

STATE OF GEORGIA  
COUNTY OF FULTON

**AN ORDINANCE TO AMEND PART 10, CHAPTER 11: POST-DEVELOPMENT  
STORMWATER MANAGEMENT FOR NEW DEVELOPMENT AND  
REDEVELOPMENT**

**WHEREAS**, the duly elected governing authority of the City of East Point, Georgia is the Mayor and Council thereof; and

**WHEREAS**, the governing authority has enacted regulations to regulate stormwater management within the city; and

**WHEREAS**, the Georgia Environmental Protection Division (“EPD”) conducts periodic reviews of municipal regulations related to the regulation of Stormwater Management; and

**WHEREAS**, EPD has made certain recommendations and updates to its Model Ordinance and amend the City’s Post-Development Stormwater Management for New Development and Redevelopment regulations; and

**WHEREAS**, the governing authority finds it is in the best interest of the health and safety of the City of East Point residents to adopt the following changes pursuant to the EPD recommendation and guidance.

**THEREFORE BE IT ORDAINED** by the City Council of East Point that Part 10, Chapter 11, of the City of East Point Code Ordinances is hereby amended with underlined portions representing additions and any struck through portion representing deletions, as follows:

**ARTICLE A. - POST-CONSTRUCTION STORMWATER MANAGEMENT FOR NEW  
DEVELOPMENT AND REDEVELOPMENT**

**DIVISION 1. - GENERALLY**

Sec. 10-11001. - Findings.

It is hereby determined that:

- (1) Land development projects and other land use conversions, and their associated changes to land cover, permanently alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, which in turn increase flooding, stream channel erosion, and sediment transport and deposition;
- (2) Land development projects and other land use conversions also contribute to increased nonpoint source pollution and degradation of receiving waters;
- (3) The impacts of post-development stormwater runoff quantity and quality can adversely affect public safety, public and private property, drinking water supplies, recreation, fish and other aquatic life, property values and other uses of lands and waters;
- (4) These adverse impacts can be controlled and minimized through the regulation of stormwater runoff quantity and quality from new development and redevelopment, by the use of both structural facilities as well as nonstructural measures, such as the conservation of open space and greenspace areas. The preservation and protection of natural area and greenspace for stormwater management benefits is encouraged through the use of incentives or "credits." The Georgia Greenspace Program provides a mechanism for the preservation and coordination of those greenspace areas which provide stormwater management quality and quantity benefits;
- (5) Localities in the State of Georgia are required to comply with a number of both state and federal laws, regulations and permits which require a locality to address the impacts of post-development stormwater runoff quality and nonpoint source pollution;
- (6) Therefore, the City of East Point has established this set of stormwater management policies to provide reasonable guidance for the regulation of post-development stormwater runoff for the purpose of protecting local water resources from degradation. It has determined that it is in the public interest to regulate post-development stormwater runoff discharges in order to control and minimize increases in stormwater runoff rates and volumes, post-construction soil erosion and sedimentation, stream channel erosion, and nonpoint source pollution associated with post-development stormwater runoff.

Sec. 10-11002. - Purpose and intent.

The purpose of this article is to protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased post- Construction stormwater runoff and nonpoint source pollution associated with new development and redevelopment. Proper management of post-Construction stormwater runoff will minimize damage to public and private property and infrastructure, safeguard the public health, safety, environment and general welfare of the public, and protect water and aquatic resources.-Additionally, the City of East Point is required to comply with several State and Federal laws, regulations and permits and the requirements of the Metropolitan North Georgia Water Planning District's regional water plan related to managing the water quantity, velocity, and quality of post- construction stormwater runoff.

- (1) Establish decision-making processes surrounding land development activities that protect the integrity of the watershed and preserve the health of water resources;

- (2) Require that new development and redevelopment maintain the pre-development hydrologic response in their post-development state as nearly as practicable in order to reduce flooding, streambank erosion, nonpoint source pollution and increases in stream temperature, and maintain the integrity of stream channels and aquatic habitats;
- (3) Establish minimum post-development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;
- (4) Establish design and application criteria for the construction and use of structural stormwater control facilities that can be used to meet the minimum post-development stormwater management standards;
- (5) Encourage the use of nonstructural stormwater management and stormwater better site design practices, such as the preservation of greenspace and other conservation areas, to the maximum extent practicable. Coordinate site design plans, which include greenspace, with the county's greenspace protection plan;
- (6) Establish provisions for the long-term responsibility for and maintenance of structural stormwater control facilities and nonstructural stormwater management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public safety; and
- (7) Establish administrative procedures for the submission, review, approval and disapproval of stormwater management plans, and for the inspection of approved active projects, and long-term follow up.

Sec. 10-11003. – Applicability Criteria for Stormwater Management Standards.

1) This Article applies to the following activities:

- (a) New development that creates or adds 5,000 square feet or greater of new impervious surface area or that involves land disturbing activity of 1 acre of land or greater;
- (b) Redevelopment (excluding routine maintenance and exterior remodeling) that creates, adds, or replaces 5,000 square feet or greater of new impervious surface area or that involves land disturbing activity of 1 acre or more;
- (c) New development and redevelopment if
  - (i) such new development or redevelopment is part of a subdivision or other common plan of development, and
  - (ii) the sum of all associated impervious surface area or land disturbing activities that are being developed as part of such subdivision or other common plan of development meets or exceeds the threshold in (a) and (b) above;
- (d) Any commercial or industrial new development or redevelopment, regardless of size, that is a hotspot land use as defined in this Article; and
- (e) Linear transportation projects that exceed the threshold in (a) or (b) above.

2) Exemptions from Stormwater Management Standards. This Article does not apply to the following activities:

- (a) Land disturbing activity conducted by local, state, authority, or federal agencies, solely to respond to an emergency need to protect life, limb, or property or conduct emergency repairs;
- (b) Land disturbing activity that consists solely of cutting a trench for utility work and related pavement replacement;
- (c) Land disturbing activity conducted by local, state, authority, or federal agencies, whose sole purpose is to implement stormwater management or environmental restoration;
- (d) Repairs to any stormwater management system deemed necessary by the administrator;
- (e) Agricultural practices as described O.C.G.A. 12-7-17(5) within areas zoned for these activities with the exception of buildings or permanent structures that exceed the threshold in 10-11003 (a) or (b);
- (f) Silvicultural land management activities as described O.C.G.A. 12-7-17(6) within areas zoned for these activities with the exception of buildings or permanent structures that

exceed the threshold in 10-11003 (a) or (b);

(g) Installations or modifications to existing structures solely to implement Americans with Disabilities Act (ADA) requirements, including but not limited to elevator shafts, handicapped access ramps and parking, and enlarged entrances or exits; and

(h) Linear transportation projects being constructed by **City of East Point** to the extent the administrator determines that the stormwater management standards may be infeasible to apply, all or in part, for any portion of the linear transportation project. For this exemption to apply, an infeasibility report that is compliant with the **City of East Point** linear feasibility program shall first be submitted to the administrator that contains adequate documentation to support the evaluation for the applicable portion(s) and any resulting infeasibility determination, if any, by the administrator.

Sec. 10-11004. - Designation of article administrator.

The **City Manager** may from time to time appoint someone to administer and implement this Article.

Sec. 10-11005. - Compatibility with other regulations.

The requirements of this article are in addition to the requirements of any other ordinance, rule, regulation or other provision of law, and where any provision of this article imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

Sec. 10-11006. - Severability.

If the provisions of any section, subsection, paragraph, subdivision or clause of this article shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this article.

Sec. 10-11007. - Stormwater Management Standards manual.

Subject to the applicability criteria in Section 10-11003 and exemptions in Section 10-11003 (b) the following stormwater management standards apply. Additional details for each standard can be found in the GSMM Section 2.2.2.2:

(a) Design of Stormwater Management System: The design of the stormwater management system shall be in accordance with the applicable sections of the GSMM as directed by the administrator. Any design which proposes a dam shall comply with the Georgia Safe Dams Act and Rules for Dam Safety as applicable.

(b) Natural Resources Inventory: Site reconnaissance and surveying techniques shall be used to complete a thorough assessment of existing natural resources, both terrestrial and aquatic, found on the site. Resources to be identified, mapped, and shown on the Stormwater Management Plan, shall include, at a minimum (as applicable):

(i) Topography (minimum of 2-foot contours) and Steep Slopes (i.e., Areas with Slopes Greater Than 15%),

- (ii) Natural Drainage Divides and Patterns,
- (iii) Natural Drainage Features (e.g., swales, basins, depressional areas),
- (iv) Natural feature protection and conservation areas such as wetlands, lakes, ponds, floodplains, stream buffers, drinking water wellhead protection areas and river corridors,
- (v) Predominant soils (including erodible soils and karst areas), and
- (vi) Existing predominant vegetation including trees, high quality habitat and other existing vegetation.

(c) Better Site Design Practices for Stormwater Management: Stormwater management plans shall preserve the natural drainage and natural treatment systems and reduce the generation of additional stormwater runoff and pollutants to the maximum extent practicable. Additional details can be found in the GSMM Section 2.3.

(d) Stormwater Runoff Quality/Reduction: Stormwater Runoff Quality/Reduction shall be provided by using the following:

(i) For development with a stormwater management plan submitted before **December 10<sup>th</sup>, 2020** the applicant may choose either (A) Runoff Reduction or (B) Water Quality.

(ii) For development with a stormwater management plan submitted on or after **December 10<sup>th</sup>, 2020** the applicant shall choose (A) Runoff Reduction and additional water quality shall not be required. To the extent (A) Runoff Reduction has been determined to be infeasible for all or a portion of the site using the Practicability Policy, then (B) Water Quality shall apply for the remaining runoff from a 1.2 inch rainfall event and must be treated to remove at least 80% of the calculated average annual post-development total suspended solids (TSS) load or equivalent as defined in the GSMM.

(A) Runoff Reduction - The stormwater management system shall be designed to retain the first 1.0 inch of rainfall on the site using runoff reduction methods, to the maximum extent practicable.

(B) Water Quality – The stormwater management system shall be designed to remove at least 80% of the calculated average annual post-development total suspended solids (TSS) load or equivalent as defined in the GSMM for runoff from a 1.2 inch rainfall event.

(iii) If a site is determined to be a hotspot as detailed in Section 10-11002, the **City of East Point** may require the use of specific or additional components for the stormwater management system to address pollutants of concern generated by that site.

(e) Stream Channel Protection: Stream channel protection shall be provided by using all of the following three approaches:

(i) 24-hour extended detention storage of the 1-year, 24-hour return frequency

storm event;

(ii) Erosion prevention measures, such as energy dissipation and velocity control;  
and

(iii) Preservation of any applicable stream buffer.

(f) Overbank Flood Protection: Downstream overbank flood protection shall be provided by controlling the post-development peak discharge rate to the pre-development rate for the 25-year, 24-hour storm event.

(g) Extreme Flood Protection: Extreme flood protection shall be provided by controlling the 100-year, 24-hour storm event such that flooding is not exacerbated.

(h) Downstream Analysis: Due to peak flow timing and runoff volume effects, some structural components of the stormwater management system fail to reduce discharge peaks to pre-development levels downstream from the site. A downstream peak flow analysis shall be provided to the point in the watershed downstream of the site or the stormwater management system where the area of the site comprises 10% of the total drainage area in accordance with Section 3.1.9 of the GSMM. This is to help ensure that there are minimal

downstream impacts from development on the site. The downstream analysis may result in the need to resize structural components of the stormwater management system.

(i) Stormwater Management System Inspection and Maintenance: The components of the stormwater management system that will not be dedicated to and accepted by the **City of East Point**, including all drainage facilities, best management practices, credited conservation spaces, and conveyance systems, shall have an inspection and maintenance agreement to ensure that they continue to function as designed. All new development and redevelopment sites are to prepare a comprehensive inspection and maintenance agreement for the on-site stormwater management system. This plan shall be written in accordance with the requirements in Section 10-11024 (a) through (f).

The city the Water and Sewer Department will utilize the policy, criteria and information including technical specifications and standards in the latest edition of the Georgia Stormwater Management Manual and any relevant local addenda for the proper implementation of the requirements of this article. The manual may be updated and expanded periodically, based on improvements in science, engineering, monitoring and local maintenance experience.

## **Sec. 10-11008 - Definitions.**

[The following words, terms and phrases, when used in this article, shall have the following meanings, except where the context indicates a different meaning is intended:]

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

For this Article, the terms below shall have the following meanings:

“administrator” means the person appointed to administer and implement this Article on Post-Construction Stormwater Management for New Development and Redevelopment in accordance with Section Sec. 10-11002.

“applicant” means a person submitting a land development application for approval.

“BMP” or “BMP” or “best management practice” means both structural devices to store or treat stormwater runoff and non-structural programs or practices which are designed to prevent or reduce the pollution of the waters of the State of Georgia.

“BMP landscaping plan” means a design for vegetation and landscaping that is critical to the performance and function of the BMP including how the BMP will be stabilized and established with vegetation. It shall include a layout of plants and plant names (local and scientific).

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

*Conservation easement* means an agreement between a land owner and the City of East Point or other government 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 sequencing plan” means a document noting the sequence of construction and identification of infiltration zones for protection during staged installation of permanent post-construction BMPs to ensure suitable site conditions such as avoiding soil compaction by heavy equipment in areas designated for infiltration BMPs.

“detention” means the temporary storage of stormwater runoff in a stormwater management facility for the purpose of controlling the peak discharge.

“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.–“development” means new development or redevelopment.



*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 24 hours or greater. storage of stormwater runoff for an extended period of time.

“extreme flood protection” means measures taken to prevent adverse impacts from large low-frequency storm events with a return frequency of 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 exceeds the banks or walls of a BMP, or channel; and overflows onto adjacent lands.

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

“GSMM” means the latest edition of the Georgia Stormwater Management Manual, Volume 2: Technical Handbook, and its Appendices.

“hotspot”: 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. means a land use or activity on a site that has the potential to produce higher than normally found levels of pollutants in stormwater runoff. As defined by the administrator, hotspot land use may include gasoline stations, vehicle service and maintenance areas, industrial facilities (both permitted under the Industrial Stormwater General Permit and others), material storage sites, garbage transfer facilities, and commercial parking lots with high-intensity use.

*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.

*Impervious cover* means a surface composed of any material that significantly impedes or prevents the natural infiltration of water into soil. Impervious surfaces include, but are not limited to, rooftops, buildings, streets and roads, and any concrete or asphalt surface.

“impervious surface” means a surface composed of any material that significantly impedes or prevents the natural infiltration of water into the soil.

*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.

“Industrial Stormwater General Permit” means the National Pollutant Discharge

Elimination System (NPDES) permit issued by Georgia Environmental Protection Division to an industry for stormwater discharges associated with industrial activity. The permit regulates pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies based on Standard Industrial Classification (SIC) Code.

“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, operation and maintenance of stormwater management facilities and practices system and its components 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 cover.

*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.

“land development application” means the application for a land development permit on a form provided by City of East Point along with the supporting documentation required in Section 10-11021

“land development permit” means the authorization necessary to begin construction-related, land-disturbing activity

“land disturbing activity” means any activity which may result in soil erosion from water or wind and the movement of sediments into state water or onto lands within the state, including but not limited to clearing, dredging, grading, excavating, and filling of land. Land disturbing activity does not include agricultural practices as described O.C.G.A. 12-7-17(5) or silvicultural land management activities as described O.C.G.A. 12-7-17(6) within areas zoned for these activities.

“linear feasibility program” means a feasibility program developed by City of East Point and submitted to the Georgia Environmental Protection Division, which sets reasonable criteria for determining when implementation of stormwater management standards for linear transportation projects being constructed by City of East Point is infeasible.

“linear transportation projects” means construction projects on traveled ways including but not limited to roads, sidewalks, multi-use paths and trails, and airport runways and taxiways.

“MS4 Permit” means the NPDES permit issued by Georgia Environmental Protection

Division for discharges from the City of East Point municipal separate storm sewer system.

“new development” means land disturbing activities, structural development (construction, installation or expansion of a building or other structure), and/or creation of impervious surfaces 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 agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

*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 quantity 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 the site.

*On-site facility* means a stormwater management facility located within the boundaries of the 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 2-year through 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 Water and Sewer Department to the applicant which is required for undertaking any land development activity.

“person” means, except to the extent exempted from this article, 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 the state, any interstate body or any other legal entity.

“post-construction stormwater management” means stormwater best management practices that are used on a permanent basis to control and treat runoff once construction has been completed in accordance with a stormwater management plan.

“post-development” means the conditions anticipated to exist on site immediately after completion of the proposed development.

“practicability policy” means the latest edition of the Metropolitan North Georgia Water

## Planning District's Policy on Practicability Analysis for Runoff Reduction.

*Pre-development* means the conditions that exist, on a site immediately before the implementation of the proposed development. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time prior to the first item being approved or permitted shall establish pre-development conditions.

“pre-development hydrology” means (a) for new development, the runoff curve number determined using natural conditions hydrologic analysis based on the natural, undisturbed condition of the site immediately before implementation of the proposed development; and (b) for redevelopment, the existing conditions hydrograph may take into account the existing development when defining the runoff curve number and calculating existing runoff, unless the existing development causes a negative impact on downstream property.

“previously developed site” means a site that has been altered by paving, construction, and/or land disturbing activity.

*Project* means a land development project.

“redevelopment” means structural development (construction, installation, or expansion of a building or other structure), creation or addition of impervious surfaces, replacement of impervious surfaces not as part of routine maintenance, and land disturbing activities associated with structural or impervious development on a previously developed site. Redevelopment does not include such activities as exterior remodeling.

“routine maintenance” means activities to keep an impervious surface as near as possible to its constructed condition. This includes ordinary maintenance activities, resurfacing paved areas, and exterior building 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 an area of land where development is planned, which may include all or portions of one or more parcels of land. For subdivisions and other common plans of development, the site includes all areas of land covered under an applicable land development permit.

“stormwater concept plan” means an initial plan for post-construction stormwater management at the site that provides the groundwork for the stormwater management plan including the natural resources inventory, site layout concept, initial runoff characterization, and first round stormwater management system design.

*Stormwater better site design* 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 cover 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 plan for post-construction stormwater management at the site that meets the requirements of Section 10-11023 is included as part of the land development application.

“stormwater management standards” means those standards set forth in Section 10-11007 AND Section 10-11045.

“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. non-structural site design features and structural BMPs for collection, conveyance, storage, infiltration, treatment, and disposal of stormwater runoff in a manner designed to prevent increased flood damage, streambank channel erosion, habitat degradation and water quality degradation, to enhance and promote the public health, safety and general welfare. *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” means flow on the surface of the ground, resulting from 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 such runoff.

“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.

Other terms used but not defined in this Article shall be interpreted based on how such terms are defined and used in the GSMM and the City of East Point MS4 permit.

**Secs. 10-11009—10-11020. - Reserved.**

## **DIVISION 2. - PERMIT PROCEDURES AND REQUIREMENTS**

**Sec. 10-11021. - Permit application requirements.**

- (a) No owner or developer shall perform any land development activities without first meeting the requirements of this article prior to commencing the proposed activity.
- (b) Unless specifically exempted by this article, any owner or developer proposing a land development activity shall submit to the city the Water and Sewer Department a permit application on a form provided by the Water and Sewer Department for that purpose.
- (c) Unless otherwise exempted by this article, a permit application shall be accompanied by the following items in order to be considered:
  - (1) Stormwater concept plan and consultation meeting certification in accordance with section 10-11022.
  - (2) Stormwater management plan in accordance with section 10-11023;
  - (3) Inspection and maintenance agreement in accordance with section 10-11024, if applicable;
  - (4) Performance bond in accordance with section 10-11025, if applicable; and
  - (5) Permit application and plan review fees in accordance with section 10-11026.

**Sec. 10-11022. - Pre-Submittal Meeting, Stormwater Concept Plan, and Stormwater Management Plan Requirements.**

(a) Before a land development permit application is submitted, an applicant may request a pre-submittal meeting with the City of East Point. The pre-submittal meeting should take place based on an early step in the development process such as before site analysis and inventory (GSMM Section 2.4.2.4) or the stormwater concept plan (GSMM Section 2.4.2.5). The purpose of the pre-submittal meeting is to discuss opportunities, constraints, and ideas for the stormwater management system before formal site design engineering. To the extent applicable, local and regional watershed plans, greenspace plans, trails and greenway plans, and other resource protection plans should be consulted in the pre-submittal meeting. Applicants must request a pre-submittal meeting with the City of East Point when applying for a Determination of Infeasibility through the Practicability Policy.

(b) The stormwater concept plan shall be prepared using the minimum following steps:

(i) Develop the site layout using better site design techniques, as applicable (GSMM Section 2.3).

(ii) Calculate preliminary estimates of the unified stormwater sizing criteria requirements for stormwater runoff quality/reduction, channel protection, overbank flooding protection and extreme flood protection (GSMM Section 2.2).

(iii) Perform screening and preliminary selection of appropriate best management practices and identification of potential siting locations (GSMM Section 4.1).

(c) The stormwater concept plan shall contain:

(i) Common address and legal description of the site,

- (ii) Vicinity map, and
- (iii) Existing conditions and proposed site layout mapping and plans (recommended scale of 1" = 50'), which illustrate at a minimum:
  - (A) Existing and proposed topography (minimum of 2-foot contours),
  - (B) Perennial and intermittent streams,
  - (C) Mapping of predominant soils from USDA soil surveys,
  - (D) Boundaries of existing predominant vegetation and proposed limits of clearing and grading,
  - (E) Location and boundaries of other natural feature protection and conservation areas such as wetlands, lakes, ponds, floodplains, stream buffers and other setbacks (e.g., drinking water well setbacks, septic setbacks, etc.),
  - (F) Location of existing and proposed roads, buildings, parking areas and other impervious surfaces,
  - (G) Existing and proposed utilities (e.g., water, sewer, gas, electric) and easements,
  - (H) Preliminary estimates of unified stormwater sizing criteria requirements,
  - (I) Preliminary selection and location, size, and limits of disturbance of proposed BMPs,
  - (J) Location of existing and proposed conveyance systems such as grass channels, swales, and storm drains,
  - (K) Flow paths,
  - (L) Location of the boundaries of the base flood floodplain, future-conditions floodplain, and the floodway (as applicable) and relationship of site to upstream and downstream properties and drainage, and
  - (M) Preliminary location and dimensions of proposed channel modifications, such as bridge or culvert crossings.

(d) The stormwater management plan shall contain the items listed in this part and be prepared under the direct supervisory control of either a registered Professional Engineer or a registered Landscape Architect licensed in the state of Georgia. Items (iii), (iv), (v), and (vi) shall be sealed and signed by a registered Professional Engineer licensed in the state of Georgia. The overall site plan must be stamped by a design professional licensed

in the State of Georgia for such purpose. (GSMM Section 2.4.2.7)

- (i) Natural Resources Inventory
- (ii) Stormwater Concept Plan
- (iii) Existing Conditions Hydrologic Analysis
- (iv) Post-Development Hydrologic Analysis
- (v) Stormwater Management System
- (vi) Downstream Analysis
- (vii) Erosion and Sedimentation Control Plan
- (viii) BMP Landscaping Plan
- (ix) Inspection and Maintenance Agreement
- (x) Evidence of Acquisition of Applicable Local and Non-Local Permits
- (xi) Determination of Infeasibility (if applicable)

(e) For redevelopment and to the extent existing stormwater management structures are being used to meet stormwater management standards the following must also be included in the stormwater management plan for existing stormwater management structures

- (i) As-built Drawings
- (ii) Hydrology Reports
- (iii) Current inspection of existing stormwater management structures with deficiencies noted
- (iv) BMP Landscaping Plans

#### **Section 10-11026. Application Procedures.**

Land development applications are handled as part of the process to obtain the land disturbance permit section 10-1121 or building permit **Chapter 3 Building Regulations** as applicable. Before any person begins development on a site, the owner of the site shall first obtain approval in accordance with the following procedure:

- (a) File a land development application with the City of East Point on the City of East Point form of application with the following supporting materials:
  - (i) the stormwater management plan prepared in accordance with Section [Y]-8 (d),
  - (ii) a certification that the development will be performed in accordance with the stormwater management plan once approved,



(iii) a **Preliminary Determination of Infeasibility**, as applicable, prepared in accordance with the practicability policy, and

(iv) an acknowledgement that applicant has reviewed the **City of East Point** form of inspection and maintenance agreement and that applicant agrees to sign and record such inspection and maintenance agreement before the final inspection.

(b) The administrator shall inform the applicant whether the application and supporting materials are approved or disapproved.

(c) If the application or supporting materials are disapproved, the administrator shall notify the applicant of such fact in writing. The applicant may then revise any item not meeting the requirements hereof and resubmit the same for the administrator to again consider and either approve or disapprove.

(d) If the application and supporting materials are approved, the **City of East Point** may issue the associated land disturbance permit or building permit, provided all other legal requirements for the issuance of such permits have been met. The stormwater management plan included in such applications becomes the approved stormwater management plan.

**Sec. 10-11024. - Stormwater management inspection and maintenance agreements.**

- (a) 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 the Water and Sewer Department 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 Water and Sewer Department, execute an inspection and maintenance agreement, and/or a conservation easement, if applicable, that shall be binding on all subsequent owners of the site.
- (b) The inspection and maintenance agreement, if applicable, must be approved by the Water and Sewer Department prior to plan approval, and recorded in the deed records upon final plat approval.
- (c) 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 person to be permanently responsible for its inspection and maintenance.
- (d) As part of the inspection and maintenance agreement, a schedule shall be developed for when and how often routine inspection and maintenance will occur to ensure proper function

of the stormwater management facility or practice. The agreement shall also include plans for annual inspections to ensure proper performance of the facility between scheduled maintenance and shall also include remedies for the default thereof.

- (e) In addition to enforcing the terms of the inspection and maintenance agreement, the Water and Sewer Department operations may also enforce all of the provisions for ongoing inspection and maintenance in Division 5 of this article.
- (f) The city the Water and Sewer Department, in lieu of an inspection and maintenance agreement, may accept dedication of any existing or future stormwater management facility for maintenance, provided such facility meets all the requirements of this article and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

#### **Sec. 10-11025. - Performance and maintenance bonds.**

For the purpose of guaranteeing performance of construction and/or maintenance obligations set forth herein, the City of East Point may provide for the filing of a surety bond with the city clerk which shall cover the total estimated cost of the construction and/or maintenance as determined by the city engineer for a minimum period of four years after the completion of the development or redevelopment. Such bond shall have sureties satisfactory to the city guaranteeing the completion of construction and/or performance of maintenance obligations within the time specified, and shall address any deficiencies in the stormwater management system of the development or redevelopment, including repairing and addressing any damage to public or private property resulting from inadequate stormwater management controls. The developer shall remain responsible for maintenance of the stormwater management system during the duration of the bond. Such bond shall be mandatory for all new developments over five acres in size permitted after the effective date of this article. The city shall have the discretion to require a longer term, to the extent permitted under Georgia law.

#### **Sec. 10-11026. - Application procedure.**

- (a) Applications for land development permits shall be filed with the City of East Point Planning and Community Development Department.
- (b) Permit applications shall include the items set forth in section 10-11021 above (two copies of the stormwater management plan and the inspection maintenance agreement, if applicable, shall be included).
- (c) The Water and Sewer Department Storm Water Division shall inform the applicant whether the application, stormwater management plan and inspection and maintenance agreement are approved or disapproved.
- (d) If either the permit application, stormwater management plan or inspection and maintenance agreement are disapproved, the Water and Sewer Department shall notify the applicant of such fact in writing. The applicant may then revise any item not meeting the requirements hereof and resubmit the same, in which event subsection (c) above and this subparagraph shall apply to such resubmittal.
- (e) Upon a finding by the Water and Sewer Department the permit application, stormwater management plan and inspection and maintenance agreement, if applicable, meet the

requirements of this article, the Water and Sewer Department may issue a permit for the land development project, provided all other legal requirements for the issuance of such permit have been met.

- (f) Notwithstanding the issuance of the permit, in conducting the land development project, the applicant or other responsible person shall be subject to the following requirements:
  - (1) The applicant shall comply with all applicable requirements of the approved plan and this article and shall certify that all land clearing, construction, land development and drainage will be done according to the approved plan;
  - (2) The land development project shall be conducted only within the area specified in the approved plan;
  - (3) The Water and Sewer Department shall be allowed to conduct periodic inspections of the project;
  - (4) No changes may be made to an approved plan without review and written approval by the Water and Sewer Department; and
  - (5) Upon completion of the project, the applicant or other responsible person shall submit the engineer's report and certificate and as-built plans required by section 10-11063.

**Sec. 10-11027. - Application review fees.**

The fee for review of any stormwater management application shall be based on the fee structure established by the Water and Sewer Department and shall be made prior to the issuance of any building permit for the development.

**Sec. 10-11028. - Modifications for off-site facilities.**

- (a) The stormwater management plan for each land development project shall provide for stormwater management measures located on the site of the project, unless provisions are made to manage stormwater by an off-site or regional facility. The off-site or regional facility must be located on property legally dedicated for the purpose, must be designed and adequately sized to provide a level of stormwater quantity and quality control that is equal to or greater than that which would be afforded by on-site practices and there must be a legally-obligated entity responsible for long-term operation and maintenance of the off-site or regional stormwater facility. In addition, on-site measures shall be implemented, where necessary, to protect upstream and downstream properties and drainage channels from the site to the off-site facility.
- (b) A stormwater management plan must be submitted to the city the Water and Sewer Department which shows the adequacy of the off-site or regional facility.
- (c) To be eligible for a modification, the applicant must demonstrate to the satisfaction of the Water and Sewer Department that the use of an off-site or regional facility will not result in the following impacts to upstream or downstream areas:
  - (1) Increased threat of flood damage to public health, life, and property;
  - (2) Deterioration of existing culverts, bridges, dams, and other structures;
  - (3) Accelerated streambank or streambed erosion or siltation;

- (4) Degradation of in-stream biological functions or habitat; or
- (5) Water quality impairment in violation of State water quality standards, and/or violation of any state or federal regulations.

**Secs. 10-11029—10-11040. - Reserved.**

### **DIVISION 3. - POST-DEVELOPMENT STORMWATER MANAGEMENT PERFORMANCE CRITERIA**

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

#### **Sec. 10-11041. - 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 controls or nonstructural practices are selected, designed, constructed or preserved, and maintained according to the specific criteria in the Georgia Stormwater Management Manual; and
- (3) Runoff from hotspot land uses and activities identified by the Water and Sewer Department are adequately treated and addressed through the use of appropriate structural stormwater controls, nonstructural practices and pollution prevention practices.

#### **Sec. 10-11042. - Stream channel protection.**

Protection of stream channels from bank and bed erosion and degradation shall be provided by using all of the following approaches:

- (1) Preservation, restoration and/or reforestation (with native vegetation) of the applicable stream buffer;
- (2) Twenty-four hour extended detention storage of the one-year, 24-hour return frequency storm event;
- (3) Erosion prevention measures such as energy dissipation and velocity control.

**Sec. 10-11043. - Overbank flooding protection.**

- (a) 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 25-year, 24-hour return frequency storm event. If control of the one year, 24-hour storm under section 10-11043 is exempted, then peak discharge rate attenuation of the two year through the 25-year return frequency storm event must be provided.
- (b) Based on information presented by the developer to the Water and Sewer Department the department may adjust or waive this requirement 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.

**Sec. 10-11044. - Extreme flooding protection.**

- (a) Extreme flood and public safety protection shall be provided by controlling and safely conveying the 100-year, 24-hour return frequency storm event such that flooding is not exacerbated.
- (b) Based on information presented by the developer to the Water and Sewer Department, the department may adjust or waive this requirement 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

**Sec. 10-11045. - Structural stormwater controls.**

- (a) All structural stormwater management facilities shall be selected and designed using the appropriate criteria from the Georgia Stormwater Management Manual. All structural stormwater controls must be designed appropriately to meet their intended function. For other structural stormwater controls not included in the Georgia Stormwater Management Manual, 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 the Water and Sewer Department 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 minimum control requirements, the city the Water and Sewer Department 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.
- (b) Applicants shall consult the Georgia Stormwater Management Manual for guidance on the factors that determine site design feasibility when selecting and locating a structural stormwater control.

**Section 10-11027. Application Fee.**

The fee for review of any land development application shall be based on the fee structure established by the **City of East Point**, and payment shall be made before the issuance of any land

disturbance permit or building permit for the development.

**Sec. 10-11028. - Modifications for off-site facilities.**

- (a) The stormwater management plan for each land development project shall provide for stormwater management measures located on the site of the project, unless provisions are made to manage stormwater by an off-site or regional facility. The off-site or regional facility must be located on property legally dedicated for the purpose, must be designed and adequately sized to provide a level of stormwater quantity and quality control that is equal to or greater than that which would be afforded by on-site practices and there must be a legally-obligated entity responsible for long-term operation and maintenance of the off-site or regional stormwater facility. In addition, on-site measures shall be implemented, where necessary, to protect upstream and downstream properties and drainage channels from the site to the off-site facility.
- (b) A stormwater management plan must be submitted to the city the Water and Sewer Department which shows the adequacy of the off-site or regional facility.
- (c) To be eligible for a modification, the applicant must demonstrate to the satisfaction of the city the Water and Sewer Department that the use of an off-site or regional facility will not result in the following impacts to upstream or downstream areas:
  - (1) Increased threat of flood damage to public health, life, and property;
  - (2) Deterioration of existing culverts, bridges, dams, and other structures;
  - (3) Accelerated streambank or streambed erosion or siltation;
  - (4) Degradation of in-stream biological functions or habitat; or
  - (5) Water quality impairment in violation of State water quality standards, and/or violation of any state or federal regulations.

**Section 10-11029. Adoption and Implementation of the GSMM; Conflicts and Inconsistencies.**

- (a) In implementing this Article, the **City of East Point** shall use and require compliance with all relevant design standards, calculations, formulas, methods, and other guidance from the GSMM as well as all related appendices.
- (b) This Article is not intended to modify or repeal any other Article, ordinance, rule, regulation or other provision of law, including but not limited to any applicable stream buffers under state and local laws, and the Georgia Safe Dams Act and Rules for Dam Safety. In the event of any conflict or inconsistency between any provision in the **City of East Point** MS4 permit and this Article, the provision from the MS4 permit shall control. In the event of any conflict or inconsistency between any provision of this Article and the GSMM, the provision from this Article shall control. In the event of any other conflict or inconsistency between any provision of this Article and any other ordinance, rule, regulation or other provision of law, the provision that is more restrictive

or imposes higher protective standards for human health or the environment shall control.

- (c) If any provision of this Article is invalidated by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of this Article.

**Secs. 10-11030—10-11040. - Reserved.**

### **DIVISION 3. - POST-DEVELOPMENT STORMWATER MANAGEMENT PERFORMANCE CRITERIA**

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

**Sec. 10-11041. - 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 controls or nonstructural practices are selected, designed, constructed or preserved, and maintained according to the specific criteria in the Georgia Stormwater Management Manual; and the stormwater management system shall be designed to remove at least 80% calculated average annual post-development total suspended solids (TSS) as defined in the GSMM for runoff from 1.2-inch rainfall event.
- (3) Runoff from hotspot land uses and activities identified by the Water & Sewer Department are adequately treated and addressed through the use of appropriate structural stormwater controls, nonstructural practices and pollution prevention practices.

**Sec. 10-11042. - Stream channel protection.**

Protection of stream channels from bank and bed erosion and degradation shall be provided by using all of the following approaches:

- (1) Preservation, restoration and/or reforestation (with native vegetation) of the applicable stream buffer;
- (2) Twenty-four hour extended detention storage of the one-year, 24-hour return frequency storm event;
- (3) Erosion prevention measures such as energy dissipation and velocity control.

**Sec. 10-11043. - Overbank flooding protection.**

- (a) 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 25-year, 24-hour storm event.
- (b) Based on information presented by the developer to the Water and Sewer Department, the department may adjust or waive this requirement 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.

**Sec. 10-11044. - Extreme flooding protection.**

- (a) Extreme flood and public safety protection shall be provided by controlling and safely conveying the 100-year, 24-hour storm event such that flooding is not exacerbated.
- (b) Based on information presented by the developer to the Water & Sewer Department, the department may adjust or waive this requirement 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.

**Sec. 10-11045. - Structural stormwater controls.**

- (a) All structural stormwater management facilities shall be selected and designed using the appropriate criteria from the Georgia Stormwater Management Manual. All structural stormwater controls must be designed appropriately to meet their intended function. For other structural stormwater controls not included in the Georgia Stormwater Management Manual, 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 Water and Sewer Department 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 minimum control requirements, the Water and Sewer Department 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.
- (b) Applicants shall consult the Georgia Stormwater Management Manual for guidance on the factors that determine site design feasibility when selecting and locating a structural stormwater control.

**Sec. 10-11046. - 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 section 10-11045. The applicant may, if approved by the city Water and Sewer Department, take credit for the use of stormwater better site design practices and reduce the water quality volume requirement. For each potential credit, there is 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 Georgia Stormwater Management Manual.

**Sec. 10-11047. - 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 right-of-way's. 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 stormwater design manual;
- (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 stormwater design manual; and
- (3) Design and construction of stormwater conveyance facilities shall be in accordance with the criteria and specifications found in the stormwater design manual.

**Sec. 10-11048. - Dam design guidelines.**

Any land disturbing activity that involves a site which proposes a dam shall comply with the Georgia Safe Dams Act and Rules for Dam Safety as applicable.

**Secs. 10-11049—10-11060. - Reserved.**

**DIVISION 4. - CONSTRUCTION INSPECTIONS OF POST-DEVELOPMENT  
STORMWATER MANAGEMENT SYSTEM**

**Sec. 10-11061. - Inspections to ensure plan compliance during construction.**

- (a) Periodic inspections of the stormwater management system construction shall be conducted by the staff of the Water and Sewer Department or conducted and certified by a professional engineer who has been approved by the Water and Sewer Department. Construction inspections shall utilize the approved stormwater management plan for establishing compliance.
- (b) 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.
- (c) If any violations are found, the applicant shall be notified in writing of the nature of the violation and the required corrective actions.

**Sec. 10-11062. - Final inspection and as built plans.**

Upon completion of a project, and before a certificate of occupancy shall be granted, the applicant is 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 professional engineer. A final inspection by the Water and Sewer Department is required before the release of any performance securities can occur.

**Secs. 10-11063—10-11070. - Reserved.**

**DIVISION 5. - ONGOING INSPECTION AND MAINTENANCE OF STORMWATER FACILITIES AND PRACTICES**

**Sec. 10-11071. - Long-term maintenance inspection of stormwater facilities and practices.**

- (a) Stormwater management facilities and practices included in a stormwater management plan which are subject to an inspection and maintenance agreement must undergo ongoing inspections to document maintenance and repair needs and ensure compliance with the requirements of the agreement, the plan and this article.
- (b) A stormwater management facility or practice shall be inspected on a periodic basis by the responsible person in accordance with the approved inspection and maintenance agreement. In the event that the stormwater management facility has not been maintained and/or becomes a danger to public safety or public health, the city Water and Sewer Department shall notify the person responsible for carrying out the maintenance plan by registered or certified mail to the person specified in the inspection and maintenance agreement. The notice shall specify the measures needed to comply with the agreement and the plan and shall specify the time within which such measures shall be completed. If the responsible person fails or refuses to meet the requirements of the inspection and maintenance agreement, the Water and Sewer Department, may correct the violation as provided in section 10-11074 hereof.
- (c) Inspection programs by the city Water and Sewer Department may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in stormwater management facilities; and evaluating the condition of stormwater management facilities and practices.

**Sec. 10-11072. - Right-of-entry for inspection.**

The terms of the inspection and maintenance agreement shall provide for the city Water and Sewer Department to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when it has a reasonable basis to believe that a violation of this article is occurring or has occurred and to enter when necessary for abatement of a public nuisance or correction of a violation of this article.

**Sec. 10-11073. - Records of maintenance activities.**

Parties responsible for the operation and maintenance of a stormwater management facility shall provide records of all maintenance and repairs to the city Water and Sewer Department upon request.

**Sec. 10-11074. - Failure to maintain.**

If a responsible person fails or refuses to meet the requirements of the inspection and maintenance agreement, the city Water and Sewer Department, after 30 days written notice (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient), may correct a violation of the design standards or maintenance requirements by performing the necessary work to place the facility or practice in proper working condition. The city Water and Sewer Department may assess the owner(s) of the facility for the cost of repair work which shall be a lien on the property, and may be placed on the ad valorem tax bill for such property and collected in the ordinary manner for such taxes.

**Secs. 10-11075—10-11080. - Reserved.**

**DIVISION 6. - ENFORCEMENT**

**Sec. 10-11081. - Violations, enforcement and penalties.**

Any action or inaction which violates the provisions of this article or the requirements of an approved stormwater management plan or permit may be subject to the enforcement actions outlined in this division. Any such action or inaction which is continuous with respect to time is deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described below shall not prevent such equitable relief. The imposition of any of the penalties described below shall not prevent such equitable relief.

**Sec. 10-11082. - Notice of violation.**

- (a) If the city Water and Sewer Department determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved stormwater management plan or the provisions of this article, it shall issue a written notice of violation to such applicant or other responsible person. Where a person is engaged in activity covered by this article without having first secured a permit therefore, the notice of violation shall be served on the owner or the responsible person in charge of the activity being conducted on the site.
- (b) The notice of violation shall contain:
  - (1) The name and address of the owner or the applicant or the responsible person;
  - (2) The address or other description of the site upon which the violation is occurring;
  - (3) A statement specifying the nature of the violation;
  - (4) A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the stormwater management plan or this article and the date for the completion of such remedial action; and
  - (5) A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed.

## **Sec. 10-11083. - Penalties.**

In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed. Before taking any of the following actions or imposing any of the following penalties, the city Water and Sewer Department shall notify the applicant or other responsible person in writing of its intended action, and shall provide a reasonable opportunity, of not less than ten days (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient) to cure such violation. In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, the city Water and Sewer Department may take any one or more of the following actions or impose any one or more of the following penalties.

- (1) *Stop work order.* The city Water and Sewer Department may issue a stop work order which shall be served on the applicant or other responsible person. The stop work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take the necessary remedial measures to cure such violation or violations.
- (2) *Withhold certificate of occupancy.* The Department of Planning and Community Development may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.
- (3) *Suspension, revocation or modification of permit.* The Water and Sewer Department may suspend, revoke or modify the permit authorizing the land development project. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated upon such conditions as the Water and Sewer Department may deem necessary to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.
- (4) *Civil penalties.* In the event the applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten days, or such greater period as the Water and Sewer Department shall deem appropriate (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient), the Water and Sewer Department may impose a penalty not to exceed \$1,000.00 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.
- (5) *Criminal penalties.* For intentional and flagrant violations of this article, the city Water and Sewer Department may issue a citation to the applicant or other responsible person, requiring such person to appear in municipal court to answer charges for such violation.

Upon conviction, such person shall be punished by a fine not to exceed \$1,000.00 or imprisonment for 60 days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

**Sec. 10-11084. - Administrative appeal.**

Any person aggrieved by a decision or determination of the city the Water and Sewer Department shall appeal in writing within 30 days after the issuance of such decision or determination to the mayor and city council or their designee and shall be entitled to a hearing within 45 days of receipt of the written appeal.

**Sec. 10-11085. - Judicial review.**

Any person aggrieved by a decision or order of the Water and Sewer Department, after exhausting all administrative remedies, shall have the right to appeal de novo to the Superior Court of Fulton County.

**Secs. 10-11086—10-11100. - Reserved.**

This Ordinance and its provisions shall be effective immediately upon adoption unless otherwise specified herein.

**BE IT ORDAINED** by the City Council of East Point, this 29<sup>th</sup> day of December, 2020.

First Reading: waived

Adoption: 12/29/2020



**CITY OF EAST POINT, GEORGIA**

  
Deana Holiday Ingraham, Mayor

ATTEST:

APPROVED AS TO FORM:

Keshia McCullough  
Keshia McCullough, City Clerk

Brad Bowman  
Brad Bowman (Dec 31, 2020 10:44 EST)  
Brad Bowman, City Attorney

Ordinance Amending Post-Development Stormwater Management for New Development and Redevelopment  
December 2020