

ARTICLE 14: EXCAVATION

Section

14:1 Excavation

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14:1.1 Purpose.

1. The purpose of this section is to ameliorate the impact and improve the location of excavation activities, improve the operations of such activities the characteristics of which could adversely affect the surrounding property and environmental conditions. The standards imposed in this section are in addition to and supplement those regulations set forth elsewhere in this Ordinance and those established by any federal or state agency.
2. This Ordinance is not intended to regulate excavation activities related to normal construction practices for building, roadway or utility construction in which excavation is of a temporary nature.
3. This Ordinance is not intended to duplicate review efforts and permitting processes for excavation permitted through Major and Minor Site plan review; Development Plan review; Major or Minor Subdivision review; or other applicable County review processes.

14:1.2 Setbacks.

1. Excavation, as defined in Article 4, shall adhere to a 20 foot setback from the property line and shall also adhere to Riparian Buffer Area requirements (Section 7:4) if applicable. Excavation associated with Mining and Mine Operation shall adhere to setbacks identified in Section 6:2.14.

14:1.3 Permit Applications, Generally.

1. As part of the review of an excavation permit application the Development Services Representative (DSR), may impose such reasonable and additional stipulations, conditions, or safeguards as, in the DSR's judgment, the information

provided in the application does not adequately address the environmental effects and/or impacts of the project on adjoining properties and/or public facilities.

2. Every Application for an excavation permit will be submitted in the name of and signed by the property owner and in addition, if the operator is not the property owner, by the proposed operator. Submission of an application to the Development Services Representative will constitute acknowledgement of a copy of this Section and consent to the terms thereof.
3. Excavation Permits are required for mining, mine operations and excavations that exceed the thresholds included in the Article 4 definition for "excavation".

14:1.4 Permit Applications for Excavations up to Two Acres.

Application for excavation permits of up to two acres will be required to be submitted to the County for review and approval together with the following:

1. The name and address of the operator of the proposed excavation activity or operation and the name and address of the property owner.
2. Applications must be accompanied by a narrative which describes the proposed excavation operations along with a description of removal techniques, types of materials being excavated, hours of operation, dust monitoring and suppression, and sediment erosion control measures.
3. An Excavation Plan shall be submitted in accordance with Article 3 of the Jasper County Land Development Regulations to the Development Services Representative. The Excavation Plan shall show the size of the proposed excavation, the relationship of the excavation(s) to the surrounding area, the tax map identification, all lot information, boundary survey, setbacks, required buffers, impervious area and other such information as may be required by the Planning Commission or the Development Services Representative.
4. A drainage and sedimentation plan as required by the South Carolina Sediment Erosion Control Act and approved by the South Carolina Department of Health and Environmental Control.
5. If the buffer required by Section 12:8 is not forested at the time the application is filed, a buffer planting plan will be submitted for review as part of the permit application.

14:1.5 Permit Application for Excavations of Two Acres or More.

Applications for excavations of two acres or more within a site will be submitted to the County for review and approval together with all of the submittals required by Section 11:7.3, and the following:

1. A truck and vehicle Traffic Management Plan for both on and near site roadways. For purposes of Section 11:7, “near site roadways” shall mean county maintained roadways located within one quarter mile of any access to the excavation site. A traffic impact analysis including a truck routing plan will be included which demonstrates and ensures that truck traffic through existing residential areas is mitigated or avoided. The capacity of all near site roadways to carry the traffic from the site to arterial or collector roads will be reevaluated by the County Director of Public Works. The plan will provide for maintaining existing near site roadways within 300 feet of an access to the excavation site at like or better condition throughout the excavation activities and reclamation process.
2. An Impact Study prepared by a properly licensed individual or company which certified that the proposed excavation activities and operations will be in compliance with all performance standards as outlined in Article 16 of the Jasper County Zoning Ordinance shall be submitted. The Study shall also address any associated off site activities which are a direct result of the excavation operations such as noise and dust related to truck traffic.

14:1.6 Minimum Conditions for Excavation Activities and Operations.

All excavation activities and operations and proposed excavation activities and operations must meet the following:

1. Excavation activities and operations must comply with all applicable Jasper County development standards.
2. Excavation activities and operations must be in substantial harmony with the character of the area in which it is to be located.
3. Excavation activities and operations may not be injurious to or adversely impact adjoining property.
4. All excavation sites which have entrances on County roads shall be provided with a concrete apron for the full width of the driveway entrance. The apron shall be designed to withstand the appropriate truck loadings and a detail shall be submitted for review and approval along with Traffic Management Plan.
5. The applicant shall provide written notification to the DSR at the time of advertising of the Notice of Intent to Mine or Substantial Modification of a Project in accordance with DHEC regulations.

14:1.7 Fees.

Fees for permits provided in this section shall be determined by reference to the Jasper County fee schedule current at the time a completed application is filed.

14:1.8 Access to Site; Inspection By County and Compliance; Violation a Misdemeanor.

1. The DSR is charged with the responsibility for enforcement of this Ordinance.
2. The acceptance of a permit pursuant to this section shall constitute permission by the operator and property owner for County staff and/or their designated representatives to enter the property at any time after proper check-in with the on site facility management to monitor compliance with this Ordinance consistent with all governing law.
3. Should any excavation be found to be in violation of this ordinance and/or its excavation permit, the County will provide written notice of such violation to the operator at the address indicated on the application or such other addresses as the operator may from time to time have designated. Violations shall be classified as:
 - a. “Critical violations” are those that may result in immediate danger to persons or adjoining property, improper, or dangerous operations, or potential environmental damage. Such violations will result in immediate closure of the excavation activity or operation.
 - b. “Non-critical violations” are all other violations. The operator shall have five consecutive calendar days to bring the excavation operation into compliance with this ordinance and/or the excavation permit. If the operator fails to comply within the five day period then the excavation activity or operation will be closed until such time as compliance is obtained.
4. Violation of this Ordinance shall constitute a misdemeanor. For continuous violations, each day shall constitute a separate offense.

