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Work on Private Property?

SCASM
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Outline- Stormwater Mitigation

- Examples - Work on Private Property
 - Greenville County
 - City of Greenville
- Greenville City Ordinance and Policy relating to work on private property
- Ordinances and Rational Basis

Greenville County Flood Mitigation Acquisition



Mitigation Best Practices

Greenville County "Buys Down the Risk" With Property Acquisition Program

Greenville County, SC: Creeks can be deceiving. The unassuming, meandering bodies of water convey a sense of calm to passersby, and sets scenes of solitude for the homeowner peering at its subtle wonder. Throughout history, communities have grown up around these bodies of water, resulting in thriving businesses and robust economies. But growth and development does not come without risks, and communities like Greenville County have learned to manage this risk in order to save lives and property, while ensuring future growth and prosperity for residents.



Flooding in Del Norte



Open space in Del Norte post acquisition

Greenville county Assistant Administrator, Paula Gucker, recalls the history behind the decision to build an increasingly aggressive property acquisitions program to minimize flood risk. "It started back in 1995 when Hurricane Jerry came through here," said Gucker. "It dumped 18.9 inches of rain over a fairly large part of the county of Greenville. It was the Brushy Creek/Gilder Creek area, and it dumped enough rain in such a short amount of time that there were numerous floods."

Greenville County Elevation of Private Residences

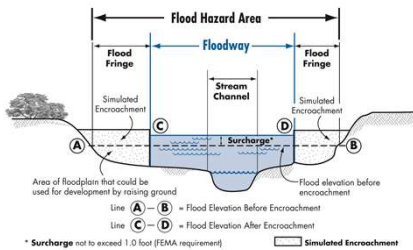
RESIDENTIAL ELEVATION GRANT PROGRAM

August 20, 2014



This program has been established by Greenville County Council to assist those individuals who occupy a residence and wish to elevate their homes to avoid inundation by floodwaters. The Grant will provide up to \$7,500 towards the costs involved in the raising of the home. To determine where your residence is located in relation to the floodplain you may access the FEMA Flood Insurance Rate Maps (FIRM) layer online at www.gcgis.org, or you may contact the Floodplain Administrator at 864-467-7523. To be eligible for this program, all work must be permitted; constructed in accordance with local, state and federal regulations; and, inspected by Greenville County.

The Floodway and Floodplain



Terms and Definitions
The **Floodway** is the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to pass the base flood discharge without increasing flood depths.
Computer models of the floodplain are used to simulate "encroachment" or fill in the flood fringe in order to predict where and how much the base flood elevation would increase if the floodplain is allowed to be filled.

Greenville County Excerpt from Hazard Mitigation Plan



C. Natural Resources Protection

***Stream Crossing Debris Removal:** Debris which has accumulated at stream constriction points (eg. bridges, culverts, bends, etc.) can cause localized flooding at those points. Greenville County, in cooperation with the Natural Resources Conservation Service (NRCS), has identified over twenty-five (25) such locations throughout the County. These locations will be cleaned and stream banks repaired using federal funding (25% matching funds). See the table on the next page for identified points. This project is ongoing and accounted for in the County budget.

Greenville County and City
Stream Bank Restoration Demonstration Project

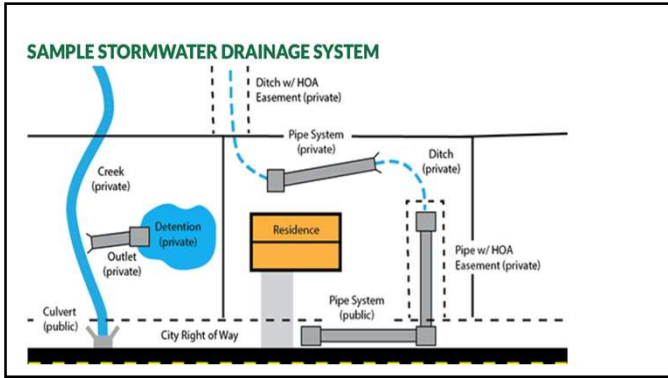


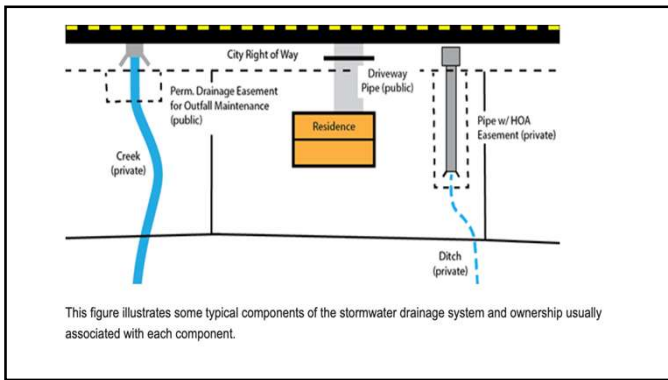
City of Greenville
Open Ditch to Covered Stormdrain Program



City of Greenville

- City Stormwater Ordinance
 - Provides comprehensive regulatory requirements consistent with the goals of the Greenville Stormwater Management Plan
- Provides specific standards for
 - Floodplain management
 - Soil erosion and sediment control
 - Stormwater drainage and detention/retention
 - Wetland and stream protection





This figure illustrates some typical components of the stormwater drainage system and ownership usually associated with each component.

City of Greenville

- Stormwater Management Ordinance
 - Purpose - Prevent harm due to flooding, and protect public health, safety, welfare, and the environment
 - City can manage and regulate the control of stormwater by a policy which regulates the use of real property, both public and private
 - City can take reasoned, measured steps in participation and regulation
 - Including regular inspections of public and private stormwater management facilities

City of Greenville

- Stormwater Management Ordinance
 - Includes a stormwater utility
 - Sets criteria for establishing the amount and classification of fees
 - Greenville is a Small Municipal Storm Sewer System (SMS4)

City of Greenville

- Stormwater - Extent of Service (EOS) policy
 - In general, the City performs maintenance only on its stormwater system
 - When maintenance responsibility is not clear or when the City is compelled to perform work on a private property, this EOS policy provides guidance
 - EOS is signed by the City Manager, Public Works Director, City Attorney, and Engineering Services Manager

How Does a MS4 Justify Taking Action - Rational Basis

- Rational Basis Test - used when no fundamental rights or suspect classifications
- Rational Basis
 - The Government has a **legitimate interest** in the law or policy
 - There is a **reasonable, rational link between that interest and the action**
 - Typical starting point for any Municipal action - Protect the public health, safety, and welfare

Rational Basis - Conclusion

- City of Greenville
 - Stormwater Ordinance - provides basis for work on private property

 - Extent of Services Policy - provides guidance to City staff for work on private property

 - City's General Powers provides authority to protect the public safety – allows City to perform work on private property when compelled to do so in an emergency

Recommendations - to achieve flexibility relating to Stormwater

- **Revise Stormwater Management Ordinance**
 - Include that MS4 will manage and regulate the control of stormwater by a policy which regulates the use of real property, both public and private
 - Create a stormwater utility in this ordinance or a separate ordinance if you don't already have one
- **Revise Stormwater Management Policy**
 - To allow work on private property
 - Consider preparing a separate Extent of Services Policy
- **Where work appears needed, but doesn't fit the mold**
 - Prepare an individual "rational basis" memo prior to performing work
