

CHAPTER 23. STORMWATER MANAGEMENT

ARTICLE 1. GENERAL PROVISIONS

ARTICLE 2. POLLUTION PREVENTION

ARTICLE 3. STORMWATER MANAGEMENT PLANS

ARTICLE 4. ENFORCEMENT AND PENALTIES

ARTICLE 1. GENERAL PROVISIONS.

Sec. 23-1. Short title.

Sec. 23-2. Authority.

Sec. 23-3. Findings, purpose, and intent.

Sec. 23-4. Definitions.

Sec. 23-5. Applicability.

Sec. 23-6. Powers of the engineering department.

Sec. 23-1. Short title.

This chapter shall be known as the stormwater management chapter for Macon-Bibb County, Georgia.

Sec. 23-2. Authority.

Macon-Bibb County is authorized by the State Constitution, including, without limitation, Article IX, Section II, Paragraphs I(a) and III(a)(6) thereof, and state law to provide stormwater management services throughout the geographic area of Bibb County.

Sec. 23-3. Findings, purpose, and intent.

(a) The commission of Macon-Bibb County makes the following findings of fact:

(1) Land development and associated increases in impervious cover alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, and sediment transport and deposition;

- (2) Stormwater runoff contributes to increased quantities of water-borne pollutants;
- (3) Stormwater runoff, soil erosion, and nonpoint source pollution can be controlled and minimized through the regulation of stormwater runoff from development sites;
- (4) Improper management of stormwater runoff may cause erosion of lands, threaten businesses, residences, and other facilities with water damage and may cause environmental damage to the rivers, streams, and other bodies of water within and adjacent to Macon-Bibb County;
- (5) Failure to effectively manage stormwater may affect the operations of sanitary sewer operated by the Macon Water Authority by, among other things, increasing the likelihood of infiltration and inflow into the sanitary sewer system;
- (6) Adverse water quality and quantity consequences could result in substantial economic losses;
- (7) Proper management of stormwater is a key element of having clean water with adequate assimilative capacity for treated wastewater discharges and adequate potable drinking water that are essential to support existing and future development in Macon-Bibb County;
- (8) The Macon-Bibb County is required under federal and state regulations (i.e., the Macon-Bibb County's National Pollutant Discharge Elimination System (NPDES) Phase I notice of intent and stormwater permit) to provide enhanced management of stormwater runoff quality to mitigate the impacts of pollutants which may be discharged from the public municipal separate storm sewer system (MS4) and stormwater conveyance into state or United States' waters;
- (9) The regulation of stormwater runoff discharges from land development projects and other construction activities in order to control and minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and nonpoint source pollution associated with stormwater runoff is in the public interest and will prevent threats to public health and safety;
- (10) Illicit discharges as defined herein contribute to degradation of plants and wildlife in natural water bodies in the county. The elimination of these illicit discharges is in the public interest and will prevent threats to the public health.

(b) The purposes and intent of the governing authority of the Macon-Bibb County in enacting this chapter are as follows:

- (1) Protect, maintain, and enhance the short-term and long-term public health, safety, and general welfare by:
 - a. Establishing minimum stormwater management requirements and controls to protect and safeguard the public residing in watersheds within this jurisdiction;

- b. Providing for the regulation of non-stormwater discharges to the storm drainage system to the maximum extent practicable by regulating the contribution of pollutants by stormwater discharges by any user;
 - c. Protecting, preserving, and enhancing water quality and fish and wildlife habitat within the jurisdiction and in downstream receiving waters;
 - d. Protecting those downstream from water quality and quantity impacts.
- (2) Comply with the state department of natural resources and environmental protection division stormwater regulations developed pursuant to the federal Clean Water Act. These requirements include:
- a. Regulating activities to improve and maintain those water resources that lie partially or wholly within the jurisdictional boundaries of the Macon-Bibb County;
 - b. Prohibiting illicit connections and illicit discharges to the municipal separate storm sewer system (MS4);
 - c. Providing reasonable guidance for the regulation of stormwater runoff for the purpose of protecting local water resources from degradation through enactment of a comprehensive set of water quality and quantity policies applicable to all surface waters;
- (3) Require development plans to minimize the transport of pollutants to the municipal separate storm sewer system (MS4) by requiring approval and implementation of stormwater management plans for activities that may have an adverse impact on community waters.
- (4) Establish legal authority to carry out all inspection, surveillance and monitoring, and enforcement procedures as necessary to ensure compliance with this chapter.

Sec. 23-4. Definitions.

When used in this chapter, the following words and phrases shall have the meaning given in this section. Words not defined herein shall be construed to have a meaning given by common and ordinary use as defined by Webster's Third New International Dictionary, copyright 2000. The term "shall" is mandatory not discretionary; the term "may" is permissive. When not inconsistent with the context, words used in the singular number include the plural and those used in the plural number include the singular. Words used in the present tense include the future. The following definitions shall apply in the interpretation and enforcement of this chapter, unless otherwise specifically stated:

Accidental discharge means a discharge prohibited by this chapter into the municipal separate storm sewer system (MS4) which occurs by chance and without planning or consideration prior to the occurrence.

Appeals authority means the commission, one of whose duties is to review appeals to this chapter and render decisions and variances.

As-built drawings mean amended site and construction plans specifying the locations, dimensions, elevations, capacities, and operational capabilities of road and drainage structures and facilities as they have been constructed.

Best management practices (BMP's) mean structural devices to store or treat stormwater runoff and also means a wide range of management procedures, activities, and prohibitions on practices which control the quality and/or quantity of stormwater runoff and which are compatible with the planned land use. Best management practices includes schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Clean Water Act means the federal Water Pollution Control Act, as amended (33 USC 1251 et seq.).

Cooling water means water used exclusively as a cooling medium in an appliance, device, or apparatus.

Construction means any alteration of land for the purpose of achieving its development of changing use, including particularly any preparation for, building of, or erection of a structure and/or infrastructure.

Construction activity means activities subject to the Georgia Erosion and Sedimentation Control Act or NPDES construction permits or land disturbance permits. These include construction projects resulting in land disturbance of one acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

Conveyance means stormwater features designed for the movement of stormwater through the drainage system, such as concrete or metal pipes, ditches, depressions, swales, etc.

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. Also known as "excavation."

Day. A day is defined as a calendar day.

Department means the Georgia Department of Natural Resources.

Design storm means the rainfall event of such size and frequency as described in the state stormwater management manual or the local design manual which is used for the design of stormwater facilities.

Development means any action in preparation for construction activities which result in alteration of either land or vegetation other than such minor land disturbing activities such as home gardens and individual home landscaping repairs or maintenance work which result in minor soil erosion. Development includes:

- (1) The division of a lot, tract or parcel of land into two (2) or more lots, plots, sites, tracts, parcels or other division by plat or deed;
- (2) The construction, installation, or alteration of a structure, impervious surface, or drainage facility;
- (3) Clearing, scraping, grubbing, or otherwise significantly disturbing the soil, vegetation, mud, sand or rock of a site; or
- (4) Adding, removing, exposing, excavation, leveling, grading, digging, burrowing, dumping, piling, dredging, or otherwise disturbing the soil, vegetation, mud, sand or rock of a site.

Developer means any person who acts in his own behalf or as the agent of any owner of property and engages in alteration of land or vegetation in preparation for construction activity.

Director means the director of the environmental protection division of the department of natural resources of the state.

Division means the environmental protection division of the state department of natural resources.

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

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 any stormwater conveyance structure as defined below, and any piping or ditching for stormwater management purposes.

Drainage system means the surface and subsurface system for the removal of water from the land, including both the natural elements of streams, marshes, and ponds, whether of an intermittent or continuous nature, and the manmade element which includes culverts, ditches, channels, retention facilities and the storm sewer system.

Easement is a property right provided to a person for his or her use and benefit over the property rights of other property owners. It is an interest in land, which confers upon its owner, some right, benefit, dominion, or lawful use out of or over the estate of another. An easement must be used for a stated purpose and is usually granted for a specific portion of the real property. For stormwater purposes, easements may be established by developers or property owners to define areas which must be kept clear of obstructions to water flow to prevent flooding. Macon-Bibb County reserves the right to accept or not accept maintenance responsibilities for such easements based on policies and criteria established by the commission.

Engineer means the director of the engineering department of Macon-Bibb County.

Engineering department means the engineering department of Macon-Bibb County.

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

Erosion and sediment control plan means a plan for the control of soil erosion and sediment resulting from land disturbing activity.

Existing grade means the vertical location of the existing ground surface prior to cutting or filling.

Filling means the placement of any soil or other solid material, either organic or inorganic, on a natural ground surface or excavation.

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

Flood means a general and temporary rise in the level of rivers, streams, lakes, marshes, and ocean, which results in inundation of areas not ordinarily covered by water.

Flooding means the unusual and rapid accumulation or runoff of surface waters from any source, especially to an unusual or harmful degree.

Governing body means the mayor and commission of Macon-Bibb County.

Grading means altering ground surfaces to specified elevations, dimensions, and/or slopes; this includes stripping, cutting, filling, stockpiling, and shaping, or any combination thereof, and shall include the land in its cut or filled condition.

Greenbelt means an area of land to be dedicated to Macon-Bibb County or a land trust which shall remain undisturbed, insofar as possible, from its natural state to form a screen or buffer.

Hazardous materials means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Hotspot means an area where the land use or activities generate or have the potential to generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater or as specified by Macon-Bibb County.

Illegal connection means either of the following: a) Any pipe, open channel, drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm drain system including, but not limited to, any conveyances which allow any nonstormwater discharge, including sewage, process wastewater, and wash water to enter the storm drain system, regardless of whether such pipe, open channel, drain or conveyance has been previously allowed, permitted, or approved by an authorized enforcement agency; or b) Any pipe, open channel, drain or conveyance connected to Macon-Bibb County's stormwater drainage system which has not been documented in plans, maps, or equivalent records, and approved by an authorized enforcement agency.

Illicit connection means any man-made conveyance connecting a discharge directly to a municipal separate storm sewer system (MS4).

Illicit discharge means any direct or indirect nonstormwater discharge to Macon-Bibb County's municipal separate storm sewer system, except as exempted in this chapter.

Impervious surface means a manmade structure or surface which prevents the infiltration of stormwater into the ground below the structure or surface. Structures or surfaces which are constructed so as to only minimally affect the infiltration of stormwater are not considered impervious surfaces.

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

Intermediate regional flood means a 100-year frequency flood, as defined on the flood hazard map, which has a one-percent chance of being equaled or exceeded in any given year.

Intermittent stream means a stream that flows in a well-defined channel during wet seasons of the year but not for the entire year.

Issuing authority means Macon-Bibb County, which has been certified by the director of the environmental protection division of the department of natural resources as an issuing authority, pursuant to the Erosion and Sedimentation Act of 1975, as amended.

Jurisdictional wetland means an area that meets the definitional requirements for wetlands as determined by the U.S. Army Corps of Engineers.

Jurisdictional wetland determination means a delineation of jurisdictional wetland boundaries by the U.S. Army Corps of Engineers, as required by Section 404 of the Clean Water Act, 33 U.S.C. § 1344, as amended.

Land disturbing activity means any activity which results in changes in the volume or flow rates of rainfall runoff, soil erosion from water or wind, or the movement of sediments into state waters or onto land within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land.

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

Local stormwater design manual (LDM) means the most recent manual containing specific guidelines and standards for stormwater management that are either watershed or county-wide specific, for the proper implementation of the requirements of this chapter. Copies of this manual may be obtained from the engineering department of Macon-Bibb County. The Georgia Stormwater Management Manual is available online at www.georgiastormwater.org.

Lot means a tract, portion, or parcel of land separated from other tracts, portions, or parcels by description on a subdivision plat of record or survey map or described by metes and bounds, and intended to be used to facilitate transfer of ownership or for building development. For the purposes of this chapter, the term does not include any portion of a dedicated right-of-way.

Maintenance means any action necessary to preserve stormwater management facilities in proper working condition, in order to serve the intended purposes set forth in this chapter and to prevent structural failure of such facilities, including but not limited to, preserving the enclosing walls or impounding embankment of the retention facility in good condition; ensuring structural soundness, functional adequacy and freedom from sediment; and rectifying any unforeseen erosion problems.

Municipal separate storm sewer system (MS4) means a conveyance or system of conveyances including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels or storm drains, owned or operated by Macon-Bibb County or a city, county, or other public entity, designed or used for collecting or conveying storm water runoff and is not a combined sewer or part of a publicly owned treatment works.

National pollutant discharge elimination system (NPDES) stormwater discharge permit means a permit issued by the U.S. Environmental Protection Agency or a permit issued by the state under authority delegated pursuant to 33 USC § 1342(b), that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

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

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

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

Owner means the person in whom is vested the fee ownership, dominion or title of property, by proprietor; this term may also include a tenant, if chargeable

under his lease for the maintenance of the property, and any agent of the owner or tenant, including a developer.

Perennial stream means a stream that flows in a well-defined channel throughout most of the year under normal climatic conditions.

Permit means the authorization necessary to conduct a land-disturbing activity under the provisions of this chapter.

Person means 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.

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

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

Post-development conditions means the conditions which exist following the completion of the development activity in terms of topography; vegetation; land use; and rate, volume or direction of stormwater runoff.

Predeveloped conditions means those land use conditions that existed prior to the initiation of the development activity in terms of topography; vegetation; land use; and rate, volume, or direction of stormwater runoff.

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

Pretreatment means the onsite reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in stormwater prior to or in lieu of discharging or otherwise introducing such pollutants into the publicly owned drainage system.

Private means property or facilities owned by individuals, corporations, and other organizations and not by city, county, state, or federal government.

Procedure means a procedure adopted by and through the director of the engineering department of Macon-Bibb County, to implement a regulation or regulations adopted under this chapter, or to carry out other responsibilities as may be required by this Code or other codes, ordinances, or resolutions of Macon-Bibb County or other agencies.

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

Public right-of-way shall mean a strip or parcel of land occupied by or intended to be occupied by a street, crosswalk, pedestrian path, cart path, utility system, water main, sanitary sewer, or storm drain sewer main, drainage ditches, and watercourses or any other valid public use by the county. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a record or final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way, and not included within the dimensions or areas of such other lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, or other use involving maintenance by Macon-Bibb County, shall be dedicated or deeded to Macon-Bibb County's use by the maker of the plat on which such right-of-way is established.

Reach means a longitudinal segment of a stream or river measured along specified points on the stream or river.

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

Regulated activity means any activity which will, or which may reasonably be expected to, result in the discharge of dredged or fill material into waters of the U.S. excepting those activities exempted in Section 404 of the Federal Clean Water Act.

Roadway drainage structure means bridges, culverts, inlets, and ditches associated with roadway construction, which allow stream flows to move freely under a stream crossing or to convey stormwater runoff from a roadway to a stream.

Runoff coefficient means the ratio of runoff to rainfall.

Sanitary sewer system means the complete sanitary sewer system of the Macon Water Authority which discharges sewage directly or indirectly into the sewage treatment plant, including sanitary sewer pipelines, manholes, and flushing inlets, and appurtenances to the foregoing, but shall exclude any portion or facilities of the sewage treatment plant.

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

Sedimentation means the action or process of forming or depositing sediment.

Sedimentation facility means a facility specifically developed for the purpose of allowing the deposit of sediment resulting from the land development process.

Shear failure means failure of an earthen bank caused by the steepness of the slope and other environmental, vegetative, or human causes.

Site means any lot, plot, parcel, or tract of land.

State waters means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, wetlands, wet weather streams, and all other bodies of surface or subsurface water, including any waters which are subject to the ebb and flow of the ocean tides, 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.

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

Stormwater drainage system means any facility designed or used for collecting and/or conveying stormwater, including, but not limited to, any roads with drainage systems, highways, streets, curbs, gutters, inlets, catch basins, piped storm drains, pumping facilities, structural stormwater controls, ditches, swales, natural and manmade or altered drainage channels, reservoirs, and other drainage structures, and which is owned or maintained by Macon-Bibb County.

Stormwater facility means a facility which provides for storage of stormwater runoff and controlled release of this runoff during and after a flood storm.

Stormwater management means the collection, conveyance, storage, treatment, and disposal of stormwater runoff in a manner to meet the objectives of this chapter and which shall include a system of vegetative or structural measures, or both, that control the increased volume and rate of stormwater runoff and water quality impacts caused by manmade changes to the land.

Stormwater management facilities means constructed or natural components of a stormwater drainage system, designed to perform a particular function, or multiple functions, including, but not limited to, pipes, swales, ditches, culverts, street gutters, detention basins, retention basins, constructed wetlands, infiltration devices, catch basins, oil/water separators, sediment basins, natural systems, and modular pavement.

Stormwater management plan means the set of drawings and other documents that comprise all of the information and specifications for the drainage systems, structures, best management practices, concepts, and techniques that will be used to control stormwater as required by this chapter and the stormwater management design manual. Also included are the supporting engineering calculations and results of any computer analysis.

Stormwater pollution prevention plan (SWPPP) means a document which describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

Stormwater runoff means the direct response of a land surface to precipitation and includes the surface and subsurface runoff that enters a ditch, stream, storm drain, or other concentrated flow during and following the precipitation.

Stream means natural, running water flowing continuously or intermittently in a channel on or below the surface of the ground.

Structural erosion and sediment control practices mean measures for the stabilization of erosive or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating, or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sediment control practices are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures, sediment traps, land grading, etc.

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, the quality, the period of release, or the velocity of flow.

Structure means anything constructed or erected, the use of which requires a location on the ground, or attached to something having a location on the ground.

Subdivision means any division of a tract or parcel of land into two or more lots, buildings sites, or other divisions for the purpose, whether immediate or future, of sale, legacy, or building development. This definition includes any division of land involving a new street or a change in existing streets, resubdivision, and, where appropriate to the context, includes the process of subdivision of the land or area subdivided; provided, however, that the following are not included in this definition:

- (1) The division of land into parcels of five or more where no new street is involved, and
- (2) The sale or exchange of parcels of land between separate or common owners of adjoining properties, provided that additional lots are not thereby created, and that the lots created are in accordance with the provisions of the zoning resolutions of the county.

Substantial improvement means any repair, reconstruction, or improvement of a structure, that creates or adds 5,000 square feet or greater of new impervious surface area, or that involves land disturbing activity of one acre or more, including projects of less than one acre if they are a part of a larger common plan of development or sale. The term does not, however, include either:

- (1) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions;
- (2) Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places; or

(3) Any project that properly obtains a waiver from these requirements from the commission of Macon-Bibb County.

Utility means any public or private water or sewer piping systems, water or sewer pumping stations, electric power lines, fuel pipelines, telephone lines, roads, driveways, bridges, river/lake access facilities, stormwater systems, and railroads or other utilities identified by the county.

Variance means the modification of the minimum stormwater management requirements for specific circumstances where strict adherence of the requirements would result in unnecessary hardship and not fulfill the intent of this chapter.

Vegetation means all plant growth.

Watercourse means any natural or man-made conveyance channel, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which stormwater flows either continuously or intermittently and which has a definite channel, bed, and banks, and including any areas adjacent thereto subject to inundation by reason of overflow or floodwater.

Water quality means the condition of water relative to the requirements of one or more species and/or to any human need or purpose. The term refers to chemical, physical, and biological characteristics and is most frequently used in reference to a set of standards against which compliance can be assessed. Water quality under this code will normally be determined by standards set by the State of Georgia for applicable water bodies and their uses.

Water quantity means those characteristics of stormwater runoff that relate to the rate and volume of the stormwater runoff.

Wetlands means those areas that are inundated or saturated by surface or groundwater 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. Wetlands generally include swamps, marshes, bogs, and similar areas. The ecological parameters for designating wetlands include hydric soils, hydrophytic vegetation, and hydrological conditions that involve a temporary or permanent source of water to cause soil saturation.

Sec. 23-5. Applicability.

- (a) The provisions of this chapter shall apply throughout the geographic limits of Macon-Bibb County.
- (b) The engineer or designee shall be responsible for the coordination and enforcement of the provisions of this chapter.
- (c) The engineering department shall be responsible for the conservation, management, maintenance (where applicable), extension, and improvement of the stormwater system, including activities necessary to control stormwater runoff and activities necessary to carry out stormwater management programs included in Macon-Bibb County's NPDES stormwater permit.
- (d) The application of this chapter and the provisions expressed herein shall be the minimum stormwater management requirements and shall not be deemed a limitation or repeal of any other powers granted by state statute. In addition, if site characteristics indicate that complying with these minimum requirements will not provide adequate designs or protection for local property or residents, it is the designer's responsibility to exceed the minimum requirements as necessary.
- (e) The engineering department shall develop, and update periodically, a stormwater management design manual for the guidance of persons preparing stormwater management plans, and designing or operating stormwater management systems.

Sec. 23-6. Powers of the engineering department.

- (a) The engineering department shall have the power to administer and enforce all regulations and procedures adopted to implement this chapter, including the right to maintain an action or procedure in any court of competent jurisdiction to compel compliance with or restrain any violation of this chapter.
- (b) The engineering department may:
 - (1) Administer, coordinate, and oversee acquisition, design, construction, and O&M of stormwater facilities and conveyances;
 - (2) Establish or oversee establishment of development standards and guidelines;
 - (3) Determine the manner in which stormwater facilities should be operated;
 - (4) Inspect private systems which discharge to the stormwater system;
 - (5) Advise the commission and other departments on issues related to stormwater;
 - (6) Protect facilities and properties controlled by the engineering department and prescribe how they are used by others;

- (7) Require new, increased, or significantly changed stormwater contributions to comply with the terms of this chapter;
- (8) Develop programs or procedures to control the discharge of pollutants into the municipal separate storm sewer system; and
- (9) Adopt and implement the stormwater management program for Macon-Bibb County.

ARTICLE 2. POLLUTION PREVENTION

Sec. 23-11. Applicability.

Sec. 23-12. Compatibility with other regulations.

Sec. 23-13. Discharge prohibitions.

Sec. 23-14. Illicit connection prohibitions.

Sec. 23-15. Industrial or construction activity discharges.

Sec. 23-16. Notification of accidental discharges and spills.

Sec. 23-17. Suspension of MS4 access.

Sec. 23-18. Right of entry, monitoring of discharges.

Sec. 23-19. Emergency powers.

Sec. 23-20. Requirement to prevent, control, and reduce stormwater pollutants.

Sec. 23-21. Watercourse protection.

Sec. 23-11. Applicability.

This article shall apply throughout the entire area of Macon-Bibb County and to all nonstormwater discharges entering the MS4 or watercourses of Macon-Bibb County on any developed or undeveloped lands unless explicitly exempted by Macon-Bibb County.

Sec. 23-12. Compatibility with other regulations.

This article is not intended to modify or repeal any other ordinance, rule, regulation or other provision of law. The requirements of this article are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this article imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is

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

Sec. 23-13. Discharge prohibitions.

(a) No person shall throw, drain, discharge, or cause to be discharged into the MS4 or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater.

(b) The commencement, conduct, or continuance of any illegal discharge to the storm drain system is prohibited, except those discharges described as follows.

(c) The following discharges are exempt from the discharge prohibitions established by this article:

(1) Water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wetland flows, swimming pools (if dechlorinated—typically less than one PPM chlorine), discharge from firefighting activities, and any other water source not containing pollutants.

(2) Discharges specified in writing by the engineering department as being necessary to protect public health and safety.

(3) Dye testing is an allowable discharge, but requires a verbal notification to the engineering department 24 hours prior to the time of the test followed by written notice within ten days.

(4) Any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency or the state environmental protection division, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that approval has been granted for any discharge to the storm drain system. Proof of compliance with said permit may be required in a form acceptable to the engineering department prior to the allowing of discharges to the MS4.

(5) Any stormwater discharge regulated under an NPDES stormwater discharge permit for industrial activities provided that the discharger is in full compliance with all requirements of the permit. Proof of compliance with said permit may be

required in a form acceptable to the engineering department prior to the allowing of discharges to the MS4.

(6) Any stormwater discharge regulated under an NPDES stormwater discharge permit for construction activities or other local land disturbance permit provided that the discharger is in full compliance with all requirements of the permit. Proof of compliance with said permit may be required in a form acceptable to the engineering department prior to the allowing of discharges to the MS4.

Sec. 23-14. Illicit connection prohibitions.

(a) The construction, connection, use, maintenance or continued existence of any illegal connection to Macon-Bibb County's stormwater drainage system is prohibited.

(b) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(c) A person violates this chapter if the person connects a line conveying sewage to the MS4 or watercourses, or allows such a connection to continue.

(d) Improper connections in violation of this chapter must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system upon approval of the county health department for onsite wastewater management systems or the Macon Water Authority for sanitary sewer systems.

Sec. 23-15. Industrial or construction activity discharges.

Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to Macon-Bibb County's engineer or designee prior to allowing discharges to the stormwater drainage system.

Sec. 23-16. Notification of accidental discharges and spills.

(a) Notwithstanding other requirements of law, as soon as any person responsible for a facility, activity or operation, or who is responsible for emergency response for a facility, activity or operation has information of any known or suspected release of pollutants or nonstormwater discharges from that facility or operation which are resulting or may result in illicit discharges or pollutants discharging into stormwater, the stormwater drainage system, state waters, or waters of the U.S., said person shall take all

necessary steps to ensure the discovery, containment, and cleanup of such release so as to minimize the effects of the discharge.

(b) Said person shall notify the authorized enforcement agency in person, by phone, facsimile, or email no later than the next business day, of the nature, quantity, and time of occurrence of the discharge. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the engineer or designee within three (3) business days of the phone call or by personal notification. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years. Said person shall also take immediate steps to ensure no recurrence of the discharge or spill.

(c) In the event of such a release of hazardous materials, emergency response agencies and/or other appropriate agencies shall be immediately notified. Failure to provide notification of a release as provided above is a violation of this article.

Sec. 23-17. Suspension of MS4 access.

(a) Suspension due to illicit discharges in emergency situations. The engineering department may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge that presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the engineering department may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the United States, or to minimize danger to persons.

(b) Suspension due to the detection of illicit discharge in non-emergency situations. Any person discharging to the MS4 or watercourses in violation of this article may have their MS4 access of those sources of pollution under their control terminated if such termination would abate or reduce an illicit discharge. The engineering department will notify the violator in writing of the proposed termination of its MS4 access. The violator may petition the engineering department for a reconsideration and hearing.

(c) A person commits a violation of this article if the person reinstates MS4 access to premises terminated pursuant to this section, without the prior written approval of the engineering department.

Sec. 23-18. Right of entry, monitoring of discharges.

(a) This section applies to all facilities that have stormwater discharges associated with industrial activity, including construction activity.

(b) The engineer or designee, bearing proper credentials and identification, and in accordance with state and federal law, shall be permitted to enter private or public property at reasonable times to inspect or investigate conditions relating to the enforcement of this chapter, the investigation of any apparent violation of any provision of this chapter, compliance with the terms of any permit or maintenance agreement, observation, measurement, sampling or testing with respect to the county water resource protection ordinance or compliance with any permit and periodic investigations in accordance with the provisions of this chapter. The engineer or designee shall notify the owner of said property or the representative on-site, except in the case of an emergency.

(c) The engineer or designee, bearing proper credentials and identification, and in accordance with state and federal law, shall be permitted to enter private or public property at reasonable times for repairs, maintenance and other similar purposes related to any portion of the county MS4. The engineer or designee shall notify the owner of said property or the representative on-site, except in the case of an emergency.

(d) In addition to other procedures provided, the engineer or designee may obtain an inspection warrant for the purpose of inspection or investigation of conditions relating to the enforcement of this chapter, compliance with the terms of any permit, or observation, measurement, sampling, or testing with respect to this chapter or the permit, and periodic investigations in accordance with the provisions of this chapter. Inspection warrants may be issued by either the magistrate court of the county or state court of the county when the issuing judge is satisfied that the engineering department has established that the property to be inspected is to be inspected as a part of a legally authorized program of inspection that includes the property or that there is probable cause for believing that there is a condition, object, activity, or circumstance which legally justifies such an inspection of the property.

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

(f) A person who is the operator of a facility with a NPDES permit to discharge stormwater associated with industrial activity commits a violation if the person denies the engineer or designee reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this article.

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

(h) The engineer or designee may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated at least biannually to ensure their accuracy.

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

(j) If a discharger has security measures in force, which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the engineering department.

(k) Unreasonable delays in allowing the engineering department access to a facility shall constitute a violation of this chapter.

Sec. 23-19. Emergency powers.

(a) If, after inspection, the condition of a stormwater conveyance presents an immediate danger to the public health, safety, or general welfare because of unsafe conditions or improper maintenance, Macon-Bibb County shall have the right to take action as may be necessary to protect the public health, safety, and general welfare, and to make the stormwater conveyance safe.

(b) The engineering department may conduct emergency maintenance or remediation operations on private property and on private stormwater conveyances. Emergency maintenance or remediation operations shall constitute actions to remedy conditions that in the opinion of the engineer create a condition potentially injurious to life, property, or the MS4.

(c) Emergency maintenance conducted on any stormwater conveyance shall not be construed as constituting a continuing maintenance obligation on the part of Macon-Bibb County.

Sec. 23-20. Requirement to prevent, control, and reduce stormwater pollutants.

(a) Specification of best management practices. Macon-Bibb County may adopt requirements identifying best management practices for any activity, operation, or facility, which may cause or contribute to pollution or contamination of stormwater, the MS4, or watercourses, or waters of the U.S. as indicated below.

(b) Pollution prevention in new facilities. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the MS4 or watercourses through the use of these structural and non-structural BMPs.

(c) Pollution prevention in existing facilities. Any person responsible for a property or premise, which is, or may be the source of an illicit discharge, may be required by the engineering department to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the MS4 or watercourses.

(d) Charge permits from other regulatory agencies. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed to constitute compliance with the provisions of this section. BMPs designated for compliance with the NPDES permit or BMPs implemented as a result of action taken in compliance with this article shall be included in a stormwater pollution prevention plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.

Sec. 23-21. Watercourse protection.

Every person owning property through which a watercourse passes shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. Where property through which a watercourse passes is leased, the lessee of said property shall likewise be responsible for maintaining the property in accordance with this section. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

ARTICLE 3. STORMWATER MANAGEMENT PLANS

Sec. 23-31. Purpose.

Sec. 23-32. Applicability.

Sec. 23-33. Exempt activities.

Sec. 23-34. Development of a local stormwater design manual (LDM).

Sec. 23-35. Permit procedures and requirements.

Sec. 23-36. General performance criteria for stormwater management.

Sec. 23-37. Basic stormwater management design criteria.

Sec. 23-38. Waivers of stormwater management requirements.

Sec. 23-39. Requirements for stormwater management plan approval.

Sec. 23-40. Construction inspection.

Sec. 23-41. Maintenance and repair of stormwater facilities.

Sec. 23-42. Administration.

Sec. 23-43. Effects of compliance.

Sec. 23-44. Liability of Macon-Bibb County.

Sec. 23-45. Grandfather clause.

Sec. 23-31. Purpose.

The purpose of this article is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing in watersheds within this jurisdiction. This article seeks to meet that purpose through the following objectives:

- (1) Minimize increases in stormwater runoff from any development in order to reduce flooding, siltation, increases in stream temperature, and stream bank erosion and maintain the integrity of stream and drainage channels;
- (2) Minimize increases in nonpoint source pollution caused by stormwater runoff from development which would otherwise degrade local water quality;
- (3) Minimize the total annual volume of surface water runoff which flows from any specific site during and following development to not exceed the pre-development hydrologic regime to the maximum extent practicable; and
- (4) Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management controls and to ensure that these management controls are properly maintained and pose no threat to public safety.

Sec. 23-32. Applicability.

This article shall be applicable to all development plan applications, unless eligible for an exemption or granted a waiver by the engineering department under the specifications of this article. This article also applies to land development activities that are smaller than the minimum applicability criteria if such activities are part of a larger common plan of development that meets the following applicability criteria, even though multiple separate and distinct land development activities may take place at different times on different schedules:

- (1) New development that involves the creation or addition of 5,000 square feet or more of impervious cover, or that disturbs one acre or more of land;
- (2) Redevelopment that includes the creation or addition of 5,000 square feet or more of impervious cover, or that involves other land development activity of one acre or more;
- (3) Any new development or redevelopment, regardless of size, that is defined by the engineering department to be a hotspot land use; or
- (4) Land development activities that are smaller than the minimum applicability criteria set forth in subsections (1) and (2) above 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.
- (5) Any development project, regardless of size, deemed by the engineering department as a development that will contribute to a known or suspected water quality or quantity impairment.

Sec. 23-33. Exempt activities.

(a) The following activities are exempt from this article:

- (1) Individual single-family or duplex residential lots that are not part of a subdivision or phased development project;
- (2) Additions or modifications to existing single-family or duplex residential structures;
- (3) Agricultural or silvicultural land management activities within areas zoned for these activities; and
- (4) Repairs to any stormwater management facility or practice deemed necessary by the engineering department.

(b) When a site development plan is submitted that qualifies as a redevelopment project, decisions on permitting and on-site stormwater requirements shall be governed by special stormwater sizing criteria found in the current local stormwater design manual

(LDM). This criterion is dependent on the amount of impervious area created by the redevelopment and its impact on water quality. Final authorization of all redevelopment project permits will be determined after a review by the engineering department.

Sec. 23-34. Development of a local stormwater design manual (LDM).

(a) Macon-Bibb County may furnish additional policy, criteria, and information including specifications and standards, for the proper implementation of the requirements of this chapter and will provide such information in the form of a LDM. The LDM will serve to supplement and/or clarify information set forth in the state stormwater management manual.

(b) The LDM will include a list of acceptable stormwater treatment practices, including the specific design criteria and operation and maintenance requirements for each stormwater practice. The manual may be updated and expanded from time to time, at the discretion of the Macon-Bibb County, based on improvements in engineering, science, monitoring, and local maintenance experience. Minor administrative or technical changes may be made to the manual by the engineering department at its discretion. Major changes that would have a significant cost impact to development shall be approved by the commission. Stormwater treatment practices that are designed and constructed in accordance with these design and sizing criteria will be presumed to meet the minimum water quality performance standards during the design and permitting phase of a land development project.

Sec. 23-35. Permit procedures and requirements.

(a) Permit required. No land owner or land operator shall receive any of the building, grading, or other land development permits required for land disturbance activities without first meeting the requirements of this article prior to commencing the proposed activity.

(b) Application requirements. Unless specifically excluded by this article, any landowner or operator desiring a permit for a land disturbance activity shall submit to the Macon-Bibb County a permit application on a form provided for that purpose. Unless otherwise accepted by this article, a permit application must include the minimum requirements as defined in this article or LDM in order for the permit application to be considered. See also chapter 21 of this Code, soil erosion and sedimentation control, for permit requirements.

(c) Application review fees. Macon-Bibb County may require the submittal of a review fee for review of the stormwater management plan. This review fee shall be based on the amount of land to be disturbed at the site, and the fee structure shall be established

by the commission. All of the monetary contributions shall be credited to a local budgetary category to support local plan review, inspection, and program administration, and all fees shall be paid prior to the issuance of any development permits.

(d) Application procedure. All applications received by the Macon-Bibb County will be received and processed in the manner outlined in the soil erosion and sedimentation control ordinance of Macon-Bibb County.

(e) Permit duration. Permits issued under this section shall be valid from the date of issuance through the date the engineering department notifies the permit holder that all stormwater management practices have passed the final inspection required under permit condition. Should no activity take place on the site, the permit shall expire within one year of issuance.

Sec. 23-36. General performance criteria for stormwater management.

Unless judged by the engineering department to be exempt or granted a waiver from stormwater management requirements, the following performance criteria shall be addressed for stormwater management at all sites:

- (1) All site designs shall establish stormwater management practices to control the peak flow rates of stormwater discharge associated with specified design storms and reduce the generation of stormwater. These practices should seek to utilize pervious areas for stormwater treatment and to infiltrate stormwater runoff from driveways, sidewalks, rooftops, parking lots, and landscaped areas to the maximum extent practical to provide treatment for both water quality and quantity.
- (2) All stormwater runoff generated from new development shall not discharge untreated stormwater directly into a state water without adequate control of stormwater runoff. Where such discharges are proposed, the impact of the proposal on wetland functional values shall be assessed using a method acceptable to the engineering department. In no case shall the impact on functional values be any less than allowed by the U.S. Army Corp of Engineers (USACE) or the state department of natural resources.
- (3) Annual groundwater recharge rates shall be maintained to the maximum extent practical, by promoting infiltration through the use of structural and non-structural methods where allowable.
- (4) For new development, stormwater treatment practices shall be designed to remove pollutants to levels prescribed in the current LDM. It is presumed that a BMP complies with this performance standard if it is:
 - a. Sized to capture the prescribed water quality volume (WQv);

- b. Designed according to the specific performance criteria outlined in the LDM;
- c. Constructed properly; and
- d. Maintained regularly.

(5) To protect stream channels from degradation, specific channel protection criteria shall be provided as prescribed in the current LDM.

(6) Stormwater discharges to critical areas with sensitive resources (i.e., fisheries, shellfish beds, swimming beaches, recharge areas, etc.) may be subject to additional performance criteria, or may need to utilize or restrict certain stormwater management practices.

(7) Certain industrial sites are required to prepare and implement a stormwater pollution prevention plan, and shall file a notice of intent (NOI) under the provisions of the National Pollutant Discharge Elimination System (NPDES) general permit. The stormwater pollution prevention plan requirement applies to both existing and new industrial sites.

(8) Stormwater discharges from land uses or activities with higher potential pollutant loadings, known as "hotspots," may require the use of specific structural stormwater treatment practices (STPs) and pollution prevention practices.

(9) Prior to design, applicants are encouraged to consult with the engineering department to determine if they are subject to additional stormwater design requirements.

(10) The calculations for determining peak flows as found in the LDM shall be used for sizing all stormwater management practices.

Sec. 23-37. Basic stormwater management design criteria.

(a) Minimum control requirements. All stormwater management practices will be designed so that the specific storm frequency storage volumes (e.g., recharge, water quality, channel protection, ten-year, 100-year) as identified in the LDM are met, unless the engineering department grants the applicant a waiver or the applicant is exempt from such requirements. In addition, if hydrologic or topographic conditions warrant greater control than that provided by the minimum control requirements, the engineering department reserves the right to impose any and all additional requirements deemed necessary to control the volume, timing, and rate of runoff.

(b) Site design feasibility. Stormwater management practices for a site shall be chosen based on the physical conditions of the site. Applicants shall consult the current LDM for guidance on the factors that determine site design feasibility when selecting a stormwater management practice.

(c) Conveyance issues. All stormwater management practices shall be designed to convey stormwater to allow for the maximum removal of pollutants and reduction in flow

velocities. The current LDM shall provide detailed guidance on the requirements for conveyance for each of the approved stormwater management practices.

(d) Landscaping plans required. All stormwater management practices that utilize wetlands vegetation as part of the functional treatment process (e.g. constructed wetlands, etc.) must submit a separate landscaping plan detailing both the vegetation to be in the practice and how and who will manage and maintain this vegetation. This plan must be prepared by an individual having a professional certification by the Society of Wetlands Scientists and having completed three projects of a similar nature that have been successfully implemented or equivalent qualifications as determined by the engineering department.

(e) Maintenance agreements. All new stormwater treatment practices shall have an enforceable operation and maintenance agreement to ensure the system functions as designed. This agreement will include any and all maintenance easements required to access and inspect the stormwater treatment practices, and to perform routine maintenance as necessary to ensure proper functioning of the stormwater treatment practice. In addition, a legally binding covenant specifying the parties responsible for the proper maintenance of all stormwater treatment practices shall be secured prior to issuance of any permits for land disturbance activities. An example of the covenant can be found in the LDM.

(f) Non-structural stormwater practices. The use of non-structural stormwater treatment practices is encouraged in order to minimize the reliance on structural practices. Credit in the form of reductions in the amount of stormwater that must be managed can be earned through the use of non-structural practices that reduce the generation of stormwater from the site. These non-structural practices are explained in detail in the current LDM and applicants wishing to obtain credit for use of non-structural practices must ensure that these practices are documented and that appropriate guidance as to their location and maintenance requirements is given to subsequent property owners.

Sec. 23-38. Waivers of stormwater management requirements.

(a) Waivers for providing stormwater management. Every applicant shall provide for stormwater management as required by this article, unless a written request is filed to waive this requirement. Requests to waive the stormwater management plan requirements shall be submitted to the engineering department for approval.

The minimum requirements for stormwater management may be waived in whole or in part upon written request of the applicant, provided that at least one of the following conditions apply or the applicant presents sufficient engineering data and analysis to support their request for a waiver as determined by the local jurisdiction:

- (1) It can be demonstrated that the proposed development is not likely to impair attainment of the objectives of this article;
- (2) Alternative minimum requirements for on-site management of stormwater discharges have been established in a stormwater management plan that has been approved by the engineering department and local ordinance (or some other legally enforceable document) that requires the implementation of the plan;
- (3) Provisions are made to manage stormwater by an off-site facility. The off-site facility is required to be in place, to be designed and adequately sized to provide a level of stormwater control that is equal to or greater than that which would be afforded by on-site practices, and there is a legally obligated entity responsible for long-term operation and maintenance of the stormwater practice;
- (4) The engineering department finds that meeting the minimum on-site management requirements is not feasible due to the natural or existing physical characteristics of a site;
- (5) Non-structural practices will be used on the site that reduces: a) the generation of stormwater from the site; b) the size and cost of stormwater storage; and c) the pollutants generated at the site. These non-structural practices shall be explained in detail in the local or state stormwater management manual and the amount of credit available for using such practices shall be determined by the engineering department; or
- (6) The location of the development in the drainage basin is such that some of the requirements for stormwater control in the local design manual would increase the potential for flooding or other harmful effects.

(b) Conditions of waiver. In instances where one of the conditions above applies, the engineering department may grant a waiver from strict compliance with these stormwater management provisions, as long as acceptable mitigation measures are provided. However, to be eligible for a variance, the applicant must demonstrate to the satisfaction of the engineering department that the waiver will not result in the following impacts to downstream waterways:

- (1) Deterioration of existing culverts, bridges, dams, and other structures;
- (2) Degradation of biological functions or habitat;
- (3) Accelerated stream bank or streambed erosion or siltation; and
- (4) Increased threat of flood damage to public health, life, and property.

(c) Mitigation requirements for waivers. Where compliance with minimum requirements for stormwater management is waived, the applicant may be required to satisfy the minimum requirements by meeting one of the mitigation measures selected by the engineering department. Mitigation measures may include, but are not limited to, the following:

(1) The purchase and donation of privately owned lands, or the grant of an easement to be dedicated for preservation and/or reforestation. These lands should be located adjacent to the stream corridor in order to provide permanent buffer areas to protect water quality and aquatic habitat.

(2) The creation of a stormwater management facility or other drainage improvements on previously developed properties, public or private, that currently lack stormwater management facilities designed and constructed in accordance with the purposes and standards of this article.

(3) Monetary contributions (fee in lieu) to fund stormwater management activities such as research and studies (e.g., regional wetland delineation studies, stream monitoring studies for water quality and macro invertebrates, stream flow monitoring, threatened and endangered species studies, hydrologic studies, and monitoring of stormwater management practices, etc.).

(d) Fee in lieu of stormwater management practices. Where the engineering department waives all or part of the minimum stormwater management requirements, or where the waiver is based on the provision of adequate stormwater facilities provided downstream of the proposed development, the applicant may be required to pay a fee in an amount as determined by the engineering department.

When an applicant obtains a waiver of the required stormwater management, the monetary contribution required shall be in accordance with a fee schedule (unless the developer and Macon-Bibb County agree on a greater alternate contribution) established by the commission. All of the monetary contributions shall be credited to an appropriate capital improvements program project, and shall be made by the developer prior to the issuance of any development permits.

(e) Dedication of land. In lieu of a monetary contribution, an applicant may obtain a waiver of the required stormwater management by entering into an agreement with Macon-Bibb County for the granting of an easement or the dedication of land by the applicant, to be used for the construction of an off-site stormwater management facility. The agreement shall be entered into by the applicant and Macon-Bibb County prior to the recording of plats or, if no record plat is required, prior to the issuance of the development permits.

Sec. 23-39. Requirements for stormwater management plan approval.

(a) Stormwater management plan required for all developments.

(1) No application for development will be approved unless it includes a stormwater management plan detailing in concept how runoff and associated water quality impacts resulting from the development will be controlled or

managed. This plan must be certified by a professional engineer or landscape architect licensed in the state of Georgia. Further, pursuant to the provisions contained in O.C.G.A. § 43-15-2, as amended, a surveyor registered in the state may prepare hydrologic studies and design stormwater drainage systems. Said plan must indicate whether stormwater will be managed on-site or off-site and if on-site, the general location and type of practices.

(2) The stormwater management plan(s) shall be referred for comment to all other interested agencies, and any comments must be addressed in a final stormwater management plan. This final plan must be signed by a professional engineer, landscape architect, or surveyor licensed in the state, who will verify that the design of all stormwater management practices meet the submittal requirements outlined in the submittal checklist found in the current LDM.

(3) No development permits shall be issued until a satisfactory final stormwater management plan, or a waiver thereof, shall have undergone a review and been approved by the engineering department after determining that the plan or waiver is consistent with the requirements of this article.

(b) Stormwater management plan requirements.

(1) A stormwater management plan shall be required with all land disturbance activity (LDA) permit applications and will include sufficient information (e.g., maps, hydrologic calculations, etc.) to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site—both present and future—on the water resources, and the effectiveness and acceptability of the measures proposed for managing stormwater generated at the project site. The intent of this planning process is to determine the type of stormwater management measures necessary for the proposed project, and ensure adequate planning for management of stormwater runoff from future development.

(2) To accomplish this goal the applicant shall prepare a design report which shall include elements sufficient to ensure compliance with this article as outlined in the current LDM. The engineering department reserves the right to extend these requirements to ensure compliance with this article if the requirements in the current LDM prove to be insufficient. However, in these cases, the engineering department must provide a written explanation of the additional elements needed to the applicant.

(c) Performance bond/security.

(1) Macon-Bibb County may, at its discretion, require the submittal of a performance security or bond in order to ensure that the stormwater practices are installed by the permit holder as required by the approved stormwater management plan. The amount of the installation performance security shall be the total estimated construction cost of the stormwater management practices approved under the permit, plus 25 percent as agreed to by the applicant and Macon-Bibb County. The performance security shall contain forfeiture provisions for failure to complete work specified in the stormwater management plan.

(2) The installation performance security shall be released in full only upon submission of "as-built plans" and written certification by a professional engineer, landscape architect, or registered surveyor licensed in the state that the stormwater practice will function in accordance with the approved plan and other applicable provisions of this article. The engineering department will make a final inspection of the stormwater practice to ensure that it is in compliance with the approved plan and the provisions of this article. Provisions for a partial prorata release of the performance security based on the completion of various development stages may be done at the discretion of the engineering department.

(d) Errors and omissions insurance. Macon-Bibb County shall require a professional engineer, landscape architect, or registered surveyor licensed in the state submitting plans for review under this chapter to maintain in full force and effect errors and omissions liability insurance in the amount of \$1,000,000.00 per occurrence while practicing in Macon-Bibb County. A valid certificate of insurance shall be submitted to the engineering department to evidence that such insurance has been procured and is in force.

Sec. 23-40. Construction inspection.

(a) Notice of construction commencement. The applicant must notify the engineering department in advance before the commencement of construction. If any violations are found, the property owner shall be notified in writing of the nature of the violation and the required corrective actions. No added work shall proceed unless permitted by the engineering department until any violations are corrected and all work previously completed has received approval by the engineering department.

(b) As-built plans. All applicants are required to submit actual "as-built" plans for any stormwater management practices located both on-site and off-site after final construction is completed in a format specified in the current LDM. The plan must show the final design specifications for all stormwater management facilities and must be certified by a professional engineer, landscape architect, or registered surveyor licensed

in the state. A final inspection by the engineering department is required before the release of any performance securities can occur.

(c) Landscaping and stabilization requirements. All requirements of Macon-Bibb County's soil erosion and sedimentation control ordinance for stabilizing the site during construction and after completion of final grading shall apply.

Sec. 23-41. Maintenance and repair of stormwater facilities.

(a) Maintenance easement. Prior to the issuance of any certificate of occupancy or final plat that has a stormwater management facility as part of the project, the applicant or owner of the site must execute a maintenance easement agreement that shall be binding on all subsequent owners of land served by the stormwater management facility. The agreement shall provide for access to the facility at reasonable times for periodic inspection by the engineering department, or their contractor or agent, and for regular or special assessments of property owners to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this article.

(b) Maintenance covenants.

(1) Maintenance of all stormwater management facilities shall be ensured through the creation of a formal maintenance covenant that must be approved by the engineering department and recorded into the final plat prior to final approval. As part of the covenant, appropriate maintenance standards shall be developed for the manner in which maintenance will occur to ensure proper function of the stormwater management facility. The covenant shall also include plans for periodic inspections to ensure proper performance of the facility between scheduled cleanouts.

(2) Macon-Bibb County, in lieu of a maintenance covenant, may accept dedication of any existing or future stormwater management facility for maintenance, provided such facility meets all the requirements of this article and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

(3) Stormwater management facilities may be required to undergo annual inspections to document maintenance and repair needs and ensure compliance with the requirements of this article and accomplishment of its purposes. These needs may include: removal of silt, litter and other debris from all catch basins, inlets and drainage pipes; grass cutting and vegetation (including tree) removal; and necessary replacement of landscape vegetation. Any maintenance needs found must be addressed in a timely manner, as determined by the engineering department, and the inspection and maintenance requirement may be increased

as deemed necessary to ensure proper functioning of the stormwater management facility. The requirement for such inspections shall be outlined in the maintenance covenant.

(c) Inspection of stormwater facilities. Inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the NPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws.

Inspections may include, but shall not be limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other stormwater treatment practices.

(d) Right of entry for inspection.

(1) When any new drainage control facility is installed on private property for which a maintenance agreement has been executed between Bibb County, the City of Macon, or Macon-Bibb County and the owner of the detention pond, or when any new connection is made between private property and a public drainage control system or sanitary sewer, the property owner shall grant to the engineering department the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when it has a reasonable basis to believe that a violation of this chapter is occurring or has occurred, and to enter when necessary for abatement of a public nuisance or correction of a violation of this chapter. Unreasonable delays in allowing the engineering department access to a facility shall constitute a violation of this chapter.

(2) Where existing drainage control structures exist for which a maintenance agreement does not exist between Macon-Bibb County and the property owner, the engineering department may inspect the facility as a courtesy to private property owners to identify maintenance needs. The department will, where feasible, obtain permission from the property owner to inspect the stormwater facility.

(e) Failure to maintain practices. If a responsible party fails or refuses to meet the requirements of the maintenance covenant, or if it fails to correct a deficiency in a

structure for which no maintenance covenant exists and which would endanger the public, the engineering department, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition. In the event that the stormwater management facility becomes a danger to public safety or public health, the engineering department will notify the party responsible for maintenance of the stormwater management facility, in writing. Upon receipt of that notice, the responsible person shall affect maintenance and repair of the facility in an approved manner and within the established deadline. After proper notice, Macon-Bibb County may assess the owner(s) of the facility for the cost of repair work and any penalties; and the cost of the work shall be a lien on the property, or prorated against the beneficial users of the property, and may be placed on the tax bill and collected as ordinary taxes by Macon-Bibb County.

Sec. 23-42. Administration.

Unless otherwise stated, the engineering department shall administer, implement, and enforce the provisions of this article. Any powers granted or duties imposed upon the engineering department may be delegated by the engineering department to persons or entities acting under the authority of Macon-Bibb County.

Sec. 23-43. Effects of compliance.

The standards set forth herein pursuant to this chapter unless otherwise noted are minimum standards; therefore this chapter does not intend nor imply that compliance by any person will ensure that there will be no adverse effect with regard to water quality and quantity.

Sec. 23-44. Liability of Macon-Bibb County.

Neither the approval of a plan under the provisions of this chapter nor the compliance with the provisions of this chapter shall relieve any person, firm, corporation, partnership, or other entity from responsibility for damage to any person or property otherwise imposed by law nor shall it impose any liability upon Macon-Bibb County for damage to any person or property.

Sec. 23-45. Grandfather clause.

Any applicant or owner of a parcel of land within the territorial jurisdiction of Macon-Bibb County who has constructed the required stormwater management facility or BMP or who is in the process of meeting the stormwater management requirements

of the law at the time of the effective date of this article may elect to apply to the engineer for reconsideration under the provisions of this chapter.

ARTICLE 4. ENFORCEMENT AND PENALTIES

Sec. 23-51. Violation.

Sec. 23-52. Notice of violation.

Sec. 23-53. Citation for violation, penalties.

Sec. 23-54. Remedies.

Sec. 23-55. Appeals.

Sec. 23-56. Variances from requirements.

Sec. 23-51. Violation.

(a) It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter. Any person who has violated or continues to violate the provisions of this chapter may be subject to the enforcement actions outlined in this section, or may be restrained by injunction or otherwise abated in a manner provided by law.

(b) In the event the violation constitutes an immediate danger to public health or public safety, the engineer or designee is authorized to enter upon the subject private property, without giving prior notice to take any and all measures necessary to abate the violation and/or restore the property. The engineer or designee is authorized to seek costs of the abatement.

Sec. 23-52. Notice of violation.

(a) Notice of violation.

(1) If the engineer determines that an owner, user, or developer has failed to comply with the provisions of article 2 or article 3 of this chapter or is engaged in activity prohibited by article 2 or article 3 of this chapter, a notice of violation shall be served on the owner or the responsible person in charge of the activity being conducted on the site. The owner, user, developer, or other responsible party shall be provided a reasonable opportunity, of not less than ten days, to cure such violation; except, that in the event the violation constitutes an immediate danger to public health or public safety, 24-hours' notice shall be sufficient. The notice of violation shall contain:

- a. The name and address of the owner or the user or the responsible person.
 - b. The address or other description of the site upon which the violation is occurring.
 - c. A statement specifying the nature of the violation.
 - d. A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed.
- (2) The notice of violation may further require, without limitation:
- a. The performance of monitoring, analyses, and reporting;
 - b. The elimination of illicit connections or discharges;
 - c. That violating discharges, practices, or operations shall cease and desist;
 - d. The restoration of any affected property;
 - e. Payment of a fine to cover administrative and remediation costs; and
 - f. The implementation of source control or treatment BMPs.

(b) Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work may be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

Sec. 23-53. Citation for violation, penalties.

(a) All violations of this article shall be issued a citation by Macon-Bibb County. The municipal, magistrate court, and state court of the county shall each have concurrent jurisdiction to try offenses alleging violations of this chapter by any person, firm, corporation, partnership, or other entity.

(b) Violations of this chapter shall be deemed to be a misdemeanor. Each day any violation of this chapter shall continue shall be considered a separate offense.

(c) Upon conviction for a violation of the provisions of article 2 of this chapter, any person, firm, corporation, partnership, or other entity shall be subject to a fine not to exceed \$2,500.00 per violation or imprisonment in the county jail for not more than 60 days, or by both this fine and imprisonment for each offense.

(d) Upon conviction for a violation of the provisions of article 3 of this chapter, any person, firm, corporation, partnership, or other entity shall be subject to a fine not to exceed \$2,500.00 per violation.

Sec. 23-54. Remedies.

(a) Cost of abatement of violation. Within 30 days after abatement or remediation of a violation by the engineering department, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within 30 days. If the amount due is not paid within a timely manner as determined by the commission, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

(b) Injunctive relief. The attorney for Macon-Bibb County or his designee on behalf of the government may institute injunctive, or other appropriate action or proceedings at law or equity for the enforcement of this chapter or to correct violations of this chapter, and any court of competent jurisdiction shall have the right to issue restraining orders, temporary or permanent injunctions, mandamus, or other appropriate forms of remedy or relief.

(c) Compensatory action. In lieu of enforcement proceedings, penalties, and remedies authorized by this article, Macon-Bibb County may impose upon a violator, alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

(d) Stop work orders. Any stop work order imposed shall be in effect until the engineering department confirms that the development activity is in compliance and the violation has been satisfactorily addressed. Failure to address a notice of violation in a timely manner as determined by the engineering department can result in penalties in accordance with this chapter.

(e) Holds on occupation permits. Occupation permits will not be granted until all corrections to all stormwater practices have been made and accepted by the engineering department.

(f) Restoration of lands. Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, Macon-Bibb County may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

(g) Violations deemed a public nuisance. In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this article is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

(h) Recovery of fees, costs. Macon-Bibb County may recover all attorneys' fees, court costs, and other expenses associated with enforcement of this article, including sampling and monitoring expenses.

(i) Remedies not exclusive. The remedies listed in this chapter are not exclusive of any other remedies available under any applicable federal, state, or local law and it is within the discretion of the engineering department to seek cumulative remedies.

Sec. 23-55. Appeals.

(a) Any person aggrieved by a decision or directive of the engineering department or the Macon-Bibb County engineer under this chapter, including any decision with respect to a waiver of stormwater management requirements, may appeal the same by filing a written notice of appeal to the commission within 30 calendar days of the issuance of said decision by the department or county engineer.

(b) All appeals shall be heard by the commission within 45 days after receipt of notice of appeal or a date mutually agreed upon in writing.

(c) Any appeal of said final decision may be made to the superior court of the county within 30 days from the date of the notice of a final decision. Said notice shall be sent registered mail to the appealing party.

Sec. 23-56. Variances from requirements.

(a) The engineer may grant a variance from requirements of article 3 if exceptional circumstances applicable to a site exist such that adherence to the provisions of said article will result in unnecessary hardship and will not fulfill the intent of said article.

(b) A written request for a variance shall be required and shall state the specific variance sought and the reasons, with supporting data, why a variance should be granted. The request shall include all information necessary to evaluate the proposed variance.

(c) The engineer will conduct a review of the request for a variance and may approve, deny, or request additional information concerning the variance request.