

**ORDINANCE AMENDING AND RE-ENACTING TITLE 10 –
PLANNING AND DEVELOPMENT, CHAPTER 4. – EROSION
CONTROL AND STORMWATER MANAGEMENT, OF THE
CODE OF ORDINANCES FOR THE
CITY OF HARRISONBURG, VIRGINIA**

Be it ordained by the Council of the City of Harrisonburg, Virginia:

That Section 10-4-19. Fees shall be amended as shown:

Sec. 10-4-19. Fees

(a) ~~(a)~~—Fees to cover costs associated with implementation of a VESMP related to land disturbing activities and issuance of general permit coverage and VESMP authority permits shall be imposed in accordance with this section, Table 1 and Table 2. When a site has been purchased for development within a previously permitted common plan of development or sale, the applicant shall be subject to fees ~~in accordance with~~ pertaining to the disturbed acreage of their site in accordance with this section ~~according to Table 1 and Table 2~~.

(1) Fees for review of Stormwater Management Plans and permit issuance shall be as set by the State Water Control Board pursuant to 9VAC25-875-1375 and 9VAC25-875-1400. Fees are charged based on the Type of Permit in Table 1 below. Fifty (50) percent of the fee shall be paid by the applicant at the time of plan submission, and the remaining fifty (50) percent shall be paid by the applicant following plan approval and prior to permit issuance. Pursuant to 9VAC25-875-1360, thirty (30) percent of the fees collected by the City under this paragraph shall be remitted to the Virginia Stormwater Management Fund.

Table 1: Fees for review of Stormwater Management Plan and permit issuance

Fee type <u>Type of Permit</u>	Fee to be paid by applicant at time of plan submission	Fee to be paid by applicant following plan approval	Portion of total fee reimbursed to DEQ by the City
General/Stormwater Management—Small Construction Activity/Land Clearing involving construction of one single-family home <u>detached residential structure</u> or one residential duplex structure on an individual lot disturbing greater than or equal to 1 acre and less than 5 acres and covered under an "Agreement in Lieu of a Stormwater Management Plan"	\$200.00	\$0.00	\$0.00
General/Stormwater Management—Small Construction Activity/Land Clearing involving	\$200.00	\$0.00	\$0.00

construction of one single-family <u>detached residential structure</u> home or one residential duplex structure on an individual lot within a common plan of development or sale and covered under an "Agreement in Lieu of a Stormwater Management Plan"			
General/Stormwater Management—Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land disturbance acreage less than 1 acre.)	\$145.00	\$145.00	\$81.00
General/Stormwater Management—Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 1 acre and less than 5 Acres)	\$1,350.00	\$1,350.00	\$756.00
General/Stormwater Management—Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 5 acres and less than 10 acres)	\$1,700.00	\$1,700.00	\$952.00
General/Stormwater Management—Large Construction Activity/Land Clearing [Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 10 acres and less than 50 acres]	\$2,250.00	\$2,250.00	\$1,260.00
General/Stormwater Management—Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)	\$3,050.00	\$3,050.00	\$1,708.00
General/Stormwater Management—Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 100 acres)	\$4,800.00	\$4,800.00	\$2,688.00
Resubmission of withheld Stormwater Management Plan, each instance	\$300.00	\$0.00	\$0.00
Resubmission of Stormwater Management Plan needing minor revisions, each instance	\$100.00	\$0.00	\$0.00

(2) Fees for review of resubmitted Stormwater Management Plans shall follow Table 2 below.

Table 2: Fees for review of resubmitted Stormwater Management Plan

<u>Fee type</u>	<u>Fee to be paid by applicant at time of plan resubmission</u>
<u>Resubmission of withheld Stormwater Management Plan, each instance</u>	<u>\$300.00</u>
<u>Resubmission of Stormwater Management Plan needing minor revisions, each instance</u>	<u>\$100.00</u>

(3) Fees for review of Erosion Control Plans shall follow Table 3 below.

Table 32: Fees for review of Erosion Control Plan

Fee type	Fee to be paid by applicant at time of plan submission
Erosion Control for construction of one single-family detached residential dwellinghome or one residential duplex structure on <u>structure on</u> an individual lot with land disturbance greater than or equal to 10,000 square feet and less than 1 acre and covered under an "Agreement in Lieu of a Erosion Control Plan"	\$0.00
Erosion Control Plan for land disturbance greater than or equal to 10,000 square feet and less than or equal to 1 acre.	\$300.00
Erosion Control Plan for land disturbance greater than 1 acre	\$300.00 plus \$50.00 for every acre or part of an acre beyond 1 acre of land disturbance
Resubmission of withheld Erosion Control Plan, each instance	\$300.00
Resubmission of Erosion Control Plan needing minor revisions, each instance	\$100.00

- (b) Fees for the modification or transfer of registration statements from the general permit issued by the department shall be imposed in accordance with Table 34. If the general permit modifications result in changes to stormwater management plans that require additional review by the city, such reviews shall be subject to the fees set out in Table 34. The fee assessed shall be based on the total disturbed acreage of the site. In addition to the general permit modification fee, modifications resulting in an increase in total disturbed acreage shall pay the difference in the initial permit fee paid and the permit fee that would have applied for the total disturbed acreage in ~~Table 1~~ accordance with section 10-4-19(a)(1).

Table 34: Fees for the modification or transfer of registration statements for the General Permit for Discharges of Stormwater from Construction Activities

Type of Permit	Fee Amount
General/Stormwater Management—Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land disturbance acreage less than 1 acre)	\$20.00 <u>30.00</u>
General/Stormwater Management—Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 1 and less than 5 acres)	\$200.00 <u>320.00</u>
General/Stormwater Management—Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 5 acres and less than 10 acres)	\$250.00 <u>400.00</u>
General/Stormwater Management—Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 10 acres and less than 50 acres)	\$300.00 <u>480.00</u>
General/Stormwater Management—Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)	\$450.00 <u>720.00</u>
General/Stormwater Management—Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 100 acres)	\$700.00 <u>1,120.00</u>

- (c) ~~The following a~~ Annual permit maintenance fees shall be imposed ~~in accordance with Table 4~~ as set by the State Water Control Board pursuant to 9VAC25-875-1375 and 9VAC25-875-1420. ~~These fees shall also apply to , including fees imposed on~~ expired permits that have been administratively continued. With respect to the general permit, these fees shall apply until the permit coverage is terminated. Fees are charged based on the Type of Permit in Table 5 below.

Table 45: Permit Maintenance Fees

Type of Permit	Fee Amount
General/Stormwater Management—Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land disturbance acreage less than 1 acre)	\$50.00
General/Stormwater Management—Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance equal to or greater than 1 acre and less than 5 acres)	\$400.00
General/Stormwater Management—Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale	\$500.00

with land disturbance acreage equal to or greater than 5 acres and less than 10 acres)	
General/Stormwater Management—Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 10 acres and less than 50 acres)	\$650.00
General/Stormwater Management—Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)	\$900.00
General/Stormwater Management—Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater 100 acres)	\$1,400.00

General permit coverage maintenance fees shall be paid annually to the city, by the anniversary date of general permit coverage. No permit will be reissued or automatically continued without payment of the required fee. General permit coverage maintenance fees shall be applied until a notice of termination is effective.

- (d) The fees set forth in subsections (a) through (c) of this section, shall apply to:
 - (1) All persons seeking coverage under the general permit.
 - (2) All permittees who request modifications to or transfers of their existing registration statement for coverage under a general permit.
 - (3) Persons whose coverage under the general permit has been revoked shall apply to the department for an individual permit for discharges of stormwater from construction activities.
- (e) Permit and permit coverage maintenance fees outlined ~~under section 10-4-19~~ within this section may apply to each general permit holder.
- (f) No general permit application fees will be assessed to:
 - (1) Permittees who request minor modifications to general permits as defined in section 10-4-2 of this chapter. Permit modifications at the request of the permittee resulting in changes to erosion control and stormwater management plans that require additional review by the city shall not be exempt pursuant to this section.
 - (2) Permittees whose general permits are modified or amended at the initiative of the department, excluding errors in the registration statement identified by the city or errors related to the acreage of the site.
- (g) All incomplete payments will be deemed as non-payments, and the applicant shall be notified of any incomplete payments. Interest may be charged for late payments at the underpayment rate set forth in § 58.1-15 of the Code of Virginia and is calculated on a monthly basis at the applicable periodic rate. A ten (10) percent late payment fee shall be charged to any delinquent (over ninety (90) days past due) account. The ~~[locality]~~city shall be entitled to all remedies available under the Code of Virginia in collecting any past due amount.

This ordinance shall be effective from the _____ day of _____, 2026. Adopted and approved this _____ day of _____, 2026.

MAYOR

ATTESTE:

CITY CLERK