

ORDINANCE NO. 2025-018

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, ANDERSON COUNTY, SOUTH CAROLINA, TO ADD A NEW SECTION TO PROVIDE FOR RIPARIAN BUFFERS; AND OTHER MATTERS RELATED THERETO.

WHEREAS, Riparian Buffers promote public health by protecting private and public drinking water supplies from non-point source contaminants, including sediment, chemicals, pollutants, and nutrients;

WHEREAS, Riparian Buffers support natural resources by enhancing wildlife habitat, including wildlife corridors, fisheries, and the quality of water bodies;

WHEREAS, Riparian Buffers prevent and control flooding, storm damage, and erosion through more even dissipation of drainage flows;

WHEREAS, Riparian Buffers enhance the scenic and recreational qualities of publicly utilized bodies of water;

WHEREAS, Riparian Buffers promote and protect the public health, safety order, appearance, prosperity, and general welfare;

WHEREAS, the Anderson County Council, pursuant to Title 4, Chapter 9 of the Code of Laws of South Carolina 1976, as amended, has the authority and duty to provide for the general health, safety and welfare of Anderson County and to exercise its police power therefor; and

WHEREAS, the Anderson County Council desires to amend the Code of Ordinances, Anderson County, South Carolina to add provision for riparian buffers as provided herein.

NOW, THEREFORE, be it ordained by the Anderson County Council in meeting duly assembled that:

1. The Code of Ordinances, Anderson County, South Carolina, is hereby amended to add a new article to Chapter 24, which article reads as shown on Exhibit A as attached hereto.

2. The remaining terms and provisions of the Anderson County Code of Ordinances not revised or affected hereby remain in full force and effect.

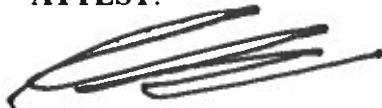
3. Should any part or provision of this Ordinance be deemed unconstitutional or unenforceable by any court of competent jurisdiction, such determination shall not affect the remainder of this Ordinance, all of which is hereby deemed separable.

4. All Ordinances, Orders, Resolutions, and actions of Anderson County Council inconsistent herewith are, to the extent of such inconsistency only, hereby repealed, revoked, and rescinded.

5. This ordinance shall take effect and be in full force upon the Third Reading and Enactment by Anderson County Council.

ORDAINED in meeting duly assembled this 20th day of May, 2025.

ATTEST:




Rusty Burns
Anderson County Administrator

FOR ANDERSON COUNTY:



Tommy Dunn, District #5, Chairman



Renee Watts
Clerk to Council

APPROVED AS TO FORM:



Leon C. Harmon
Anderson County Attorney

1st Reading: April 15, 2025
2nd Reading: May 6, 2025
3rd Reading: May 20, 2025
Public Hearing: May 20, 2025

Article VII. RIPARIAN BUFFERS.

Sec. 24-1150. Purpose.

Riparian buffers are established to:

- (a) Promote public health by protecting private and public drinking water supplies from excessive non-point source contaminants, including sediment, chemicals, pollutants, and nutrients.
- (b) Support natural resources by enhancing wildlife habitat, including wildlife corridors, fisheries, and the quality of water bodies.
- (c) Prevent and control flooding, storm damage, and erosion through more even dissipation of drainage flows.
- (d) Enhance the scenic and recreation qualities of publicly utilized water bodies; and
- (e) Promote and protect the public health, safety, order, appearance, prosperity, and general welfare.

Sec. 24-1151. Generally

Generally:

(a) Applicability:

- 1) Riparian buffers shall apply to all Waters of the State (WoS), including wetlands, for all new development requiring an approval for stormwater management in accordance with the Anderson County Stormwater Design Manual.

(b) Exemptions:

- 1) Activities with approval by a State or Federal Agency for Sections 401 or 404 of the Federal Clean Water Act.
- 2) New development or redevelopment where a larger common plan of development has prior approval of encroachments into riparian buffers.
- 3) Man-made ponds, lakes, and ditches which are outside natural hydrologic connectivity and those created for stormwater management under an NPDES permit or Anderson County stormwater management approval.

(c) Manual and Specifications:

- 1) Applicants must fully comply with "Anderson County Technical Specification WQ-08 Permanent Water Quality Stream Buffers" for concentrated discharges to a buffer from new impervious area not receiving post-construction water quality treatment.

(d) Delineation:

- 1) All relevant WoS shall be delineated by a certified licensed professional using U.S. Army Corps of Engineers and SCDES's Water Classifications and Standards and shall be shown in the Storm Water Management and Sediment Control Plan along with all riparian buffer areas.

Sec. 24-1152. Standards:

(a) Riparian Buffer Requirements:

- 1) A minimum 50-foot riparian buffer as measured from the top of the stream bank inland on each side of all WoS where the watershed is less than 50 acres.

- 2) A minimum 100-foot riparian buffer as measured from the top of the stream bank inland on each side of all WoS where the watershed is 50 acres or more.
- (b) **No Disturbance.** Within a riparian buffer the existing vegetation shall not be cleared or disturbed. Grading, stripping of topsoil, plowing, cultivating, filling, or storage of materials and machinery are prohibited within the buffer.
- (c) **Encroachments.** The following structures and activities are permitted within the riparian buffer if approved by Anderson County within the riparian buffer:
- 1) Utilities
 - 2) Road crossings, bridges, and trails
 - 3) Agriculture and Silviculture
 - 4) Scientific studies, including water quality monitoring and stream gauging
 - 5) Stream restoration projects
 - 6) Removal of hazard trees and invasive species
 - 7) Dock and bulkhead installation and repair