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**ST. MARYS CITY COUNCIL  
ST. MARYS, GEORGIA**

4 At the regular meeting of the St. Marys City Council, held in the St. Marys City Hall, St. Marys,  
5 Georgia:

8 Present:

10 William DeLoughy, Mayor  
11 Greg Bird, Councilman, Post 1  
12 Deborah Hase, Councilwoman, Post 2  
13 Chuck Trader, Councilman, Post 3  
14 Keith Post, Councilman, Post 4  
15 John Morrissey, Councilman, Post 5  
16 Sidney Howell, Councilman, Post 6

19 On motion of Councilmember Bird, which carried unanimous, the following Ordinance  
20 amendment was adopted:

22 AN AMENDMENT TO THE CODE OF ORDINANCES, CITY OF ST. MARYS, GEORGIA, ARTICLE III. –  
23 SOIL EROSION AND SEDIMENT CONTROL, SECTIONS 46-92 TO 46-99.2, TO RENAME ARTICLE III  
24 TO SOIL EROSION, SEDIMENTATION AND POLLUTION CONTROL ORDINANCE, TO DELETE  
25 EXISTING SECTIONS 46-92 TO 46-99.2 AND REPLACE WITH SECTIONS 46-92 TO 46-99.2 AS  
26 WRITTEN BELOW AND FOR OTHER PURPOSES AS SET FORTH THEREIN.

28 Be it, and it is, hereby ordained by the Mayor and Council of the City of St. Marys, this 2nd day of May,  
29 2011 that section 46-92 to 46-99.2 of the Code of Ordinances, City of St. Marys, Georgia is hereby  
30 amended to read as follows:

32 **Article III. – Soil Erosion, Sedimentation And Pollution Control Ordinance.**

34 **Sec. 46-92. – TITLE.**

36 This ordinance will be known as “City of St. Marys Soil Erosion, Sedimentation and Pollution Control  
37 Ordinance.”

38  
39 **Sec. 46-93. – DEFINITIONS.**

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

- 43  
44 1. **Best Management Practices (BMPs):**

- 1 These include sound conservation and engineering practices to prevent and minimize erosion  
2 and resultant sedimentation, which are consistent with, and no less stringent than, those  
3 practices contained in the 'Manual for Erosion and Sediment Control in Georgia' published by the  
4 Commission as of January 1 of the year in which the land-disturbing activity was permitted.
- 5 2. **Board:** The Board of Natural Resources.
  - 6 3. **Buffer:** The area of land immediately adjacent to the banks of state waters in its natural state of  
7 vegetation, which facilitates the protection of water quality and aquatic habitat.
  - 8 4. **Certified Personnel:** A person who has successfully completed the appropriate certification  
9 course approved by the Georgia Soil and Water Conservation Commission.
  - 10 5. **Commission:** The Georgia Soil and Water Conservation Commission (GSWCC).
  - 11 6. **CPESC:** Certified Professional in Erosion and Sediment Control with current certification by  
12 Certified Profession in Erosion and Sediment Control Inc., a corporation registered in North  
13 Carolina, which is also referred to as CPESC or CPESC, Inc.
  - 14 7. **Cut:** A portion of land surface or area from which earth has been removed or will be removed by  
15 excavation; the depth below original ground surface to the excavated surface. Also known as  
16 excavation.
  - 17 8. **Department:** The Georgia Department of Natural Resources (DNR).
  - 18 9. **Design Professional:** A professional licensed by the State of Georgia in the field of: engineering,  
19 architecture, landscape architecture, forestry, geology, or land surveying; or a person that is a  
20 Certified Professional in Erosion and Sediment Control (CPESC) with a current certification by  
21 Certified Professional in Erosion and Sediment Control Inc.
  - 22 10. **Director:** The Director of the Environmental Protection Division or an authorized representative.
  - 23 11. **District:** The Satilla River Soil and Water Conservation District.
  - 24 12. **Division:** The Environmental Protection Division (EPD) of the Department of Natural Resources.
  - 25 13. **Drainage Structure:** A device composed of a virtually nonerodible material such as concrete,  
26 steel, plastic or other such material that conveys water from one place to another by intercepting  
27 the flow and carrying it to a release point for storm water management, drainage control, or  
28 flood control purposes.
  - 29 14. **Erosion:** The process by which land surface is worn away by the action of wind, water, ice or  
30 gravity.
  - 31 15. **Erosion, Sedimentation and Pollution Control Plan:** A plan required by the Erosion and  
32 Sedimentation Act, O.C.G.A. Chapter 12-7, that includes, as a minimum protections at least as  
33 stringent as the State General Permit, best management practices, and requirements in Section  
34 46-95.C. of this ordinance.
  - 35 16. **Fill:** A portion of land surface to which soil or other solid material has been added; the depth  
36 above the original ground surface or an excavation.
  - 37 17. **Final Stabilization:** All soil disturbing activities at the site have been completed, and that for  
38 unpaved areas and areas not covered by permanent structures and areas located outside the  
39 waste disposal limits of a landfill cell that has been certified by EPD for waste disposal, 100% of  
40 the soil surface is uniformly covered in permanent vegetation with a density of 70% or greater, or  
41 equivalent permanent stabilization measures (such as the use of rip rap, gabions, permanent  
42 mulches or geotextiles) have been used. Permanent vegetation shall consist of: planted trees,  
43 shrubs, perennial vines; a crop of perennial vegetation appropriate for the time of year and  
44 region; or a crop of annual vegetation and a seeding of target crop perennials appropriate for  
45 the region. Final stabilization applies to each phase of construction.

- 1 18. **Finished Grade:** The final elevation and contour of the ground after cutting or filling and  
2 conforming to the proposed design.
- 3 19. **Grading:** Altering the shape of ground surfaces to a predetermined condition; this includes  
4 stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include  
5 the land in its cut or filled condition.
- 6 20. **Ground Elevation:** The original elevation of the ground surface prior to cutting or filling.
- 7 21. **Land-Disturbing Activity:** Any activity which may result in soil erosion from water or wind and  
8 the movement of sediments into state waters or onto lands within the state, including, but not  
9 limited to, clearing, dredging, grading, excavating, transporting, and filling of land but not  
10 including agricultural practices as described in Section 46-94, Paragraph 5.
- 11 22. **Larger Common Plan of Development or Sale:** A contiguous area where multiple separate and  
12 distinct construction activities are occurring under one plan of development or sale. For the  
13 purposes of this paragraph, "plan" means an announcement; piece of documentation such as a  
14 sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning  
15 request, or computer design; or physical demarcation such as boundary signs, lot stakes, or  
16 surveyor markings, indicating that construction activities may occur on a specific plot.
- 17 23. **Local Issuing Authority:** The governing authority of any county or municipality which is certified  
18 pursuant to subsection (a) O.C.G.A. 12-7-8.
- 19 24. **Metropolitan River Protection Act (MRPA):** A state law referenced as O.C.G.A. 12-5-440 et.seq.  
20 which addresses environmental and developmental matters in certain metropolitan river  
21 corridors and their drainage basins.
- 22 25. **Natural Ground Surface:** The ground surface in its original state before any grading, excavation  
23 or filling.
- 24 26. **Nephelometric Turbidity Units (NTU):** Numerical units of measure based upon photometric  
25 analytical techniques for measuring the light scattered by finely divided particles of a substance  
26 in suspension. This technique is used to estimate the extent of turbidity in water in which  
27 colloiddally dispersed or suspended particles are present.
- 28 27. **NOI:** A Notice of Intent form provided by EPD for coverage under the State General Permit.
- 29 28. **NOT:** A Notice of Termination form provided by EPD to terminate coverage under the State  
30 General Permit.
- 31 29. **Operator:** The party or parties that have: (A) operational control of construction project plans  
32 and specifications, including the ability to make modifications to those plans and specifications;  
33 or (B) day-to-day operational control of those activities that are necessary to ensure compliance  
34 with an erosion, sedimentation and pollution control plan for the site or other permit conditions,  
35 such as a person authorized to direct workers at a site to carry out activities required by the  
36 erosion, sedimentation and pollution control plan or to comply with other permit conditions.
- 37 30. **Outfall:** The location where storm water in a discernible, confined and discrete conveyance,  
38 leaves a facility or site or, if there is a receiving water on site, becomes a point source discharging  
39 into that receiving water.
- 40 31. **Permit:** The authorization necessary to conduct a land-disturbing activity under the provisions of  
41 this ordinance.
- 42 32. **Person:** Any individual, partnership, firm, association, joint venture, public or private corporation,  
43 trust, estate, commission, board, public or private institution, utility, cooperative, state agency,  
44 municipality or other political subdivision of the State of Georgia, any interstate body or any  
45 other legal entity.

- 1 33. **Phase or Phased:** Sub-parts or segments of construction projects where the sub-part or  
2 segment is constructed and stabilized prior to completing construction activities on the entire  
3 construction site.
- 4 34. **Project:** The entire proposed development project regardless of the size of the area of land to be  
5 disturbed.
- 6 35. **Properly Designed:** Designed in accordance with the design requirements and specifications  
7 contained in the "Manual for Erosion and Sediment Control in Georgia" (Manual) published by  
8 the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the  
9 land-disturbing activity was permitted and amendments to the Manual as approved by the  
10 Commission up until the date of NOI submittal.
- 11 36. **Roadway Drainage Structure:** A device such as a bridge, culvert, or ditch, composed of a  
12 virtually nonerodible material such as concrete, steel, plastic, or other such material that conveys  
13 water under a roadway by intercepting the flow on one side of a traveled roadway consisting of  
14 one or more defined lanes, with or without shoulder areas, and carrying water to a release point  
15 on the other side.
- 16 37. **Sediment:** Solid material, both organic and inorganic, that is in suspension, is being transported,  
17 or has been moved from its site of origin by wind, water, ice, or gravity as a product of erosion.
- 18 38. **Sedimentation:** The process by which eroded material is transported and deposited by the  
19 action of water, wind, ice or gravity.
- 20 39. **Soil and Water Conservation District Approved Plan:** An erosion, sedimentation and pollution  
21 control plan approved in writing by the Satilla River Soil and Water Conservation District.
- 22 40. **Stabilization:** The process of establishing an enduring soil cover of vegetation by the installation  
23 of temporary or permanent structures for the purpose of reducing to a minimum the erosion  
24 process and the resultant transport of sediment by wind, water, ice or gravity.
- 25 41. **State General Permit:** The National Pollution Discharge Elimination System (NPDES) general  
26 permit or permits for storm water runoff from construction activities as is now in effect or as may  
27 be amended or reissued in the future pursuant to the state's authority to implement the same  
28 through federal delegation under the Federal Water Pollution Control Act, as amended, 33 U.S.C.  
29 Section 1251, et seq., and subsection (f) of Code Section 12-5-30.
- 30 42. **State Waters:** Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage  
31 systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying  
32 within or forming a part of the boundaries of Georgia which are not entirely confined and  
33 retained completely upon the property of a single individual, partnership, or corporation.
- 34 43. **Structural Erosion, Sedimentation and Pollution Control Practices:** Practices for the  
35 stabilization of erodible or sediment-producing areas by utilizing the mechanical properties of  
36 matter for the purpose of either changing the surface of the land or storing, regulating or  
37 disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and  
38 sediment control practices are riprap, sediment basins, dikes, level spreaders, waterways or  
39 outlets, diversions, grade stabilization structures and sediment traps, etc. Such practices can be  
40 found in the publication *Manual for Erosion and Sediment Control in Georgia*.
- 41 44. **Trout Streams:** All streams or portions of streams within the watershed as designated by the  
42 Wildlife Resources Division of the Georgia Department of Natural Resources under the provisions  
43 of the Georgia Water Quality Control Act, O.C.G.A. 12-5-20, in the rules and regulations for Water  
44 Quality Control, Chapter 391-3-6 at [www.gaepd.org](http://www.gaepd.org). Streams designated as primary trout waters  
45 are defined as water supporting a self- sustaining population of rainbow, brown or brook trout.

1 Streams designated as secondary trout waters are those in which there is no evidence of natural  
2 trout reproduction, but are capable of supporting trout throughout the year. First order trout  
3 waters are streams into which no other streams flow except springs.

- 4 **45. Vegetative Erosion and Sedimentation Control Measures:** Measures for the stabilization of  
5 erodible or sediment-producing areas by covering the soil with:  
6 a. Permanent seeding, sprigging or planting, producing long-term vegetative cover, or  
7 b. Temporary seeding, producing short-term vegetative cover; or  
8 c. Sodding, covering areas with a turf of perennial sod-forming grass.

9 Such measures can be found in the publication *Manual for Erosion and Sediment Control in*  
10 *Georgia*.

- 11 **46. Watercourse:** Any natural or artificial watercourse, stream, river, creek, channel, ditch, canal,  
12 conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously  
13 or intermittently and which has a definite channel, bed and banks, and including any area  
14 adjacent thereto subject to inundation by reason of overflow or floodwater.  
15 **47. Wetlands:** Those areas that are inundated or saturated by surface or ground water at a  
16 frequency and duration sufficient to support, and that under normal circumstances do support a  
17 prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands  
18 generally include swamps, marshes, bogs, and similar areas.

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21 **Sec. 46-94. – EXEMPTIONS.**  
22

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

- 25 1. Surface mining, as the same is defined in O.C.G.A. 12-4-72, "The Georgia Surface Mining Act of  
26 1968".  
27 2. Granite quarrying and land clearing for such quarrying;  
28 3. Such minor land-disturbing activities as home gardens and individual home landscaping, repairs,  
29 maintenance work, fences, and other related activities which result in minor soil erosion;  
30 4. The construction of single-family residences, when such construction disturbs less than one (1)  
31 acre and is not a part of a larger common plan of development or sale with a planned  
32 disturbance of equal to or greater than one (1) acre and not otherwise exempted under this  
33 paragraph; provided, however, that construction of any such residence shall conform to the  
34 minimum requirements as set forth in O.C.G.A. 12-7-6 and this paragraph. For single-family  
35 residence construction covered by the provisions of this paragraph, there shall be a buffer zone  
36 between the residence and any state waters classified as trout streams pursuant to Article 2 of  
37 Chapter 5 of the Georgia Water Quality Control Act. In any such buffer zone, no land-disturbing  
38 activity shall be constructed between the residence and the point where vegetation has been  
39 wrested by normal stream flow or wave action from the banks of the trout waters. For primary  
40 trout waters, the buffer zone shall be at least 50 horizontal feet, and no variance to a smaller  
41 buffer shall be granted. For secondary trout waters, the buffer zone shall be at least 50 horizontal  
42 feet, but the Director may grant variances to no less than 25 feet. Regardless of whether a trout  
43 stream is primary or secondary, for first order trout waters, which are streams into which no other  
44 streams flow except for springs, the buffer shall be at least 25 horizontal feet, and no variance to  
45 a smaller buffer shall be granted. The minimum requirements of subsection (b) of O.C.G.A. 12-7-

1 6 and the buffer zones provided by this paragraph shall be enforced by the Local Issuing  
2 Authority;

- 3 5. Agricultural operations as defined in O.C.G.A. 1-3-3, "definitions", to include raising, harvesting  
4 or storing of products of the field or orchard; feeding, breeding or managing livestock or poultry;  
5 producing or storing feed for use in the production of livestock, including but not limited to  
6 cattle, calves, swine, hogs, goats, sheep, and rabbits or for use in the production of poultry,  
7 including but not limited to chickens, hens and turkeys; producing plants, trees, fowl, or animals;  
8 the production of aqua culture; horticultural, dairy, livestock, poultry, eggs and apiarian products;  
9 farm buildings and farm ponds;
- 10 6. Forestry land management practices, including harvesting; provided, however, that when such  
11 exempt forestry practices cause or result in land-disturbing or other activities otherwise  
12 prohibited in a buffer, as established in paragraphs (15) and (16) of Section 46-95.C. of this  
13 ordinance, no other land-disturbing activities, except for normal forest management practices,  
14 shall be allowed on the entire property upon which the forestry practices were conducted for a  
15 period of three (3) years after completion of such forestry practices;
- 16 7. Any project carried out under the technical supervision of the Natural Resources Conservation  
17 Service (NRCS) of the United States Department of Agriculture;
- 18 8. Any project involving less than one (1) acre of disturbed area; provided, however, that this  
19 exemption shall not apply to any land-disturbing activity within a larger common plan of  
20 development or sale with a planned disturbance of equal to or greater than one (1) acre or within  
21 200 feet of the bank of any state waters, and for purposes of this paragraph, "State Waters"  
22 excludes channels and drainage ways which have water in them only during and immediately  
23 after rainfall events and intermittent streams which do not have water in them year-round;  
24 provided, however, that any person responsible for a project which involves less than one (1)  
25 acre, which involves land-disturbing activity, and which is within 200 feet of any such excluded  
26 channel or drainage way, must prevent sediment from moving beyond the boundaries of the  
27 property on which such project is located and provided, further, that nothing contained herein  
28 shall prevent the Local Issuing Authority from regulating any such project which is not specifically  
29 exempted by paragraphs 1, 2, 3, 4, 5, 6, 7, 9 or 10 of this section;
- 30 9. Construction or maintenance projects, or both, undertaken or financed in whole or in part, or  
31 both, by the Department of Transportation, the Georgia Highway Authority, or the State Road  
32 and Tollway Authority; or any road construction or maintenance project, or both, undertaken by  
33 any county or municipality; provided, however, that construction or maintenance projects of the  
34 Department of Transportation or the State Road and Tollway Authority which disturb one or  
35 more contiguous acres of land shall be subject to provisions of O.C.G.A. 12-7-7.1; except where  
36 the Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway  
37 Authority is a secondary permittee for a project located within a larger common plan of  
38 development or sale under the state general permit, in which case a copy of a notice of intent  
39 under the state general permit shall be submitted to the Local Issuing Authority, the Local Issuing  
40 Authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. 12-7-6  
41 as if a permit had been issued, and violations shall be subject to the same penalties as violations  
42 by permit holders;
- 43 10. Any land-disturbing activities conducted by any electric membership corporation or municipal  
44 electrical system or any public utility under the regulatory jurisdiction of the Public Service  
45 Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory

1 Commission, any cable television system as defined in O.C.G.A. 36-18-1, or any agency or  
2 instrumentality of the United States engaged in the generation, transmission, or distribution of  
3 power; except where an electric membership corporation or municipal electrical system or any  
4 public utility under the regulatory jurisdiction of the Public Service Commission, any utility under  
5 the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television  
6 system as defined in O.C.G.A. 36-18-1, or any agency or instrumentality of the United states  
7 engaged in the generation, transmission, or distribution of power is a secondary permittee for a  
8 project located within a larger common plan of development or sale under the state general  
9 permit, in which case the Local Issuing Authority shall enforce compliance with the minimum  
10 requirements set forth in O.C.G.A. 12-7-6 as if a permit had been issued, and violations shall be  
11 subject to the same penalties as violations by permit holders; and

12 11. Any public water system reservoir.

13  
14 **Sec. 46-95. - MINIMUM REQUIREMENTS FOR EROSION, SEDIMENTATION AND**  
15 **POLLUTION CONTROL USING BEST MANAGEMENT PRACTICES.**  
16

17 A. GENERAL PROVISIONS

18 Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities if  
19 requirements of the ordinance and the NPDES General Permit are not met. Therefore, plans for  
20 those land-disturbing activities which are not exempted by this ordinance shall contain provisions  
21 for application of soil erosion, sedimentation and pollution control measures and practices. The  
22 provisions shall be incorporated into the erosion, sedimentation and pollution control plans. Soil  
23 erosion, sedimentation and pollution control measures and practices shall conform to the minimum  
24 requirements of Section 46-95.B. & C. of this ordinance. The application of measures and practices  
25 shall apply to all features of the site, including street and utility installations, drainage facilities and  
26 other temporary and permanent improvements. Measures shall be installed to prevent or control  
27 erosion, sedimentation and pollution during all stages of any land-disturbing activity in accordance  
28 with requirements of this ordinance and the NPDES General Permit.  
29

30 B. MINIMUM REQUIREMENTS/ BMPs

- 31 1. Best management practices as set forth in Section 46-95.B. & C. of this ordinance shall be  
32 required for all land-disturbing activities. Proper design, installation, and maintenance of best  
33 management practices shall constitute a complete defense to any action by the Director or to  
34 any other allegation of noncompliance with paragraph (2) of this subsection or any substantially  
35 similar terms contained in a permit for the discharge of storm water issued pursuant to  
36 subsection (f) of O.C.G.A. 12-5-30, the "Georgia Water Quality Control Act". As used in this  
37 subsection the terms "proper design" and "properly designed" mean designed in accordance  
38 with the hydraulic design specifications contained in the "Manual for Erosion and Sediment  
39 Control in Georgia" specified in O.C.G.A. 12-7-6 subsection (b).
- 40 2. A discharge of storm water runoff from disturbed areas where best management practices have  
41 not been properly designed, installed, and maintained shall constitute a separate violation of  
42 any land-disturbing permit issued by a local Issuing Authority or of any state general permit  
43 issued by the Division pursuant to subsection (f) of O.C.G.A. 12-5-30, the "Georgia Water Quality  
44 Control Act", for each day on which such discharge results in the turbidity of receiving waters  
45 being increased by more than twenty-five (25) nephelometric turbidity units for waters

1 supporting warm water fisheries or by more than ten (10) nephelometric turbidity units for  
2 waters classified as trout waters. The turbidity of the receiving waters shall be measured in  
3 accordance with guidelines to be issued by the Director. This paragraph shall not apply to any  
4 land disturbance associated with the construction of single family homes which are not part of a  
5 larger common plan of development or sale unless the planned disturbance for such  
6 construction is equal to or greater than five (5) acres.

7 3. Failure to properly design, install, or maintain best management practices shall constitute a  
8 violation of any land-disturbing permit issued by a Local Issuing Authority or of any state  
9 general permit issued by the Division pursuant to subsection (f) of Code Section 12-5-30, the  
10 "Georgia Water Quality Control Act", for each day on which such failure occurs.

11 4. The Director may require, in accordance with regulations adopted by the Board, reasonable and  
12 prudent monitoring of the turbidity level of receiving waters into which discharges from land  
13 disturbing activities occur.

14 5. The LIA may set more stringent buffer requirements than stated in C.15. and 16., in light of  
15 O.C.G.A. § 12-7-6 (c).

16 C. The rules and regulations, ordinances, or resolutions adopted pursuant to O.C.G.A. 12-7-1 et. seq.  
17 for the purpose of governing land-disturbing activities shall require, as a minimum, protections at  
18 least as stringent as the state general permit; and best management practices, including sound  
19 conservation and engineering practices to prevent and minimize erosion and resultant  
20 sedimentation, which are consistent with, and no less stringent than, those practices contained in  
21 the *Manual for Erosion and Sediment Control in Georgia* published by the Georgia Soil and Water  
22 Conservation Commission as of January 1 of the year in  
23 which the land-disturbing activity was permitted, as well as the following:

24 1. Stripping of vegetation, regrading and other development activities shall be conducted in a  
25 manner so as to minimize erosion;

26 2. Cut-fill operations must be kept to a minimum;

27 3. Development plans must conform to topography and soil type so as to create the lowest  
28 practicable erosion potential;

29 4. Whenever feasible, natural vegetation shall be retained, protected and supplemented;

30 5. The disturbed area and the duration of exposure to erosive elements shall be kept to a  
31 practicable minimum;

32 6. Disturbed soil shall be stabilized as quickly as practicable;

33 7. Temporary vegetation or mulching shall be employed to protect exposed critical areas during  
34 development;

35 8. Permanent vegetation and structural erosion control practices shall be installed as soon as  
36 practicable;

37 9. To the extent necessary, sediment in run-off water must be trapped by the use of debris basins,  
38 sediment basins, silt traps, or similar measures until the disturbed area is stabilized. As used in  
39 this paragraph, a disturbed area is stabilized when it is brought to a condition of continuous  
40 compliance with the requirements of O.C.G.A. 12-7-1 et. seq.;

41 10. Adequate provisions must be provided to minimize damage from surface water to the cut face  
42 of excavations or the sloping of fills;

43 11. Cuts and fills may not endanger adjoining property;

44 12. Fills may not encroach upon natural watercourses or constructed channels in a manner so as to  
45 adversely affect other property owners;



- 1 13. Grading equipment must cross flowing streams by means of bridges or culverts except when  
2 such methods are not feasible, provided, in any case, that such crossings are kept to a minimum;
- 3 14. Land-disturbing activity plans for erosion, sedimentation and pollution control shall include  
4 provisions for treatment or control of any source of sediments and adequate sedimentation  
5 control facilities to retain sediments on-site or preclude sedimentation of adjacent waters  
6 beyond the levels specified in Section 46-95.B.2. of this ordinance;
- 7 15. Except as provided in paragraph (16) of this subsection, there is established a 25 foot buffer  
8 along the banks of all state waters, as measured horizontally from the point where vegetation  
9 has been wrested by normal stream flow or wave action, except where the Director determines  
10 to allow a variance that is at least as protective of natural resources and the environment, where  
11 otherwise allowed by the Director pursuant to O.C.G.A. 12-2-8, where a drainage structure or a  
12 roadway drainage structure must be constructed, provided that adequate erosion control  
13 measures are incorporated in the project plans and specifications, and are implemented; or  
14 along any ephemeral stream. As used in this provision, the term 'ephemeral stream' means a  
15 stream: that under normal circumstances has water flowing only during and for a short duration  
16 after precipitation events; that has the channel located above the ground-water table year  
17 round; for which ground water is not a source of water; and for which runoff from precipitation  
18 is the primary source of water flow, Unless exempted as along an ephemeral stream, the buffers  
19 of at least 25 feet established pursuant to part 6 of Article 5, Chapter 5 of Title 12, the "Georgia  
20 Water Quality Control Act", shall remain in force unless a variance is granted by the Director as  
21 provided in this paragraph. The following requirements shall apply to any such buffer:
- 22 a. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in  
23 its natural, undisturbed state of vegetation until all land-disturbing activities on the  
24 construction site are completed. Once the final stabilization of the site is achieved, a buffer  
25 may be thinned or trimmed of vegetation as long as a protective vegetative cover remains  
26 to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity  
27 to keep shade on the stream bed; provided, however, that any person constructing a single-  
28 family residence, when such residence is constructed by or under contract with the owner  
29 for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as  
30 protective vegetative cover remains to protect water quality and aquatic habitat and a  
31 natural canopy is left in sufficient quantity to keep shade on the stream bed; and
- 32 b. The buffer shall not apply to the following land-disturbing activities, provided that they  
33 occur at an angle, as measured from the point of crossing, within 25 degrees of  
34 perpendicular to the stream; cause a width of disturbance of not more than 50 feet within  
35 the buffer; and adequate erosion control measures are incorporated into the project plans  
36 and specifications and are implemented: (i) Stream crossings for water lines; or (ii) Stream  
37 crossings for sewer lines; and
- 38 16. There is established a 50 foot buffer as measured horizontally from the point where vegetation  
39 has been wrested by normal stream flow or wave action, along the banks of any state waters  
40 classified as "trout streams" pursuant to Article 2 of Chapter 5 of Title 12, the "Georgia Water  
41 Quality Control Act", except where a roadway drainage structure must be constructed ; provided,  
42 however, that small springs and streams classified as trout streams which discharge an average  
43 annual flow of 25 gallons per minute or less shall have a 25 foot buffer or they may be piped, at  
44 the discretion of the landowner, pursuant to the terms of a rule providing for a general variance  
45 promulgated by the Board, so long as any such pipe stops short of the downstream landowner's

1 property and the landowner complies with the buffer requirement for any adjacent trout  
2 streams. The Director may grant a variance from such buffer to allow land-disturbing activity,  
3 provided that adequate erosion control measures are incorporated in the project plans and  
4 specifications and are implemented. The following requirements shall apply to such buffer:

- 5 a. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in  
6 its natural, undisturbed, state of vegetation until all land-disturbing activities on the  
7 construction site are completed. Once the final stabilization of the site is achieved, a buffer  
8 may be thinned or trimmed of vegetation as long as a protective vegetative cover remains  
9 to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity  
10 to keep shade on the stream bed; provided, however, that any person constructing a single-  
11 family residence, when such residence is constructed by or under contract with the owner  
12 for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as  
13 protective vegetative cover remains to protect water quality and aquatic habitat and a  
14 natural canopy is left in sufficient quantity to keep shade on the stream bed; and
- 15 b. The buffer shall not apply to the following land-disturbing activities, provided that they  
16 occur at an angle, as measured from the point of crossing, within 25 degrees of  
17 perpendicular to the stream; cause a width of disturbance of not more than 50 feet within  
18 the buffer; and adequate erosion control measures are incorporated into the project plans  
19 and specifications and are implemented: (i) Stream crossings for water lines; or (ii) Stream  
20 crossings for sewer lines.

- 21 D. Nothing contained in O.C.G.A. 12-7-1 et. seq. shall prevent any Local Issuing Authority from  
22 adopting rules and regulations, ordinances, or resolutions which contain stream buffer requirements  
23 that exceed the minimum requirements in Section 46-95.B. & C. of this ordinance.
- 24 E. The fact that land-disturbing activity for which a permit has been issued results in injury to the  
25 property of another shall neither constitute proof of nor create a presumption of a violation of the  
26 standards provided for in this ordinance or the terms of the permit.

## 27 28 **Sec. 46-96. - APPLICATION/PERMIT PROCESS.**

### 29 30 **A. GENERAL**

31 The property owner, developer and designated planners and engineers shall design and review  
32 before submittal the general development plans. The Local Issuing Authority shall review the tract  
33 to be developed and the area surrounding it. They shall consult the zoning ordinance, storm water  
34 management ordinance, subdivision ordinance, flood damage prevention ordinance, this  
35 ordinance, and any other ordinances, rules, regulations or permits, which regulate the development  
36 of land within the jurisdictional boundaries of the Local Issuing Authority. However, the owner  
37 and/or operator are the only parties who may obtain a permit.

### 38 39 **B. APPLICATION REQUIREMENTS**

- 40 1. No person shall conduct any land-disturbing activity within the jurisdictional boundaries of St.  
41 Marys without first obtaining a permit from the Planning Department to perform such activity  
42 and providing a copy of Notice of Intent submitted to EPD if applicable.
- 43 2. The application for a permit shall be submitted to the Planning Department and must include  
44 the applicant's erosion, sedimentation and pollution control plan with supporting data, as  
45 necessary. Said plans shall include, as a minimum, the data specified in Section 46-96.C. of this

1 ordinance. Erosion, sedimentation and pollution control plans, together with supporting data,  
2 must demonstrate affirmatively that the land disturbing activity proposed will be carried out in  
3 such a manner that the provisions of Section 46-95.B. & C. of this ordinance will be met.  
4 Applications for a permit will not be accepted unless accompanied by 4 copies of the applicant's  
5 erosion, sedimentation and pollution control plans. All applications shall contain a certification  
6 stating that the plan preparer or the designee thereof visited the site prior to creation of the  
7 plan in accordance with EPD Rule 391-3-7-.10.

- 8 3. In addition to the local permitting fees, fees will also be assessed pursuant to paragraph (5)  
9 subsection (a) of O.C.G.A. 12-5-23, provided that such fees shall not exceed \$80.00 per acre of  
10 land-disturbing activity, and these fees shall be calculated and paid by the primary permittee as  
11 defined in the state general permit for each acre of land-disturbing activity included in the  
12 planned development or each phase of development. All applicable fees shall be paid prior to  
13 issuance of the land disturbance permit. In a jurisdiction that is certified pursuant to subsection  
14 (a) of O.C.G.A. 12-7-8 half of such fees levied shall be submitted to the Division; except that any  
15 and all fees due from an entity which is required to give notice pursuant to paragraph (9) or (10)  
16 of O.C.G.A. 12-7-17 shall be submitted in full to the Division, regardless of the existence of a  
17 Local Issuing Authority in the jurisdiction.
- 18 4. Immediately upon receipt of an application and plan for a permit, the Local Issuing Authority  
19 shall refer the application and plan to the District for its review and approval or disapproval  
20 concerning the adequacy of the erosion, sedimentation and pollution control plan. The District  
21 shall approve or disapprove a plan within 35 days of receipt. Failure of the District to act within  
22 35 days shall be considered an approval of the pending plan. The results of the District review  
23 shall be forwarded to the Local Issuing Authority. No permit will be issued unless the plan has  
24 been approved by the District, and any variances required by Section 46-95.C.15. & 16. has been  
25 obtained, all fees have been paid, and bonding, if required as per Section 46-96.B.6., have been  
26 obtained. Such review will not be required if the Local Issuing Authority and the District have  
27 entered into an agreement which allows the Local Issuing Authority to conduct such review and  
28 approval of the plan without referring the application and plan to the District. The Local Issuing  
29 Authority with plan review authority shall approve or disapprove a revised Plan submittal within  
30 35 days of receipt. Failure of the Local Issuing Authority with plan review authority to act within  
31 35 days shall be considered an approval of the revised Plan submittal.
- 32 5. If a permit applicant has had two or more violations of previous permits, this ordinance section,  
33 or the Erosion and Sedimentation Act, as amended, within three years prior to the date of filing  
34 the application under consideration, the Local Issuing Authority may deny the permit  
35 application.
- 36 6. The Local Issuing Authority may require the permit applicant to post a bond in the form of  
37 government security, cash, irrevocable letter of credit, or any combination thereof up to, but not  
38 exceeding, \$3,000.00 per acre or fraction thereof of the proposed land-disturbing activity, prior  
39 to issuing the permit. If the applicant does not comply with this section or with the conditions  
40 of the permit after issuance, the Local Issuing Authority may call the bond or any part thereof to  
41 be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-  
42 disturbing activity and bring it into compliance. These provisions shall not apply unless there is  
43 in effect an ordinance or statute specifically providing for hearing and judicial review of any  
44 determination or order of the Local Issuing Authority with respect to alleged permit violations.

1 C. PLAN REQUIREMENTS

- 2 1. Plans must be prepared to meet the minimum requirements as contained in Section 46-95.B. &  
3 C. of this ordinance, or through the use of more stringent, alternate design criteria which  
4 conform to sound conservation and engineering practices. The *Manual for Erosion and Sediment*  
5 *Control in Georgia* is hereby incorporated by reference into this ordinance. The plan for the  
6 land-disturbing activity shall consider the interrelationship of the soil types, geological and  
7 hydrological characteristics, topography, watershed, vegetation, proposed permanent structures  
8 including roadways, constructed waterways, sediment control and storm water management  
9 facilities, local ordinances and State laws. Maps, drawings and supportive computations shall  
10 bear the signature and seal of the certified design professional. Persons involved in land  
11 development design, review, permitting, construction, monitoring, or inspections or any land  
12 disturbing activity shall meet the education and training certification requirements, dependent  
13 on his or her level of involvement with the process, as developed by the Commission and in  
14 consultation with the Division and the Stakeholder Advisory Board created pursuant to O.C.G.A.  
15 12-7-20.
- 16 2. Data Required for Site Plan shall include all the information required from the appropriate  
17 Erosion, Sedimentation and Pollution Control Plan Review Checklist established by the  
18 Commission as of January 1 of the year in which the land-disturbing activity was permitted.

19 D. PERMITS

- 20 1. Permits shall be issued or denied as soon as practicable but in any event not later than forty-five  
21 (45) days after receipt by the Local Issuing Authority of a completed application, providing  
22 variances and bonding are obtained, where necessary and all applicable fees have been paid  
23 prior to permit issuance. The permit shall include conditions under which the activity may be  
24 undertaken.
- 25 2. No permit shall be issued by the Local Issuing Authority unless the erosion, sedimentation and  
26 pollution control plan has been approved by the District and the Local Issuing Authority has  
27 affirmatively determined that the plan is in compliance with this ordinance, any variances  
28 required by Section 46-95.C.15. & 16. are obtained, bonding requirements, if necessary, as per  
29 Section 46-96.B.6. are met and all ordinances and rules and regulations in effect within the  
30 jurisdictional boundaries of the Local Issuing Authority are met. If the permit is denied, the  
31 reason for denial shall be furnished to the applicant.
- 32 3. Any land-disturbing activities by a local issuing authority shall be subject to the same  
33 requirements of this ordinance, and any other ordinances relating to land development, as are  
34 applied to private persons and the division shall enforce such requirements upon the local  
35 issuing authority.
- 36 4. If the tract is to be developed in phases, then a separate permit shall be required for each phase.
- 37 5. The permit may be suspended, revoked, or modified by the Local Issuing Authority, as to all or  
38 any portion of the land affected by the plan, upon finding that the holder or his successor in the  
39 title is not in compliance with the approved erosion and sedimentation control plan or that the  
40 holder or his successor in title is in violation of this ordinance. A holder of a permit shall notify  
41 any successor in title to him as to all or any portion of the land affected by the approved plan of  
42 the conditions contained in the permit.
- 43 6. The LIA may reject a permit application if the applicant has had two or more violations of  
44 previous permits or the Erosion and Sedimentation Act permit requirements within three years  
45 prior to the date of the application, in light of O.C.G.A. 12-7-7 (f) (1).

1  
2 **Sec. 46-97. - INSPECTION AND ENFORCEMENT.**  
3

- 4 A. The Public Works Department and/or the Planning Department will periodically inspect the sites of  
5 land-disturbing activities for which permits have been issued to determine if the activities are being  
6 conducted in accordance with the plan and if the measures required in the plan are effective in  
7 controlling erosion and sedimentation. Also, the Local Issuing Authority shall regulate primary,  
8 secondary and tertiary permittees as such terms are defined in the state general permit. Primary  
9 permittees shall be responsible for installation and maintenance of best management practices  
10 where the primary permittee is conducting land-disturbing activities. Secondary permittees shall be  
11 responsible for installation and maintenance of best management practices where the secondary  
12 permittee is conducting land-disturbing activities. Tertiary permittees shall be responsible for  
13 installation and maintenance where the tertiary permittee is conducting land-disturbing activities.  
14 If, through inspection, it is deemed that a person engaged in land-disturbing activities as defined  
15 herein has failed to comply with the approved plan, with permit conditions, or with the provisions of  
16 this ordinance, a written notice to comply shall be served upon that person. The notice shall set  
17 forth the measures necessary to achieve compliance and shall state the time within which such  
18 measures must be completed. If the person engaged in the land-disturbing activity fails to comply  
19 within the time specified, he shall be deemed in violation of this ordinance.
- 20 B. The Local Issuing Authority must amend its ordinances to the extent appropriate within twelve (12)  
21 months of any amendments to the Erosion and Sedimentation Act of 1975.
- 22 C. The Public Works Department and/or the Planning Department shall have the power to conduct  
23 such investigations as it may reasonably deem necessary to carry out duties as prescribed in this  
24 ordinance, and for this purpose to enter at reasonable times upon any property, public or private,  
25 for the purpose of investigation and inspecting the sites of land-disturbing activities.
- 26 D. No person shall refuse entry or access to any authorized representative or agent of the Local Issuing  
27 Authority, the Commission, the District, or Division who requests entry for the purposes of  
28 inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or  
29 interfere with any such representative while in the process of carrying out his official duties.
- 30 E. The District or the Commission or both shall semi-annually review the actions of counties and  
31 municipalities which have been certified as Local Issuing Authorities pursuant to O.C.G.A. 12-7-8 (a).  
32 The District or the Commission or both may provide technical assistance to any county or  
33 municipality for the purpose of improving the effectiveness of the county's or municipality's erosion,  
34 sedimentation and pollution control program. The District or the Commission shall notify the  
35 Division and request investigation by the Division if any deficient or ineffective local program is  
36 found.
- 37 F. The Division may periodically review the actions of counties and municipalities which have been  
38 certified as Local Issuing Authorities pursuant to Code Section 12-7-8 (a). Such review may include,  
39 but shall not be limited to, review of the administration and enforcement of a governing authority's  
40 ordinance and review of conformance with an agreement, if any, between the district and the  
41 governing authority. If such review indicates that the governing authority of any county or  
42 municipality certified pursuant to O.C.G.A. 12-7-8 (a) has not administered or enforced its  
43 ordinances or has not conducted the program in accordance with any agreement entered into  
44 pursuant to O.C.G.A. 12-7-7 (e), the Division shall notify the governing authority of the county or  
45 municipality in writing. The governing authority of any county or municipality so notified shall have

1 90 days within which to take the necessary corrective action to retain certification as a Local Issuing  
2 Authority. If the county or municipality does not take necessary corrective action within 90 days  
3 after notification by the division, the division shall revoke the certification of the county or  
4 municipality as a Local Issuing Authority.  
5

6 **Sec. 46-98. - PENALTIES AND INCENTIVES.**  
7

8 **A. FAILURE TO OBTAIN A PERMIT FOR LAND-DISTURBING ACTIVITY**

9 If any person commences any land-disturbing activity requiring a land-disturbing permit as  
10 prescribed in this ordinance without first obtaining said permit, the person shall be subject to  
11 revocation of his business license, work permit or other authorization for the conduct of a business  
12 and associated work activities within the jurisdictional boundaries of the Local Issuing Authority.  
13

14 **B. STOP-WORK ORDERS**

- 15 1. For the first and second violations of the provisions of this ordinance, the Director or the Local  
16 Issuing Authority shall issue a written warning to the violator. The violator shall have five days to  
17 correct the violation. If the violation is not corrected within five days, the Director or the Local  
18 Issuing Authority shall issue a stop-work order requiring that land-disturbing activities be  
19 stopped until necessary corrective action or mitigation has occurred; provided, however, that, if  
20 the violation presents an imminent threat to public health or waters of the state or if the land-  
21 disturbing activities are conducted without obtaining the necessary permit, the Director or the  
22 Local Issuing Authority shall issue an immediate stop-work order in lieu of a warning;
- 23 2. For a third and each subsequent violation, the Director or the Local Issuing Authority shall issue  
24 an immediate stop-work order; and;
- 25 3. All stop-work orders shall be effective immediately upon issuance and shall be in effect until the  
26 necessary corrective action or mitigation has occurred.
- 27 4. When a violation in the form of taking action without a permit, failure to maintain a stream  
28 buffer, or significant amounts of sediment, as determined by the Local Issuing Authority or by  
29 the Director or his or her Designee, have been or are being discharged into state waters and  
30 where best management practices have not been properly designed, installed, and maintained,  
31 a stop work order shall be issued by the Local Issuing Authority or by the Director or his or her  
32 Designee. All such stop work orders shall be effective immediately upon issuance and shall be  
33 in effect until the necessary corrective action or mitigation has occurred. Such stop work orders  
34 shall apply to all land-disturbing activity on the site with the exception of the installation and  
35 maintenance of temporary or permanent erosion and sediment controls.

36 **C. BOND FORFEITURE**

37 If, through inspection, it is determined that a person engaged in land-disturbing activities has  
38 failed to comply with the approved plan, a written notice to comply shall be served upon that  
39 person. The notice shall set forth the measures necessary to achieve compliance with the plan  
40 and shall state the time within which such measures must be completed. If the person engaged in  
41 the land-disturbing activity fails to comply within the time specified, he shall be deemed in  
42 violation of this ordinance and, in addition to other penalties, shall be deemed to have forfeited  
43 his performance bond, if required to post one under the provisions of Section 46-96.B.6. The  
44 Local Issuing Authority may call the bond or any part thereof to be forfeited and may use the  
45 proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into  
compliance.

1 D. MONETARY PENALTIES

- 2 1. Any person who violates any provisions of this ordinance, or any permit condition or limitation  
3 established pursuant to this ordinance, or who negligently or intentionally fails or refuses to  
4 comply with any final or emergency order of the Director issued as provided in this ordinance  
5 shall be liable for a civil penalty not to exceed \$2,500.00 per day. For the purpose of enforcing  
6 the provisions of this ordinance, notwithstanding any provisions in any City charter to the  
7 contrary, municipal courts shall be authorized to impose penalty not to exceed \$2,500.00 for  
8 each violation. Notwithstanding any limitation of law as to penalties which can be assessed for  
9 violations of county ordinances, any magistrate court or any other court of competent  
10 jurisdiction trying cases brought as violations of this ordinance under county ordinances  
11 approved under this ordinance shall be authorized to impose penalties for such violations not to  
12 exceed \$2,500.00 for each violation. Each day during which violation or failure or refusal to  
13 comply continues shall be a separate violation.

14  
15 **Sec. 46-99. - EDUCATION AND CERTIFICATION.**

- 16  
17 A. Persons involved in land development design, review, permitting, construction, monitoring, or  
18 inspection or any land-disturbing activity shall meet the education and training certification  
19 requirements, dependent on their level of involvement with the process, as developed by the  
20 commission in consultation with the division and the stakeholder advisory board created pursuant  
21 to O.C.G.A. 12-7-20.
- 22 B. For each site on which land-disturbing activity occurs, each entity or person acting as either a  
23 primary, secondary, or tertiary permittee, as defined in the state general permit, shall have as a  
24 minimum one person who is in responsible charge of erosion and sedimentation control activities  
25 on behalf of said entity or person and meets the applicable education or training certification  
26 requirements developed by the Commission present on site whenever land-disturbing activities are  
27 conducted on that site. A project site shall herein be defined as any land-disturbance site or  
28 multiple sites within a larger common plan of development or sale permitted by an owner or  
29 operator for compliance with the state general permit.
- 30 C. Persons or entities involved in projects not requiring a state general permit but otherwise requiring  
31 certified personnel on site may contract with certified persons to meet the requirements of this  
32 ordinance.
- 33 D. If a state general permittee who has operational control of land-disturbing activities for a site has  
34 met the certification requirements of paragraph (1) of subsection (b) of O.C.G.A. 12-7-19, then any  
35 person or entity involved in land-disturbing activity at that site and operating in a subcontractor  
36 capacity for such permittee shall meet those educational requirements specified in paragraph (4) of  
37 subsection (b) of O.C.G.A 12-7-19 and shall not be required to meet any educational requirements  
38 that exceed those specified in said paragraph.

39  
40 **Sec. 46-99.1. - ADMINISTRATIVE APPEAL JUDICIAL REVIEW.**

41  
42 A. ADMINISTRATIVE REMEDIES

43 The suspension, revocation, modification or grant with condition of a permit by the Local Issuing  
44 Authority upon finding that the holder is not in compliance with the approved erosion, sediment  
45 and pollution control plan; or that the holder is in violation of permit conditions; or that the holder

1 is in violation of any ordinance; shall entitle the person submitting the plan or holding the permit to  
2 a hearing before the City Council within 45 days after receipt by the Local Issuing Authority of  
3 written notice of appeal.

4 B. JUDICIAL REVIEW

5 Any person, aggrieved by a decision or order of the Local Issuing Authority, after exhausting his  
6 administrative remedies, shall have the right to appeal denovo to the Superior Court of Camden  
7 County.

8  
9 **Sec. 46-99.2. - EFFECTIVITY, VALIDITY AND LIABILITY.**

10  
11 A. EFFECTIVITY

12 This ordinance shall become effective on the  
13 2<sup>nd</sup> day of May, 2011.

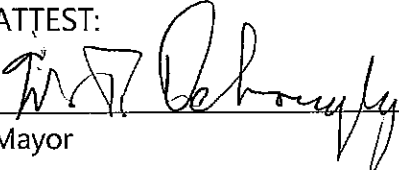
14 B. VALIDITY

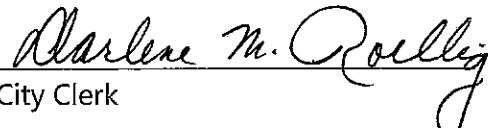
15 If any section, paragraph, clause, phrase, or provision of this ordinance shall be adjudged invalid or  
16 held unconstitutional, such decisions shall not affect the remaining portions of this ordinance.

17 C. LIABILITY

- 18 1. Neither the approval of a plan under the provisions of this ordinance, nor the compliance with  
19 provisions of this ordinance shall relieve any person from the responsibility for damage to any  
20 person or property otherwise imposed by law nor impose any liability upon the Local Issuing  
21 Authority or District for damage to any person or property.
- 22 2. The fact that a land-disturbing activity for which a permit has been issued results in injury to the  
23 property of another shall neither constitute proof of nor create a presumption of a violation of  
24 the standards provided for in this ordinance or the terms of the permit.
- 25 3. No provision of this ordinance shall permit any persons to violate the Georgia Erosion and  
26 Sedimentation Act of 1975, the Georgia Water Quality Control Act or the rules and regulations  
27 promulgated and approved thereunder or pollute any Waters of the State as defined thereby.

28  
29  
30 ATTEST:

31   
32 \_\_\_\_\_  
33 Mayor

  
\_\_\_\_\_  
City Clerk