

Chapter 14.24 STORMWATER MANAGEMENT

Sections:

Article 1 Connection and Discharge Into Storm Sewer System

[14.24.010 Findings of fact.](#)

[14.24.020 Definitions.](#)

[14.24.030 Illicit discharges.](#)

[14.24.040 Illegal connections.](#)

[14.24.050 Location of connections.](#)

[14.24.060 Industrial or construction activity discharges.](#)

[14.24.070 Access and inspection of properties and facilities.](#)

[14.24.080 Notification of accidental discharges and spills.](#)

Article 2 Post-development Stormwater Control

[14.24.090 Applicability.](#)

[14.24.100 Stormwater design manual.](#)

[14.24.110 Permit application.](#)

[14.24.120 Stormwater management plan.](#)

[14.24.130 Application procedure.](#)

[14.24.140 Post-development stormwater management performance criteria.](#)

[14.24.150 Construction inspections of post-development stormwater management system.](#)

[14.24.160 Stormwater management facility dedication to city.](#)

Article 3 Enforcement; Appeal; Penalties

[14.24.170 Notice of violation.](#)

[14.24.180 Appeals.](#)

[14.24.190 Enforcement.](#)

[14.24.200 Penalties.](#)

[14.24.210 Stormwater management regulations.](#)

Article 1 Connection and Discharge Into Storm Sewer System

14.24.010 Findings of fact.

The mayor and council of the city find that discharges into the city's separate storm sewer that are not composed entirely of stormwater runoff contribute to increased nonpoint source pollution and degradation of receiving waters. Nonstormwater discharges occur due to spills, dumping and improper connections to the city's separate storm sewer system from residential, industrial, commercial and institutional establishments. Impacts of such discharges adversely effect public health and safety, drinking water supplies, recreation, fish and other aquatic life, property values and other uses of land and water, and can be minimized through the regulation of spills, dumping and discharges into the city's storm sewer system and proper management of post-development stormwater runoff.

(Ord. dated 6/30/08 (part))

14.24.020 Definitions.

As used in this chapter, the following words and phrases shall have the meanings set forth in this section:

"Accidental discharge" means a discharge prohibited by this chapter which occurs by chance and without planning or thought prior to occurrence.

"Applicant" means a person submitting a post-development stormwater management application and plan for approval.

"Authorized enforcement agency" means the public works department of the city.

"Channel" means a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

"City's separate storm sewer system" means any facility designed or used for collecting and/or conveying stormwater, including but not limited to any roads with drainage systems, highways, city streets, curbs, gutters, inlets, catch basins, piped storm drains, pumping facilities,

structural stormwater controls, ditches, swales, natural, man-made or altered drainage channels, reservoirs, and other drainage structures, and which is:

1. Owned or maintained by the city;
2. Not a combined sewer; and
3. Not part of a publicly-owned treatment works.

"Clean Water Act" means the Federal Water Pollution Control Act (33 U.S.C. Section 1251 et seq.) and any subsequent amendments thereto.

"Conservation easement" means an agreement between a land owner and the city or other governmental agency or land trust that permanently protects open space or greenspace on the owner's land by limiting the amount and type of development that can take place, but continues to leave the remainder of the fee interest in private ownership.

"Construction activity" means an activity subject to the Georgia Erosion and Sedimentation Control Act or NPDES general construction permits. Such activities include but are not limited to clearing and grubbing, grading, excavating, demolition and other projects resulting in land disturbance.

"Detention" means the temporary storage of stormwater runoff in a stormwater management facility for the purpose of controlling peak discharges.

"Detention facility" means a detention basin or structure designed for the detention of stormwater runoff and gradual release of stored water at controlled rates.

"Developer" means a person who undertakes land development activities.

"Development" means a land development or land development project.

"Drainage easement" means an easement appurtenant or attached to a tract or parcel of land allowing the owner of adjacent tracts or other persons to discharge stormwater runoff onto the tract or parcel of land subject to the drainage easement.

"Erosion and sedimentation control plan" means a plan that is designed to minimize the accelerated erosion and sediment runoff at a site during land disturbance activities.

"Extended detention" means the detention of stormwater runoff for an extended period, typically twenty-four (24) hours or greater.

"Extreme flood protection" means measures taken to prevent adverse impacts from large low-frequency storm events with a return frequency of one hundred (100) years or more.

"Flooding" means a volume of surface water that is too great to be confined within the banks or walls of a conveyance or stream channel and that overflows onto adjacent lands.

"Greenspace" or "open space" means permanently protected areas of a site that are preserved in a natural state.

"Hotspot" means an area where the use of the land has the potential to generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater.

"Hydrologic soil group (HSG)" means a natural resource conservation service classification system in which soils are categorized into four runoff potential groups. The groups range from group A soils, with high permeability and little runoff produced, to group D soils, which have low permeability rates and produce much more runoff.

"Illegal connection" means either of the following:

1. Any pipe, open channel, drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the city's storm drain system, including but not limited to any conveyances which allow any nonstormwater discharge such as sewage, chemicals, process wastewater, and wash water to enter the storm drain system, regardless of whether such pipe, open channel, drain or conveyance has been previously allowed, permitted, or approved by an authorized enforcement agency; or
2. Any pipe, open channel, drain or conveyance connected to the city's separate storm sewer system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

"Illicit discharge" means any direct or indirect nonstormwater discharge to the city's separate storm sewer system, except as expressly exempted under the provision of this chapter.

"Impervious surfaces" means those areas which prevent or impede the infiltration of stormwater into the soil as it entered in natural conditions prior to development. Common impervious surfaces include, but are not limited to, rooftops, sidewalks, walkways, patio areas, driveways, parking lots, storage areas, compacted gravel and soil surfaces, awnings and other fabric or plastic coverings.

"Industrial activity" means activities subject to NPDES industrial permits as defined in 40 CFR, Section 122.26(b)(14).

"Industrial stormwater permit" means a National Pollutant Discharge Elimination System (NPDES) permit issued to an industry or group of industries which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

"Infiltration" means the process of percolating stormwater runoff into the subsoil.

"Inspection and maintenance agreement" means a written agreement providing for the long-term inspection and maintenance of stormwater management facilities and practices on a site or with respect to a land development project, which when properly recorded in the deed records constitutes a restriction on the title to a site or other land involved in a land development project.

"Jurisdictional wetland" means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

"Land development" means any land change, including, but not limited to, clearing, digging, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, construction, paving, and any other installation of impervious surface.

"Land development activities" means those actions or activities which comprise, facilitate or result in land development.

"Land development project" means a discrete land development undertaking.

"National Pollutant Discharge Elimination System (NPDES) stormwater discharge permit" means a permit issued by the Georgia EPD under authority delegated pursuant to 33 USC Section 1342(b) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

"New development" means a land development activity on a previously undeveloped site.

"Nonpoint source pollution" means a form of water pollution that does not originate from a discrete point such as a sewage treatment plant or industrial discharge, but involves the transport of pollutants such as sediment, fertilizers, pesticides, heavy metals, oil, grease, bacteria, organic materials and other contaminants from land to surface water and groundwater via mechanisms such as precipitation, stormwater runoff, and leaching. Nonpoint source pollution is a by-product of land use practices such as agriculture, silviculture, mining, construction, subsurface disposal and urban runoff sources.

"Nonstormwater discharge" means any discharge to the storm drain system that is not composed entirely of stormwater.

"Nonstructural stormwater management practice" or "nonstructural practice" means any natural or planted vegetation or other nonstructural component of the stormwater management plan that provides for or enhances stormwater quality and/or quality control or other stormwater management benefits, and includes, but is not limited to, riparian buffers, open and greenspace areas, overland flow filtration areas, natural depressions, and vegetated channels.

"Off-site facility" means a stormwater management facility located outside the boundaries of a site.

"On-site facility" means a stormwater management facility located within the boundaries of a site.

"Overbank flood protection" means measures taken to prevent an increase in the frequency and magnitude of out-of-bank flooding (i.e., flow events that exceed the capacity of the channel and enter the floodplain), and that are intended to protect downstream properties from flooding for the two-year through twenty-five (25) year frequency storm events.

"Owner" means the legal or beneficial owner of a site, including but not limited to, a mortgagee or vendee in possession, receiver, executor, trustee, lessee or other person, firm or corporation in control of the site.

"Permit" means the permit issued by the city to the applicant which is required for undertaking any land development activity.

"Person" means, except to the extent exempted from the provisions of this chapter, any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, city, county or other political subdivision of Georgia, any interstate body or any other legal entity.

"Pollutant" means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; petroleum hydrocarbons; automotive fluids; cooking grease; detergents (biodegradable or otherwise); degreasers; cleaning chemicals; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations that may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; liquid and solid wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; concrete and cement; and noxious or offensive matter of any other kind.

"Pollution" means the contamination or other alteration of any water's physical, chemical or biological properties by the addition of any constituent and includes but is not limited to, a change in temperature, taste, color, turbidity, or odor of such waters, or the discharge of any liquid, gas, solid, radioactive material, or other substance into any such waters as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety, welfare, or environment, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

"Post-development" refers to the time period, or the conditions that may reasonably be expected or anticipated to exist, after completion of the land development activity on a site as the context may require.

"Pre-development" refers to the time period or the conditions that exist on a site prior to the commencement of a land development project and at the time that plans for the land development of a site are approved by the plan approving authority. Where phased development or plan approval occurs, such as in the case of preliminary grading, roads and utilities, the existing conditions at the time prior to the first item being approved or permitted shall establish pre-development conditions.

"Premises" means any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.

"Project" means a land development project.

"Redevelopment" means a land development project on a previously developed site, but excludes ordinary maintenance activities, remodeling of existing buildings, resurfacing of paved areas, and exterior changes or improvements which do not materially increase or concentrate stormwater runoff or cause additional nonpoint source pollution.

"Regional stormwater management facility" or "regional facility" means stormwater management facilities designed to control stormwater runoff from multiple properties, where the owners or developers of the individual properties may assist in the financing of the facility, and the requirement for on-site controls is either eliminated or reduced.

"Runoff" means stormwater runoff.

"Site" means the parcel of land being developed, or the portion thereof on which the land development project is located.

"State waters" means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface and subsurface water, natural or artificial, lying within or forming a part of the boundaries of the state of Georgia which are not entirely confined and retained completely upon the property of a single person.

"Stormwater better site drainage" means nonstructural site design approaches and techniques that can reduce a site's impact on the watershed and can provide for nonstructural stormwater management. Stormwater better site design includes conserving and protecting natural areas and greenspace, reducing impervious surface and using natural features for stormwater management.

"Stormwater management" means the collection, conveyance, storage, treatment and disposal of stormwater runoff in a manner intended to prevent increased flood damage, streambank channel erosion, habitat degradation and water quality degradation, and to enhance and promote the public health, safety and general welfare.

"Stormwater management facility" means any infrastructure that controls or conveys stormwater runoff.

"Stormwater management measure" means any stormwater management facility or nonstructural stormwater practice.

"Stormwater management plan" means a document describing how existing runoff characteristics will be affected by a land development project and containing measures for complying with the provisions of this chapter.

"Stormwater management system" means the entire set of structural and nonstructural stormwater management facilities and practices that are used to capture, convey and control the quantity and quality of the stormwater runoff from a site.

"Stormwater retrofit" means a stormwater management practice designed for a currently developed site that previously had either no stormwater management practice in place or a practice inadequate to meet the stormwater management requirements of the site.

"Stormwater runoff" or "stormwater" means any surface flow, runoff, or drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

"Structural stormwater control" means a structural stormwater management facility or device that controls stormwater runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release or the velocity of flow of the stormwater.

"Subdivision" means the division of a tract or parcel of land resulting in one or more new lots or building sites for the purpose, whether immediately or in the future, of sale, other transfer of ownership or land development, and includes divisions of land resulting from or made in connection with the layout or development of a new street or roadway or a change in an existing street or roadway.

(Ord. dated 6/30/08 (part))

14.24.030 Illicit discharges.

No person shall throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the city's separate storm sewer system any pollutants or waters containing any pollutants, other than stormwater.

The following discharges are exempt from the provisions of this section: water line flushing performed by a government agency, other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising groundwater, groundwater infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains (not including active

groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, natural riparian habitat or wetland flows, and any other water source not containing pollutants; discharges or flows from firefighting, or other discharges necessary to protect public health and safety; discharges from domestic or other noncommercial cleaning of motor vehicles.

The prohibition provision of this section shall not apply to any nonstormwater discharge permitted under an NPDES permit or order issued to the discharger and administered under the authority of the state and the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and further provided that written approval has been granted by the city's public works department for any discharge to the city's separate storm sewer system. (Ord. dated 6/30/08 (part))

14.24.040 Illegal connections.

The construction, connection, use, maintenance or continued existence of any illegal connection to the city's separate storm sewer system is prohibited. This prohibition expressly includes, without limitation, illegal connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection. Connections in violation of this section must be disconnected and redirected to an approved on-site wastewater management system or, with the written approval of the city's public works department, to the city's sanitary sewer system. (Ord. dated 6/30/08 (part))

14.24.050 Location of connections.

Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the city's storm sewer system, shall be located by the owner or occupant of property served by such connection upon receipt of written notice of violation from the city requiring that such location be completed. Such notice shall specify a reasonable time period within which the location of the drain or conveyance is to be completed, that the drain or conveyance be identified as storm sewer, sanitary sewer or other type of facility, and that the outfall location or point of connection to the city's storm sewer system, sanitary sewer system or other discharge point be identified. (Ord. dated 6/30/08 (part))

14.24.060 Industrial or construction activity discharges.

Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with such permit may be required in a form acceptable to the city prior to allowing discharges to the city's separate storm sewer system. (Ord. dated 6/30/08 (part))

14.24.070 Access and inspection of properties and facilities.

Authorized representatives of the city shall be permitted to enter and inspect properties and facilities at reasonable times as often as may be necessary to determine compliance with the provisions of this chapter.

A. If a property or facility has security measures in force which require proper identification and clearance before entry into its premises, the owner or operator shall make the necessary arrangements to allow access to representatives of the city.

B. The owner or operator shall allow the city ready access to all parts of the premises for the purposes of inspection, sampling, photography, videotaping, examination and copying of any records that are required under the conditions of an NPDES permit to discharge stormwater.

C. The city shall have the right to set up on any property or facility such devices as are necessary in the opinion of the city to conduct monitoring and/or sampling of flow discharges.

D. The city may require the owner or operator to install monitoring equipment and perform monitoring as necessary, and make the monitoring data available to the city. This sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the owner or operator at his or her own expense. All devices used to measure flow and quality shall be maintained and calibrated by the owner or operator to ensure their accuracy.

E. Any temporary or permanent obstruction to safe and easy access to the property or facility to be inspected and/or sampled shall be promptly removed by the owner or operator at the written or oral request of the city and shall not be replaced. The costs of clearing such access shall be borne by the owner or operator.

F. Unreasonable delays in allowing the city access to a facility for the purpose of such inspections is a violation of the provisions of this chapter.

G. If the city has been refused access to any part of the premises from which stormwater is discharged, and the city is able to demonstrate probable cause to believe that there may be a violation of the provisions of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with the provisions of this chapter or any order issued hereunder, or to protect the overall public health, safety, environment and welfare of the community, then the city may seek issuance of a search warrant from any court of competent jurisdiction.

(Ord. dated 6/30/08 (part))

14.24.080 Notification of accidental discharges and spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility, activity or operation, or responsible for emergency response for a facility, activity or operation has information of any known or suspected release of pollutants or nonstormwater discharges from that facility or operation which is resulting or may result in illicit discharges into stormwater, the city's separate storm sewer system, state waters, or waters of the U.S., said person shall forthwith take all necessary steps to ensure the discovery, containment, and cleanup of such release so as to minimize the effects of the discharge.

Said person shall notify the authorized enforcement agency in person or by phone or facsimile within twenty-four (24) hours of discovery of such release or discharge of the nature, quality and time of occurrence of the discharge. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the city within three business days of the phone, facsimile or in person notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also make and retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years from the date of discovery of such release or discharge. Said person shall also take immediate steps to ensure that there is no recurrence of the discharge or spill.

(Ord. dated 6/30/08 (part))

Article 2 Post-development Stormwater Control

14.24.090 Applicability.

A. The provisions of this article shall be applicable to all land development within the corporate limits of the city, including, but not limited to, site plan applications, subdivision applications, and grading applications, unless exempt pursuant to subsection B of this section. The provisions of this article further apply to any new development or redevelopment site that meets one or more of the following criteria:

1. New development that involves the creation of five thousand (5,000) square feet or more of impervious surface, or that involves other land development activities of one acre or more;
 2. Redevelopment that includes the creation, addition or replacement of five thousand (5,000) square feet or more of impervious surface, or that involves other land development activity of one acre or more;
 3. Any new development or redevelopment, regardless of size, that is determined by the public works director of the city to be a hotspot land use; or
 4. Land development activities that are smaller than the minimum applicability criteria set forth in subsections (A)(1) and (A)(2) of this section if such activities are part of a larger common plan of development, even though multiple, separate and distinct land development activities may take place in connection with such development at different times on different schedules.
- B. The following activities are exempt from this section:
1. Individual single-family or duplex residential lots that are not part of a subdivision or phased development project;
 2. Additions or modifications to existing single-family or duplex residential structures that are not part of a subdivision or phased development;
 3. Agricultural or silvicultural land management activities within areas zoned for these activities; and
 4. Repairs to any stormwater management facility or practice deemed necessary by the public works director of the city.
- (Ord. dated 6/30/08 (part))

14.24.100 Stormwater design manual.

The city will utilize the policies, criteria and information, including technical specifications and standards, in the current edition of the Georgia Stormwater Management Manual (GSMM), the provisions of which are incorporated herein by reference, for the proper implementation of the provisions of this chapter. A current copy of the GSMM will be maintained and available for public reference during office hours in the city building and zoning office.

(Ord. dated 6/30/08 (part))

14.24.110 Permit application.

No owner or developer shall commence any land development activities without having met the requirements of this article. Unless specifically exempted by this, any owner or developer proposing a land development activity shall submit to the public works department of the city a permit application on a form provided by the city.

(Ord. dated 6/30/08 (part))

14.24.120 Stormwater management plan.

The stormwater management plan shall detail how post-development stormwater runoff will be controlled or managed and how the proposed project will meet the requirements of this chapter, including the performance criteria set forth in this article.

The stormwater management plan shall be in accordance with the criteria established in this section and must be submitted with the stamp and signature of a Georgia licensed professional engineer, who must verify that the design of all stormwater management facilities and practices meets the submittal requirements outlined in the submittal checklist(s) found in the Georgia Stormwater Design Manual.

The plan shall consist of maps, narrative, and supporting design calculations (hydrologic and hydraulic) for the proposed stormwater management system and shall include all of the information required in the stormwater management site plan checklist found in the Georgia Stormwater Design Manual.

(Ord. dated 6/30/08 (part))

14.24.130 Application procedure.

- A. Applications for land development permits shall be filed with the public works department of the city.
- B. Permit applications shall include the items set forth in Section 16.24.110 in this chapter.
- C. Within thirty (30) days of the date of filing the application the city shall inform the applicant whether the application, stormwater management plan and inspection and maintenance agreement are approved or disapproved, and if, disapproved shall specify the basis for disapproval and the curative measures necessary for approval.
- D. Upon approval of the application the city shall issue a permit for the land development project.
- E. In the event that the applicant is not notified of the city's action within thirty (30) days of the date of filing the application, the application shall be deemed to have been approved and the city shall issue a permit for the land development project.

(Ord. dated 6/30/08 (part))

14.24.140 Post-development stormwater management performance criteria.

The following performance criteria shall be applicable to all stormwater management plans, unless otherwise provided for in this chapter:

- A. Water Quality. All stormwater runoff generated from a site shall be adequately treated before discharge. It will be presumed that a stormwater management system complies with this requirement if:
 - 1. It is sized to treat the prescribed water quality treatment volume from the site, as defined in the Georgia Stormwater Management Manual;
 - 2. Appropriate structural stormwater or nonstructural practices are selected, designed, constructed or preserved, and maintained according to the specific criteria in the GSMM; and
 - 3. Runoff from hotspot land uses and activities identified by the city are adequately treated and addressed through the use of appropriate structural stormwater controls, nonstructural practices and pollution prevention practices.
- B. Stream Channel Protection. Protection of stream channels from bank and bed erosion and degradation shall be provided by using all of the following three approaches:
 - 1. Preservation, restoration and/or reforestation (with native vegetation) of the applicable stream buffer;
 - 2. Twenty-four (24) hour extended detention storage of the one-year, twenty-four (24) hour return frequency storm event.

This requirement may be adjusted or waived by the city for sites that discharge directly into larger streams, rivers, wetlands, or lakes, or to a man-made channel or conveyance system where the reduction in these flows will not have an impact on upstream or downstream streambank or channel integrity;

- 3. Erosion prevention measures such as energy dissipation and velocity control.

C. Overbank Flooding Protection. Downstream overbank flood and property protection shall be provided by controlling (attenuating) the post-development peak discharge rate to the pre-development rate for the twenty-five (25) year, twenty-four (24) hour return frequency storm event. If control of the one-year, twenty-four (24) hour storm under subsection (B)(2) of this section is exempted, then peak discharge rate attenuation of the two-year through the twenty-five (25) year return frequency storm event must be provided.

This requirement may be adjusted or waived by the city for sites where the post-development downstream analysis shows that uncontrolled post-development conditions will not

increase downstream peak flows, or that meeting the requirement will cause greater peak flow downstream impacts than the uncontrolled post-development conditions.

D. Extreme Flooding Protection. Extreme flood and public safety protection shall be provided by controlling and safely conveying the one hundred (100) year, twenty-four (24) hour return frequency storm event such that flooding is not exacerbated.

This requirement may be adjusted or waived by the city for sites where the post-development downstream analysis shows that uncontrolled post-development conditions will not increase downstream peak flows, or that meeting the requirement will cause greater peak flow downstream impacts than the uncontrolled post-development conditions.

E. Structural Stormwater Controls. All structural stormwater management facilities shall be selected and designed using the appropriate criteria from the GSMM. All structural stormwater controls must be designed appropriately to meet their intended function. For other structural stormwater controls not included in the GSMM, or for which pollutant removal rates have not been provided, the effectiveness and pollutant removal of the structural control must be documented through prior studies, literature reviews, or other means and receive approval from the city before being included in the design of a stormwater management system. In addition, if hydrologic or topographic conditions, or land use activities warrant greater control than that provided by the GSMM control requirements, the city may impose additional requirements deemed necessary to protect upstream and downstream properties and aquatic resources from damage due to increased volume, frequency, and rate of stormwater runoff or increased nonpoint source pollution loads created on the site in question.

Applicants shall consult the GSMM for guidance on the factors that determine site design feasibility when selecting and locating a structural stormwater control.

F. Stormwater Credits for Nonstructural Measures. The use of one or more site design measures by the applicant may allow for a reduction in the water quality treatment volume required under GSMM. The applicant may, if approved by the city, take credit for the use of stormwater better site design practices and reduce the water quality volume requirement. For each potential credit, GSMM provides a minimum set of criteria and requirements which identify the conditions or circumstances under which the credit may be applied. The site design practices that qualify for this credit and the criteria and procedures for applying and calculating the credits are included in the GSMM.

G. Drainage System Guidelines. Stormwater conveyance facilities, which may include but are not limited to culverts, stormwater drainage pipes, catch basins, drop inlets, junction boxes, headwalls, gutter, swales, channels, ditches, and energy dissipaters shall be provided when necessary for the protection of public right-of-way and private properties adjoining project sites and/or public rights-of-way. Stormwater conveyance facilities that are designed to carry runoff from more than one parcel, existing or proposed, shall meet the following requirements:

1. Methods to calculate stormwater flows shall be in accordance with the GSMM;
2. All culverts, pipe systems and open channel flow systems shall be sized in accordance with the stormwater management plan using the methods included in the GSMM; and
3. Design and construction of stormwater conveyance facilities shall be in accordance with the criteria and specifications found in the GSMM.

(Ord. dated 6/30/08 (part))

14.24.150 Construction inspections of post-development stormwater management system.

A. Inspections to Ensure Plan Compliance During Construction. Periodic inspections of the stormwater management system construction shall be conducted by the staff of the city or conducted and certified by a Georgia licensed professional engineer. Construction inspections shall utilize the approved stormwater management plan for establishing compliance.

All inspections shall be documented with written reports that contain the following information:

1. The date and location of the inspection;
2. Whether construction is in compliance with the approved stormwater management plan;
3. Variations from the approved construction specifications; and
4. Any other variations or violations of the conditions of the approved stormwater management plan.

If any violations are found, the applicant shall be notified in writing of the nature of the violation and the required corrective actions.

B. Final Inspection and As Built Plans. Upon completion of a project, and before a certificate of occupancy shall be granted, the applicant shall be responsible for certifying that the completed project is in accordance with the approved stormwater management plan. All applicants are required to submit actual "as built" plans for any stormwater management facilities or practices after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and practices and must be certified by a Georgia licensed professional engineer. The plans shall be submitted in hard copy and digital CAD or GIS format. A final inspection by the city is required before the release of any performance securities can occur.

(Ord. dated 6/30/08 (part))

14.24.160 Stormwater management facility dedication to city.

Prior to the issuance of any permit for a land development activity requiring a stormwater management facility or practice hereunder and for which the city requires ongoing maintenance, the applicant or owner of the site must, unless an on-site stormwater management facility or practice is dedicated to and accepted by the city, execute an inspection and maintenance agreement, and/or a conservation easement, if applicable, in recordable form containing a proper legal description of the affected real property that shall be a covenant running with the land binding in perpetuity on all subsequent owners of the site.

The inspection and maintenance agreement, if applicable, must be approved by the city prior to plan approval, and recorded in the Newton County deed records upon final plat approval.

The inspection and maintenance agreement shall identify by name or official title the person(s) responsible for carrying out the inspection and maintenance. Responsibility for the operation and maintenance of the stormwater management facility or practice, unless assumed by a governmental agency, shall remain with the property owner and shall pass to any successor owner. If portions of the land are sold or otherwise transferred, legally binding arrangements shall be made to pass the inspection and maintenance responsibility to the appropriate successors in title. These arrangements shall designate for each portion of the site, the entity to be responsible in perpetuity for its inspection and maintenance.

(Ord. dated 6/30/08 (part))

Article 3 Enforcement; Appeal; Penalties

14.24.170 Notice of violation.

Whenever the city determines that a violation of the provisions of this chapter has occurred it may order compliance by serving a written notice of violation upon the alleged violator. Such notice shall contain:

- A. The name and address of the alleged violator;
- B. The street address, when available, or a description of the building, structure or land upon which the violation is occurring or has occurred;

- C. A statement specifying the nature of the violation;
 - D. A statement of the remedial measures necessary to restore compliance with the provisions of this chapter, including a timetable for the completion of such remedial action;
 - E. A statement of the applicable penalty provisions of this article;
 - F. A statement that the city's determination of violation may be appealed to the board of zoning appeals, as hereinafter provided; and
 - G. Such other information relating to the violation as the city may deem appropriate.
- (Ord. dated 6/30/08 (part))

14.24.180 Appeals.

The city's determination of violation of the provisions of this chapter may be appealed to the board of zoning appeals as provided in Section 16.12.050 of this code.

(Ord. dated 6/30/08 (part))

14.24.190 Enforcement.

In the event that the violation has not been corrected in accordance with the notice of violation, or, in the event of an appeal, within thirty (30) days of a decision of the board of zoning appeals affirming the city's determination of violation, the city may take any and all measures necessary or appropriate to remedy the violation and the city shall have a lien against the property in the amount of the costs of such remediation unless the owner of the property shall have fully repaid the city for such costs within thirty (30) days of said owner's receipt of a statement of such costs from the city.

(Ord. dated 6/30/08 (part))

14.24.200 Penalties.

Violations of the provisions of this chapter are declared to be unlawful and a public nuisance, and in the event of final determination of such violation, the city may impose any or all of the following penalties in addition to the enforcement provisions of Section 14.24.190 of this article:

- A. Issuance of a stop work order by the public works director, under the procedure provided in Section 15.04.020(G)(3) of this code;
- B. Suspension, modification or revocation of the applicable land development permit;
- C. Withholding of a certificate of occupancy for any building or other structure located on the affected property;
- D. Filing a complaint in the Covington municipal court seeking imposition of punishment for violation of the provisions of this chapter, as further provided in Section 1.12.010 of this code;
- E. Filing a complaint in the Covington municipal Court seeking abatement of the violation as a nuisance as further provided in Chapter 8.12 of this code.

(Ord. dated 6/30/08 (part))

14.24.210 Stormwater management regulations.

The public works department of the city shall be authorized to promulgate and publish such written rules, regulations, standards, criteria or procedures as may be appropriate to effect the provisions of this chapter, and shall maintain a copy of same for public inspection at City Hall, 2194 Emory Street, Covington, Georgia.

(Ord. dated 6/30/08 (part))