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## COMMUNITY DEVELOPMENT DEPARTMENT

### Engineering Division

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### MEMORANDUM

TO: Board of Commissioners

THROUGH: Pamela Thompson, Director of Community Development

FROM: Paul Andrews, County Engineer

DATE: May 6, 2021

SUBJECT: Water Resources Protection Ordinance Amendments

#### **BACKGROUND:**

This item is a follow-up to the presentation given at the work session on April 20, 2021. The County operates our storm drainage system under a permit from the State through the National Pollutant Discharge Elimination System (NPDES) program. The State sets minimums that the permitted communities have to adopt as part of the ongoing permit compliance. In an effort to better address issues associated with pollutants and degraded water quality of the waters of the State, the State has required that the County update our ordinance to include design elements required by the Georgia Stormwater Management Manual (GSMM) and the Coastal Stormwater Supplement (CSS). Those requirements mostly involve including infiltration as part of the water quality measured designed for site development. As a supplement to the Water Resources Protection Ordinance (WRPO), the County also adopted its Local Design Manual (LDM). The LDM is intended as a supplement to the WRPO and provides the specifics needed to implement the ordinance and apply the guidance from the GSMM and the CSS during the design process.

This item recommends adopting the ordinance changes required by the State and having them become effective October 4, 2021. This will give the staff the opportunity to initiate the Water Resources Protection Committee for the purpose of recommending to the Board of Commissioners changes to the *Local Design Manual*. The LDM update will detail how and to what extent these state required changes will be applied to projects in Glynn County.

Summary of changes to the Glynn County *Water Resources Protection Ordinance*:

- Definitions are updated to reflect the current manuals and design requirements.
- The Applicability section of the ordinance is updated to require that compliance with the ordinance is required based on added square footage of impervious area. The current requirements are based on increase in Stormwater runoff.
- The Coastal Stormwater Supplement is added as a reference to the ordinance.
- The General Performance Criteria section is updated to include infiltration and runoff reduction as design targets.
- The Basic Stormwater Management Design Criteria is reworded to update the language to reference performance standards vs storage volumes as minimum criteria

Attached is a chart listing what the current ordinance requirement is, the required change to the ordinance, and what the anticipated impacts of that change will be.

**DRAFT CODE:**

Attached is the draft ordinance with the specific language changes highlighted.

**ALTERNATIVES**

1. Do not adopt the ordinance change – This will leave the County not in compliance with the current requirements of our NPDES permit
2. Adopt the ordinance changes as outlined – This will move the County along the path of full compliance with our NPDES permit.
3. Direct staff how to proceed

**RECOMMENDED MOTION**

I move to amend the Water Resources Protection Ordinance as outlined with the changes become effective October 4, 2021

Glynn County Board of Commissioners  
 Required Changes - Water Resources Protection Ordinance  
 6-May-21

<u>Ordinance Section</u>	<u>Topic</u>	<u>Description</u>	<u>Current Ordinance</u>	<u>Required Change</u>
Definitions	Coastal Stormwater Supplement (CSS)	Adds definition of new reference	none	Add the definition of new reference book
Definitions	Georgia Stormwater Management Manual (GSMM)	Adds definition of existing reference	Defined as part of the Stormwater Design Manual	Relocate definition for better readability of the ordinance
Definitions	Infiltration	Adds definition of new requirement	none	Add definition of infiltration since it is a new requirement
Definitions	Stormwater Design Manual	Updates definition to reflect references	Currently defined	Update definition to reference CSS and GSMM
Applicability	Incorporate required change	Updates the applicability section to reflect required changes	Applies the ordinance for development and redevelopment projects if there is an increase of 1-cfs in flow	Applies the ordinance for development and redevelopment projects if there is an increase or replacement of 5,000-square feet of impervious surface or a land disturbance of 1-acre
Local Design Manual	References	Adds reference to Coastal Stormwater Supplement	none	Includes the Coastal Stormwater Supplement as a reference to the local design manual
Waivers to Stormwater Management Requirements	Broadens waver requirements	Adds water quality as an element to be evaluated as part of the waiver process	Degradation of Biological Functions or habitat are elements that are evaluated if a waiver is considered	Includes water quality as an element that has to be evaluated if a waiver is considered
General Performance Criteria for Stormwater Management	Design requirement for Best Management Practice design	Changes the metric to determine if a BMP is designed correctly from a minimum water quality volume to a minimum infiltrate requirement	Stormwater designs have to provide storage volume to capture the Water Quality Volume	Stormwater designs will have to infiltrate the Runoff Reduction volume or capture and treat it if full infiltration is not possible
Basic Stormwater Management Design Criteria	Storm design reference and standards	Designs are required to be based on performance standards vs. storage volumes	Storage volumes are the criteria used to guide design for the Recharge, water quality, channel protection, 10 year, and 100 year flows	Performance Standards are used to design practices for the stormwater runoff reduction, stormwater quality protection, stream channel/aquatic resource protection, overbank flood protection, and extreme flood protection flows; these terms are those listed in the MS4 Permit
Basic Stormwater Management Design Criteria	Non-structural Stormwater Practices	Adds a reference to the Coastal Stormwater Supplement	References only the LDM for details on non-structural stormwater practices	References the Coastal Stormwater Supplement and the Local Design Manual for non- structural practices details

## CHAPTER 2-27

### WATER RESOURCES PROTECTION

(Ordinance of August 4, 2005; Amended October 15, 2015;  
Amended Feb xx, 2021)

Effective July 1, 2006

**Article I – Introduction, Sections 2-27-1 – 2-27-8**

**Article II – Illicit Discharge Prohibition, Sections 2-27-9 – 2-27-20**

**Article III – Post Construction Runoff Control, Sections 2-27-21 – 2-27-31**

**Article IV – Violations, Enforcement, and Penalties, Sections 2-27-32 – 2-27-37**

#### ARTICLE I – INTRODUCTION

**2-27-1 Short Title.**

This Ordinance shall be known and may be cited as the “Water Resources Protection Ordinance of Glynn County.”

**2-27-2 Findings.**

It is hereby determined that:

- (a) land development projects and associated increases in impervious cover may alter the hydrologic response of local watersheds and may increase stormwater runoff rates and volumes, flooding, stream channel erosion, and sediment transport and deposition;
- (b) this stormwater runoff contributes to increased quantities of water-borne pollutants; and
- (c) stormwater runoff, soil erosion and nonpoint source pollution can be controlled and minimized through the proper management of stormwater runoff from development sites.

Therefore, Glynn County establishes this set of water quality and quantity policies applicable to all surface waters to provide reasonable guidance for the regulation of stormwater runoff for the purpose of protecting local water resources from degradation. It is determined that 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.

**2-27-3 Purpose.**

The purpose of this Ordinance 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 ordinance seeks to meet that purpose through regulation of activities that can, through proper regulation, improve and maintain those water resources that lie within the unincorporated jurisdictional boundaries of Glynn County, Georgia.

**2-27-4 Compatibility with Other Permit and Ordinance Requirements.**

This Ordinance is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. The requirements of this Ordinance should be considered minimum requirements, and where any provision of this Ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, statute, or other provision of law, the provision that is more restrictive or imposes a higher protective standard for human health or the environment shall be considered to take precedence.

**2-27-5 Severability.**

The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstance shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance.

**2-27-6 Responsibility for Administration.**

Unless otherwise stated, the County Engineer of Glynn County shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted or duties imposed upon the County Engineer may be delegated by the County Engineer to persons or entities acting under the authority of Glynn County.

**2-27-7 Ultimate Responsibility.**

The standards set forth herein and promulgated pursuant to this Ordinance, unless otherwise noted, are minimum standards; therefore this ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants.

**2-27-8 Definitions.**

When used in this Ordinance, 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 1970. The term "shall" is mandatory. 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 ordinance, unless otherwise specifically stated:

1. *Agricultural Practices*. The raising, harvesting, or storing of crops; feeding, breeding, or managing livestock or poultry; producing or storing feed for use in the production of livestock, including, but not limited to, cattle, calves, swine, hogs, goats, sheep, ratites, and rabbits, or for use in the production of poultry, including, but not limited to, chickens, hens, and turkeys; producing plants, trees, fowl, or animals; or the production of aquacultural, horticultural, dairy, livestock, poultry, eggs, and apiarian products.
2. *Best Management Practices (BMP's)*: A collection of structural practices and vegetative measures which, when properly designed, installed and maintained, will provide effective erosion and sedimentation control, prevent or reduce the pollution of the water of the State of Georgia, or prevent flooding. The term "properly designed" means designed in accordance with the hydraulic design specifications contained in the "Manual for Erosion and Sediment Control in Georgia" specified in O.C.G.A. § 12-7-6, subsection (b), the "Georgia Stormwater Management Manual", or the "Local Design Manual".
3. *Buffer*. An area of land along the course of any watercourse, marsh, or adjacent to the banks of State Waters to be maintained in a natural condition.
4. *Coastal Stormwater Supplement (CSS) to the Georgia Stormwater Management Manual (GSMM)*. The latest edition of all volumes of the CSS, a technical design supplement to the GSMM that was developed for coastal Georgia. The CSS addresses stormwater management practices and BMPs that are specific and applicable to coastal stormwater quantity and quality issues
5. *Construction*. Any alteration of land for the purpose of achieving its development or changing its use, including particularly any preparation for, building of, or erection of a structure and/or infrastructure.
6. *Construction Activity*. Activities subject to NPDES Construction Permits or those activities addressed in the Local Design Manual. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.
7. *County Engineer*. The County Engineer of Glynn County or his or her designee.
8. *County Separate Storm Sewer System (CS4)*. A conveyance or system of conveyances including roads with drainage systems, county streets, catch basins, curbs, gutters, ditches, manmade channels or storm drains, owned or operated by Glynn County, designed or used for collecting or conveying stormwater runoff and which is not a combined sewer or part of a Publicly Owned Treatment Works.
9. *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.

10. *Day.* A day is defined as a calendar day.
11. *Department.* The Georgia Department of Natural Resources.
12. *Design Storm.* The rainfall event of such size and frequency as described in the Local Design Manual that is used for the design of stormwater facilities.
13. *Developer.* Any person who acts on his own behalf or as the agent of any owner of property for construction activity.
14. *Development.* Construction activities which result in alteration of land other than minor land disturbing activities such as home gardens, individual home additions or landscaping repairs or maintenance work which result in minor, nonregulated soil disturbances.
15. *Director.* The Director of the Environmental Protection Division of the Department of Natural Resources, State of Georgia.
16. *Discharge.* A general term applied to the release of surface or subsurface water by gravity or by pumping.
17. *Division.* The Georgia Environmental Protection Division of the Department of Natural Resources, State of Georgia.
18. *Drainage.* 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.
19. *Drainage Plan.* A plan prepared using appropriate and commonly accepted engineering standards, which specifies the means for alteration or development of a drainage system.
20. *Drainage Structure.* A device composed of a virtually nonerodible material such as concrete, steel, plastic or other such material that controls water flow or conveys water from one place to another by intercepting the flow and carrying it to a release point for stormwater management, drainage control, or flood control purposes.
21. *Drainage System.* 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.
22. *Easement.* An interest in land owned by another person, consisting in the right to use or control the land, or an area above or below it, for a specific limited purpose. Black's Law Dictionary (8th ed. 2004).
23. *Erosion.* The process by which land surface is worn away by the action of wind, water, ice or gravity.
24. *Estuarine Area.* All tidally influenced waters, marshes, and marshlands lying within the mean high tide level and below.
  
25. *Existing Grade.* The vertical location of the existing ground surface prior to cutting or filling.
26. *Fill.* A portion of land surface to which soil or other solid material has

been added; the depth above the original ground.

27. *Filling*. The placement of any soil or other solid material, either organic or inorganic, on a natural ground surface or excavation.
28. *Finished Grade*. The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.
29. *Flood*. A temporary rise in the level of ditches, canals, rivers, streams, lakes, marshes and ocean, which results in inundation of areas not ordinarily covered by water.
30. *Floodplain*. Any land area susceptible to being inundated by floodwaters from any source.
31. *Floodway*. The channel of a river or other watercourse and the adjacent land areas subject to erosive velocities and damage from flood-borne debris that must be reserved in order to discharge the base flood (Intermediate Regional Flood), without ultimately increasing the water surface elevation more than one foot.
32. [\*Georgia Stormwater Management Manual \(GSMM\). The latest edition of all volumes of the GSMM, a technical guidance document governing stormwater management design, construction and long-term maintenance activities in Georgia.\*](#)
3233. *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.
3334. *Greenbelt*. An area of land to be dedicated to Glynn County, or other nonprofit entity, which shall remain undisturbed, insofar as possible, from its natural state to form a screen or buffer.
3435. *Hazardous Materials*. 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.
3536. *Hotspot*. 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.
3637. *Illicit Discharge*. Any discharge as defined in 40 CFR Part 122.26(b)(2) to a CS4 that is not entirely composed of stormwater, unless otherwise exempted by the Illicit Discharge Prohibition Ordinance, except those discharges authorized under a NPDES permit (other than the NPDES permit for discharges from the CS4).
3738. *Illicit Connections*. Any man-made conveyance connecting an illicit discharge directly to a CS4.
3839. *Impervious Surface*. A man-made structure or surface that prevents the infiltration of stormwater into the ground below the structure or surface.
3940. *Industrial Activity*. Activities subject to NPDES Industrial Permits as



defined in 40 CFR, Section 122.26 (b)(14).

- ~~40.41.~~ 41.41. *Infiltration.* The process of percolating stormwater runoff into the underlying native soils.
- ~~41.42.~~ 42.42. *Intermediate Regional Flood.* A 100-year frequency flood, as defined on the flood hazard map.
- ~~42.43.~~ 43.43. *Intermittent Stream.* Any stream which flows for only part of the year and does not support aquatic life whose life history requires residence in flowing water for a continuous period of at least six months.
- ~~43.44.~~ 44.44. *Issuing Authority.* Glynn 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.
- ~~44.45.~~ 45.45. *Jurisdictional Wetland.* An area that meets the definitional requirements for wetlands as determined by the U.S. Army Corps of Engineers.
- ~~45.46.~~ 46.46. *Jurisdictional Wetland Determination.* 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.
- ~~46.47.~~ 47.47. *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 land within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land, but not including agricultural practices described herein.
- ~~47.48.~~ 48.48. *Live Retention.* That quantity of water capable of being effectively contained by a designated facility for stormwater storage for a specified period of time.
- ~~48.49.~~ 49.49. *Local Design Manual.* The most recent version of the Glynn County Local Design Manual, containing specific guidelines and standards for stormwater management that are either watershed or countywide specific, for the proper implementation of the requirements of this Ordinance. Said manual is incorporated into this Ordinance as if reproduced in its entirety herein. A copy of the Local Design Manual is available in the Glynn County Clerk's office.
- ~~49.50.~~ 50.50. *Lot.* 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 ordinance, the term does not include any portion of a dedicated right-of-way.

- ~~50.51.~~ 51.51. *Maintenance of Stormwater Facility.* The performance of routine methods and procedures that preserve drainage structures and other stormwater facilities in good condition; ensuring structural soundness, functional adequacy and mostly free from sediment,

debris and other obstructions; and rectifying any unforeseen erosion and water quality problems.

~~51.52~~ 51.52 *Marsh, Coastal Marshlands or Marshlands.* Any marshland intertidal area, mud flat, tidal water bottom, or salt marsh in the State of Georgia within the estuarine area of the state, whether or not the tidewaters reach the littoral areas through natural or artificial watercourses.

~~52.53~~ 52.53 *Master Plan.* A document that sets forth, in narrative form and with maps, an overall development concept including both present property uses as well as future use of tracts of land for stormwater management facilities and infrastructure.

~~53.54~~ 53.54 *National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit.* A permit issued by the U.S. Environmental Protection Agency (or by the state of Georgia 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.

~~54.55~~ 54.55 *Natural Ground Surface.* The ground surface in its original state before any grading, excavation or filling.

~~55.56~~ 55.56 *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.

~~56.57~~ 56.57 *Non-Stormwater Discharge.* Any discharge to the storm drain system that is not composed entirely of stormwater.

~~57.58~~ 57.58 *Non-Structural Best Management Practice.* Any natural or planted vegetation or other nonstructural component of the stormwater management plan that provides for or enhances stormwater quantity and/or quality control or other stormwater management benefits, and includes, but is not limited to, riparian buffers, open and greenspace areas, overland flow filtration areas, natural depressions, and vegetated channels.

~~58.59~~ 58.59 *Notice To Comply.* A written notice given to a stormwater management facility owner requesting that they comply with maintenance requirements of stormwater facilities as required by this Ordinance.

~~59.60~~ 59.60 *Owner.* 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/her lease for the maintenance of the property, and any agent of the owner or tenant, including a developer.

~~60.61~~ 60.61 *Perennial Stream.* Any stream which flows continuously throughout the year or supports aquatic life whose life history requires residence in flowing water for a continuous period of six months or longer.

~~61.62~~ 61.62 *Permit.* The authorization necessary to conduct a land-disturbing activity under the provisions of this ordinance.

~~62.63~~ 62.63 *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.

~~66.4.~~ *Pollution.* 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, gas, solid, radioactive material, 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.

~~66.5.~~ *Pollutant.* Any impurity or waste material that degrades the physical, chemical, biological or radiological integrity of surface or subsurface waters.

~~66.6.~~ *Pretreatment.* 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.

~~66.7.~~ *Project.* The entire proposed development project regardless of the size of the area of land to be disturbed.

~~67.8.~~ *Reach.* A longitude segment of a stream or river measured along specified points on the stream or river.

~~68.9.~~ *Record Drawings.* Amended site and construction plans specifying the locations, dimensions, and elevations, of road and drainage structures and facilities as they have been constructed.

~~69.70.~~ *Redevelopment.* 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.

~~70.71.~~ *Regulated Activity.* 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.

~~71.72.~~ *Right-of-Way.* "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. 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 the County shall be dedicated or deeded to public use by the maker of the plat on which such right- of-way is established.

~~72.73.~~ *Roadway Drainage Structure.* A device such as a bridge, culvert, or ditch, composed of a virtually nonerodible material such as concrete, steel, plastic, or other such material that conveys water under a roadway by intercepting the flow on one side of a traveled way consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

~~73.74.~~ *Runoff Coefficient.* The ratio of runoff to rainfall.

~~74.75.~~ *Sediment.* Solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, ice, or gravity as a product of erosion.

~~75.76.~~ *Sedimentation.* The process by which eroded material is transported and deposited by the action of water, wind, ice or gravity.

~~76.77.~~ *Sedimentation Facility.* A facility specifically developed for the purpose of allowing the deposition of sediment resulting from the land development process.

~~77.78.~~ *Shear Failure.* Failure of an earthen bank caused by the steepness of the slope.

~~78.79.~~ *Stabilization.* The process of establishing an enduring soil cover of vegetation and/or mulch or other ground cover and/or combination with installing temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.

~~79.80.~~ *State Waters.* Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, marsh, wetlands, wet weather streams, and 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 of Georgia which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.

~~80.81.~~ *Stormwater.* Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation

~~81.82.~~ *Stormwater Design Manual.* The Stormwater Design Manual is comprised of the Local Design Manual, and it references standards and methods from the most recent editions of the CSS to the GSMM and GSMM.~~the Georgia Stormwater Management Manual, current edition, as published by the Atlanta Regional Commission. The Georgia Stormwater Management Manual, current edition, is incorporated into this Ordinance as if reproduced in its entirety herein. The Georgia Stormwater Management Manual can be~~

~~obtained from the Atlanta Regional Commission or online at [www.georgiastormwater.org](http://www.georgiastormwater.org).~~

- ~~83.83.~~ *Stormwater Facility*. A facility that provides for storage of stormwater runoff and controlled release of this runoff during and after a flood storm.
- ~~83.84.~~ *Stormwater Pollution Prevention Plan (SWPPP)*. 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.
- ~~84.85.~~ *Stormwater Runoff*. The portion of a precipitation on the land that reaches the drainage system.
- ~~85.86.~~ *Stream*. Natural, running water flowing continuously or intermittently in a channel on or below the surface of the ground.
- ~~86.87.~~ *Structural Erosion and Sediment Control Practices*. Practices for the stabilization of erodible or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sediment control practices are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures, sediment traps and land grading, etc. Such practices can be found in the *Manual for Erosion and Sediment Control in Georgia*, as published by the Georgia Soil and Water Conservation Commission, current edition. This manual can be obtained from the Commission or online at [www.gaswcc.org](http://www.gaswcc.org).
- ~~87.88.~~ *Structural Stormwater Control*. 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.
- ~~88.89.~~ *Structure*. Anything constructed or erected, the use of which requires a location on the ground, or attached to something having a location on the ground.
- ~~89.90.~~ *Subdivision*. Subdivision includes all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purposes, whether immediate or future, of sale, gift, or building development and includes all divisions or development of land involving a new street or a change in an existing street. It shall also include resubdivision, the process of subdividing and the land or area subdivided; provided, however, divisions of land into parcels of three (3) acres or more where no new street is involved are not included in this definition.
- ~~90.91.~~ *Substantial Improvement*. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure, either: (1) before the

improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

- a. 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; or
- b. Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

~~91.92~~ 92.93 *Utility*. 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 Glynn County.

~~92.93~~ 93.94 *Vegetation*. All plant growth.

~~93.94~~ 94.95 *Vegetative Erosion and Sediment Control Practices*. Measures for the stabilization of erodible or sediment-producing areas by covering the soil with:

- a. Permanent seeding, sprigging or planting, producing long-term vegetative cover.
- b. Temporary seeding, producing short-term vegetative cover.
- c. Sodding, covering areas with a turf of perennial sod-forming grass.

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

~~94.95~~ 95.96 *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.

~~95.96~~ 96.97 *Wetlands*. Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas as regulated by the Army Corps of Engineers.

## ARTICLE II – ILLICIT DISCHARGE PROHIBITION

2-27-9

### Purpose.

The purpose of this Article is to provide for the health, safety, and general



welfare of the citizens of Glynn County through the regulation of non-stormwater discharges to the storm drainage system to the maximum extent practicable. The objectives of this article are:

- (a) To regulate the contribution of pollutants to the county separate storm sewer system (CS4) by stormwater discharges by any user.
- (b) To prohibit Illicit Connections and Discharges to the CS4.
- (c) To establish legal authority to carry out all inspection; surveillance and monitoring; and enforcement procedures as necessary to ensure compliance with this Article.

**2-27-10 Applicability.**

This Article shall apply to all non-stormwater discharges entering the storm drain system generated on any developed or undeveloped lands unless explicitly exempted by Glynn County under this Article.

**2-27-11 Prohibition of Illicit Discharges.**

No person shall discharge, allow, or cause to be discharged into the CS4 or watercourses any materials, other than stormwater, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards.

The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

- (a) The following discharges are exempt from discharge prohibitions established by this Article: 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, 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), fire fighting activities, and any other water source not containing pollutants.
- (b) Discharges specified in writing by the County Engineer as being necessary to protect public health and safety.

- (c) Dye testing is an allowable discharge, but requires a verbal notification to the County Engineer 24 hours prior to the time of the test followed by written notice within 10 days.
- (d) 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, 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.
- (e) 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 County Engineer prior to the allowing of discharges to the CS4.
- (f) 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 County Engineer prior to the allowing of discharges to the CS4.

**2-27-12 Prohibition of Illicit Connections.**

The construction, use, maintenance or continued existence of illicit connections to the CS4 or watercourses is prohibited.

**2-27-13 Suspension due to Illicit Discharges in Emergency Situations.**

The County Engineer may, without prior notice, suspend CS4 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 CS4 or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the County Engineer may take such steps as deemed necessary to prevent or minimize damage to the CS4 or Waters of the United States, or to minimize danger to persons.

**2-27-14 Suspension Due to the Detection of Illicit Discharge.**

Any person discharging to the CS4 or watercourses in violation of this Article may have his/her CS4 access terminated if such termination would abate or reduce an illicit discharge. The County Engineer will notify a violator of the proposed termination of its CS4 access. The violator may petition the County Engineer for reconsideration and a hearing. Such person shall not reinstate CS4 access to the premises terminated without the prior written approval of the County Engineer.



**2-27-15 Access to Facilities.**

For all facilities that have stormwater discharges associated with industrial activity, including construction related to industrial activity and construction of infrastructure, the County Engineer shall:

- (a) be permitted to enter and inspect facilities subject to regulation under this Article as often as may be necessary to determine compliance with this Article. 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 County Engineer;
- (b) be given ready access by facility operators to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law;
- (c) have the right to set up on any permitted facility such devices as are necessary in the opinion of the County Engineer to conduct monitoring and/or sampling of the facility's stormwater discharge;
- (d) have the right to require the discharger, at his own expense, to provide and install monitoring equipment if evidence of violation has been established. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at his/her own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy;
- (e) have any temporary or permanent obstruction to the safe and easy access of the facility which is to be inspected and/or sampled promptly removed by the operator at the written or oral request of the County Engineer, which obstruction shall not be replaced. The costs of clearing such access shall be borne by the operator; and
- (f) not be subject to unreasonable delays in gaining access to a permitted facility.

**2-27-16 Pollution Prevention in New Facilities.**

The owner or operator of a commercial or industrial establishment shall provide, at his/her own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the CS4 or watercourses by designing, installing, and maintaining applicable BMP's.

**2-27-17      **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 to implement, at said person's expense, additional BMP's to prevent the further discharge of pollutants to the CS4 or watercourses.

**2-27-18      **Discharge Permits from Regulatory Agencies other than Glynn County.****

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 compliant with the provisions of this Article. BMP's designated for compliance with the NPDES permit or BMP's implemented as a result of action taken in compliance with this Article shall be included in a Stormwater Pollution Prevention Plan (SWPP) as necessary for compliance with requirements of the NPDES permit.

**2-27-19      **Watercourse Protection.****

Every person owning property through which a watercourse passes, or such person's lessee, shall not discharge trash, debris, and other obstacles or substances that would pollute, contaminate, or significantly retard the flow of water through the watercourse. 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.

**2-27-20      **Notification of Spills.****

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which is resulting or may result in illegal discharges or pollutants discharging into stormwater, the CS4 or watercourses, or Waters of the U.S., said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services by dialing 911. In the event of a release of non-hazardous materials, said person shall notify Glynn County Public Works in person, by phone, facsimile or e-mail no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Glynn County Public Works Department within three (3) business days of the phone notice. 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.

### ARTICLE III – POST CONSTRUCTION RUNOFF CONTROL

2-27- 21

#### 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:

- (a) minimize increases in stormwater peak runoff from any development in order to reduce flooding, siltation, increases in stream temperature and streambank erosion, and maintain the integrity of stream and drainage channels;
- (b) minimize increases in nonpoint source pollution caused by stormwater runoff from development, which would otherwise degrade local water quality;
- (c) minimize the volume of surface water runoff, which flows from any specific site during and following development to the maximum extent practicable; and
- (d) 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.

2-27-22

#### Applicability.

This Ordinance shall be applicable to all development plan applications, unless eligible for an exemption pursuant to Ordinance Section 2-27-23 below or granted a waiver by the County Engineer pursuant to Ordinance Section 2-27-26 below. This Ordinance also applies to the following land development activities:

- a) new development that creates or adds 5,000 square feet or greater of new impervious surface area, or that involves land disturbing activity of one acre or greater;
- b) redevelopment that creates, adds, or replaces 5,000 square feet or greater of new impervious surface area, or that involves land disturbing activity of 1 acre or more;
  - ~~i. new development that involves a 1.0 cubic foot per second (cfs), or greater, increase in the peak rate of runoff for the 25-year return frequency storm or one that disturbs 1 acre or more of land;~~
  - ~~ii. redevelopment that involves a 1.0 cfs, or greater, increase in the peak rate of runoff for the 25-year return frequency storm or one that involves other land disturbing activity of one acre or more;~~
- a)c) any new development or redevelopment, regardless of size, that is defined by the County Engineer to be a hotspot land use; or

b)d) \_\_\_\_\_ land development activities that are smaller than the minimum applicability criteria set forth in items (a) and (b) 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.

#### **2-27-23 Exempt Activities.**

The following activities are exempt from this Article:

- (a) individual single-family or duplex residential lots that are not part of a subdivision or phased development project;
- (b) additions or modifications to existing single-family or duplex residential structures;
- (c) repair or upgrade of an existing drainage system or facility that does not materially increase or concentrate stormwater runoff, or cause additional nonpoint source pollution;
- (d) agricultural or silvicultural land management activities; and
- (e) repairs to any stormwater management facility or practice deemed necessary by the County Engineer.

#### **2-27-24 Local Design Manual (LDM).**

Additional policy, criteria, and information, including specifications and standards, for the proper implementation of the requirements of this ordinance are provided in the Local Design Manual (LDM). The LDM shall supplement and/or clarify information set forth in the Coastal Stormwater Supplement (CSS) and the Georgia Stormwater Management Manual (GSMM), most recently adopted versions.

The LDM includes 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, upon approval by the Board of Commissioners, based on improvements in engineering, science, monitoring and local maintenance experience. Before any proposed amendment to the manual is considered by the Board of Commissioners, the proposed amendment shall first be presented to the Water Resources Protection Committee, which committee shall, within sixty (60) days, present the proposal to the Board along with its recommendation. 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.

#### **2-27-25 Permit Procedures and Requirements.**

- (a) Permit Required.

Unless specifically excluded by Chapter 2-5, Article VII, a land disturbance activity requires a permit from Glynn County. 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. (#O-2015-21; October 15, 2015)

(b) Application Requirements.

Unless specifically excluded by Chapter 2-5, Article VII, any land owner or operator desiring a permit for a land disturbance activity shall submit to Glynn County a permit application on a form provided for that purpose. Unless otherwise excepted by Chapter 2-5, Article VII, a permit application for a land disturbance activity must include the minimum requirements as defined in Chapter 2-5, Article VII in order for the permit application to be considered. (#O- 2015-21; October 15, 2015)

(c) Application Review Fees.

Glynn County may require the submittal of an administrative cost recoupment fee for review of the Stormwater Management Plan. The fee structure shall be established by the Glynn County Board of Commissioners. 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 Glynn County will be received and processed in the manner outlined in the Development Procedures Manual of Glynn County.

(e) Permit Duration.

Permits issued under this section shall be valid from the date of issuance through the date the County Engineer notifies the permit holder that all stormwater management practices have passed the final inspection required under permit conditions.

**2-27-26**

**Waivers to 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 County Engineer 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 applies:

- (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 County Engineer 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 applicant demonstrates in the Stormwater Management Plan that either the existing downstream infrastructure can accommodate the post development site runoff, or improvement to the downstream infrastructure shown on the construction plans will provide capacity for the post-development site runoff. This waiver can be applied only to the requirements for stormwater quantity management.
- (5) The County Engineer finds that meeting the minimum on-site management requirements is not feasible or necessary due to the natural or existing physical characteristics of a site.
- (6) 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 design manual and the amount of credit available for using such practices shall be determined by the County Engineer.
- (7) Mitigation as outlined below.

(b) Conditions of Waiver.

In instances where one of the conditions above applies, the County Engineer 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 waiver, the applicant must demonstrate to the satisfaction of the County Engineer that the waiver will not result in the following impacts to downstream waterways:

- (1) Deterioration or exceeding the capacity of existing culverts, bridges, dams, and other structures.

- (2) Degradation of water quality, biological functions or habitat.
- (3) Accelerated streambank or streambed erosion or siltation.
- (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 satisfy the minimum requirements by meeting one of the mitigation measures selected by the County Engineer. 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; and
- (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.

2-27-27

**General Performance Criteria for Stormwater Management.**

Unless the applicant is judged by the County Engineer to be exempt or is granted a waiver, the following performance criteria shall be addressed for stormwater management at all sites:

- (a) 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 runoff. 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.
- (b) All stormwater runoff generated from new development shall not be discharged directly into wetlands, waters of the State, or the CS4 without adequate treatment as described in the LDM.
- (c) 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:

1.—Designed to infiltrate the runoff reduction storm event (RRv); and/or Ssized to capture and treat the prescribed water quality volume (WQv)RRv, if it is not entirely infiltrated; and

3.2. Designed according to the specific performance criteria outlined in the LDM; and

4.3. Constructed properly; and

5.4. Maintained regularly.

- (d) To protect stream channels from degradation, a specific channel protection criteria shall be provided as prescribed in the current LDM.
- (e) 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.
- (f) 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.
- (g) 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 (STP’s) and pollution prevention practices.
- (h) Prior to design, applicants are encouraged to consult with the County Engineer to determine if they are subject to additional stormwater design requirements.
- (i) The calculations for determining peak flows as found in the LDM shall be used for sizing all stormwater management practices.

## **2-27-28 Basic Stormwater Management Design Criteria.**

- (a) Minimum Control Requirements.

All stormwater management practices will be designed so that the specific ~~performance standards~~storm frequency storage volumes (e.g., stormwater runoff reduction, stormwater quality protection, stream channel/aquatic resource protection, overbank flood protection, and extreme flood protection~~recharge, water quality, channel protection, 10-year, 100-year~~) as identified in the LDM are met, unless the County Engineer 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 County Engineer may impose additional reasonable and practical 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 a Registered Landscape Architect, or an individual having a professional certification by the Society of Wetlands Scientists, or equivalent qualifications as determined by the County Engineer.

(e) Maintenance Easement.

Before a permit will be granted, the property owner shall grant Glynn County a perpetual access and maintenance easement over, under, and across the subject property so that Glynn County may access the property, inspect the stormwater treatment practices, and perform routine maintenance as necessary to ensure proper functioning of the stormwater treatment practice.

(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 [CSS and the](#) current LDM and applicants wishing to obtain credit for use of non-structural practices must ensure that these practices are documented and remain unaltered by subsequent property owners.

2-27-29

**Requirements for Stormwater Management Plan Approval.**

(a) Stormwater Management Plan Required for All Developments.

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 prepared by a professional engineer licensed in the State of Georgia and must indicate whether stormwater will be managed on-site or off-site and, if on-site, the general location and type of practices.

The stormwater management plan(s) shall be referred, upon request, for comment to any other jurisdictional agencies, and any comments must be addressed. This final plan must be signed by a professional engineer licensed in the State of Georgia, who will verify that the design of all stormwater management practices meets the submittal requirements outlined in the Submittal Checklist found in the current LDM. 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 County Engineer after determining that the plan or waiver is consistent with the requirements of this Article.

(b) Stormwater Management Plan Requirement.

A stormwater management plan shall be required with all 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. This stormwater management plan will provide a master plan for all areas of the property or project including those that are not being improved under the application as well as future stormwater management improvements on the application whether by phase line, future development areas, or when apparent based on the layout shown on the application. The intent of the stormwater management plan 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. To accomplish this goal the applicant will prepare a design report which shall include elements sufficient to ensure compliance with this Article as outlined in the current LDM. The County Engineer 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 County Engineer must provide a written explanation of the additional elements needed to the applicant.

(c) Performance Bond/Security.

Glynn County may, at its discretion, require the submittal of a performance security or bond prior to issuance of a permit in order to ~~insure~~ 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 Glynn County. The performance security shall contain forfeiture provisions for failure to complete work specified in the stormwater management plan.

The installation performance security shall be released in full only upon submission of "record drawings" and written certification by a professional engineer licensed in the State of Georgia that the stormwater practice will function in accordance with the approved plan and other applicable provisions of this Article. The County Engineer 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 pro-rata release of the performance security based on the completion of various development stages can be done at the discretion of the County Engineer.

**2-27-30 Construction Inspection.**

(a) Notice of Construction Commencement.

The applicant must notify the County Engineer at least 24-hours 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 additional work shall proceed until any violations are corrected and all work previously completed has received approval by the County Engineer.

(b) Record Drawings.

All applicants are required to submit actual "record drawings" for any stormwater management practices, including but not limited to stormwater management ponds, 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 requirements for all stormwater management facilities and must be certified by a land surveyor or engineer licensed in the State of Georgia. A final inspection by the County Engineer is required before the release of any performance securities can occur.

(c) Landscaping and Stabilization Requirements.

Any area of land from which the natural vegetative cover has been either partially or wholly cleared or removed by development activities shall be revegetated within ten (10) days from the substantial completion of such clearing and construction. The following criteria shall apply to revegetation efforts:

- (1) Reseeding must be done with an annual or perennial cover crop accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until such time as the cover crop establishes over ninety percent (90%) of the seeded area.
- (2) Replanting with native woody and herbaceous vegetation must be accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until the plantings are established and are capable of controlling erosion.
- (3) Any area of revegetation must exhibit survival of a minimum of seventy-five percent (75%) of the cover crop throughout the year immediately following revegetation. Revegetation must be repeated in successive years until the minimum seventy-five percent (75%) survival for one (1) year is achieved.

In addition to the above requirements, a plan must be submitted with the final design describing the vegetative stabilization and management techniques to be used at a site after construction is completed in accordance with other such requirements in Glynn County's Code of Ordinances. This plan will explain not only how the site will be stabilized after construction, but who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved.

## **2-27-31**

### **Maintenance and Repair of Stormwater Facilities.**

- (a) Easement.

Prior to the issuance of any permit that has a stormwater management facility as one of its requirements and prior to Final Plat approval by the Board of Commissioners, the owner of the site for which the permit is sought must grant the County a perpetual access, maintenance, and drainage easement over, under, and across the stormwater facility property. The Final Plat shall contain language granting such easement and shall enable periodic inspections by the County to ensure that the facility is maintained in proper working condition to meet design standards and the provisions of this Ordinance. The easement shall also give the County the right to enter the property, at reasonable times and in a

reasonable manner, when there is a reasonable basis to believe that a violation of this Ordinance is occurring or has occurred, to enter when necessary for the abatement of a public nuisance or the correction of a violation of this Ordinance, or to operate, maintain, or repair the Stormwater Facilities. The easement shall be binding on all subsequent owners and must be approved by the Board of Commissioners.

(b) Maintenance.

The stormwater management facility Owner must maintain the stormwater management facility in a condition that meets, at a minimum, standards for maintenance set forth in this Ordinance or any other applicable federal, state, or local governmental requirement for the operation of such facility. The Owner shall be responsible for all costs associated with such maintenance.

Maintenance shall include those practices that permit the stormwater systems to provide drainage, water storage, conveyance, or other surface water management capabilities as permitted under the terms of this Ordinance. This shall include, without limitation, repairing and replacing improvements and fixtures; removing silt, litter, and other debris from all catch basins, inlets, and drainage pipes; landscaping, including cutting of grass, removal and/or replacement of vegetation; as well as such other routine procedures as may be necessary or appropriate to ensure the proper functioning of the stormwater system in accordance with this Ordinance. Any repair or reconstruction of the stormwater facility shall be as permitted or, if modified, as approved by the County.

Prior to the issuance of any permit that has a stormwater management facility as one of its requirements and prior to Final Plat approval by the Board of Commissioners, the Owner must incorporate language into the Final Plat wherein the Owner agrees and covenants to maintain the stormwater management facility as set forth above and to perform maintenance to ensure the proper function of the stormwater management facility. The Final Plat shall also include language that obligates the Owner to conduct periodic inspections to ensure proper performance of the facility between scheduled cleanouts. The Owner's obligation to maintain the facility in the manner set forth in the Final Plat shall be binding on all subsequent Owners.

(c) Inspection of Stormwater Facilities.

Stormwater management facilities shall undergo annual inspections by the Owner to document maintenance and repair needs and ensure compliance with the requirements of this Ordinance and

accomplishment of its purposes. These needs include removal of silt, litter and other debris from all catch basins, inlets and drainage pipes, grass cutting and vegetation removal, and necessary replacement of landscape vegetation. Any maintenance needs found must be addressed in a timely manner, as determined by the County Engineer.

In addition to the annual inspection referenced above, the Owner shall conduct an inspection upon request from the County. Furthermore, the Owner shall (a) inspect the Stormwater Facilities based upon complaints regarding the facilities or proposed violations of this Ordinance; (b) inspect, as often as necessary to ensure compliance with this Ordinance, drainage basins or other areas identified as a higher than typical source of sediment or other contaminants or pollutants or that is used by or in connection with 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 (c) inspect Stormwater Facilities in connection with a joint inspection with federal or state agencies inspecting under environmental or safety laws. Inspections shall include, but are not 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) Records of Installation and Maintenance Activities.

Parties responsible for the operation and maintenance of a stormwater management facility shall make records of the installation and of all maintenance and repairs, and shall retain the records for at least three (3) years. These records shall be made available to the County during inspection of the facility and at other reasonable times upon request.

(e) Failure to Maintain Practices.

If a responsible party fails or refuses to maintain the stormwater management facility in accordance with this Ordinance, the County may notify the party responsible for maintenance of the stormwater management facility in writing and issue a Notice To Comply. 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. If the responsible party fails to maintain the stormwater facility in accordance with this Ordinance, Glynn County, may, pursuant to the maintenance easement and

after the above notice is given, correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in compliance with this Ordinance. All costs associated with this work shall be assessed against the Owner and may become a lien upon 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 Glynn County. The owner shall ensure that the Final Plat acknowledges and consents to the above terms.

#### **ARTICLE IV – VIOLATIONS, ENFORCEMENT, AND PENALTIES**

##### **2-27-32 Violations.**

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Ordinance. If a person has violated or continues to violate the provisions of this ordinance, the County Attorney may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations and/or compelling the person to perform abatement or remediation of the violation.

##### **2-27-33 Notice of Violation.**

Whenever the County Engineer determines that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the County Engineer may order compliance by issuing a written notice of violation to the Owner of the property. Failure to address a notice of violation in a timely manner may result in the enforcement measures authorized in this Article.

- (a) The notice of violation shall contain:
- (1) the name and address of the Owner or responsible party;
  - (2) the address when available or a description of the building, structure or land upon which the violation is occurring, or has occurred;
  - (3) a statement specifying the nature of the violation;
  - (4) a description of the remedial measures necessary to restore compliance with this Ordinance and a time schedule for the completion of such remedial action;
  - (5) a statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed as provided in Section 2-27-36 of this Ordinance;
  - (6) a statement that any condition caused or permitted to exist in violation of any of the provisions of this Ordinance shall be deemed a nuisance and that the County Attorney may file a

civil action to abate, enjoin, or otherwise compel the cessation of such nuisance; and

- (7) a statement that the determination of violation may be appealed to the County by filing a written notice of appeal within ten (10) days of service of notice of violation.

(b) Such notice may require without limitation:

- (1) the performance of monitoring, analyses, and reporting;
- (2) the elimination of illicit connections or discharges;
- (3) that violating discharges, practices, or operations shall cease and desist;
- (4) the abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property. If abatement and/or remediation is required, said notice shall set forth a deadline within which such remediation or restoration must be completed and shall further advise that should the violator fail to remediate or restore within the established deadline, the County Attorney may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations and/or compelling the person to perform abatement or remediation of the violation;
- (5) payment of administrative and remediation costs if violator fails to remediate or restore affected property within the established deadline;
- (6) the implementation of source control or treatment BMP's; and
- (7) the halting of all construction activities via a Stop Work Order. This "stop work order" will be in effect until the County Engineer confirms that the development activity is in compliance and the violation has been satisfactorily addressed.

#### **2-27-34 Appeal of Notice of Violation.**

Any person receiving a Notice of Violation may appeal the determination of the County Engineer to the Glynn County Administrator. The notice of appeal must be received by the County Administrator within ten (10) business days from the date of mailing of the Notice of Violation. A hearing on the appeal before the County Administrator or his/her designee shall take place within ten (10) business days from the date of receipt of the notice of appeal. The decision of the County Administrator shall be binding on all parties, subject to the right of appeal as provided by O.C.G.A. § 5-4-1, et seq.



**2-27-35      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 Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken by the County Attorney.

**2-27-36      Penalties.**

Whenever in this Ordinance any act is prohibited or is made or declared to be unlawful or an offense, or whenever herein the doing of an act is required or the failure to do any act is declared to be unlawful, the violation of such provision shall be an ordinance violation punishable by a fine of not more than \$1,000.00, or 60 days in jail, or both. Such person shall be guilty of a separate offense for each day during which the violation occurs or continues. The punishment set forth in this subsection may be in addition to or act as an alternative to any other remedy provided in this Ordinance or by law.

**2-27-37      Remedies not Exclusive.**

The remedies listed in this Ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of Glynn County to seek cumulative remedies. In addition to the penalties provided in this Ordinance, any person violating any provision of this Ordinance shall become liable to the County for any expense, loss, or damage incurred by the County by reason of such violation.