landscaping has been installed in accordance with this Ordinance, and it shall be illegal for any person, firm, or corporation to occupy or operate a business in any new structure or building addition for which landscaping, as shown by the plans, is not provided; except, that if a structure and all site improvements are complete except for the required landscaping, and it is not the planting season, temporary occupancy may be permitted for a period of six (6) months, or until the next planting season, whichever comes first. If the required landscaping has not been completed by the required time, the property owner shall be in violation of this Ordinance and subject to the penalties set forth herein.

L. Landscape Irrigation Requirements:

1. The property owner shall be responsible for the irrigation of all required landscape areas and plant materials, with exception of natural areas and xeriscape plantings, utilizing one or a combination of the following methods:
 - a. An automatic or manual underground irrigation system (conventional spray, bubbler, etc.), equipped with a rain and freeze sensors;
 - b. An automatic water-saving irrigation system (drip, porous pipe, leaky pipes, etc.) equipped with a rain and freeze sensors;
 - c. A hose attachment within 100 feet of all required landscape areas and plant materials.

2. The irrigation method used shall be in place and operational at the time of the landscape inspection for Certificate of Occupancy; and shall be maintained and kept operational at all times to provide for efficient water distribution.
 3. Landscape areas utilizing xeriscape plants and installation techniques may use a temporary and aboveground system and shall be required to provide irrigation for the first three (3) years only.
 4. Landscape plans shall indicate, by a detail, a drawing, or by specification in a note on the site plan, the type and location of irrigation that will be used. Plans should be specific enough to show that adequate irrigation would be provided to all required landscape areas and plant materials.
 5. No irrigation shall be required for undisturbed natural areas or undisturbed existing trees
- M. Existing Tree Credits: In order to encourage the preservation of Hinds County's older trees, credits toward required points may be given in the event existing trees are preserved. However, such credits do not eliminate the need to place trees in parking islands and perimeters where there are no trees.
1. Landscape points shall be applied for each existing Significant Tree of the following sizes:

Size of Existing Significant Tree:	Landscape Points Applied:
6-inch caliper	22
7-inch caliper	24
8-inch to 10-inch caliper	26
10.1-inch caliper to 15-inch DBH	30
15.1-inch to 20-inch DBH	35
20.1-inch to 25-inch DBH	40
Over 25-inch DBH	50

2. Trees for which an owner/developer wishes to receive credit must be in the developed area; however, no more than 25% of the total points may be located within the public rights-of-way.
3. Any Significant Tree claimed for points that dies during construction, or as a result of construction, shall be replaced with a tree (or trees) to equal or exceed the point of value of the lost tree.
4. Nothing contained in this Ordinance shall be construed as a mandate to cut down existing trees which do not conform to the placements described herein for newly planted trees. Existing trees which are preserved on the site may be credited toward the minimum requirement. However, such credits do not eliminate the need to place trees in parking islands and perimeters where there are no trees.

6.7 STORM WATER QUALITY MANAGEMENT PERMIT CLOSURE

- A. A *Storm Water Quality Management Permit* shall be considered open and active until the time when Hinds County approves the site conditions and as-built requirements as having been completed.

- B. Approval of completion of site conditions shall be made by the County by inspection. If any of the following items are deemed to be insufficient, not appropriate and/or inconsistent with the Grading Plan, Storm Water Pollution Prevention Plan or objectives stated in this ordinance then approval will not be granted
1. Pipes, channels, catch basins, water quality treatment devices and other infrastructure are clear of sediment, obstructions and debris and designed and operating as appropriate for final site conditions.
 2. Slopes are permanently stabilized.
 3. Temporary erosion prevention or sediment control devices (such as silt fence and staking, outlet protection, etc.) have been removed (as appropriate) and any resulting soil disturbance stabilized.
 4. Temporary pollution prevention practices have been demobilized or removed and affected areas stabilized.
 5. Sediment has been removed and slopes stabilized for permanent flood control and water quality control practices.
 6. Detention pond grading is stabilized and/or excess sediment removed so that actual volume is at least equal to designed volume and condition.
 7. Other items as deemed to be important by Hinds County or it's designate.
- C. As-Built Requirements:
1. Prior to issuance of a use and occupancy permit the as-built condition of critical storm water management features must be identified and approved.
 2. The volume, slopes, configuration, condition and topographic information of all detention, retention and water quality practices shall be certified by a Professional Engineer licensed in the state of Mississippi. This information shall be provided to Hinds County in the form of an as-built drawing or other electronic form accepted/required by the County. The as-built certification shall indicate if final conditions are consistent with, or exceed, the *Storm Water Quality Management Permit* provisions.
 3. If it is determined that information provided in the as-built drawings, certification, inspection or survey of the site do not comply with the *Storm Water Quality Management Permit* provisions, Hinds County reserves the right to withhold certification of occupancy. Furthermore, other enforcement mechanisms, as identified within this ordinance, may be applied to the permittee or the person certifying the as-built information.
 4. If upon inspection by the County or a designated agent it is determined that there is an item that must be addressed to receive acceptance of site conditions, then the permittee shall be required to continue inspections and maintenance as described in the *Storm Water Quality Management Permit*, while the permittee addresses the necessary item.

SECTION 7 INSPECTIONS AND MAINTENANCE

7.1 CONSTRUCTION SITE INSPECTIONS AND MAINTENANCE

- A. Inspections shall be performed by the permittee at all control measures every seven (7) days and within twenty-four (24) hours of a one-half (0.5) inch rain event. The inspections will determine the overall effectiveness of the Grading and Storm Water Pollution Prevention Plans, needed maintenance activities and the need for additional control measures.
- B. All inspections shall be documented in written form and made available to Hinds County or submitted at the time interval specified in the approved permit.
- C. Inspections shall be performed consistent with specific visual maintenance checklists approved by the County.
- D. Documentation of permittee performed inspections and inspection findings shall be kept on site, if appropriate facilities (such as a project trailer or building) are available. In the event, that appropriate facilities are not available then a copy of the most recent inspection shall be displayed at the site along with other documents that must be displayed to the public per other local, state and federal regulations.
- E. Documentation of permittee performed inspections and inspection findings shall be made available within three (3) days of a request by Hinds County or designated agent. If requested documentation is not delivered, then it will be assumed to indicate that inspections were not performed and may result in corresponding enforcement procedures.
- F. Inspection documentation reports shall include, but are not limited to:
 - 1. The address of the site.
 - 2. The parcel identification number.
 - 3. The name of the owner or owner's agent.
 - 4. The location of the storm water system(s).
 - 5. A description of the current operational or functional status of the storm water system(s). For sediment control structures, an indication of used and remaining capacity (fraction, percentage, depth or volume) shall be given to identify when the control must be cleaned out.
 - 6. Identification of any necessary repairs, sediment/debris removal or replacement of all or portions of the storm water system(s).
 - 7. The results of any field or laboratory analyses performed.
 - 8. Other relevant or unusual observations related to the system(s).
 - 9. Action plan to prevent premature storm water system failure as consistent with the *Storm Water Quality Management Permit* provisions.
 - 10. Action plan to prevent the premature system failure that exceeds the *Storm Water Quality Management Permit* provisions, but are necessary to prevent storm water pollution from leaving the site
- G. Oversight Inspections:
 - 1. Hinds County and its designated agents have the authority to periodically inspect the site of land disturbing activities for which permits have been issued. The County may make inspections of the site at their discretion and shall either approve the portion of the work completed or shall notify the permittee wherein the work fails to comply with the Grading or

- Storm Water Pollution Prevention Plans as approved or is ineffective (regardless of consistency with an approved Grading Plan).
2. Hinds County or its designated agent's inspections and findings will be presented and reviewed with the permittee at the time of inspection (as available to site personnel), and be available in the Hinds County permit file within 7 days.
 3. In order to obtain inspections, the permittee shall notify Hinds County at least two (2) working days before the following activities:
 - a. Perimeter/Outfall Protection Permit Approval - Prior to the initiation of the project after perimeter protection erosion prevention and sediment control practices have been installed, but prior to disturbance of the remaining site.
 - b. Upon completion of the project in order to receive approval to cease permittee inspections in compliance with the *Storm Water Quality Management Permit*.
 4. Hinds County or its designated agent may identify any repairs, sediment/debris removal or replacement of all or portions of the storm water system(s) necessary to comply with the objectives of this ordinance and the *Storm Water Quality Management Permit*.
 5. During the permit period, if conditions warrant, Hinds County or its designated agent may develop and require the implementation of an action plan and compliance schedule that prevents the premature storm water quality management system failure as consistent with the *Storm Water Quality Management Permit* provisions.
 6. During the permit period, if conditions warrant, Hinds County or its designated agent may develop and require the implementation of an action plan to prevent the premature system failure that exceeds the *Storm Water Quality Management Permit* provisions, but are necessary to prevent storm water pollution from leaving the site.

7.2 MAINTENANCE OF PERMANENT STORM WATER FACILITIES AND PRACTICES

- A. Post-Construction maintenance of all storm water management facilities and practices shall be ensured through the creation of a formal maintenance agreement that must be approved by Hinds County and recorded into the land record prior to final plan approval.
- B. Maintenance Agreement: Prior to the issuance of any permit that has a storm water management facility as one of the requirements of the permit, the owner of the site must execute a maintenance agreement that shall be binding on all subsequent owners of land served by the storm water management facility. The agreement shall provide for access to the facility at reasonable times for periodic inspection by Hinds County, or their contractor or agent, and for regular or special assessments of property owners utilizing the facility to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this ordinance. The agreement shall be recorded by Hinds County in the land records.
- C. Parties responsible for the operation and maintenance of a storm water management facility shall conduct annual inspections. Reports of each inspection

shall describe all maintenance and repairs, and the responsible parties shall retain the records for at least three (3) years. These records shall be made available to Hinds County during inspection of the facility and at other reasonable times upon request.

- D. If a responsible party fails or refuses to meet the requirements of the maintenance agreement, Hinds 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. In the event that the storm water management facility becomes a danger to public safety or public health, Hinds County shall notify the party responsible for maintenance of the storm water management facility in writing. Upon receipt of that notice, the responsible person shall have thirty (30) days to effect maintenance and repair of the facility in an approved manner. After proper notice, Hinds County may assess the owner(s) of the facility for the cost of repair work and any penalties; and the cost of the work shall be a lien on the property, or prorated against the beneficial users of the property, and may be placed on the tax bill and collected as ordinary taxes by the county.
- E. In the case of multi-lot developments, permanent storm water management facilities, including drainage ditches and easements, shall be shown on the recorded subdivision plat. The following legend shall be noted on the plat:
 - 1. Hinds County is not responsible for the maintenance of drainage easements or drainage ditches outside of dedicated road right-of-ways
- F. The legend shall also indicate how the permanent storm water management facilities will be maintained, e.g., “maintenance of drainage ditches not on road rights-of-way shall be responsibility of the adjacent property owners.”
- G. In the case of single lot development, permanent storm water management facilities, including drainage ditches and easements, shall be shown on a recorded site plan by the owner, which shall contain the legal description of the property. The following legend shall be noted on the site plan:
 - 1. Hinds County is not responsible for the maintenance of drainage easements or drainage ditches outside of dedicated road right-of-ways. Maintenance of any drainage easement or ditches or any other storm water management facilities shall be the responsibility of the undersigned owner and his successors in title

SECTION 8 ENFORCEMENT

- 8.1 The County shall administratively enforce this ordinance. The County may also institute appropriate civil or criminal actions for the enforcement of this Ordinance. Any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, and other appropriate forms of remedy or relief.
- 8.2 Each day of noncompliance is considered a separate offense; and nothing herein contained shall prevent the County from taking such other lawful action as is necessary to prevent or remedy any violation, including application for injunctive relief.

8.3 Any of the following enforcement remedies and penalties shall be available to the County in response to violations of this ordinance. If the person, property or facility has or is required to have a storm water discharge permit, the County shall alert the appropriate state authorities of the violation. "Director" shall mean the Director of the Hinds County Department of Public Works.

- A. Notice of Violation (NOV): Whenever designated County staff find that any person, company or facility owning or occupying a premises has violated or is violating this Ordinance or order issued hereunder, the enforcement official may serve, by personal service, or by registered or certified mail a written NOV. Within thirty (30) days of the receipt of this notice, or shorter period as may be prescribed in the NOV, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, which shall include specific required actions, shall be submitted to the Director. Submission of this plan shall in no way relieve liabilities for violations occurring before or after receipt of the NOV.
- B. Revocation of permit (*Assumes grading or land disturbance permit is in place*): The Director may revoke and require the return of a permit or certificate, with or without a prior NOV, by notifying the permit holder in writing, stating the reason for the revocation. Permits or certificates shall be revoked for any substantial departure from the approved application plans, or specifications; refusal or failure to comply with the requirements of state or local law; or for false statements or misrepresentations made in securing the permit or certificate. Any permit or certificate mistakenly issued in violation of any applicable state or local law may also be revoked.
- C. Compliance Order: If any person, company or facility shall violate the provisions of this ordinance, the Director may, with or without a prior NOV, give notice to the owner or to any person in possession of the subject property, ordering that all unlawful conditions existing thereupon be abated within a schedule defined from the date of such notice.
 - 1. The enforcement official shall have the authority to establish elements of a storm water pollution prevention plan, and to require any business to adopt and implement such a plan, as may be reasonably necessary to fulfill the purposes of this chapter. The enforcement official may establish the requirements of Best Management Practices for any premises.
 - 2. The notice and order may be given provided, that if, in the opinion of the Director or his/her designee, the unlawful condition is such that it is of imminent danger or peril to the public, then an authorized County representative may, without notice, proceed to abate the same, and the cost thereof shall be charged against the property. The County, as described further in this subsection, may recover the cost of such actions from the property owner.
- D. Civil Penalties: Any person, company or facility who has been found to have been in violation of any provision of this Ordinance, may be assessed, by the director of the Hinds County Department of Public Works or by a court if court proceedings are instituted, a civil penalty not to exceed the amount presented in this subsection.

1. The maximum penalty shall increase by fifty percent (50%) for each subsequent violation.
 2. The penalty may be assessed for each day beyond schedules applied in compliance orders or other schedules issued to the property owner or other person responsible for unauthorized activity defined in this Ordinance.
 3. In determining the amount of the penalty the following shall be considered:
 - a. The degree and extent of the harm to the natural resources, to the public health, or to the public or private property resulting from the violation;
 - b. The duration and gravity of the violation;
 - c. The effect on ground or surface water quality;
 - d. The cost of rectifying the damage;
 - e. The amount of money saved by noncompliance;
 - f. Whether the violation was committed willfully or intentionally;
 - g. The cumulative effect of other enforcement actions applied for the same offense;
 - h. The prior record of the violator in complying or failing to comply with the storm water quality management program;
 - i. The costs of enforcement to the County.
 4. The maximum civil penalties will be determined by the type of offense. This indicates the maximum that may be imposed for a first offense and does not reflect the increases described above for repeat offenses.
 - a. Development without permit - \$10,000: To engage in any development, use, construction, remodeling, or other activity of any nature upon land or improvements thereon subject to the jurisdiction of this ordinance without all required permits, certificates, or other forms of authorization as set forth in this ordinance.
 - b. Development inconsistent with permit - \$5,000: To engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with any approved plan, permit, certificate, or other form of authorization granted for such activity.
 - c. Violation by act or omission - \$5,000: To violate, by act or omission, any term, variance, modification, condition, or qualification placed by Hinds County or its agent departments upon any required permit, certificate, or other form of authorization of the use, development, or other activity upon land or improvements thereon.
 5. In the event there are penalties assessed by the State against the County caused by any person, company or construction site or facility, the said shall be assessed the equivalent amount of civil penalty. This shall include, but is not limited to penalties for improper disposal or illegal dumping, or illicit connection into the municipal separate storm sewer system.
- E. Administrative fee: Any person, company or facility who undertakes any development activity requiring a storm water management plan hereunder without first submitting the plan for review and approval shall pay to the County,

in addition to any permit or inspection fee, an administrative fee of up to \$5,000 as determined and assessed by the Director of the Hinds County Public Works Department.

- F. Order to clean and abate/restore: Any violator may be required to clean and/or restore land to its condition prior to the violation.
- G. Corrective action and cost recovery: If necessary, the Board of Supervisors may pursuant to Section 19-5-105 of the Mississippi Code Annotated take corrective action to alleviate violations of this Ordinance in order to protect the public health and safety. The cost of such corrective action shall become an assessment against the property involved.
- H. Injunctions and/or proceedings at law or in equity: Any violation of this Ordinance or of any condition, order, requirement, or remedy adopted pursuant hereto may be restrained, corrected, abated, mandated, or enjoined by other appropriate proceedings pursuant to state law.
- I. Fee or utility credit revocation: This enforcement tool is intended to be available or used if there are, at any time, provisions for a funding mechanism managed by the County. This enforcement tool permits that credits or other measures to reduce fees or utility charges may be revoked, in full or in part, if any provisions of this article are violated.
- J. Civil actions: In addition to any other remedies provided in this chapter, any violation of this chapter may be enforced by civil action brought by the County. Monies recovered under this subsection shall be paid to the County to be used exclusively for costs associated with implementing or enforcing the provisions of this ordinance. In any such action, the County may seek, as appropriate, any or all of the following remedies:
 - 1. A temporary and/or permanent injunction;
 - 2. Assessment of the violator for the costs of any investigation, inspection, or monitoring survey which lead to the establishment of the violation, and for the reasonable costs attorney's fees and expenses preparing and bringing legal action under this subsection;
 - 3. Costs incurred in removing, correcting, or terminating the adverse effects resulting from the violation;
 - 4. Compensatory damages for loss or destruction to water quality, wildlife, fish and aquatic life.
- K. Emergency Orders and Abatements: The Director of the Hinds County Department of Public Works may order the abatement of any discharge from any source to the storm water conveyance system when, in the opinion of the enforcement official, the discharge causes or threatens to cause a condition which presents an imminent danger to the public health, safety, or welfare, the environment, or a violation of an NPDES permit. In emergency situations where the property owner or other responsible party is unavailable and time constraints are such that service of a notice and order to abate cannot be effected without presenting an immediate danger to the public health, safety, or welfare, or the environment or a violation of a NPDES permit, the County may perform or cause to be performed such work as shall be necessary to abate said threat or danger.

The costs of any such abatement shall be borne by the owner and shall be collectable in accordance with the provisions of this subsection.

- L. This Ordinance may also be enforced by criminal prosecution for willful violation.
- M. The county may also invoke and enforce any remedies set forth in any maintenance agreement.

SECTION 9 APPEALS

- 9.1 The *Storm Water Appeals Committee*, which shall be constituted and appointed by the Hinds County Board of Supervisors, shall be charged with addressing appeals concerning violations and related matters of this Ordinance.
- 9.2 Decisions of the Committee shall be consistent with the objectives and policies of this Ordinance. The Committee does not have the authority to permit actions by the applicant that are based in lack of proper planning or implementation of site development as defined in this ordinance and other measures applied to Hinds County.
- 9.3 Upon issuance of a decision, citation or notice of violation of this article by the Director of the Hinds County Department of Public Works shall be conclusive and final unless the accused violator submits a written notice of appeal to the Director within ten (10) days of the violation notice being served. If the Director does not issue a decision within ten (10) days of the written notice of appeal then the violation is considered upheld. If the Director does not reverse his decision, the aggrieved party may appeal to the Storm Water Appeals Committee, by filing a written request for hearing with the Director within ten (10) days of the Director's decision on the appeal. The request for hearing shall state the specific reasons why the decision of the Director is alleged to be in error. The decision of the Storm Water Appeals Committee may be appealed to the Board of Supervisors by written notice to the Director within ten (10) days from the date of decision.

SECTION 10 SEVERABILITY

- 10.1 Should any article, section, subsection, clause or provision of this Ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole or any part thereof other than the part declared to be unconstitutional or invalid, each article, section clause and provision being declared severable.
- 10.2 If any provisions of this Ordinance and any other provisions of law impose overlapping or contradictory regulations, or contain any restrictions covering any of the same subject matter, that provision which is more restrictive or imposes higher standards or requirements shall govern.

SECTION 11 DISCLAIMER

- 11.1 The review and acceptance of permit application and plans under this ordinance and the issuance of permits does not and shall not constitute a warranty or representation by Hinds County as to the sufficiency of the plans and the actions contemplated by the plans

and permits to prevent flooding or other damage from storm water or any other damage and shall not subject the county to any liability to the permittee or anyone else.