

STATE OF GEORGIA

FULTON COUNTY

First Reading: June 25, 2012
Second Reading: July 9, 2012

**ORDINANCE TO AMEND CHAPTER 7, LAND DEVELOPMENT & ENVIRONMENTAL
PROTECTION, ARTICLE 7.3 EROSION & SEDIMENTATION, OF THE CITY OF
ROSWELL CODE OF ORDINANCES**

WHEREAS, the Mayor and Council is the governing authority of the City of Roswell, Georgia; and

WHEREAS, the City of Roswell desires to amend its Code of Ordinances in compliance with State Law pursuant to the Georgia Erosion and Sedimentation Act, O.C.G.A. § 12-7-8; and

WHEREAS, the City of Roswell desires to amend its Code of Ordinances pursuant to guidance by the Georgia Environmental Protection Division (EPD) in order to retain its designation as a "Local Issuing Authority"; to comply with O.C.G.A. § 12-7-8(a)(1) wherein "standards, requirements, and provisions of the ordinances for monitoring, reporting, inspections, design standards, turbidity standards, education and training shall not exceed the state general permit requirements"; and

WHEREAS, the City of Roswell desires to amend its Code of Ordinances pursuant to recommendation by the City Engineer in order to reflect current department liaison structure as it relates to the membership of the Soil Erosion Fund Committee, correct spelling errors and add the clarification that designees of the city engineer may conduct inspections; and

WHEREAS, Mayor and Council have reviewed the proposed changes to Chapter 7, Article 7.3 listed above and detailed below:

NOW, THEREFORE, to accomplish the foregoing the Mayor and Council pursuant to their authority, adopt the following ordinance:

1.

The Code of Ordinances of the City of Roswell, Chapter 7, ***Land Development and Environmental Protection***, Article 7.3 *Soil Erosion, Sedimentation Control and Pollution Control*, shall be amended by deleting therefrom the first paragraph from Section 7.3.4(C)(17) *Minimum requirements for Erosion, Sedimentation and Pollution Control Using Best Management Practices*, and substituting therefore a new paragraph to read as follows:

17. Rezoning plans and development plans must conform to topography and soil type so as to create the lowest practical erosion potential. No rezoning application or development plan application shall be considered on any slope in excess of twenty-five (25) percent within five hundred (500) feet of any state waters or stream identified on the Water Resources Protection Map, latest version, without the submittal of a Steep Slope and Erodible Soils Evaluation. For purposes of this paragraph, "state waters" excludes channels and drainage ways which have water in them only during and immediately after rainfall events and intermittent streams that based on a field

evaluation do not have a discernible flow at the time of the evaluation. Field evaluations shall not be made within forty-eight (48) hours of any rainfall event of 0.10 inches or greater or within seven (7) days of any rainfall event of 0.5 inches or greater. The rainfall measurement shall be based on the City of Roswell rainfall gauge closest to the site.

2.

Article 7.3 *Soil Erosion, Sedimentation Control and Pollution Control*, Section 7.3.4(C)(17) *Minimum requirements for Erosion, Sedimentation and Pollution Control Using Best Management Practices*, is further amended by deleting therefrom the first paragraph from subsection 7.3.4(C)(17)(d)(1) and substituting therefore a new paragraph to read as follows:

- (1) Poor Condition: < 50% ground cover
- Fair Conditions: 50% to 75% ground cover
- Good condition: > 75% ground cover

Exemptions to this section shall be as follows:

No application for a development permit shall be approved for activity inconsistent with this section, unless:

3.

Article 7.3 *Soil Erosion, Sedimentation Control and Pollution Control*, is further amended at Section 7.3.6 *Inspection and Enforcement*, by deleting subsection (A) and substituting therefor a new subsection (A) to read as follows:

A. The city engineer or his designee 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. Also, the Local Issuing Authority shall regulate primary, secondary and tertiary permittees as such terms are defined in the state general permit. Primary permittees shall be responsible for installation and maintenance of best management practices where the primary permittee is conducting land-disturbing activities. Secondary permittees shall be responsible for installation and maintenance of best management practices where the secondary permittee is conducting land-disturbing activities. Tertiary permittees shall be responsible for installation and maintenance where the tertiary permittee is conducting land-disturbing activities. 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.

4.

Article 7.3 *Soil Erosion, Sedimentation Control and Pollution Control*, Section 7.3.10 *Establishment of Soil Erosion Fund and Committee*, is amended by deleting therefrom subsection (d) and substituting therefore a new subsection (d) to read as follows:

d) Pursuant to the provisions of this section, a City of Roswell Erosion and Sediment Control Fund is hereby established. All fees collected under this section shall be credited to such fund. Disbursements from this fund will be made by the mayor, after an affirmative recommendation from the Erosion and Sediment Control Fund Committee ("committee") is received. The erosion and sediment control committee shall be composed of the mayor, the councilperson assigned to be the liaison to the environmental/public works department, the councilperson assigned to be the liaison to the community development department, the city administrator, the director of environmental/public works, the director of community development, and the director of transportation. The city administrator, two (2) of the three (3) elected officials (the mayor and two department liaisons), and two (2) of the three (3) directors (department heads) shall constitute a quorum and shall be able to transact business of the committee. Each member shall have equal voting privileges on committee issues. The city engineer shall serve as the fund coordinator and shall review properly completed applications for eligibility to fund proceeds. The city engineer shall also serve as the technical presenter of the application to the members of the committee but shall not be considered a member of the committee for voting purposes.

5.

Article 7.3 *Soil Erosion, Sedimentation Control and Pollution Control*, Section 7.3.11 *Effectivity, Validity and Liability*, subsection 7.3.11(A) is amended by deleting such subsection and substituting therefore a new subsection 7.3.11 (A) to read as follows:

A. Effectivity

This ordinance shall become effective the day following its adoption.

6.

Severability. Should any section of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

7.

Repeal of Conflicting Provisions. All ordinances, parts of ordinances, or regulations in conflict herewith are repealed.

8.

Renumbering. It is the intention of the Mayor and Council, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances, City of Roswell, Georgia and the sections of this ordinance may be renumbered to accomplish such intention.

9.

This Ordinance shall take effect and be in force from and after the date of its adoption the public welfare demanding it.

The above Ordinance was read and approved by the Mayor and Council of the City of Roswell, Georgia on the 9th day of July, 2012.

Attest:

Marlee Press
Marlee Press, City Clerk
(Seal)

J. Wood
Jere Wood, Mayor

Councilmember Jerry Orlans

Rebecca Wynn
Councilmember Rebecca Wynn

Betty Price
Councilmember Betty Price

Richard Dippolito
Councilmember Richard Dippolito

Kent Igleheart
Councilmember Kent Igleheart

Councilmember Nancy Diamond

