

CITY OF HAMPTON, GEORGIA

ORDINANCE NO. 63

AN ORDINANCE TO PROVIDE FOR CONTROLLING SOIL EROSION AND SEDIMENTATION; TO PROVIDE FOR ESTABLISHING DEFINITIONS; TO PROVIDE FOR PROPER PRACTICES IN SOIL DISTURBING ACTIVITIES; TO PROVIDE FOR ESTABLISHING GENERAL DESIGN PRINCIPLES; TO PROVIDE FOR BUFFER AREAS; TO PROVIDE FOR PROCEDURES FOR SECURING PERMITS; TO PROVIDE FOR INSPECTION OF SOIL DISTURBING ACTIVITIES; TO PROVIDE FOR ESTABLISHING PERMIT FEES; TO PROVIDE FOR THE REQUIREMENT OF PLANS TO BE SUBMITTED PRIOR TO SOIL DISTURBING ACTIVITIES; TO PROVIDE FOR PENALTIES AND INCENTIVES; TO ESTABLISH AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the Mayor and Council of the City of Hampton, Georgia, recognize that it is in the public interest that the City of Hampton regulate and control the above-stated matters; and

WHEREAS, the Mayor and Council of the City of Hampton, Georgia, recognize that said regulations should be consistent and uniform within other incorporated and unincorporated areas of Henry County;

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF HAMPTON, GEORGIA, AND IT IS HEREBY ORDAINED BY AUTHORITY THEREOF AS FOLLOWS:

1. BE IT ORDAINED that the Soil Erosion and Sedimentation Control Ordinance of Henry County, being Ordinance No. 89-22 (a true and correct copy of which is hereto attached marked Exhibit "A" and made a part hereof), adopted by the Henry County Board of Commissioners on the 5th day of December, 1989 to become effective January 1, 1990, as now or hereafter amended, is hereby incorporated by reference herein and made the Soil Erosion and Sedimentation Control Ordinance of the City of Hampton, Georgia.
2. BE IT ORDAINED that this Ordinance shall become effective upon the passage of the Ordinance on the second and final reading.
3. BE IT ORDAINED that this Ordinance shall be administered and enforced by the officials of Henry County that are designated in the attached Ordinance.
4. BE IT ORDAINED that any Ordinance that is in conflict herewith is hereby specifically repealed.
5. BE IT ORDAINED that the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable; and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid

judgment or decree of any court of competent jurisdiction, that unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the Mayor and Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

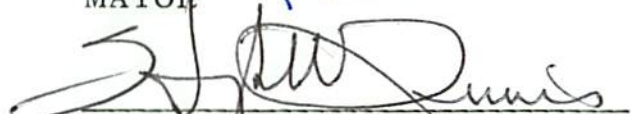
First Reading:


FEBRUARY 13, 1990


Second Reading and Adoption:

MARCH 13, 1990

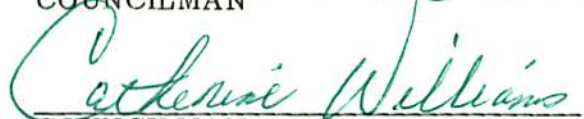

MAYOR

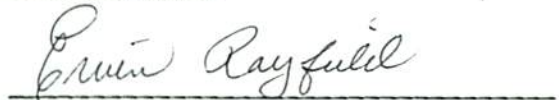

COUNCILMAN


COUNCILMAN


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ATTEST:


CITY CLERK

ORDINANCE NO. 89-22

AN ORDINANCE TO PROVIDE FOR CONTROLLING SOIL EROSION AND SEDIMENTATION; TO PROVIDE FOR ESTABLISHING DEFINITIONS; TO PROVIDE FOR PROPER PRACTICES IN SOIL DISTURBING ACTIVITIES; TO PROVIDE FOR ESTABLISHING GENERAL DESIGN PRINCIPLES; TO PROVIDE FOR BUFFER AREAS; TO PROVIDE FOR PROCEDURES FOR SECURING PERMITS; TO PROVIDE FOR INSPECTION OF SOIL DISTURBING ACTIVITIES; TO PROVIDE FOR ESTABLISHING PERMIT FEES; TO PROVIDE FOR THE REQUIREMENT OF PLANS TO BE SUBMITTED PRIOR TO SOIL DISTURBING ACTIVITIES; TO PROVIDE FOR PENALTIES AND INCENTIVES; TO ESTABLISH AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

BE IT ORDAINED by the Board of Commissioners of Henry County, Georgia, and hereby ordained by authority of same as follows:

SECTION I TITLE

This Ordinance will be known and cited as "The Henry County Soil Erosion and Sedimentation Control Ordinance".

SECTION II DEFINITIONS

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

1. Buffer: An area along the course of any State waters to be maintained in an undisturbed and natural condition.
2. Conservation Commission: The State Soil & Water Conservation Commission.
3. Cut: 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.
4. Department: The Department of Natural Resources.

5. Director: The Director of the Environmental Protection Division.

6. District: The Henry County Soil and Water Conservation District.

7. Division: The Environmental Protection Division.

8. Drainage Structure: Any roadway drainage structure as defined below, any piping or ditching for stormwater management purposes and sanitary sewer outfall conveyances.

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

10. Erosion and Sediment Control Plan: A plan for the control of soil erosion and sediment resulting from land-disturbing activity, also known as "plan".

11. Existing Grade: The vertical location of the existing ground surface prior to cutting or filling.

12. Filling: The placement of any soil or other solid material either organic or inorganic on a natural ground surface or excavation.

13. Finished Grade: The final grade or elevation of the ground surface forming the proposed design.

14. Grading: 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.

15. Issuing Authority: The governing authority of Henry 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.

16. Land-Disturbing Activity: Any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land but not including agricultural practices as described in Section III, Paragraph 5.

17. Metropolitan River Protection Act (MRPA): A state law referenced as O.C.G.A. 12-5-440 et seq., which addresses environmental and developmental matters in certain metropolitan river corridors and their drainage basins.

18. Natural Ground Surface: The ground surface in its original state before any grading, excavation or filling.

19. Nephelometric Turbidity Units (NTU): Numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloiddally dispersed particles are present.

20. One Hundred Year Flood Plain: Land in the flood plain subject to a one percent or greater statistical occurrence probability of flooding in any given year.

21. Permit: The authorization necessary to begin a land-disturbing activity under the provisions of this Ordinance.

22. Person: 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.

23. Project: The entire proposed development project regardless of the size of the area of land to be disturbed.

24. Roadway Drainage Structure: Bridges, culverts and ditches associated with roadway construction, which allow stream flows to move freely under a stream crossing or to convey storm-water run-off from a roadway to a stream.

25. State Waters: Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface of subsurface water, natural and 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. For purposes of this

paragraph, "State Waters" excludes channels and drainageways which have water in them only during and immediately after rainfall events and intermittent streams which do not have water in them year-round; provided, however, that any person responsible for a project which involves one and one-tenth acres or less, which involves land-disturbing activity, and which is within 200 feet of any such excluded channel or drainageway must prevent sediment from moving beyond the boundaries of the property on which such project is located.

26. Structural Erosion and Sediment Control Practices: 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.

27. Surface Mining: Any activity permitted under the provisions of the Georgia Surface Mining Act, O.C.G.A. 12-4-70 et seq.

28. Trout Streams: Streams designated by the Game and Fish Division of the Georgia Department of Natural Resources under the provisions of the Georgia Water Quality Control Act, O.C.G.A. 12-5-20 et seq. Streams designated as primary trout waters are defined as water supporting a self-sustaining population of rainbow, brown or brook trout. Streams designated as secondary trout waters are those in which there is no evidence of natural trout reproduction, but are capable of supporting trout throughout the year.

29. Vegetative Erosion and Sediment Control Practices: Measures for the stabilization of erosive or sediment-producing areas by covering the soil with:

- i. Permanent seeding, sprigging or planting, producing long-term vegetative cover; or
- ii. Short-term seeding, producing temporary vegetative cover; or

iii. Sodding, covering areas with a turf of perennial sod-forming grass.

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

SECTION III EXEMPTION

This Ordinance shall apply to any land-disturbing activity undertaken by any person on any land except for the following:

1. Surface mining, as the same is defined in Code Section 12-4-72;

2. Granite quarrying and land clearing for such quarrying;

3. Such minor land-disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, and other related activities which result in minor soil erosion;

4.a) The construction of single-family residences when such are constructed by or under contract with the owner for his own occupancy;
or

b) The construction of single-family residences not a part of a subdivision development and not otherwise exempted herein;

5. Agricultural practices involving the establishment, cultivation, or harvesting of products of the field or orchard; the preparation and planting of pasture land, forestry land management practices, including harvesting; farm ponds; dairy operations; livestock and poultry management practices; and the construction of farm buildings;

6. Any project carried out under the technical supervision of the Soil Conservation Service of the United States Department of Agriculture;

7. Any residential project involving one and one-tenth acres or less; provided, however, that this exemption shall not apply to any land-disturbing activity within 200 feet of the bank of any State waters, and for purposes of this paragraph, "State Waters" excludes channels and drainageways which have water in them only during and immediately after rainfall events and intermittent streams which do not have water in them year-round; provided, however, that any person responsible for a project which involves one and one-tenth acres or less, which is within 200 feet of any such excluded channel or drainageway, must prevent sediment from moving beyond the boundaries of the property on which such project is located and provided, further, that nothing contained herein shall prevent a city or county which is an issuing authority from regulating any such project which is not specifically exempted by sub-paragraph (b) of paragraph (4) or by paragraphs (1), (2), (3), (5), (6), (8), (9) or (10) of this section; this paragraph does not exempt non-residential projects involving one and one-tenth acres or less;

8. Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the Department of Transportation, the Georgia Highway Authority, or the Georgia Tollway Authority; or any road construction or maintenance project, or both, undertaken by any county or municipality; or construction and maintenance, or either, by any water or sewerage authority established by the General Assembly of this state; provided, however, that:

a) If such projects are constructed within 200 feet of the banks of any channels or drainageways which have water in them only during and immediately after rainfall events, or intermittent streams which do not have water in them year-round, then such projects shall conform to the specifications used by the Department of Transportation

for control of soil erosion and sedimentation on its highway construction projects;

b) If such projects are constructed within 200 feet of the banks of any state waters which do not have water in them year-round and in which the drainage area of the watershed upstream from such projects is less than three square miles, then such projects shall conform to the specifications used by the Department of Transportation for control of soil erosion and sedimentation on its highway construction projects.

c) If such projects are constructed within 200 feet of the banks of any state waters which do not have water in them year-round and in which the drainage area of the watershed upstream from such projects is equal to or more than three square miles, then such projects shall conform to the minimum standards set forth in Section IV and;

d) If such projects are constructed within 100 feet (horizontal) of the banks of any state waters classified as "trout streams" pursuant to O.C.G.A. 12-5-20 of this title, the "Georgia Water Quality Control Act", regardless of the size of the watershed area, then such projects shall conform to the minimum standards as set forth in Section IV.

9. Any land-disturbing activities conducted by any airport authority, provided that any such land-disturbing activity shall conform to the minimum standards set forth in Section IV, or;

10. Any land-disturbing activities conducted by an electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, provided, that any such land-disturbing activity shall conform to the minimum standards set forth in Section IV.

SECTION IV MINIMUM REQUIREMENTS FOR ORDINANCES AND GENERAL DESIGN
PRINCIPLES FOR EROSION AND SEDIMENT PLANS

a) General Provisions

Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities. Therefore, plans for those

land-disturbing activities which are not excluded by this ordinance shall contain provisions for application of soil erosion and sediment control measures. The provisions shall be incorporated into the erosion and sediment control plans. Soil erosion and sediment control measures shall conform to the standards and specifications of this Ordinance. The application of measures shall apply to all features of the site, including street and utility installations, drainage facilities and other temporary and permanent improvements. Measures shall be installed to prevent or control erosion and sediment pollution during all stages of any land-disturbing activity.

b) General Design Principles

The permittee shall follow sound conservation and engineering practices to prevent and minimize erosion and resulting sedimentation consistent with the following principles:

1. Stripping of vegetation, regrading and other development activities shall be conducted in a manner so as to minimize erosion.
2. Cut-fill operations must be kept to a minimum.
3. Development plans must conform to topography and soil type so as to create the lowest practical erosion potential.
4. Whenever feasible, natural vegetation shall be retained, protected and supplemented.
5. The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum.
6. Disturbed soil shall be stabilized as quickly as practicable.
7. Temporary vegetation or mulching shall be employed to protect exposed critical areas during development.
8. Permanent vegetation and structural erosion control measures shall be installed as soon as practicable.
9. To the extent necessary, sediment in run-off water must be trapped by the use of debris basins, sediment basins,

silt traps, or similar measures until the disturbed area is stabilized.

10. Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping surface of fills.
11. Cuts and fills may not endanger adjoining property.
12. Fills may not encroach upon natural watercourses or construction channels in a manner so as to adversely affect other property owners.
13. Grading equipment must cross flowing streams by means of bridges or culverts except when such methods are not feasible and provided, in any such case, that such crossings are kept to a minimum.
14. Erosion and sediment control plans for erosion and sedimentation control shall include provisions for control or treatment of any source of sediments and adequate sedimentation control facilities to retain sediments onsite or preclude sedimentation of adjacent streams beyond the levels specified in paragraph (18) of this Ordinance;
15. Land-disturbing activities shall not be conducted within the 100 year flood plain unless compliance with any applicable local flood plain management ordinance is demonstrated or such construction is in compliance with the Federal Emergency Management Agency regulations or flood storage compensation for flood waters is provided;
16. An undisturbed natural vegetative buffer of 25 feet measured from the stream banks shall normally be retained adjacent to any state waters except where otherwise required by Part 6 of Article 5 of Chapter 5 of the "Metropolitan River Protection Act" or by the department pursuant to Code Section 12-2-8, or when the economic use and the contour of the land require a different buffer

subject to the division's approval, or where a drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented;

17. Land-disturbing activities shall not be conducted within 100 feet (horizontal) of the banks of any state waters classified as "trout streams" pursuant to Article 2 of Chapter 5 of this title, the "Georgia Water Quality Control Act", unless a variance for such activity is granted by the director except where a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented; and
18. Discharges of stormwater runoff from disturbed areas shall be controlled to the extent that turbidity of the stormwater runoff shall not exceed 50 nephelometric turbidity units higher than the turbidity level of the receiving stream immediately upstream from the stormwater runoff discharge at the time of such discharge except where a roadway drainage structure must be constructed, the turbidity of the receiving stream downstream of the construction site shall not exceed 60 nephelometric turbidity units higher than the turbidity level of the receiving stream immediately upstream from the construction site. Downstream turbidity measurements shall be taken at points where the entering discharge is fully mixed with the receiving stream flow. Due to the various soils and hydrological and water conditions throughout the state, the division shall have the discretion to vary from the aforesaid nephelometric turbidity unit.

SECTION V APPLICATION/PERMIT PROCESS

a) General

The landowner, developer and designated planners and engineers are encouraged to review the general development plans and detailed plans of any unit of government that affect the tract to be developed and the area surrounding it. They are also encouraged to become acquainted with the zoning ordinance, subdivision ordinance, this Ordinance, and other ordinances which regulate the development of land within the boundaries of Henry County, Georgia.

b) Application Requirements

1. No person shall conduct any land-disturbing activity within the confines of the County of Henry or any incorporated municipality in Henry County, without first obtaining a permit from the Issuing Authority of Henry County to perform such activity.
2. The applications for permit shall be submitted to the Issuing Authority. Applications for permits will not be accepted unless accompanied by six (6) copies of the applicant's soil erosion and sediment control plans. Said plans shall include, as a minimum, the data specified in Section IV of this Ordinance. Soil erosion and sediment control plans shall conform to the provisions of Section IV of this Ordinance.
3. A plan review fee, in the amount of \$120.00, shall be charged for each application.
4. Immediately upon receipt of an application for a permit, the Issuing Authority shall refer the application and plan to the Henry County Soil and Water Conservation District for its review and approval or disapproval concerning the adequacy of the erosion and sediment control plan. The results of the District review shall be forwarded to the Issuing Authority. No permit will be issued unless the plan has been approved by the District and any variances required by Section IV B (16 & 17) are

obtained. Such review will not be required if the Issuing Authority and the District have entered into an agreement which allows the Issuing Authority to conduct review and approval of the plan without referring the applications and plan to the District.

5. When reviewing any application for a land-disturbing activity permit, the Issuing Authority shall consider the past record of the permit applicant in complying with previous land-disturbing activity permits and this Ordinance. If the applicant has had two or more prior convictions of violating previous permits or this Ordinance within three years to the date of the filing of the application under consideration, the Issuing Authority shall require the applicant to post a bond of \$1,000.00 per acre of the proposed land-disturbing activity prior to issuing the permit. If the applicant does not comply with this Ordinance or with the conditions of the permit after issuance, the Issuing Authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance.

c) Plan Requirements

1. Plans must be prepared to meet the minimum requirements as contained in Section IV of this Ordinance. Conformance with the minimum requirements may be attained through the use of design criteria in the Manual For Erosion And Sediment Control In Georgia, published by the State Soil and Water Conservation Commission as a guide; or through the use of alternate design criteria which conform to sound conservation and engineering practices. The Manual For Erosion Control is hereby incorporated by reference into this Ordinance.

2. Data Required For Site Plan:

(A) Narrative or notes, and other information: Notes or narrative to be located on the site plan in general notes or in erosion and sediment control notes.

(B) Description of existing land use at project site and description of proposed project.

(C) Name, address, and phone number of developer/owner.

(D) Name and phone number of 24 hour local contact who is responsible for erosion and sediment controls.

(E) Size of project, or phase under construction, in acres.

(F) Activity Schedule - show anticipated starting and completion dates for project, include the statement in bold letters, that "the installation of erosion control measures and practices shall be installed prior to or concurrent with land disturbing activities".

(G) Stormwater and sediment management systems-storage capacity, hydrologic study, and calculations, including off-site drainage area.

(H) Vegetative Plan - for all temporary and permanent vegetative practices, including species, planting dates, and seeding, fertilizer, lime, and mulching rates. Vegetative plan should show options for year-round seeding.

(I) Detail Drawings - for all structural practices. Specifications must, at a minimum, meet guidelines set forth in the Manual for Erosion and Sediment Control in Georgia.

(J) Maintenance Statement - "Erosion control measures will be maintained at all times. Additional erosion and sediment control measures will be installed if deemed necessary by onsite inspection."

3. Maps, drawings, and supportive computations shall bear the signature/seal of a registered professional in engineering, or landscape architecture, and contain:

- (A) Graphic scale and north point or arrow indicating magnetic or truth reference.
- (B) Vicinity maps showing location of project and existing streets.
- (C) Boundary line survey.
- (D) Delineation of disturbed areas within project boundary.
- (E) Existing and planned contours, with contour lines drawn with an interval of not more than five (5) feet. (The procedure or method used in arriving at the contour intervals shall be indicated.)
- (F) Adjacent areas and neighboring areas such as streams, lakes, residential areas, etc. which might be affected should be indicated on the plan.
- (G) Proposed structures or additions to existing structures and paved areas.
- (H) Delineate 100-year flood plain. (Reference data used in determination.)
- (I) Delineate the 25-foot undisturbed vegetative buffer adjacent to state waters.
- (J) Delineate the 100-foot management zone along designated trout streams where applicable.
- (K) Location of erosion and sediment control practices, preferably using uniform coding symbols from the Manual For Erosion And Sediment Control In Georgia, Chapter 6. Practices may include, but are not limited to:
 - 1) Construction Exit
 - 2) Sediment Barrier
 - 3) Sediment Basin
 - 4) Grassed Waterway (open swale)
 - 5) Storm Drain Outlet Protection

4. Maintenance of all soil erosion and sedimentation control practices, whether temporary or permanent, shall be at all times the responsibility of the owner.

d) Permits

1. A permit is issued after the District has determined that the plan for erosion and sediment control complies with the requirements of Section IV of this Ordinance and after the Issuing Authority has affirmatively determined that the plan complies with all ordinances, rules and regulations in effect within the County and any special requirements conditioning the permit.

2. Permits will be issued or denied as soon as practical after the application is filed with the Issuing Authority but in any event not later than 45 days after the receipt of a completed application. If the permit is denied, the reason for denial shall be furnished the applicant.

3. If the tract is to be developed in phases, then a separate permit shall be required for each phase.

4. The permit may be suspended, revoked, or modified by the Issuing Authority, as to all or any portion of the land affected by the plan, upon finding that the holder or his successor in the title is not in compliance with the approved erosion and sediment control plan or that the holder or his successor in the title is in violation of this Chapter or any ordinance, resolution, rule, or regulation adopted or promulgated pursuant to this Chapter. A holder of a permit shall notify any successor in title to him as to all or any portion of the land affected by the approved plan of the conditions contained in the permit.

SECTION VI INSPECTION AND ENFORCEMENT

a) The Issuing Authority will periodically inspect the sites of land-disturbing activities for which permits have been issued to determine if the activities are being conducted in accordance with the

plan and if the measures required in the plan are effective in controlling erosion and sedimentation.

If, through inspection, it is deemed that a person engaged in land-disturbing activities as defined herein has failed to comply with the approved plan, with permit conditions, or with the provisions of this Ordinance, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this Ordinance.

b) The Issuing Authority shall have the power to conduct such investigations as it may reasonably deem necessary to carry out its duties as prescribed in this Ordinance, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigation and inspecting the sites of land-disturbing activities.

c) No person shall refuse entry or access to any authorized representative or agent of the Issuing Authority, the Conservation Commission, the District, or Division who requests entry for the purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties.

SECTION VII PENALTIES AND INCENTIVES

a) Failure to Obtain a Permit for Land-Disturbing Activity:

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

b) Stop-Work Orders:

Upon notice from the Issuing Authority or its agent, work on any project that is being done contrary to the provisions of this Ordinance or in a dangerous or unsafe manner, shall be immediately stopped. Such notice shall be in writing and shall be given to the owner of the property, his authorized agent or the person or persons in charge of the activity on the property, and shall state the conditions under which work may be resumed. Where an emergency exists, no written notice shall be required.

c) Bond Forfeiture:

If, through inspection, it is determined that a person engaged in land-disturbing activities has failed to comply with the approved plan, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance with the plan and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this Ordinance, and, in addition to other penalties, shall be deemed to have forfeited his performance bond, if required to post one under the provisions of Section V, b) 5. The Issuing Authority may, subject to Section VIII, call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance.

d) Penalties:

Any person violating any provisions of this Ordinance, permitting conditions, or stop-work shall be liable for a fine of no more than \$500.00, by a sentence of imprisonment not exceeding 60 days in jail or both fine and jail or work alternative. Each day the violation continues shall constitute a separate offense..

SECTION VIII ADMINISTRATIVE APPEAL, JUDICIAL REVIEW

a) Administrative Remedies:

The suspension, revocation, bond forfeiture, modification or grant with condition of a permit by the Issuing Authority upon finding

holder is not in compliance with the approved erosion and sediment control plan; or that the holder is in violation of permit conditions; or that the holder is in violation of any ordinance; shall entitle the person submitting the plan or holding the permit to a hearing before the Board of Commissioners of Henry County, Georgia, within 30 days after receipt by the Issuing Authority of written notice of appeal.

b) Judicial Review:

Any person, aggrieved by a decision or order of the Issuing Authority, after exhausting his administrative remedies, shall have the right to appeal de novo to the Superior Court of Henry County.

SECTION IX EFFECTIVITY, VALIDITY AND LIABILITY

a) Effectivity:

This Ordinance shall become effective on the 1st day of January, 1990.

b) Validity:

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

c) Liability:

Neither the approval of a plan under the provisions of this Ordinance, nor the compliance with provisions of this Ordinance shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the (Municipality/County or District) for damage to any person or property.

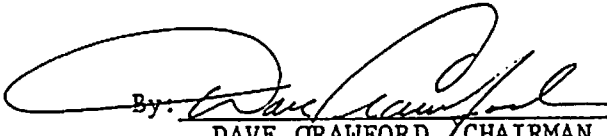
BE IT ORDAINED, that all resolutions, ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, hereby repealed.

BE IT ORDAINED, that the Chairman of the Board of Commissioners be authorized to sign this ordinance on behalf of the Board of Commissioners of Henry County, Georgia.

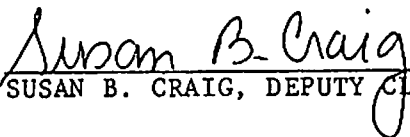
BE IT FURTHER ORDAINED, that this provision shall become effective on the 1ST day of January, 19~~84~~90

This the 5TH day of December, 1989.

HENRY COUNTY BOARD OF COMMISSIONERS

By: 
DAVE CRAWFORD, CHAIRMAN

ATTEST:


SUSAN B. CRAIG, DEPUTY CLERK