

## CHAPTER 14 - LAND DEVELOPMENT AND SUBDIVISIONS

### ARTICLE I. - IN GENERAL

#### Sec. 14-1. - Definitions.

For the purposes of this chapter, certain terms and words are defined. Where words are not herein defined, but are defined in section 1-2, those words shall have the meaning as defined therein. The following words, terms and phrases, when used in this chapter, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

*Addition (to an existing building)* means any walled and roofed expansion to the perimeter of a building in which the addition is connected to a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls is new construction.

*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 14-80.

*Aggrieved persons* means persons whose property is the subject of the action appealed from or a person's who has a substantial interest in the action appealed from that is in danger of suffering special damage or injury not common to all property owners similarly situated.

*Agricultural operations* means raising, harvesting or storing of crops; feeding, breeding or managing livestock or poultry; producing or storing feed for use in the production of livestock, including, but not limited to, cattle, calves, swine, hogs, goats, sheep, and rabbits or for use in the production of poultry, including, but not limited to, chickens, hens and turkeys; producing plants, trees, fowl, or animals; the production of aquaculture, horticultural, dairy, livestock, poultry, eggs and apiarian products; farm buildings and farm ponds.

*Alley* means a minor way, which is used primarily for vehicular service access to the back or side of properties otherwise fronting on a street.

*Applicant* means a person submitting a land development application for approval~~any person who acts in the person's own behalf or as the agent of an owner of property and engages in alteration of land or vegetation in preparation for construction activity.~~

*As-built drawings* means amended site plans specifying the location, dimensions, elevations, capacities and operational capabilities of public improvements, including water, sewer, road and drainage structures and stormwater management facilities as they have been constructed.

*Bank (stream bank)* means the sloping land that contains the stream channel and the normal flows of the stream.

*Basement* means a space having one-half or more of its floor-to-ceiling height below the average level of adjoining ground and with a floor-to-ceiling height of not less than six and one-half feet.

*Best management practices (BMPs)* 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~~a collection of structural practices and vegetative measures which, when properly designed, installed and maintained, will provide effective erosion and sedimentation control. The term "properly designed" means designed in accordance with the hydraulic design specifications contained in the Manual for Erosion and Sediment Control in Georgia specified in O.C.G.A. § 12-7-6(b).~~

*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).

*Bicycle lane* means that part of a street or highway adjacent to the roadway, designated by official signs or markings for use by persons riding bicycles.

*Block* means a piece or parcel of land entirely surrounded by public highways or streets, other than alleys. In cases where the platting is incomplete or disconnected, the community development department may delineate the outline of the block.

*BNR* means the board of natural resources.

*Buffer area* means that portion of a lot set aside for open space or visual screening purposes, pursuant to the applicable provisions of this Code and all conditions of zoning, to separate different use districts, or to separate uses on one property from uses on another property of the same use district or a different use district.

*Buffer, city*, means an area of land 50 feet in width immediately adjacent to the state buffer.

*Buffer, state*, means an area of land 25 feet in width immediately adjacent to the banks of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.

*Buffer, stream*, means the state buffer and the city buffer as measured horizontally from the top of the stream bank.

*Buildable area* means the area of a lot remaining after all setback requirements, including buffer areas, have been met.

*Building* means any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

*Building permit* means required written permission issued by the community development department for the construction, repair, alteration, or addition to a structure.

*Building setback line* means the minimum horizontal distance required between the public right-of-way or the utility easement abutting a private street and the principal building or structure on a lot or any projection thereof except projections that are authorized exceptions to building set, back line requirements in chapter 27 and any zoning conditions approved by the city council pursuant thereto. The size of the utility easements for a private street shall be equal to the required size of the public right-of-way and shall not be any smaller in width or length than what would be required for a public right-of-way.

*Caliper* means the diameter of a tree trunk, applied only to new or replacement plantings, measured six inches above the ground for up to and including four-inch caliper size and 12 inches above the ground for larger sizes.

*Certified personnel* means a person who has successfully completed the appropriate certification course approved by the state soil and water conservation commission.

*Channel* means a natural or artificial watercourse with a definite bed and banks that ~~conduct~~ conveys continuously or periodically flowing water.

*Channel protection* means the protection of stream channels, in accordance with the state stormwater management manual, from bank and bed erosion and degradation by preserving or restoring the applicable stream buffer, by providing extended detention, and by integrating erosion prevention measures such as energy dissipation and velocity control.

*Conservation easement* means a restriction or limitation on the use of real property which is expressly recited in any deed or other instrument of grant or conveyance executed by or on behalf of the owner of the land described therein and whose purpose is to preserve land or water areas predominantly in their natural scenic landscape or open condition or in an agricultural farming, forest or open space use and includes conservation easements authorized by state law.

*Construction* means any alteration of land for the purpose of achieving its development or changed use, including particularly any preparation for, building of or erection of a structure.

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.

*Construction waste* means waste building materials and rubble resulting from construction, remodeling, repair and demolition operations on pavements, houses, commercial buildings and other structures. Such waste includes, but is not limited to, asbestos-containing waste, wood, tree stumps, tree tops, bricks, metal, concrete block, wall board, paper, cardboard, glass, wire, plastics, and other typical construction waste products and refuse.

*Crosswalk* means a right-of-way within a block dedicated to public use, ten feet or more in width, intended primarily for pedestrians and from which motor-propelled vehicles are excluded, and which is designed to improve or provide access to adjacent roads or lots.

*Cut* means a portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to excavated surface. The term "cut" is also known as "excavation."

*DNR* means the department of natural resources of the state.

*Deck, elevated,* means an open, unenclosed structure elevated above pervious natural grade that is attached to the primary structure.

*Density factor* means a unit of measurement used to prescribe the calculated required tree coverage on a site.

*Design professional* means a professional licensed by the state in the field of engineering, architecture, landscape architecture, forestry, geology, or land surveying; or a person that is a certified professional in erosion and sediment control (CPESC) with a current certification by Certified Professional in Erosion and Sediment Control, Inc.

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

Detention facility means a structure designed for the storage and gradual release of stormwater runoff at controlled rates.

~~*Development* means new development or redevelopment all activities associated with the conversion of land or the expansion of replacement of an existing use to any new use intended for human operation, occupancy, or habitation, other than for agricultural purposes devoted strictly to the cultivation of land, dairying or animal husbandry. Such activities include, but are not limited to, land disturbance (clearing and grubbing the land of vegetation and stumps, and grading) and the construction of improvements such as, but not limited to, streets, driveways or parking area, water sewer mains, stormwater drainage facilities, sidewalks or other structures permanently placed in or on the property. Where appropriate to the context, development also may be used to denote a specific subdivision or project which is a single entity or intended to be constructed as in interrelated whole, whether simultaneously or in phases.~~

~~*Development permit* means any permit that authorizes land disturbance for the use, construction thereon or alteration of any real property within the incorporated limits of the city.~~

*Drainage* means the removal of surface or subsurface water from a given area, either by gravity or by pumping, commonly applied herein to surface water.

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

*Drainage plan* means a plan prepared using appropriate and commonly accepted engineering standards, which specifies the means for alteration or development of a drainage system.

*Drainage structure* means a device composed of a virtually nonerodible material such as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for stormwater management, drainage control, or flood control purposes.

*Drainage system* means the surface and subsurface system for the removal of water from the land, including, but not limited to, both the natural elements of streams, marshes, swales and ponds, whether of an intermittent or continuous nature, and the manmade element which includes culverts, ditches, channels, detention facilities that comprise the storm drainage system.

*Elevated building* means a nonbasement building built to have the lowest floor elevated above ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), or shear walls.

*EPD* means the environmental protection division of the state department of natural resources.

*Erosion* means the process by which land surface is worn away by the action of wind, water, ice or gravity.

*Erosion and sedimentation control plan* means a plan for the control of soil erosion and sedimentation resulting from a land disturbing activity and that conforms to the requirements of the Manual for Soil Erosion and Sedimentation Control in Georgia.

*Extended detention* means the storage of stormwater runoff for an extended period of time~~the detention of stormwater runoff for an extended period, typically 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 100 years or more.

*Fill* means a portion of land surface to which properly compacted soils have been added the depth above the original ground.

*Final stabilization* means that all soil-disturbing activities at the site have been completed, and that for unpaved areas and areas not covered by permanent structures and areas located outside the waste disposal limits of a landfill cell that has been certified by EPD for waste disposal, 100 percent of the soil surface is uniformly covered in permanent vegetation with a density of 70 percent or greater, or landscaped according to the plan (uniformly covered with landscaping materials in planned landscape areas), or equivalent permanent stabilization measures as defined in the manual (excluding a crop of annual vegetation and seeding of target crop perennials appropriate for the region). Final stabilization applies to each phase of construction.

*Finished grade* means the final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

~~*Flood or flooding* means a general and temporary condition of partial or complete inundation of normally dry land areas from the usual and rapid accumulation or runoff of surface waters from any source.~~

*Flood insurance rate map (FIRM)* means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

*Flood insurance study* means the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the flood boundary floodway map and the water surface elevation of the base flood.

*Flooding* means a volume of surface water that exceeds the banks or walls of a BMP, or channel; and overflows onto adjacent lands.

*Floodplain* means any land area susceptible to flooding, which would have at least a one percent probability of a flooding occurrence in any calendar year based on the basin being fully developed as shown on the current land use plan (i.e., the regulatory flood).

*Floor* means the top surface of an enclosed area in a building (including basement), i.e., the top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

*Frontage, lot*, means the distance for which the front boundary line of the lot and the street line are coincident.

*Georgia Stormwater Management Manual (GSMM)* means the latest edition of the Georgia Stormwater Management Manual, Volume 2: Technical Handbook, and its Appendices~~manual adopted by the city council that provides the criteria, technical design specifications and standards for the proper implementation of the requirements of this chapter.~~

*Grading* means altering the shape of ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.

*Ground elevation* means the original elevation of the ground surface prior to cutting or filling.

*Hotspot* 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.

*Impervious surface* means a surface composed of any material that significantly impedes or prevents the natural infiltration of water into the soil~~any surface that is highly resistant to infiltration by water, including, but not limited to, surfaces such as concrete or asphalt as well as most conventionally surfaced streets, roofs, sidewalks, driveways, parking lots, and other similar structures.~~

*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 the stormwater management system and its components on a site~~a written agreement executed by an owner in a form approved by the director that will provide 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.~~

*Intermediate regional flood (IRF)* means a 100-year frequency flood as defined on the flood hazard map which has a probability of occurring once every 100 years or having a one percent chance of being equaled or exceeded in any given year. (Also known as the base flood, or 100-year flood.)

*Intermediate regional floodplain* means the land area within the floodplain within a community subject to a one percent or greater chance of flooding in any given year as defined on the flood hazard map. (Also known as area of special flood hazard, or 100-year floodplain.)

*Land development application* means the application for a land development permit on a form provided by the City of Brookhaven along with the supporting documentation required in Section 14-780(a).

*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. ~~Land-disturbing activity means any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land, but not including agricultural practices as described in section 14-29(b)(3)e.~~

*Larger common plan of development or sale* means a contiguous area where multiple separate and distinct construction activities are occurring under one plan of development or sale. For the purposes of this definition, "plan" means an announcement, piece of documentation such as a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, or computer design, or physical demarcation such as boundary signs, lot stakes, or surveyor markings indicating that construction activities may occur on a specific plot.

*Linear feasibility program* means a feasibility program developed by the City of Brookhaven 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 the City of Brookhaven 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.

*Live detention* means that quantity of water capable of being effectively contained by a designated facility for stormwater storage for a specified period of time.

*Local issuing authority* means the city council.

*Local street* means a street used primarily for access to abutting properties in residential, industrial or other developments.

*Lot* means a designated parcel, tract, or area of land legally established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon.

*Lot, corner,* means a lot abutting upon two or more streets at their intersection or upon two parts of the same street forming an interior angle of less than 135 degrees.

*Manufactured home* means a new or used structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length or, when erected on site, is 320 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this definition, except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 USC section 5401 et seq.

*Minor site work permit* means a development permit for minor activities including, but not limited to, increases in impervious area, replacement of paving/concrete, paving system installation, driveway expansion, landscaping, retaining walls less than four feet in height, land disturbance less than 5,000 square feet, and drainage improvements as determined by the director of community development or his designee.

*Multi-use trail* means a recreation corridor intended for the use of non-motorized forms of transportation such as, but not limited to, walking, running, bicycles, in-line skates, as identified in a master plan for multi-use trails in city approved by the city council.

*MS4 Permit* means the NPDES permit issued by Georgia Environmental Protection Division for discharges from the City of Brookhaven's municipal separate storm sewer system.



*Natural ground surface* means the ground surface in its original state before any grading excavation or filling.

*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. ~~New construction means any structure for which the permitted date of construction commenced after adoption of the ordinance from which this chapter is derived.~~

*Nonpoint source pollution* means a form of water pollution that does not originate from a discrete point such as a wastewater treatment facility 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 or 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.

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

*100-year floodplain* means land in the floodplain subject to a one percent or greater statistical occurrence probability of flooding in any given year.

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

*Open space* means that portion of a lot, including yards, established pursuant to the requirements of this chapter as open space, which is open and unobstructed from ground level to the sky, with the exception of natural foliage or accessory recreational facilities or walkways, which is accessible to all persons occupying a building on the lot and is not a part of the roof of any portion of any building.

*Operator* means the party or parties that have:

- (1) Operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; or
- (2) Day-to-day operational control of those activities that are necessary to ensure compliance with a stormwater pollution prevention plan for the site or other permit conditions, such as a person authorized to direct workers at a site to carry out activities required by the stormwater pollution prevention plan or to comply with other permit conditions.

*Outfall* means the location where stormwater in a discernible, confined and discrete conveyance, leaves a facility or site or, if there is receiving water on site, becomes a point source discharging into that receiving water.

*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 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 ~~person in whom is vested the fee ownership, dominion or title of property, the proprietor. The term "owner" may also include a tenant, if chargeable under the lease for maintenance of the property, and any agent of the owner or tenant, including a developer.~~

*Parcel* means any plot, lot or acreage shown as a unit on the latest county tax assessment records.

*Person* means 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 ~~any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of this state, any interstate body or any other legal entity.~~

*Phase or phased* means subparts or segments of construction projects where the subpart or segment is constructed and stabilized prior to completing construction activities on the entire construction site.

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

*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 before the first item being approved or permitted shall establish pre-development conditions.

*Pre-development hydrology* means the runoff curve number determined using natural conditions hydrologic analysis based on the natural, undisturbed condition of the site.

*Previously developed site* means a site that has been altered by paving, construction, and/or land disturbing activity.

*Project* means the entire proposed development project regardless of the size of the area of land to be disturbed.

*Properly designed* means designed in accordance with the design requirements and specifications contained in the "Manual for Erosion and Sediment Control in Georgia Manual" published by the Georgia Soil and Water Conservation commission as of January 1 of the year in which the land-disturbing activity was permitted and amendments to the manual as approved by the commission up until the date of NOI submittal.

*Public facilities* means the roads, water, sewer, schools, traffic control devices, and electrical service of the city.

*Public works director* means the director of the public works department or designee.

*Reasonable access* means a 15-foot access easement from the public right-of-way to the stormwater management facility and a ten-foot drainage and maintenance easement on all four sides of the stormwater management facility.

*Recreation areas* means those portions of open space designed and intended for active recreational use, such as sports fields and other play areas.

*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 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.



*Residential* shall have the same meaning as given in chapter 27, except that it shall not include apartments.

*Roadway drainage structure* means a device such as a bridge, culvert, or ditch, composed of a virtually nonerodible material such as concrete, steel, plastic or other such material that conveys water under a roadway by intercepting the flow on one side of a traveled way consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

*Rock outcropping* means a single, contiguous piece of exposed rock that has a horizontal surface area equal to or greater than 200 square feet.

*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.

*Runoff* means ~~stormwater runoff the portion of precipitation on the land that reaches the drainage system.~~

*Sediment* means solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, ice or gravity as a product of erosion.

*Sedimentation* means the process by which eroded material is transported and deposited by the action of water, wind, ice or gravity.

*Sediment basin* means a detention facility specifically developed for the purpose of allowing the deposit of sediment resulting from the land development process that may be constructed as part of or separately from a detention facility.

*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.

*Site plan* means that plan required to acquire a development, construction or building permit which shows the means by which the applicant will conform to applicable provisions of this chapter and other applicable ordinances.

*SS&WCC* means the state soil and water conservation commission.

*Stabilization* means the process of establishing an enduring soil cover of vegetation by the installation of temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.

*State general permit* means the national pollution discharge elimination system general permit or permits for stormwater runoff from construction activities as is now in effect or as may be amended or reissued in the future pursuant to the state's authority to implement the same through federal delegation under the Federal Water Pollution Control Act, as amended, 33 USC § 1251 et seq. and O.C.G.A. § 12-5-30(f).

*State waters* means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the state, which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation except as defined in O.C.G.A. § 12-7-17.

*Stormwater better site design* means nonstructural site design approach and technique 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 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.~~

~~Examples of stormwater hotspots include, but are not limited to, gas/fueling stations, vehicle maintenance areas, vehicle washing/steam cleaning facilities, auto recycling facilities, outdoor material storage areas, loading and transfer areas, landfills, construction sites, industrial sites, and industrial rooftops.~~

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 management facility means those structures and facilities that are designed for the collection, conveyance, storage, treatment and disposal of stormwater runoff into and through the drainage system.~~

Stormwater management manual means the Georgia Stormwater Management Manual.

Stormwater management plan means a plan for post-construction stormwater management at the site that meets the requirements of Section 14-84(d) and is included as part of the land development application.

Stormwater management standards means those standards set forth in Section 14-83.

Stormwater management system means the entire set of 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, and to enhance and promote the public health, safety and general welfare.

Stormwater runoff means flow on the surface of the ground, resulting from precipitation.

Stream means state waters, and natural, running water flowing continuously or intermittently in a channel on or below the surface of the ground, and includes, but is not limited to, all natural or manmade streams depicted on the 1995 city Geographic Information System (GIS) map maintained by the city GIS director. Stream starts at the location of a spring, seep or groundwater outflow that sustains stream flow. No stream shall be excluded from this definition due to its failure to be identified on the GIS map. Field verification shall be performed to make a final determination as to the existence of a stream where a dispute exists. Such field verification may be performed by the director.

Streambank means as measured horizontally from that point where vegetation has been wrested by normal stream flow or wave action.

Street, private, means an access way similar to and having the same function as a public street, providing access to more than one property but held in private ownership. Private streets, when authorized, shall be developed in accordance with the specifications for public streets established in article VII, division 3, subdivision II of this chapter.

Street right-of-way means the dividing line between a lot, tract or parcel of land and a street right-of-way.

Structure means anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on or in the ground. The term "structure" does not include telephone poles and utility boxes.

Structural erosion, sedimentation and pollution control practices means practices for the stabilization of erodible or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sediment control practices are rip rap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures and sediment traps, etc. Such practices can be found in the publication "Manual for Erosion and Sediment Control in Georgia."

*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~~any division or redivision of a lot, tract or parcel, regardless of its existing and future use, into two or more lots, tracts or parcels. Where appropriate to context, subdivision may also be used to reference the aggregate of all lots held in common ownership at the time of division.~~

*SWCD* means the Soil and Water Conservation District within which the city is located.

*Tree harvesting* means the felling, loading, and transporting of timber products done pursuant to a special exception issued by the board of appeals.

*Tree replacement* means the replacement of trees and landscape plant materials into the minimum required landscape areas, as determined by the zoning regulations or the tree protection ordinance.

*Trout streams* means all streams or portions of streams within the watershed as designated by the game and fish division of the state department of natural resources under the provisions of the Georgia Water Quality Control Act, O.C.G.A. § 12-5-20 et seq.

*Trout waters, first order*, means streams into which no other streams flow except springs.

*Trout waters, primary*, means streams or waters supporting a self-sustaining population of rainbow, brown or brook trout.

*Trout waters, secondary*, means streams or waters in which there is no evidence of natural trout reproduction, but are capable of supporting trout throughout the year.

*Used for* includes the phrases "arranged for," "designed for," "intended for," "maintained for" and "occupied for."

*Vegetation* means all plant growth, especially trees, shrubs, vines, ferns, mosses and grasses.

*Vegetative erosion and sedimentation control measures* means measures for the stabilization of erodible or sediment-producing areas by: covering the soil with permanent seeding, sprigging or planting, producing long-term vegetative cover; temporary seeding, producing short-term vegetative cover; or sodding, covering areas with a turf of perennial sod-forming grass. Such measures can be found in the publication "Manual for Erosion and Sediment Control in Georgia."

*Watercourse* means any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.

*Water quality protection* means the requirement that all developments must improve the quality of storm runoff from the development site.

*Watershed* means the land area that drains into a particular stream.

*Wetlands* means those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. The term "wetlands" generally includes swamps, marshes, bogs, and similar areas.

(Ord. No. 2014-12-04, § 1(14-1), 12-16-2014; Ord. No. 2017-08-07, § I, 8-22-2017; Ord. No. 2018-05-04, § I, 5-22-2018; Ord. No. 2019-05-07, § I(Attch.), 5-28-2019)

#### **~~ARTICLE IV. — STORMWATER MANAGEMENT~~**

~~Sec. 14-78.—Joint and cooperative action required.~~

- ~~(a) The city council believes the city's stream systems are a valuable natural resource that requires joint and cooperative action by the city and the development industry to resolve existing stormwater management and flooding problems, prevention of their worsening or recurrence while utilizing this resource for the good of the entire city.~~
- ~~(b) The development industry and the city shall cooperate to control water quality and maintain the city's drainage and stream systems from stormwater runoff resulting from development activities.~~  
~~(Ord. No. 2014-12-05, § 2(14-40), 12-16-2014)~~

~~Sec. 14-79.—Standards.~~

- ~~(a) The city shall require all land development to comply with the criteria, technical specifications, and standards of the Georgia Stormwater Management Manual, as may be hereafter amended. The rainfall intensities used in hydrologic and hydraulic computations shall be those published in the Georgia Stormwater Management Manual.~~
- ~~(b) Applicability. A combination of storage and controlled release of stormwater runoff shall be required for all development and construction for the entire site which meets one or more of the following criteria:~~
  - ~~(1) Increases the peak rate of runoff from the site by more than one cubic foot per second for a ten-year frequency storm;~~
  - ~~(2) Involves the creation of 5,000 square feet or more of impervious cover, or that involves other land development activities of one acre or more;~~
  - ~~(3) Includes the creation, addition or replacement in redevelopment of 5,000 square feet or more of impervious cover, or that involves other land development activity of one acre or more;~~
  - ~~(4) Any new development or redevelopment, regardless of size, that meets the definition of a stormwater hotspot; or~~
  - ~~(5) Land development activities that are smaller than the minimum applicability criteria set forth in subsection (b)1 and 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 at different times on different schedules.~~
  - ~~(6) Land development activities within individual single family lots that are not part of a larger common plan of development that also includes stormwater management facilities for the larger common plan of development, and that involve the creation, addition, or replacement of at least 3,000 square feet of impervious cover, shall provide storage and controlled release of runoff volume equivalent to the "water quality volume" for the site as defined in the Georgia Stormwater Management Manual.~~
- ~~(c) Exemptions. The provisions of this article shall not apply to the following criteria:~~
  - ~~(1) Individual single family or duplex residential lots that are not part of a subdivision or phased development project unless they meet one of the criteria listed in subsection (b) of this section;~~
  - ~~(2) Additions or modifications to existing single family or duplex residential structures unless it meets one of the criteria listed in subsection (b) of this section;~~
  - ~~(3) Agricultural or silvicultural land management activities within areas zoned for these activities;~~
  - ~~(4) Repairs to any stormwater management facility or practice deemed necessary by the community development director;~~
  - ~~(5) The community development director may exempt the owner from those provisions of this article where complete compliance with those specific provisions is physically impossible;~~
  - ~~(6) If the installation of a stormwater management facility would reduce downstream flood peaks by less than one percent;~~

- ~~(7) The requirements, or portions thereof, of subsections (b) and (c) of this section shall not be waived if the community development director determines that such waiver would increase known flooding problems, or exceed the capacity of the downstream drainage system;~~
- ~~(8) A waiver of these minimum runoff quantity control requirements may be granted only after a written request is submitted by the applicant containing descriptions, drawings, and any other information that is necessary to evaluate the proposed land disturbing activity. A separate written waiver request shall be required if there are subsequent additions, extensions, or modifications, to the development which would alter the approved stormwater runoff characteristics of a land disturbing activity receiving a waiver; and~~
- ~~(9) Appeals from the waiver decisions may be taken to the board of appeals pursuant to the provisions of section 14-26(c).~~
- ~~(d) If 40 percent of a site is to be redeveloped, all stormwater requirements must be met for the redeveloped area only and the non-disturbed area will be treated as predeveloped prior to the redevelopment. But if more than 40 percent of the site is to be redeveloped, then the entire site must meet all stormwater requirements.~~
- ~~(e) A downstream peak flow analysis will include the assumptions, results and supporting calculations to show safe passage of post-development design flows downstream. The analysis of downstream conditions in the report shall address each and every point or area along the project site's boundaries at which runoff will exit the property. The analysis shall focus on the portion of the drainage channel or watercourse immediately downstream from the project. This area shall extend downstream from the project to a point in the drainage basin where the project area is ten percent of the total basin area. In calculating runoff volumes and discharge rates, consideration may need to be given to any planned future upstream land use changes. The analysis shall be in accordance with the Georgia Stormwater Management Manual.~~
- ~~(f) Detention designs may be rejected by the community development director if they incorporate structures and facilities that will demand considerable maintenance or will be difficult to maintain or will utilize numerous small structures if other alternatives are physically possible.~~
- ~~(g) Discharge velocities from detention facilities shall be reduced to provide a non-erosive velocity flow from a structure, channel, or other control measure as set forth in the approved state stormwater management manual.~~
- ~~(h) Stormwater management and flood control facilities may include both structural and nonstructural components. Natural or planted vegetation as well as other natural runoff conduits are examples of these non-structural components and shall be retained where practicable. In addition, these components must provide for or enhance stormwater quantity or quality control or other stormwater benefits.~~
- ~~(i) The drainage system being developed shall have adequate capacity to accommodate the flow from all upstream areas for a 100-year storm event.~~
- ~~(j) The drainage system from a proposed development must discharge into an outfall that has adequate capacity to accommodate the runoff from the development. If the connecting downstream system is not able to accommodate the allowable design flows from the site, then the design engineer must design drainage facilities with the capacity to over-detain flows so they can be accommodated by the existing downstream conveyance structures whereby allowing the existing downstream system to operate correctly. If downstream easements are needed to extend the drainage system to an adequate outfall, the developer shall obtain these easements.~~
- ~~(k) A landscaping plan shall be submitted for all detention and other storage facilities as part of the overall drainage plan.~~
- ~~(l) Land uses within the intermediate regional floodplain shall not diminish or restrict the capacity of the channels or floodplains of the stream, its tributaries, drainage ditches or any other stormwater~~

~~management facilities or systems and shall not increase the IRF elevation or velocity or concentration of flow in downstream areas. The development permit shall be denied if the required hydrologic studies reveal that a request for filling or grading within the intermediate regional floodplain would overload the capacity of the channel downstream or increase flood stages upstream, unless equivalent flow and storage capacity is replaced and maintained by the owner within the intermediate regional floodplain. Altered sections of the intermediate regional floodplain shall have a positive slope so as to provide positive drainage back to the stream flow line and this section must be maintained by the owners in perpetuity so as to prevent or remove silt buildup.~~

~~(m) Excavation within floodplain areas shall not be permitted unless the excavation can be accomplished in such a manner that the existing low level drainage pattern through the floodplain shall be maintained. The area of compensation within the floodplain shall be considered as ineffective flow area for the purpose of calculating floodplain elevations to meet no-rise certification requirements. The amount of compensation shall be limited to 300 cubic yards per acre of floodplain area.~~

~~(n) The live detention storage to be provided shall be calculated on the basis of the 100-year frequency rainfall as published in the Georgia Stormwater Management Manual. The detention system required shall be necessary to handle the runoff of a 100-year rainfall, for any and all durations from the post-development, with a release rate that does not exceed the pre-development release rate during the same duration storm. Detention control structures and other drainage improvements shall be located and designed to prevent erosion damage to adjacent property owners.~~

~~(o) When the applicant requests and the community development director determines that development and construction projects are too small, or that engineering and economic factors make combined detention or other stormwater management facilities more practical, the city may authorize the joint construction of these facilities to serve two or more properties by two or more applicants. This authorization shall be granted by the board of appeals upon application for approval being submitted through the community development director. Where joint detention facilities serving two or more properties are approved for construction, no use of land or occupancy of buildings within the properties served by these facilities shall be permitted until completion of the detention facility, except upon approval of the board of appeals.~~

~~(Ord. No. 2014-12-05, § 2(14-40), 12-16-2014; Ord. No. 2016-03-02, § 1, 3-22-2016; Ord. No. 2019-05-07, § 1(Atch.), 5-28-2019)~~

~~Sec. 14-80.— Installation, development and maintenance of control facilities.~~

~~The following requirements shall apply to the installation, development and maintenance of all stormwater and sedimentation control facilities designed for temporary storage of stormwater runoff:~~

~~(1) Permanent fencing at least four feet in height shall be required around all facilities having a temporary water storage depth of greater than four feet or those designated by the board of health as constituting a public health hazard.~~

~~(2) This fencing shall be designed, installed and maintained to allow the free flow of runoff and sediment into the facility. Fencing shall be established on the outside edge of a facility. The fence shall include a gate of sufficient size to permit entrance of equipment necessary to allow periodic maintenance activities. The gate shall be placed in a manner such that the gate does not obstruct reasonable access or become obstructive. The community development director may waive fencing in nonresidential areas where a pond is more than 500 feet from a residential district and in residential districts when detention is provided in natural areas such as stream channels and fencing in the opinion of the community development director would damage the environment or affect stream flow.~~



- ~~(3) The access easement to the facility shall not have a profile slope steeper than 33 percent and a cross slope of no more than ten percent. The elevation of the maintenance easement around the facility shall be established at the top of the dam or wall elevation and be constructed with a cross slope of no more than ten percent to the drainage facility. Fencing that complies with the requirement of subsection (2) of this section shall be constructed on the outside edge of the maintenance easement. Gates that comply with the requirements of subsection (p)2 of this section shall be constructed on each maintenance easement.~~
- ~~(4) Detention and sedimentation control facilities shall not be placed in any of the following:~~
- ~~a. Transitional buffer zones as defined by chapter 27.~~
  - ~~b. Floodplains.~~
  - ~~c. Wetlands.~~
  - ~~d. Stream buffer zones.~~
  - ~~e. State buffer zones.~~
- ~~(5) Perforated standpipes or a French drain, in accordance with published design standards available from the community development director, or other methods which will achieve equal performance to prevent standing water and inadequate drainage shall be installed within all the detention and sedimentation control facilities.~~
- ~~(6) The commercial or multifamily residential property owner shall be responsible for the maintenance of the stormwater management facilities during grading, construction, and following final approval of the completed project. This maintenance and certification obligation shall be binding on all future owners, successors and assigns of the property.~~
- ~~(7) In the case of single-family residential subdivisions approved after the date of adoption of this provision, and in accordance with the requirements of article III of this chapter, the city shall assume maintenance responsibility one year after the release of the performance bond for subdivision streets. A special drainage district as authorized by the Georgia Constitution, article IX, section II, paragraph VI is established for property in a single-family residential subdivision at the time the plat is finally recorded, and will be so noted on the plat. Upon completion of developer maintenance, all detention ponds shall have a positive slope to the outlet in order to facilitate complete drainage.~~
- ~~(8) Stormwater management facilities in single-family residential subdivisions constructed under permits issued prior to the amendment of the city ordinance assigning maintenance responsibility will not be accepted for city maintenance unless individually approved by and at the discretion of the community development department and suitable access easements are provided. At the time the community development director accepts a detention facility for city maintenance, a special drainage district will be established that includes all properties for which the detention facility is designed to compensate for increased peak runoff rates due to development.~~
- ~~(Ord. No. 2014-12-05, § 2(14-40), 12-16-2014)~~

~~Sec. 14-81. Residential district requirements; street elevation.~~

- ~~(a) In residential districts, not less than 70 percent of the minimum lot area, as established by applicable zoning district development standards, shall be above the intermediate regional flood elevation contours with the exception that lots in the R-150 district shall conform to requirements of the R-100 district.~~
- ~~(b) The profile elevation of the centerline of all public streets shall be constructed a minimum of one foot above the intermediate regional flood elevation contours. The community development director may grant exceptions to this provision in cases where construction of the street elevation is below~~

~~the intermediate regional flood elevation and elevation contours would improve drainage or reduce the effects of flooding.~~

~~(Ord. No. 2014-12-05, § 2(14-40), 12-16-2014)~~

~~Sec. 14-82. Special drainage system maintenance requirements.~~

~~Special drainage system maintenance requirements are as follows:~~

- ~~(1) Pursuant to chapter 25, article VI, as amended, trash, garbage, construction materials, construction by-products or other debris shall not be deposited in any part of the drainage system.~~
- ~~(2) No restriction or barriers, including fences, may be placed in the drainage system or intermediate regional floodplain without first obtaining a development permit. When on-site or off-site debris has accumulated within an intermediate regional floodplain in such a manner as to interfere with the free flow of water so as to increase the risk of hazardous inundation of upstream properties adjacent to the intermediate regional floodplain, the community development director shall require the owner of the property where this debris was generated, if its source can be identified, to clear and remove the debris so as to permit the free flow of water.~~
- ~~(3) No impoundment of water which retains in excess of 0.5 acre (in feet) of runoff shall be removed without first obtaining a development permit, which shall only be issued after competent engineering studies provided by the applicant show that this removal will not adversely affect downstream properties.~~
- ~~(4) No permanent structures or additions shall be constructed within the intermediate regional floodplain other than those non-building facilities required or authorized by the community development director which will not conflict with the hydrologic design characteristics of the approved development and construction plans. Land within the intermediate regional floodplain may be used to meet setback, yard, open space and buffer requirements in accordance with applicable provisions of chapter 27 and the buffer requirements of this chapter.~~

~~(Ord. No. 2014-12-05, § 2(14-40), 12-16-2014)~~

~~Secs. 14-83—14-107. Reserved.~~

## **ARTICLE V. WATER QUALITY CONTROL**

~~Sec. 14-108. Purpose and intent.~~

~~The purpose of this article is to control the water quality of storm runoff from all development and construction activities and all developed sites.~~

~~(Ord. No. 2014-12-05, § 2(14-43), 12-16-2014)~~

~~Sec. 14-109. Standards:~~

- ~~(a) New development and redevelopments in city shall be designed in accordance with recommendations of this article and the Georgia Stormwater Management Manual.~~
- ~~(b) At a minimum, new projects shall include stormwater quality provisions and the BMPs necessary to accomplish each of the following:~~
  - ~~(1) Water quality BMPs must be installed on all developments to improve the water quality of the storm runoff from the development site. Stormwater management systems (which can include both structural stormwater controls and better site design practices) must be designed to remove 80 percent of the average annual post-development total suspended solids load. As a~~

~~minimum, the runoff from the first 1.2 inches of rainfall must be treated. Acceptable BMPs for treating stormwater runoff are set forth in the Georgia Stormwater Management Manual.~~

~~(2) BMPs shall be used to control discharges into the local drainage system of any organic or inorganic matter that cause or tend to cause pollution of such waters.~~

~~a. Minimization of impervious areas within developments and minimization of impervious areas directly connected to the local drainage system is encouraged as a non-structural BMP for water quality and quantity control.~~

~~b. A plan shall be provided to protect all existing wetland/floodplain areas within the development site.~~

~~(Ord. No. 2014-12-05, § 2(14-43), 12-16-2014)~~

~~Sec. 14-110. Drainage plans.~~

~~(a) The following performance criteria shall be used by the city in evaluating all drainage plans, unless otherwise provided for in this section:~~

~~(b) 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:~~

~~a. It is sized to treat the prescribed water quality treatment volume from the site, as defined in the Georgia Stormwater Management Manual;~~

~~b. 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~~

~~c. Runoff from a stormwater hotspot and activities identified by city are adequately treated and addressed through the use of appropriate structural stormwater controls, nonstructural practices and pollution prevention practices.~~

~~(Ord. No. 2014-12-05, § 2(14-43), 12-16-2014)~~

~~Sec. 14-111. 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 or reforestation (with native vegetation) of the applicable stream buffer;~~

~~(2) 24-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.~~

~~(Ord. No. 2014-12-05, § 2(14-43), 12-16-2014)~~

~~Sec. 14-112. 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 25-year, 24-hour return frequency storm event. If control of the one-year, 24-hour storm is exempted, then peak discharge rate attenuation of the two-year through the 25-year return frequency storm event must be provided.~~

~~(Ord. No. 2014-12-05, § 2(14-43), 12-16-2014)~~

~~Sec. 14-113. Extreme flooding protection.~~

~~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.~~

~~(Ord. No. 2014-12-05, § 2(14-43), 12-16-2014)~~

~~Sec. 14-114.—Structural stormwater controls.~~

~~All structural stormwater management facilities shall be selected and designed using the appropriate criteria from the state 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 state 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 community development director before being included in the design of a stormwater management system.~~

~~(Ord. No. 2014-12-05, § 2(14-43), 12-16-2014)~~

~~Sec. 14-115.—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. The applicant may, if approved by the community development director, 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 that 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 state stormwater management manual.~~

~~(Ord. No. 2014-12-05, § 2(14-43), 12-16-2014)~~

~~Sec. 14-116.—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 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 state stormwater management 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 state stormwater management manual; and~~
- ~~(3) Design and construction of stormwater conveyance facilities shall be in accordance with the criteria and specifications found in the state stormwater management manual.~~

~~(Ord. No. 2014-12-05, § 2(14-42), 12-16-2014)~~

~~Sec. 14-117.—Groundwater recharge area.~~

~~Development within groundwater recharge areas, as delineated by the state department of natural resources<sup>1</sup> (DNR) Significant Recharge Areas, Hydrological Atlas 18 (1989 Edition) and the DNR's Pollution Susceptibility Map, shall meet the criteria for the protection of groundwater recharge areas established in chapter 391-3-16-.02 of the DNR's Rules for Environmental Planning Criteria.~~

~~(Ord. No. 2014-12-05, § 2(14-43), 12-16-2014)~~

~~Secs. 14-118—14-147.—Reserved.~~

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

Section 14-78. 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 Brookhaven 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.

Section 14-79. Adoption and Implementation of the GSMM; Conflicts and Inconsistencies.

- (a) In implementing this Article, the City of Brookhaven 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 Brookhaven's 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.
- (d) Terms used in the Article but not defined in this Chapter shall be interpreted based on how such terms are defined and used in the GSMM and the City of Brookhaven's MS4 permit.

Section 14-80. Designation of Administrator. The city manager may from time to time appoint someone to administer and implement this Article.

Section 14-81. Applicability Criteria for Stormwater Management Standards. 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. If the development adds between 1,000 square feet and 5,000 square feet, then only runoff reduction and water quality as per code section Y-7(d) is required and sections Y-7 (e) thru (i) shall not apply;

- (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;
- (e) Linear transportation projects that exceed the threshold in (a) or (b) above;
- (f) Increases the peak rate of runoff from the site by more than one cubic foot per second for a ten-year frequency storm; and,
- (g) Land development activities within individual single family lots that are not part of a larger common plan of development that also includes stormwater management facilities for the larger common plan of development, and that involve the creation, addition, or replacement of at least 3,000 square feet of impervious cover, shall provide storage and controlled release of runoff volume equivalent to the "water quality volume" or "runoff reduction volume" for the site as defined in the Georgia Stormwater Management Manual.

Section 14-82. 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 14-81 (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 14-81 (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 Brookhaven 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 Brookhaven 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.

Section 14-83. Stormwater Management Standards. Subject to the applicability criteria in Section 14-81 and exemptions in Section 14-82, 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 6, 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 6, 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 1.2-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 14-81, the City of Brookhaven 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) The live detention storage to be provided shall be calculated on the basis of the 100-year frequency rainfall as published in the Georgia Stormwater Management Manual. The detention system required shall be necessary to handle the runoff of a 100-year rainfall, for any and all durations from the post-development, with a release rate that does not exceed the pre-development release rate during the same duration storm. Detention control structures and other drainage improvements shall be located and designed to prevent erosion damage to adjacent property owners.
- (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 Brookhaven, 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 14-786.
- (j) Discharge velocities from detention facilities shall be reduced to provide a non-erosive velocity flow from a structure, channel, or other control measure as set forth in the approved state stormwater management manual.
- (k) The drainage system from a proposed development must discharge into an outfall that has adequate capacity to accommodate the runoff from the development. If the connecting downstream system is not able to accommodate the allowable design flows from the site, then the design engineer must design drainage facilities with the capacity to over-detain flows so they can be accommodated by the existing downstream conveyance structures whereby allowing the existing downstream system to operate correctly. If downstream easements are needed to extend the drainage system to an adequate outfall, the developer shall obtain these easements.
- (l) The following requirements shall apply to the installation, development and maintenance of all stormwater and sedimentation control facilities designed for temporary storage of stormwater runoff:
  - (i) Permanent fencing at least four feet in height shall be required around all facilities having a temporary water storage depth of greater than four feet or those designated by the board of health as constituting a public health hazard.
  - (ii) This fencing shall be designed, installed and maintained to allow the free flow of runoff and sediment into the facility. Fencing shall be established on the outside edge of a facility. The fence shall include a gate of sufficient size to permit entrance of equipment necessary to allow periodic maintenance activities. The gate shall be placed in a manner such that the gate does not obstruct reasonable access or become obstructive. The community development director may waive fencing in nonresidential areas where a pond is more than 500 feet from a residential district and in residential districts when detention is provided in natural areas such as stream channels and fencing in the opinion of the community development director would damage the environment or affect stream flow.
  - (iii) The access easement to the facility shall not have a profile slope steeper than 33 percent and a cross slope of no more than ten percent. The elevation of the maintenance easement around the facility shall be established at the top of the dam or wall elevation and be constructed with a cross slope of no more than ten percent to the drainage facility. Fencing that complies with the requirement of subsection (2) of this section shall be constructed on the outside edge of the

maintenance easement. Gates that comply with the requirements of subsection (p)2 of this section shall be constructed on each maintenance easement.

(iv) Detention and sedimentation control facilities shall not be placed in any of the following:

a. Transitional buffer zones as defined by chapter 27.

b. Floodplains.

c. Wetlands.

d. Stream buffer zones.

e. State buffer zones.

(v) Perforated standpipes or a French drain, in accordance with published design standards available from the community development director, or other methods which will achieve equal performance to prevent standing water and inadequate drainage shall be installed within all the detention and sedimentation control facilities.

Section 14-84. 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 Brookhaven. 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 Brookhaven 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)

(xii) Construction sequencing plan

(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 14-85. Application Fee. The fee for review of any land development application shall be based on the fee structure established by the City of Brookhaven, and payment shall be made before the issuance of any land disturbance permit or building permit for the development.

Section 14-86. Application Procedures. Land development applications are handled as part of the process to obtain the land disturbance permit pursuant to Chapter 14 or building permit pursuant to Chapter 7, 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 Brookhaven on the City of Brookhaven's form of application with the following supporting materials:



- (i) the stormwater management plan prepared in accordance with Section 14-84 (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 Brookhaven's 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 Brookhaven 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.

Section 14-87. Compliance with the Approved Stormwater Management Plan. All development shall be:

- (a) consistent with the approved stormwater management plan and all applicable land disturbance and building permits, and
- (b) conducted only within the area specified in the approved stormwater management plan.

No changes may be made to an approved stormwater management plan without review and advanced written approval by the administrator.

Section 14-88. Inspections to Ensure Plan Compliance During Construction. Periodic inspections of the stormwater management system during construction shall be conducted by the staff of the City of Brookhaven or conducted and certified by a professional engineer who has been approved by the City of Brookhaven. Inspections shall use the approved stormwater management plan and the construction sequencing plan for establishing compliance. All inspections shall be documented with written reports that contain the following information:

- (a) The date and location of the inspection;
- (b) Whether the stormwater management system is in compliance with the approved stormwater management plan;
- (c) Variations from the approved stormwater management plan; and

(d) Any other variations or violations of the conditions of the approved stormwater management plan.

Section 14-89. Final Inspection; As-Built Drawings; Delivery of Inspection and Maintenance Agreement.  
Upon completion of the development, the applicant is responsible for:

(a) Certifying that the stormwater management system is functioning properly and was constructed in conformance with the approved stormwater management plan and associated hydrologic analysis,

(b) Submitting as-built drawings showing the final design specifications for all components of the stormwater management system as certified by a professional engineer,

(c) Certifying that the landscaping is established and installed in conformance with the BMP landscaping plan, and

(d) Delivering to City of Brookhaven a signed inspection and maintenance agreement that has been recorded by the owner in the property record for all parcel(s) that make up the site.

The required certification under part (a) shall include a certification of volume, or other performance test applicable to the type of stormwater management system component, to ensure each component is functioning as designed and built according to the design specifications in the approved stormwater management plan. This certification and the required performance tests shall be performed by a qualified person and submitted to the City of Brookhaven with the request for a final inspection. The City of Brookhaven shall perform a final inspection with applicant to confirm applicant has fulfilled these responsibilities.

Section 14-90. Violations and Enforcement. Any violation of the approved stormwater management plan during construction, failure to submit as-built drawings, failure to submit a final BMP landscaping plan, or failure of the final inspection shall constitute and be addressed as violations of, or failures to comply with, the underlying land disturbance permit pursuant to Chapter 14 or the underlying building permit pursuant to Chapter 7. To address a violation of this Article, the City of Brookhaven shall have all the powers and remedies that are available to it for other violations of building and land disturbance permits,

including without limitation the right to issue notices and orders to ensure compliance, stop work orders, and penalties as set forth in the applicable ordinances for such permits.

Section 14-91. Maintenance by Owner of Stormwater Management Systems Predating Current GSMM.  
For any stormwater management systems approved and built based on requirements predating the current GSMM and that is not otherwise subject to an inspection and maintenance agreement, such stormwater management systems shall be maintained by the owner so that the stormwater management systems perform as they were originally designed.

Section 14-92. Inspection and Maintenance Agreements.

(a) The owner shall execute an inspection and maintenance agreement with the City of Brookhaven obligating the owner to inspect, clean, maintain, and repair the stormwater management system; including vegetation in the final BMP landscaping plan. The form of the inspection and maintenance

agreement shall be the form provided by the City of Brookhaven. After the inspection and maintenance agreement has been signed by the owner and the City of Brookhaven, the owner shall promptly record such agreement at the owner's cost in the property record for all parcel(s) that make up the site.

- (b) The inspection and maintenance agreement shall identify by name or official title the person(s) serving as the point of contact for carrying out the owner's obligations under the inspection and maintenance agreement. The owner shall update the point of contact from time to time as needed and upon request by the City of Brookhaven. Upon any sale or transfer of the site, the new owner shall notify the City of Brookhaven in writing within 30 days of the name or official title of new person(s) serving as the point of contact for the new owner. Any failure of an owner to keep the point of contact up to date shall, following 30 days' notice, constitute a failure to maintain the stormwater management system.
- (c) The inspection and maintenance agreement shall run with the land and bind all future successors-in-title of the site. If there is a future sale or transfer of only a portion of the site, then:
  - (i) The parties to such sale or transfer may enter into and record an assignment agreement designating the owner responsible for each portion of the site and associated obligations under the inspection and maintenance agreement. The parties shall record and provide written notice and a copy of such assignment agreement to the City of Brookhaven.
  - (ii) In the absence of a recorded assignment agreement, all owners of the site shall be jointly and severally liable for all obligations under the inspection and maintenance agreement regardless of what portion of the site they own.

Section 14-93. Right of Entry for Maintenance Inspections. The terms of the inspection and maintenance agreement shall provide for the City of Brookhaven's right of entry for maintenance inspections and other specified purposes. If a site was developed before the requirement to have an inspection and maintenance agreement or an inspection and maintenance agreement was for any reason not entered into, recorded, or has otherwise been invalidated or deemed insufficient, then the City of Brookhaven shall have the right to enter and make inspections pursuant to the City of Brookhaven's general provisions for property maintenance inspections pursuant to Section 14-24.

Section 14-94. Owner's Failure to Maintain the Stormwater Management System. The terms of the inspection and maintenance agreement shall provide for what constitutes a failure to maintain a stormwater management system and the enforcement options available to City of Brookhaven. If a site was developed before the requirement to have an inspection and maintenance agreement or an inspection and maintenance agreement was for any reason not entered into, recorded, or has otherwise been invalidated or deemed insufficient, then:

- (a) An owner's failure to maintain the stormwater management system so that it performs as it was originally designed shall constitute and be addressed as a violation of, or failure to comply with, owner's property maintenance obligations pursuant to Section 14-24 and
- (b) To address such a failure to maintain the stormwater management system, the City of Brookhaven shall have all the powers and remedies that are available to it for other violations of an owner's property maintenance obligations, including without limitation prosecution, penalties, abatement, and emergency measures.

ARTICLE V. – RESERVED.

Secs. 14-95—14-147. - Reserved.