

SOIL EROSION AND SEDIMENTATION CONTROL ORDINANCE

NOW THEREFORE, BE IT ORDAINED, BY THE CITY OF HAHIRA.

SECTION I TITLE

This ordinance will be known as "HAHIRA Soil Erosion and Sedimentation Control Ordinance."

SECTION II DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this ordinance, unless otherwise specifically stated:

1. Buffer: An area along the course of any State waters to be maintained in an undisturbed and natural condition.
2. Conservation Commission: The State Soil & Water Conservation Commission.
3. Cut: A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to excavated surface. Also know as excavation.
4. Department: The Department of Natural Resources.
5. Director: The Director of the Environmental Protection Division.
6. District: The ALAPAHA Soil and Water Conservation District.
7. Division: The Environmental Protection Division.
8. Drainage Structure: Any roadway drainage structure as defined below, and any piping or ditching for stormwater management purposes.
9. Erosion: The process by which land surface is worn away by the action of wind, water, ice or gravity.

10. Erosion and Sediment Control Plan: A plan for the control of soil erosion and sediment resulting from land-disturbing activity. Also known as the "plan".
11. Existing Grade: The vertical location of the existing ground surface prior to cutting or filling.
12. Filling: The placement of any soil or other solid material either organic or inorganic on a natural ground surface or excavation.
13. Finished Grade: The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.
14. Grading: Altering ground surfaces to specified elevations, dimensions, and/or slopes; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.
15. Issuing Authority: The governing authority of any county or municipality which has been certified by the Director of the Environmental Protection Division of the Department of Natural Resources as an Issuing Authority, pursuant to the Erosion and Sedimentation Act of 1975, as amended.
16. Land-Disturbing Activity: Any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land but not including agricultural practices as described in Section III, Paragraph 5.
17. Metropolitan River Protection Act (MRPA): A state law referenced as O.C.G.A. 12-5-440 et seq., which addresses environmental and developmental matters in certain metropolita

- river corridors and their drainage basins.
18. Natural Ground Surface: The ground surface in its original state before any grading, excavation or filling.
 19. Nephelometric Turbidity Units (NTU): Numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloiddally dispersed particles are present.
 20. One Hundred Year Flood Plain: Land in the flood plain subject to a one percent or greater statistical occurrence probability of flooding in any given year.
 21. Permit: The authorization necessary to conduct a land-disturbing activity under the provisions of this ordinance.
 22. Person: Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of this State, any interstate body or any other legal entity.
 23. Project: The entire proposed development project regardless of the size of the area of land to be disturbed.
 24. Roadway Drainage Structure: Bridges, culverts and ditches associated with roadway construction, which allow stream flows to move freely under a stream crossing or to convey storm-water run-off from a roadway to a stream.
 25. Sediment: Solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from it

site of origin by air, water, ice, or gravity as a product of erosion.

26. Sedimentation: The action or process of forming or depositing sediment.
27. Stabilization: The process of establishing an enduring soil cover of vegetation and/or mulch or other ground cover and/or in combination with installing temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.
28. State Waters: Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural and artificial, lying within or forming a part of the boundaries of the State which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.
29. Structural Erosion and Sediment Control Practices: Measures for the stabilization of erosive or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sediment control practices are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures, sediment traps, land grading, etc.
30. Trout Streams: All streams or portions of streams within the watershed as designated by the Game and Fish Division of the Georgia Department of Natural Resources under the provisions of

the Georgia Water Quality Control Act, O.C.G.A. 12-5-20 et seq. Streams designated as primary trout waters are defined as water supporting a self-sustaining population of rainbow, brown or brook trout. Streams designated as secondary trout waters are those in which there is no evidence of natural trout reproduction, but are capable of supporting trout throughout the year.

31. Vegetative Erosion and Sediment Control Practices: Measures for the stabilization of erosive or sediment-producing areas by covering the soil with:
- (A). Permanent seeding, sprigging or planting, producing long-term vegetative cover; or
 - (B). Temporary seeding, producing short-term vegetative cover; or
 - (C). Sodding, covering areas with a turf of perennial sod-forming grass.
32. Watercourse: Any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.

SECTION III EXEMPTIONS

This ordinance shall apply to any land-disturbing activity undertaken by any person on any land except for the following:

1. Surface mining, as the same is defined in O.C.G.A. 12-4-72;
2. Granite quarrying and land clearing for such quarrying;
3. Such minor land-disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, and

- other related activities which result in minor soil erosion;
4. (A) The construction of single-family residences when such are constructed by or under contract with the owner for his own occupancy; or
(B) The construction of single-family residences not a part of a larger project and not exempted under subparagraph (A) of this paragraph; provided, however, that construction of any such residence not otherwise exempt must conform to the minimum standards as set forth in Section IV and that such standards may be enforced by the Issuing Authority;
 5. Agricultural practices involving the establishment, cultivation, or harvesting of products of the field or orchard; the preparation and planting of pasture land; forestry land management practices, including harvesting; farm ponds; dairy operations; livestock and poultry management practices; and the construction of farm buildings;
 6. Any project carried out under the technical supervision of the Soil Conservation Service of the United States Department of Agriculture;
 7. Any project involving one and one-tenth acres or less; provided, however, that this exemption shall not apply to any land-disturbing activity within 200 feet of the bank of any State waters, and for purposes of this paragraph, "State Waters" excludes channels and drainageways which have water in them only during and immediately after rainfall events and intermittent streams which do not have water in them year-round; provided, however, that any person responsible for a project which involves one and one-tenth acres or less, which involves land-disturbing activity, and which is within

200 feet of any such excluded channel or drainageway, must prevent sediment from moving beyond the boundaries of the property on which such project is located and provided, further, that nothing contained herein shall prevent the issuing authority from regulating any such project which is not specifically exempted by sub-paragraph (B) of paragraph (4) or by paragraphs (1), (2), (3), (5), (6), (8), (9), or (10) of this section;

8. Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the Department of Transportation, the Georgia Highway Authority, or the Georgia Tollway Authority; or any road construction or maintenance project, or both, undertaken by any county or municipality; or construction and maintenance, or either, by any water or sewerage authority established by the General Assembly of this state; provided, however, that:

(A) If such projects are constructed within 200 feet of the banks of any channels or drainageways which have water in them only during and immediately after rainfall events, or intermittent streams which do not have water in them year-round, then such projects shall conform to the specifications used by the Department of Transportation for control of soil erosion and sedimentation on its highway construction projects;

(B) If such projects are constructed within 200 feet of the banks of any state waters which do have water in them year-round and in which the drainage area of the watershed upstream from such projects is less than three square miles, then such projects shall conform to the

specifications used by the Department of Transportation for control of soil erosion and sedimentation on its highway construction projects.

- (C) If such projects are constructed within 200 feet of the banks of any state waters which do have water in them year-round and in which the drainage area of the watershed upstream from such projects is equal to or more than three square miles, then such projects shall conform to the minimum standards set forth in Section IV and;
 - (D) If such projects are constructed within 100 feet (horizontal) of the banks of any state waters classified as "trout streams" pursuant to the "Georgia Water Quality Control Act", regardless of the size of the watershed area, then such projects shall conform to the minimum standards as set forth in Section IV.
9. Any land-disturbing activities conducted by any airport authority, provided that any such land-disturbing activity shall conform to the minimum standards set forth in Section IV, or;
10. Any land-disturbing activities conducted by any electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, provided that any such land-disturbing activity shall conform to the minimum requirements set forth in Section IV.

SECTION IV

MINIMUM REQUIREMENTS FOR EROSION AND SEDIMENTATION CONTROL

A. General Provisions

Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities. Therefore, plans for

those land-disturbing activities which are not excluded by this ordinance shall contain provisions for application of soil erosion and sediment control measures. The provisions shall be incorporated into the erosion and sedimentation control plans. Soil erosion and sediment control measures shall conform to the requirements of this ordinance. The application of measures shall apply to all features of the site, including street and utility installations, drainage facilities and other temporary and permanent improvements. Measures shall be installed to prevent or control erosion and sediment pollution during all stages of any land-disturbing activity.

B. Requirements

The permittee shall follow sound conservation and engineering practices to prevent and minimize erosion and resulting sedimentation consistent with the following requirements:

1. Stripping of vegetation, regrading and other development activities shall be conducted in a manner so as to minimize erosion.
2. Cut-fill operations must be kept to a minimum.
3. Development plans must conform to topography and soil type so as to create the lowest practical erosion potential.
4. Whenever feasible, natural vegetation shall be retained, protected and supplemented.
5. The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum.
6. Disturbed soil shall be stabilized as quickly as practicable.

7. Temporary vegetation or mulching shall be employed to protect exposed critical areas during development.
8. Permanent vegetation and structural erosion control measures shall be installed as soon as practicable.
9. To the extent necessary, sediment in run-off water must be trapped by the use of debris basins, sediment basins, silt traps, or similar measures until the disturbed area is stabilized.
10. Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping surface of fills.
11. Cuts and fills may not endanger adjoining property.
12. Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners.
13. Grading equipment must cross flowing streams by means of bridges or culverts except when such methods are not feasible and provided, in any such case, that such crossings are kept to a minimum.
14. Land-disturbing activity plans for erosion and sedimentation control shall include provisions for control or treatment of any source of sediments and adequate sedimentation control facilities to retain sediments onsite or preclude sedimentation of adjacent streams beyond the levels specified in paragraph (18) of this section;
15. Land-disturbing activities shall not be conducted within the 100-year flood plain unless compliance with any applicable local flood plain management ordinance

is demonstrated or such construction is in compliance with the Federal Emergency Management Agency regulations or flood storage compensation for flood waters is provided;

16. An undisturbed natural vegetative buffer of 25 feet measured from the stream banks shall normally be retained adjacent to any state waters except where otherwise required by the "Metropolitan River Protection Act", O.C.G.A. 12-5-440 et seq., or by the Department pursuant to O.C.G.A. 12-2-8, or when the economic use and the contour of the land require a different buffer subject to the Division's approval, or where a drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented;
17. Land-disturbing activities shall not be conducted within 100 feet (horizontal) of the banks of any state waters classified as "trout streams" pursuant to the "Georgia Water Quality Control Act", O.C.G.A. 12-5-20 et seq., unless a variance for such activity is granted by the Director except where a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented; and
18. Discharges of stormwater runoff from disturbed areas shall be controlled to the extent that turbidity of the stormwater runoff shall not exceed 50

nephelometric turbidity units higher than the turbidity level of the receiving stream immediately upstream from the stormwater runoff discharge at the time of such discharge except where a roadway drainage structure must be constructed, the turbidity of the receiving stream downstream of the construction site shall not exceed 60 nephelometric turbidity units higher than the turbidity level of the receiving stream immediately upstream from the construction site. Downstream turbidity measurements shall be taken at points where the entering discharge is fully mixed with the receiving stream flow. Should the Division determine that other turbidity limits may be applicable, the Issuing Authority may accept same.

SECTION V

APPLICATION/PERMIT PROCESS

A. GENERAL

The landowner, developer and designated planners and engineer shall review the general development plans and detailed plans of the issuing authority that affect the tract to be developed and the area surrounding it. They shall review the zoning ordinance, subdivision ordinance, this ordinance, and other ordinances which regulate the development of land within the jurisdictional boundaries of the Issuing Authority.

B. APPLICATION REQUIREMENTS

1. No person shall conduct any land-disturbing activity within the jurisdictional boundaries of the Issuing Authority without first obtaining a permit from the Issuing Authority to perform such activity.
2. The application for a permit shall be submitted to the

COUNTY ENGINEER and must include the applicant's erosion and sedimentation control plan with supporting data, as necessary. Said plans shall include, as a minimum, the data specified in Section V, C of this ordinance. Soil erosion and sedimentation control plans shall conform to the provisions of Section IV of this ordinance.

Applications for a permit will not be accepted unless accompanied by FIVE⁽⁵⁾ copies of the applicant's soil erosion and sedimentation control plans.

3. A fee, in the amount of \$ 50.00 , shall be charged for each application.
4. Immediately upon receipt of an application and plan for a permit, the Issuing Authority shall refer the application and plan to the District for its review and approval or disapproval concerning the adequacy of the erosion and sedimentation control plan. The results of the District review shall be forwarded to the Issuing Authority. No permit will be issued unless the plan has been approved by the District, and any variances required by Section IV B (16 & 17) and bonding, if required as per Section V B (5), have been obtained. Such review will not be required if the Issuing Authority and the District have entered into an agreement which allows the Issuing Authority to conduct such review and approval of the plan without referring the application and plan to the District.
5. When reviewing any application for a land-disturbing activity permit, the Issuing Authority shall consider the past record of the permit applicant in complying with

previous land-disturbing activity permits and this ordinance. If the applicant has had two or more violations of previous permits or this ordinance within three years prior to the date of the filing of the application under consideration, the Issuing Authority may require the applicant to post a bond up to, but not exceeding, \$3,000 per acre of the proposed land-disturbing activity prior to issuing the permit. If the applicant does not comply with this ordinance or with the conditions of the permit after issuance, the Issuing Authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance.

C. PLAN REQUIREMENTS

1. Plans must be prepared to meet the minimum requirements as contained in Section IV of this ordinance.

Conformance with the minimum requirements may be attained through the use of design criteria in the Manual For Erosion And Sediment Control In Georgia, revised in 1989, published by the State Soil and Water Conservation Commission as a guide; or through the use of alternate design criteria which conform to sound conservation and engineering practices. The Manual for Erosion and Sediment Control in Georgia is hereby incorporated by reference into this ordinance.

The Plan for the land-disturbing activity shall consider the interrelationship of the soil types, geological and hydrological characteristics, topography, watershed, vegetation, proposed permanent structures including

roadways, constructed waterways, sediment control and storm water management facilities, local ordinances and State laws.

2. Data Required For Site Plan:

- (A) Narrative or notes, and other information: Notes or narrative to be located on the site plan in general notes or in erosion and sediment control notes.
- (B) Description of existing land use at project site and description of proposed project.
- (C) Name, address, and phone number of developer/owner.
- (D) Name and phone number of 24-hour local contact who is responsible for erosion and sediment controls.
- (E) Size of project, or phase under construction, in acres.
- (F) Activity schedule - show anticipated starting and completion dates for project. Include the statement in bold letters, that "the installation of erosion control measures and practices shall occur prior to or concurrent with land disturbing activities."
- (G) Stormwater and sediment management systems-storage capacity, hydrologic study, and calculations, including off-site drainage area.
- (H) Vegetative plan - for all temporary and permanent vegetative practices, including species, planting dates, and seeding, fertilizer, lime, and mulching rates. Vegetative plan should show options for year-round seeding.
- (I) Detail drawings - for all structural practices. Specifications may follow guidelines set forth in the

within the time specified, he shall be deemed in violation of this ordinance.

- B. The COUNTY ENGINEER shall have the power to conduct such investigations as it may reasonably deem necessary to carry out duties as prescribed in this ordinance, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigation and inspecting the sites of land-disturbing activities.
- C. No person shall refuse entry or access to any authorized representative or agent of the Issuing Authority, the Conservation Commission, the District, or Division who requests entry for the purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties.

SECTION VII PENALTIES AND INCENTIVES

A. Failure to Obtain a Permit for Land-Disturbing Activity:

If any person commences any land-disturbing activity requiring a land-disturbing permit as prescribed in this ordinance without first obtaining said permit, the person shall be subject to revocation of his business license, work permit or other authorization for the conduct of a business and associated work activities within the jurisdictional boundaries of the Issuing Authority.

B. Stop-Work Orders:

Upon notice from the Issuing Authority or its agent, work on any project that is being done contrary to the provisions of this ordinance or in a dangerous or unsafe manner, shall be immediately stopped. Such notice shall be in writing and shall

be given to the owner of the property, his authorized agent or the person or persons in charge of the activity on the property, and shall state the conditions under which work may be resumed. Where an emergency exists, no written notice shall be required.

C. Bond Forfeiture:

If, through inspection, it is determined that a person engaged in land-disturbing activities has failed to comply with the approved plan, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance with the plan and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this ordinance and, in addition to other penalties, shall be deemed to have forfeited his performance bond, if required to post one under the provisions of Section V, B. 5. The Issuing Authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance.

D. Civil Penalties:

Any person violating any provisions of this ordinance, permitting conditions, or stop-work order shall be liable for a civil penalty of not less than \$500 per day, by a sentence of imprisonment not exceeding 60 days in jail or both fine and jail or work alternative. Each day the violation continues shall constitute a separate offense.

A. Administrative Remedies:

The suspension, revocation, modification or grant with condition of a permit by the Issuing Authority upon finding that the holder is not in compliance with the approved erosion and sediment control plan; or that the holder is in violation of permit conditions; or that the holder is in violation of any ordinance; shall entitle the person submitting the plan or holding the permit to a hearing before the BOARD OF COMMISSIONERS OF LOWNDES COUNTY within FIFTEEN⁽¹⁵⁾ days after receipt by the Issuing Authority of written notice of appeal.

B. Judicial Review:

Any person, aggrieved by a decision or order of the Issuing Authority, after exhausting his administrative remedies, shall have the right to appeal de novo to the Superior Court of LOWNDES COUNTY.

SECTION IX EFFECTIVITY, VALIDITY AND LIABILITY

A. EFFECTIVITY

This ordinance shall become effective on the 2 day of July, 1992.

B. VALIDITY

If any section, paragraph, clause, phrase, or provision of this ordinance shall be adjudged invalid or held unconstitutional, such decisions shall not affect the remaining portions of this ordinance.

C. LIABILITY

Neither the approval of a plan under the provisions of this ordinance, nor the compliance with provisions of this ordinance shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any

liability upon the Issuing Authority or District for
damage to any person or property.

ATTEST:



P.L. CLANTON, JR.
CLERK OF THE COUNCIL



JESSE L. PARROTT, M.D.
MAYOR