

**AN ORDINANCE TO REPEAL SECTION 52-190(B) OF CHAPTER 52  
OF THE CODE OF THE COUNTY OF WASHINGTON, VIRGINIA (2002),  
TO ELIMINATE FROM THE SUBDIVISION ORDINANCE THE FENCING  
REQUIREMENT FOR STORM WATER DETENTION BASINS**

**WHEREAS**, the Board of Supervisors of the County of Washington, Virginia, adopted Chapter 52 of the Code of the County of Washington, Virginia, which established standards and procedures for division of property, pursuant to the Code of Virginia, Title 15.2, Article 6, governing “Land Subdivision and Development;” and

**WHEREAS**, laws other than the Washington County Ordinance for Division and Subdivision of Land (Subdivision Ordinance) govern the need for and design of storm water detention basins; and

**WHEREAS**, the Subdivision Ordinance includes a requirement for the subdivider to construct a specific type of fence around storm water detention basins, and many subdividers have objected to the standard required for such fences; and

**WHEREAS**, after review by the Planning Commission and Board of Supervisors, it was determined in the best interests of the public health, safety, and welfare to repeal from the ordinance for Division and Subdivision of Land the fence requirement for storm water detention basins.

**NOW, THEREFORE, BE IT ORDAINED**, by the Board of Supervisors of Washington County, Virginia, after notice and public hearing, as required by law:

1. That Chapter 52, Subsection 52-190(b) is repealed, as set forth below.
2. That this ordinance shall become effective immediately upon adoption.
3. That should any section or provision of this ordinance be decided to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not

affect the validity or constitutionality of any other section or provision of this ordinance or the Washington County Code.

4. That the Code of the County of Washington shall be amended, as follows, with underline and italic indicating language to be added and strikethrough to indicate language to be deleted:

CHAPTER 52 Division and Subdivision of Land  
Article VII. – On-Site Improvements and Design Standards  
Division 5 – Flood Control, Soil Preservation, and Stormwater Management

Section 52-190. Stormwater detention, design, location, maintenance.

- (a.) The design for all storm water detention facilities shall be in accordance with professionally accepted hydraulic engineering practices, the requirements of the Virginia Erosion and Sediment Control Law and other regulations, as required by state law.
- (b.) ~~(1)~~—In residential subdivisions, the subdivider shall locate and construct storm water detention ponds, where required, on a separate lot or lots within the subdivision set aside solely for the purpose of locating such facility(ies), which shall be owned and maintained by a property owners association.
- (c.) ~~(2)~~—In industrial subdivisions, the subdivider may locate and construct storm water detention ponds, where required, on individual lots within the subdivision. Maintenance of such shall be the responsibility of the lot owner.

~~(b) All lots containing storm water detention ponds or similar facilities characterized by the presence of pooled surface water shall be fully enclosed by corrosion-resistant chain-link metal fencing to a minimum height of eight feet from grade and feature at least one lockable gate entrance no less than ten feet in width and matching the height from grade of the surrounding fencing. The location of the gate on the lot shall be oriented so as to provide vehicular access to the enclosed area for maintenance purposes. The fencing enclosure shall be erected at the subdivider's expense. Fencing shall be maintained at all times around such facilities unless the use of the storm water detention facility is abandoned and any basin or other appurtenance or infrastructure backfilled to grade level or removed completely from the lot.~~