



## WORK SESSION

February 22, 2021  
10:00 AM

Albany-Dougherty Government Center  
222 Pine Ave, Room 100, Albany, GA 31701

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### AGENDA

*To comply with the request set forth by the Chairman of Dougherty County, GA and the guidelines of the Center for Disease Control (CDC) regarding the Coronavirus (COVID19) pandemic and social distancing, **face coverings (masks) are required for all meeting participants.***

The public will also have access to the live meeting by accessing the Dougherty County Georgia Government Facebook page at [facebook.com/Dougherty.ga.us](https://facebook.com/Dougherty.ga.us) or viewing the public government access channel (Channel 16).

1. Call to meeting to order by Chairman Christopher Cohilas.
2. Roll Call.
3. Delegations *(The Commission will hear comments on those items pertaining to Dougherty County for which a public hearing has not been held or scheduled. Please be brief, to the point, and considerate of time for others).*
  - a. Keep Albany Dougherty Beautiful (KADB) Executive Director Judy Bowles is present to update the Commission with the 2020 Annual Report and Arbor Day activities.
  - b. GBI Special Agent in Charge Eric Schwalls is present to provide an update on operations and request that the Commission accept two Criminal Justice Coordinating Council Multi-Jurisdictional Task Force grant awards in the amount of \$248,000.
  - c. Solid Waste Director Campbell Smith is present to update the Commission with the 2020 Annual Report and to introduce the Employee of the Year, Ronaldo Dumas, Heavy Equipment Operator I and Manager of the Year, Annie Hill, Administrative Operations Manager.
  - d. Public Works Director Larry Cook is present to update the Commission with the 2020 Annual Report and to introduce the Employee of the Year, Cindy Willis, Laborer and Manager, Benita Dyes, Administrative Supervisor.
4. Minutes.
  - a. Minutes of the February 1st Regular Meeting, February 8th Work Session and February 8th Special Called Meeting.

5. Purchases.

- a. Recommendation to purchase one (1) 2021 Ford F150 4x4 Pickup Truck for the Coroner's Office from the lowest responsive and responsible bidder meeting specifications Sunbelt Ford Lincoln (Albany, GA) in the value engineered amount of \$34,962.28. Four bids were received with the highest being \$51,244.20. Funding is available in SPLOST VII. County Administrator Michael McCoy will address. Coroner Michael Fowler and City of Albany buyer, Tina Strassenberg are present.
- b. Recommendation to purchase a T60T Hydroseeder for the Solid Waste Department from the State Contract vendor Flint Equipment (Albany, GA) in the amount of \$35,628.72. The machine will be used to grass areas of the landfill to comply with EPD rules. Funding is available in the Solid Waste Capital Outlay. County Administrator Michael McCoy will address. Solid Waste Director Campbell Smith is present.
- c. Recommendation to purchase one (1) Alamo 25' Boom Mower in amount of \$74,600 and one (1) John Deere 6130M Cab Tractor in the amount of \$99,773.52 from the State Contract vendor Flint Equipment Company (Albany, GA) for the Public Works Department. The total expenditure will be \$174,373.52 and is budgeted in SPLOST VII. County Administrator Michael McCoy will address. Public Works Director Larry Cook and Buyer Tina Strassenberg are present.

6. Additional Business.

- a. Recommendation to take appropriate action to either demolish or bring up to Code two purported dilapidated structures located at 2912 and 2914 Thrasher Avenue. County Attorney Spencer Lee and County Administrator Micheal McCoy will discuss.
- b. Review of Dougherty County's Stormwater Control Ordinance relative to the implementation of changes recommended by the Environmental Protection Division of the Georgia Department of Natural Resources. Project Engineer Jeremy Brown will address.

7. Updates from the County Administrator.

8. Updates from the County Attorney.

9. Updates from the County Commission.

**a. The agenda for the Special Called Meeting Agenda follows.**

10. Adjourn.

*Individuals with disabilities who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding the accessibility of the meeting or the facilities are required to contact the ADA Coordinator at 229-431-2121 promptly to allow the County to make reasonable accommodations for those persons.*

# GBI Southwestern Regional Drug Enforcement Office

## Grant Activity for FY 2020

The CJCC 2020 Grant Year ran from January 1, 2020 to December 31, 2020. The SWRDEO was awarded \$248,000 for operational expenses and one part time grant administrator for the FY 2020 year.

Grant funds were expended and reimbursed to Dougherty County on a Quarterly basis. Total grant funds expended were \$247,823 and the total funds reimbursed to Dougherty County were \$247,823.

## Calendar Year 2020 Statistics January 1-December 31, 2020

Statistics shown: GBI FY20 January 1-June 30 and GBI FY21 July 1-December 31 (2020 Calendar Year)

Total Number of cases opened:	211
Total Number of arrests made:	85
Total Drug Seizures:	\$3,406,019.55
# of cases in Dougherty County:	89 (42%)

## Office Personnel

GBI Agents	Currently Assigned	4	(Full Staff 7)
Task Force Agents	Currently Assigned	6	(Full Staff 10)
	Dougherty County SO	1	
	Albany Police	2	(1 started in October)
	Dougherty County PD	1	(started in October)
	Worth County SO	1	(started in October)
	Colquitt County SO	1	(started in October)

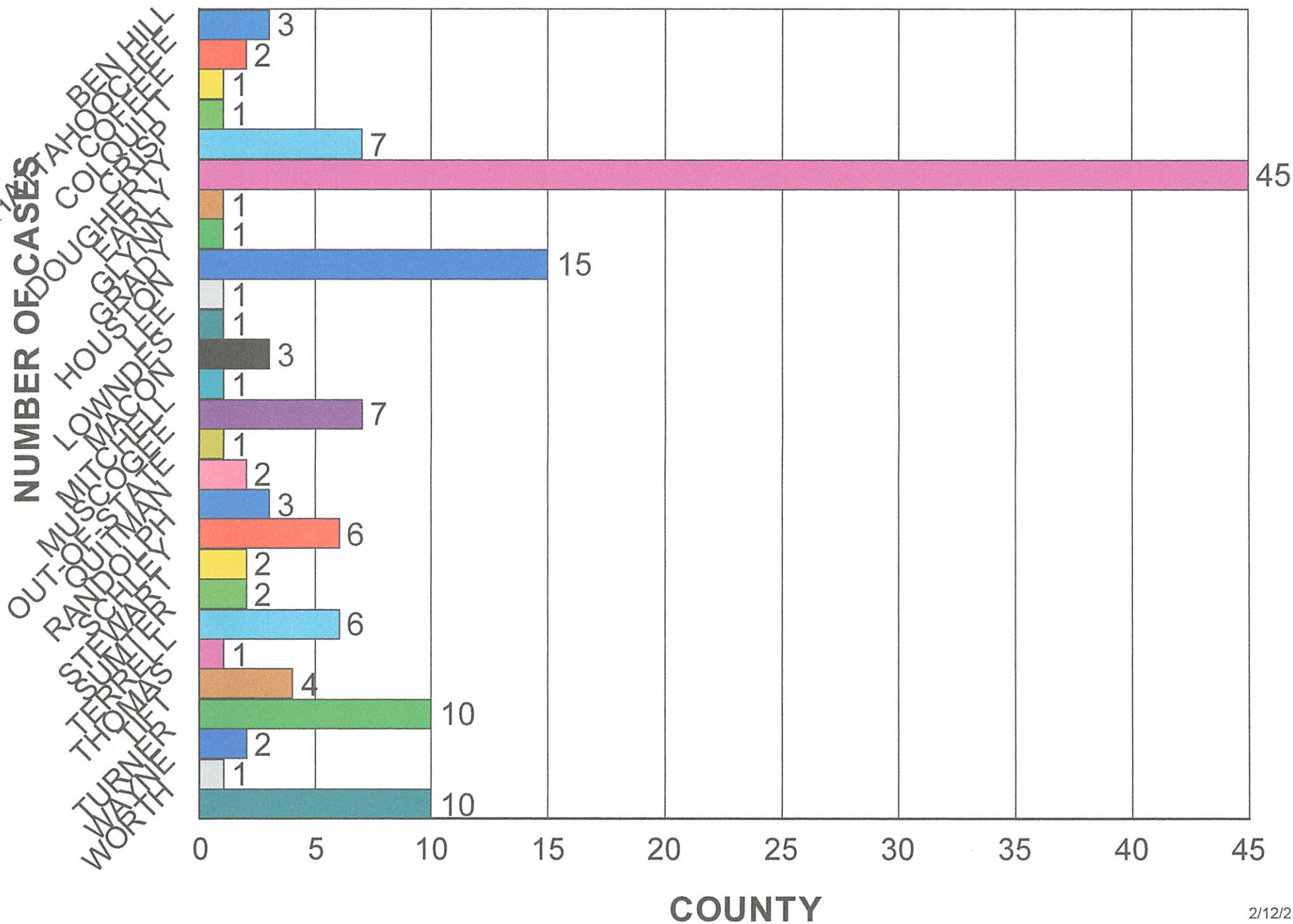
## Request for acceptance of the FY 2021 Grant

The CJCC 2021 Grant request was completed in October of 2020. CJCC grant number B19-08-014 awarded \$44,858 and grant number B20-08-007 awarded \$203,142 for a total of \$248,000, to the Dougherty County Board of Commissioner for operational expenses of the SWRDEO and a SWRDEO part time grant administrator. The SWRDEO is requesting the Dougherty County Board of Commissioners accept the award on the behalf of the SWRDEO.

# CASES BY COUNTY

REGIO  
FY 20

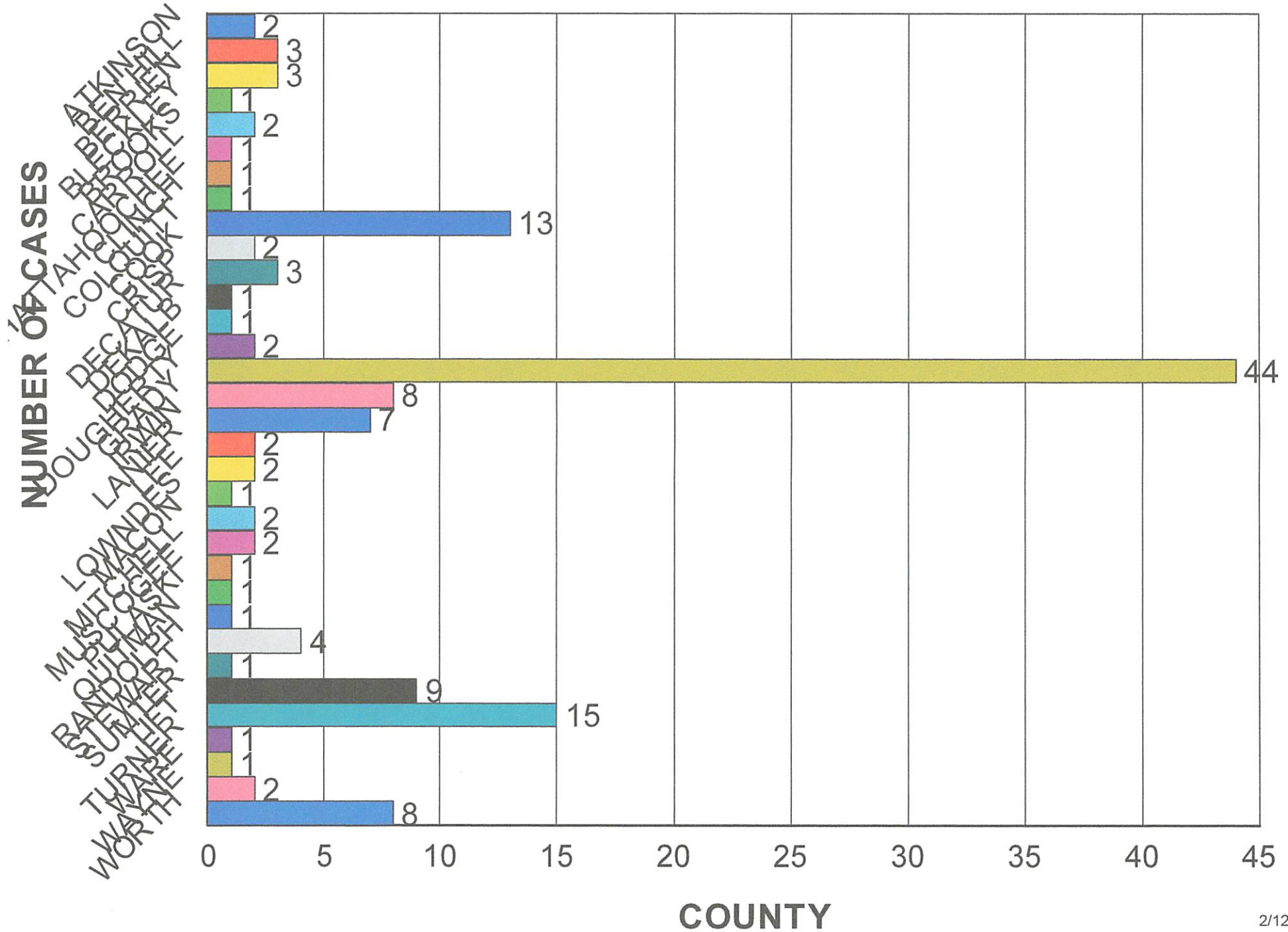
Item 3b.



# CASES BY COUNTY

REGI Item 3b.

FY 21





OFFICE OF THE GOVERNOR  
CRIMINAL JUSTICE COORDINATING COUNCIL

REFERENCE NO.: 14xxx

Item 3b.

SUBGRANT AWARD

SUBGRANTEE: Dougherty County Board of Commissioners

IMPLEMENTING

AGENCY: Dougherty County BOC

PROJECT NAME: Multi-Jurisdictional Task Force

SUBGRANT NUMBER: B19-8-014

FEDERAL FUNDS: \$ 44,858

MATCHING FUNDS: \$ 0

TOTAL FUNDS: \$ 44,858

GRANT PERIOD: 01/01/21-12/31/21

This Award is hereby made in the amount and for the period shown above for a Subgrant under the Anti-Drug Abuse Act of 1988, Public law 100-690, Title VI, Subtitle C.

The award is made in accordance with the plan set forth in the application of the Subgrantee and subject to any attached special conditions.

The Subgrantee has agreed through the executed copy of certified assurances to be subject to all applicable rules, regulations, and conditions of the Anti-Drug Abuse Act of 1988. This Subgrant shall become effective on the beginning date of the grant period, provided that within forty-five (45) days of the award execution date (below) the properly executed original of this "Subgrant Award" is returned to the Criminal Justice Coordinating Council.

AGENCY APPROVAL

  
Jay Neal, Director  
Criminal Justice Coordinating Council

Date Executed: 01/01/21

SUBGRANTEE APPROVAL

  
Signature of Authorized Official Date

Chris Cochran - Chairman  
Typed Name & Title of Authorized Official

58-6000817-001

Employer Tax Identification Number (EIN)

\*\*\*\*\*  
INTERNAL USE ONLY

TRANS CD	REFERENCE	ORDER	EFF DATE	TYPE	PAY DATE	INVOICE	CONTRACT #
102	14xxx	1	01/01/21	9		**	B19-8-014
OVERRIDE	ORGAN	CLASS	PROJECT			VENDOR CODE	
2	46	4	14xxx				

ITEM CODE	DESCRIPTION 25 CHARACTERS	EXPENSE ACCT	AMOUNT
1	Multi-Jurisdictional Task Force	624.41	\$ 44,858

**OFFICE OF THE GOVERNOR  
CRIMINAL JUSTICE COORDINATING COUNCIL**

**2020 Edward Byrne Memorial Justice Assistance Grant**

**SUBGRANT AWARD**

**SUBGRANTEE:** Dougherty County Board of Commissioners

**IMPLEMENTING**

**AGENCY:** Dougherty County BOC

**PROJECT NAME:** Multi-Jurisdictional Task Force

**SUBGRANT NUMBER:** B20-8-007

**FEDERAL FUNDS:** \$ 203,142

**MATCHING FUNDS:** \$ 0

**TOTAL FUNDS:** \$ 203,142

**GRANT PERIOD:** 01/01/21-12/31/21

This Award is hereby made in the amount and for the period shown above for a Subgrant under the Anti-Drug Abuse Act of 1988, Public law 100-690, Title VI, Subtitle C.

The award is made in accordance with the plan set forth in the application of the Subgrantee and subject to any attached special conditions.

The Subgrantee has agreed through the executed copy of certified assurances to be subject to all applicable rules, regulations, and conditions of the Anti-Drug Abuse Act of 1988. This Subgrant shall become effective on the beginning date of the grant period, provided that within forty-five (45) days of the award execution date (below) the properly executed original of this "Subgrant Award" is returned to the Criminal Justice Coordinating Council.

**AGENCY APPROVAL**

  
\_\_\_\_\_  
Jay Neal, Director  
Criminal Justice Coordinating Council

Date Executed: 01/01/21

**SUBGRANTEE APPROVAL**

  
\_\_\_\_\_  
Signature of Authorized Official Date 1-14-21

Chris Cohilas Chairman  
\_\_\_\_\_  
Typed Name & Title of Authorized Official

58-6000817-001

\_\_\_\_\_  
Employer Tax Identification Number (EIN)

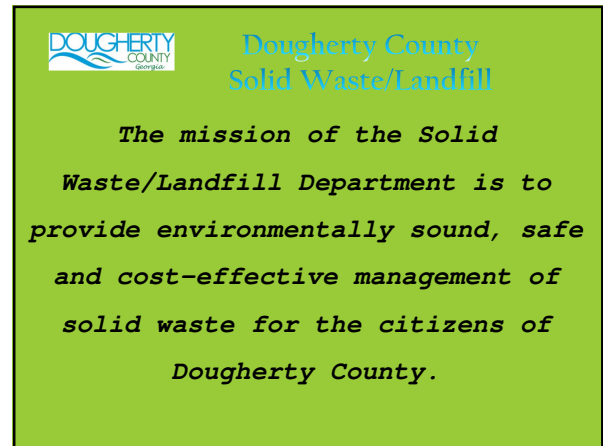
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INTERNAL USE ONLY

TRANS CD	REFERENCE	ORDER	EFF DATE	TYPE	PAY DATE	INVOICE	CONTRACT #
102	14xxx	1	01/01/21	9		**	B20-8-007
OVERRIDE	ORGAN	CLASS	PROJECT			VENDOR CODE	
2	46	4	14xxx				

ITEM CODE	DESCRIPTION 25 CHARACTERS	EXPENSE ACCT	AMOUNT
1	Multi-Jurisdictional Task Force	624.41	\$ 203,142



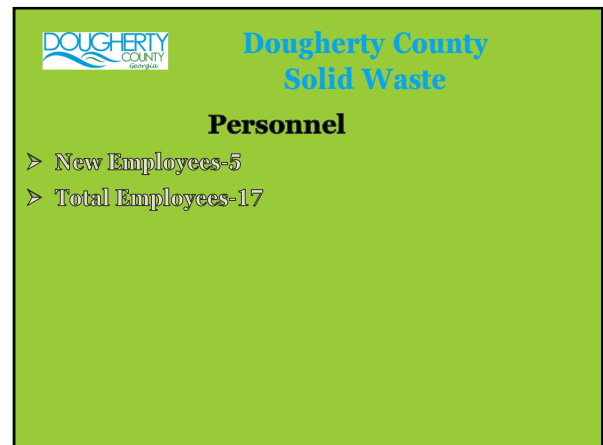
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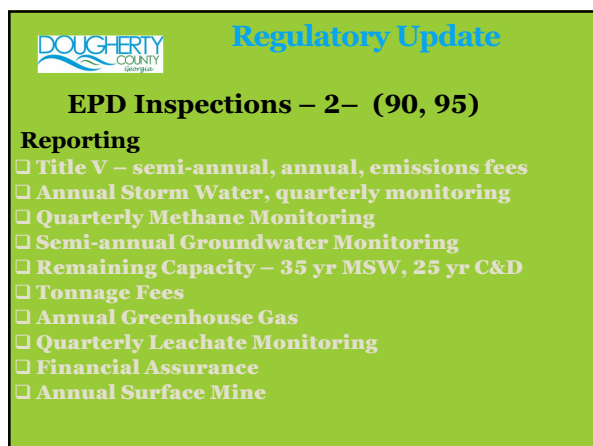
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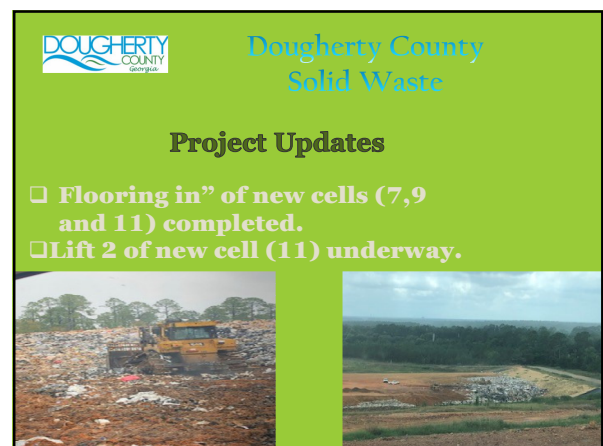
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**DOUGHERTY COUNTY**  
Georgia

**Dougherty County  
Solid Waste**

**Project Updates**

*GCCS Well Redrilling/Expansion Project*

- ❑ Redrilled 14 Wells
- ❑ Improved reliability of Gas Collection and Control System (GCCS)
- ❑ Increased gas production (Cells 8,10 and 12)



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**DOUGHERTY COUNTY**  
Georgia

**Dougherty County  
Solid Waste**

**Project Updates**

*GCCS Flare Replacement Project*

- ❑ Installation scheduled end of March 2021.
- ❑ New flare will automatically turn on when there is a loss of vacuum on the well field during downtime of the Navy's generator.
- ❑ Prevents possible gas migration and keeps landfill compliant with EPD regulations.



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**DOUGHERTY COUNTY**  
Georgia

**Dougherty County  
Solid Waste**

**Project Updates**

*Scale Replacement*

- ❑ Replace original landfill inground scales with modern above ground scales.
- ❑ Improve reliability and accuracy.
- ❑ Easier to maintain, inspect and repair.



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**DOUGHERTY COUNTY**  
Georgia

**Dougherty County  
Solid Waste**

**New Reporting Requirements/Waste Mining Study**

- ❑ Under Georgia Regulations permitted landfills must submit new D&O (Design and Operational) plans every 5 years that they must operate by.
- ❑ Permit review is to assure that all operating solid waste handling facilities comply with the current requirements of the Georgia Comprehensive Solid Waste Management Act and the Rules.
- ❑ Both MSW and C&D are in wave 4 of the scheduled submittals and must submit updated plans by January 1, 2022

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**DOUGHERTY COUNTY**  
Georgia

**Dougherty County  
Solid Waste**

**New Reporting Requirements/Waste Mining Study**

- ❑ In 2020 DCSW looked at the feasibility of mining the unlined MSW cells (Cells 1 through 6) to expand the disposal capacity of the MSW landfill.
- ❑ The mining feasibility study concluded that the additional airspace gained for MSW disposal would not completely offset the cost of mining waste.
- ❑ Based on the results of the mining study DCSW looked at horizontal and vertical expansion of both the MSW and C&D landfills.


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**DOUGHERTY COUNTY**  
Georgia

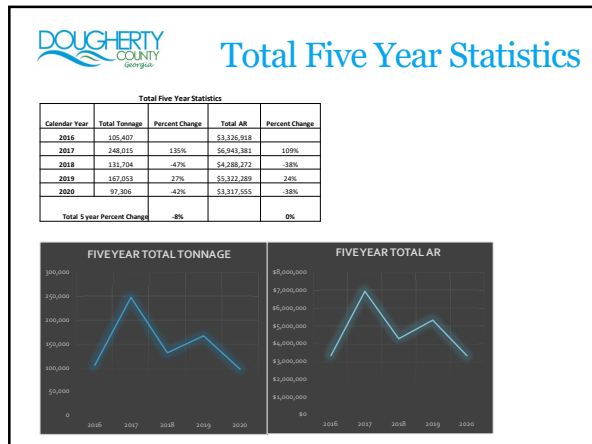
**Dougherty County  
Solid Waste**

**LFGE 2020 Highlights**

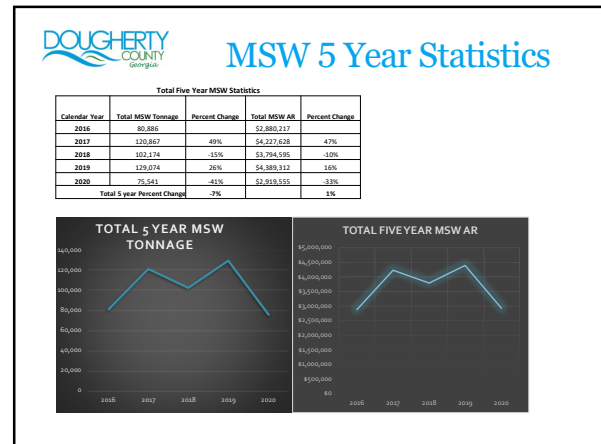
- 313,299 MMBtu transferred
- \$228,911 total amount billed
- \$83,511 pass through electricity
- \$145,400 total revenue



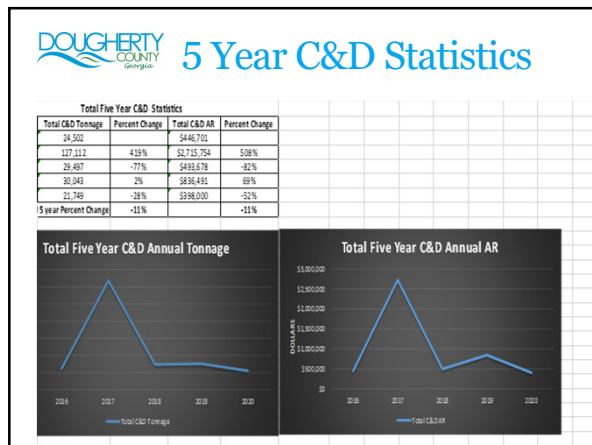
12



13



14



15

**DOUGHERTY COUNTY Georgia**

## Dougherty County Solid Waste

### Future Projects

- ☐ Title V Permit Renewal
- ☐ Scale Replacement
- ☐ Repaving Project

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**DOUGHERTY COUNTY Georgia**

## Dougherty County Solid Waste

### DOCOSolid Waste Department

**Employee of the Year**  
*Ronaldo Dumas- Heavy Equipment Operator 1*

**Manager of the Year**  
*Annie Hill- Administrative Operations Manager*

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**DOUGHERTY COUNTY Georgia**

## Dougherty County Solid Waste

# Questions?

**Campbell Smith**  
**Director**  
**Dougherty County Solid Waste Department**  
**(229) 420-1050**

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DOUGHERTY COUNTY COMMISSION  
REGULAR MEETING MINUTES

DRAFT

February 1, 2021

The Dougherty County Commission met in Room 100 of the Albany-Dougherty Government Center on February 1, 2021. Chairman Christopher Cohilas presided. Commissioners present were Victor Edwards, Russell Gray, Clinton Johnson, and Ed Newsome. Commissioners Anthony Jones and Gloria Gaines participated via the audio-conferencing feature. Also present were County Administrator Michael McCoy, Assistant County Administrator Scott Addison, County Attorney Spencer Lee, County Clerk Jawahn Ware, and other staff. The public and representatives of the media participated in person and via live streaming of the meeting on the County's Facebook page and the government public access channel.

After the invocation and Pledge of Allegiance, the Chairman called for approval of the January 4th Regular Meeting, January 11th Work Session, and January 11th Special Called Meeting minutes.

Commissioner Gray moved for approval. Upon a second by Commissioner Jones, the minutes were unanimously approved.

The Chairman and County Commissioners recognized Voter Registration & Elections Board member Dontravious Simmons for his past service.

The Chairman recognized William Wright, representative of Afram Tech, Inc. to address concerns to the Commission. Mr. Wright presented a proposal for a local "Green New Deal" program for the citizens of Dougherty County and Southwest, Georgia. He proposed the following:

1. Economic Development (i.e, having a black-owned/controlled bank).
2. A need for a minority business program.
3. Proactively dealing with sundry food deserts.
4. Organizing a meeting with the state legislators regarding the payroll protection program.
5. Focusing on racial justice/racial equality in the criminal justice system.
6. Meeting with the state legislators to reauthorize the New Mainstreet loan program.
7. Having an entrepreneurial academy.

The Chairman called for consideration of the request from Public Works to purchase equipment and a roof shade for Robert Cross Park from the lowest quoted vendor Hasley Recreation (Flowery Branch, GA) in the amount of \$84,094. Three vendors submitted quotes with the highest being \$91,370. Funding is budgeted in SPLOST VII. Assistant County Administrator Scott Addison addressed. Public Works Director Larry Cook was present. Mr. Addison said that this was one of the projects identified in the Radium Springs Master Plan and will be used for exercise equipment.

Commissioner Johnson moved for approval. Commissioner Gray seconded the motion. Under discussion, questions from the Commission were addressed about installation and solar panels. The motion for approval passed unanimously.

The Chairman called for consideration of the recommendation to accept the proposal from Stones Aquatic Weed & Algae Removal LLC in the amount of \$20,000 for the enhancement of Radium Springs by hydraulically dredging the spring area to remove silt. Funding is available in SPLOST V. Assistant County Administrator Scott Addison discussed. Juston Stone, the owner of Stones Aquatic Weed and Algae Removal LLC, was present via phone. Mr. Addison stated that this was the next phase to remove the vegetative per the recommendation of UGA Aquaculture Specialist Dr. Burtle.

Commissioner Jones moved for approval. Commissioner Gray seconded the motion. Under discussion, Mr. Addison answered questions from Commissioner Gaines about the herbicide applications. Mr. McCoy provided additional information on the 3-phase process. The motion for approval passed unanimously.

The Chairman called for consideration of the acceptance of a change order to the Connector Trail Project in Radium Springs with the awarded vendor, HTS Construction, for the Overlook Park Loop in the amount of \$53,340. Funding is available in SPLOST VII. Assistant County Administrator Scott Addison addressed. Public Works Director Larry Cook and Project Engineer Jeremy Brown were present. Mr. Addison said that the trail will be completed with concrete instead of gravel.

Commissioner Gray moved for approval. Upon a second by Commissioner Jones, the motion for approval passed unanimously.

During the updates from the Board, Commissioner Edwards asked that there be a discussion between Mr. McCoy and Mr. Wright regarding his presentation; particularly regarding the minority business aspect. Commissioner Edwards shared information with Mr. Wright regarding past actions taken by Commission and reminded him of the requests made for his assistance.

There being no further business to come before the Commission, the meeting adjourned at 10:42 a.m.

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CHAIRMAN

ATTEST:

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COUNTY CLERK



DOUGHERTY COUNTY COMMISSION  
WORK SESSION MEETING MINUTES

DRAFT

February 8, 2021

The Dougherty County Commission met in Room 100 of the Albany-Dougherty Government Center on February 8, 2021. Vice-Chairman Victor Edwards presided and called the meeting to order at 10:00 am. Present [in the Chamber] were Commissioners Russell Gray, Clinton Johnson, and Ed Newsome. Commissioners Gloria Gaines and Anthony Jones participated via the audio-conferencing feature. Also participating in the Chamber were County Administrator Michael McCoy, Assistant County Administrator Scott Addison, County Attorney Spencer Lee, County Clerk Jawahn Ware, and other staff. The public and representatives of the media participated in person, via live streaming of the meeting on the County's Facebook page and the government public access channel. Chairman Christopher Cohilas was absent.

Pastor Williamson from Blue Springs Baptist Church provided the invocation.

The Vice-Chairman asked the Commission to review the minutes of the January 22<sup>nd</sup> Annual Retreat and January 25<sup>th</sup> Regular Meeting.

The Vice-Chairman recognized William Wright, representative of Afram Tech, Inc. to continue addressing concerns to the Commission. He provided supplement material and provided different funding strategies that could be used to finance a minority business program. The request for funding and room usage was presented along with additional information for a local "Green New Deal" program. Commissioner Johnson asked Mr. McCoy to review the policy on the Candy Room utilization and work with Mr. Wright because he desires for the Commission to support Mr. Wright in his initiatives. The Vice-Chairman directed Mr. McCoy to meet with Mr. Wright to establish a meeting to discuss the three issues. Commissioner Jones suggested that all entities [listed in the proposal] meet.

The Vice-Chairman called for discussion of the zoning application of Ola M. Brown, owner, and Frank Hadley IV, applicant; request to rezone 14.996 acres from AG (Agricultural District) to R-G (Single-Family Residential District County Only). The property address is 2620 Gibson Road. The Planning Commission recommended approval. Mary Teter, Planning Manager, addressed. The Public Hearing and Action are scheduled for February 15, 2021. The request is to subdivide the property into two tracts for a home to be built.

The Vice-Chairman called for a discussion of the recommendation to purchase one 2020 Freightliner 114SD with attached 2021 Polar SRX 800-1 Tank Trailer for Solid Waste from the lowest responsive and responsible bidder meeting specifications Four Star Freightliner (Montgomery, AL) in the amount of \$173,277. Two bids were received. Funding is available in Solid Waste Capital Outlay. Assistant County Administrator Scott Addison addressed. Solid Waste Director Campbell Smith and City of Albany buyer, Tina Strassenberg were present.

Mr. Addison stated that this was a replacement for the tanker at the landfill and addressed the questions of Commissioner Johnson.

The Vice-Chairman called for a discussion of the recommendation to purchase two Zoll Medical X Series Monitor/Defibrillators for the EMS Department from single-source vendor Zoll Medical Corporation (Chelmsford, Mass.) in the amount of \$61,218.16. Funding is budgeted in SPLOST VII. Assistant County Administrator Scott Addison addressed. EMS Director Sam Allen was present. Mr. Addison stated that this was a standard replacement for items that have reached the end of the life cycle.

The Vice-Chairman called for a discussion of the recommendation to purchase ten Motorola Portable Radios for the EMS Department from single-source vendor Motorola Solutions (Albany, GA) in the amount of \$37,974.55. Funding is budgeted in SPLOST VII. Assistant County Administrator Scott Addison addressed. EMS Director Sam Allen was present. Mr. Addison stated that this was a standard life cycle replacement.

The Vice-Chairman called for a discussion of the recommendation to accept the proposal in the amount of \$100,080 from Dewberry Engineers Inc. (Atlanta, GA) to provide professional engineering services. The services will assess the potential effectiveness of modifying the operations of the Flint River Hydro Project, Muckafoonee Dam, and Crisp Power Dam at Lake Blackshear on the Flint River to mitigate flooding on Lake Chehaw and Lake Worth. Funding is available in SPLOST VII. Assistant Administrator Scott Addison addressed. Public Works Director Larry Cook, Project Engineer Jeremy Brown, and Associate Vice President Sam Fleming, P.E. were present. Mr. Addison provided an update to the Commission on the request for options to mitigate flooding. Commissioner Gray added that this will provide an independent opinion on how to best collaborate with the different entities for the flooding concerns for Dougherty County and Lee County residents. Mr. McCoy addressed Commissioner Gaines' concerns regarding the County's role in the issue. There was discussion opposed to Dougherty County funding the proposal considering that the cause of flooding stemmed from northern areas. The need to protect all citizens was stressed with the emphasis that other entities involved would need to assist with the costs. Commissioner Gray provided additional perspectives on the advantages of Dougherty County proceeding by providing data to get assistance for citizens. Commissioner Johnson asked Mr. McCoy to involve Cornerstone for legislative assistance and Mr. McCoy shared details on the previous action taken. After a lengthy discussion ensued, Commissioner Gray asked the Commission to remove the item for consideration [at the upcoming Regular Meeting] to allow him and Mr. McCoy to get additional information and speak to stakeholders. Commissioner Gaines offered her assistance on the matter based on previous expertise.

The Vice-Chairman called for a discussion of a recommendation from the Albany Fire Department to apply for the Fiscal Year 2020 Assistance to Firefighters Grant (AFG) from the Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), and Grant Program Directorate (GPD) in the amount of \$488,958.31 to purchase a tanker truck. This amount includes the local match amount of \$48,895.83. Funding is available in SPLOST VII. Assistant

County Administrator Scott Addison and Fire Chief Cedric Scott addressed. Action on this item is scheduled in the following Special Called Meeting. Mr. Addison stated that this would be an excellent opportunity to ideally provide another tanker truck on the other side of the county.

There being no further business to come before the Commission, the meeting adjourned to a Special Called Meeting at 11:33 a.m.

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CHAIRMAN

ATTEST:

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COUNTY CLERK

DOUGHERTY COUNTY COMMISSION  
SPECIAL CALLED MEETING MINUTES

DRAFT

February 8, 2021

The Dougherty County Commission met in Room 100 of the Albany-Dougherty Government Center on February 8, 2021. Vice-Chairman Victor Edwards presided and called the meeting to order at 11:33 am. Present [in the Chamber] were Commissioners Russell Gray, Clinton Johnson, and Ed Newsome. Commissioners Gloria Gaines and Anthony Jones participated via the audio-conferencing feature. Also participating in the Chamber were County Administrator Michael McCoy, Assistant County Administrator Scott Addison, County Attorney Spencer Lee, County Clerk Jawahn Ware and other staff. The public and representatives of the media participated in person, via live streaming of the meeting on the County's Facebook page and the government public access channel. Chairman Christopher Cohilas was absent.

The Vice-Chairman called for consideration of the recommendation from the Albany Fire Department to apply for the Fiscal Year 2020 Assistance to Firefighters Grant (AFG) from the Department of Homeland Security (DHS), Federal Emergency Management Agency (FEMA), and Grant Program Directorate (GPD) in the amount of \$488,958.31 to purchase a tanker truck. This amount includes the local match amount of \$48,895.83. Funding is available in SPLOST VII.

Commissioner Johnson moved for approval. Upon a second by Commissioner Jones, the motion passed unanimously.

There being no further business to discuss the Commission, the meeting adjourned at 11:34 a.m.

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CHAIRMAN

ATTEST:

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COUNTY CLERK



**PROCUREMENT RECOMMENDATION**

DATE: February 17, 2021

TITLE: **DOCO CORONER'S TRUCK** DEPARTMENT: **3700 Coroner's Department**  
 REFERENCE NUMBER: **Bid Ref #21-044** ACCOUNT #: **SPLOST VII / 159525023.CTYDEPTVEH.VEHICL. CORONER**  
 OPENING DATE: **02/04/2021** BUDGETED AMOUNT: **\$35,000**  
 BUYER: **Tina Strassenberg** DEPARTMENT CONTACTS: **Michael Fowler, Coroner**

  
 Yvette Fields, Director

**RECOMMENDATION:**

Recommend approval for the purchase of one (1) 2021 Ford F150 4x4 Pickup Truck from Sunbelt Ford Lincoln of Albany GA for the Dougherty County Coroner's department.

The lowest responsible and responsive bid was \$34,962.28.

**BACKGROUND INFORMATION:**

Bid Reference #21-044 was advertised in the Albany Herald, on local Channel 16, published through the Georgia Procurement Registry website and four potential bidders were directly solicited. The bid opening was 02/04/2021. Four bids were received. The purchase cost is less than as shown on the bid tabulation due to value engineering for budgetary purposes.

**COUNTY ADMINISTRATOR ACTION:**

☒ APPROVED

☐ DISAPPROVED

☐ HOLD

**COMMENTS:**

2-18-21  
 DATE

  
 COUNTY ADMINISTRATOR

**Documents Attached:**

Bid Tabulation  
 Value Engineered Worksheet

CENTRAL SERVICES

[illegible]

Bid 21-044 Coroner's 4x4 Pickup Truck

AS BID		OPTIONS EDITED TO MEET BUDGET	
\$ 29,274.28		\$ 29,274.28	
\$ 1,995.00	5.0 V8 Engine	\$ 1,995.00	5.0 V8 Engine
\$ 420.00	Off-Road Locking Differential	\$ 420.00	Off-Road Locking Differential
\$ 160.00	Skid Plates	\$ 160.00	Skid Plates
\$ 438.00	Remote Start/2 Opt Keys	\$ 243.00	<del>Remote Start</del> 2 Opt Keys ONLY
\$ 795.00	Navigation	\$ 795.00	Navigation
\$ 325.00	Sync 4	\$ 325.00	Sync 4
\$ 290.00	Bed Outlet		<del>Bed Outlet</del>
\$ 1,090.00	Trailer Tow Package		<del>Trailer Tow Package</del>
\$ 250.00	Running Boards	\$ 250.00	Running Boards
\$ 160.00	Tray Floor Liners		<del>Tray Floor Liners</del>
\$ 1,500.00	Tonneau Cover	\$ 1,500.00	Tonneau Cover
\$ 56.59	Filters/Drive Belt		<del>Filters/Drive Belt</del>
\$ 36,753.87		\$ 34,962.28	

REMOVE: Remote Start  
REMOVE: Bed Outlet  
REMOVE: Trailer Tow Package  
REMOVE: Tray Floor Liners  
REMOVE: Filters/Drive Belt



**Scott Addison**  
*Assistant County Administrator*

**DOUGHERTY COUNTY BOARD OF COMMISSIONERS  
ADMINISTRATION**

Agenda Item

Date: February 18, 2021

Meeting Date: February 22, 2021

Subject/Title: T60T Hydroseeder for Solid Waste

Presented for: Decision

Presenter: Scott Addison, Asst. County Administrator

Statement of Issue

The Solid Waste Department is requesting to purchase a T60T Hydroseeder.

History/Facts and Issues

The Dougherty County Solid Waste Department is requesting to purchase a T60T Hydroseeder. The machine will be used to grass areas of the landfill to comply with EPD rules. This will be a purchase off State Contract NJPA Contract #032151 from Flint Equipment in the amount of \$35,628.72. It will replace a 2012 T120 Hydroseeder.

Recommended Action

Recommend Dougherty County Commission approves the purchase of the T60T Hydroseeder from Flint Equipment for a total expenditure of \$35,628.72.

Funding Source

Solid Waste Capital Outlay





**PROCUREMENT RECOMMENDATION**

DATE: February 17, 2021

TITLE: **PW Tractors & Mowers**  
REFERENCE **GA Tractors & Mowers**  
NUMBER: **99999-001-SPD0000102**

DEPARTMENT: **1051 – Public Works**  
ACCOUNT **425025063 STRMDRIMPR**  
NUMBER: **Equipment Main Budget**  
**SPLOST VII**

OPENING DATE:

BUDGETED AMOUNT: **\$175,000**BUYER: **Tina Strassenberg**

DEPARTMENT **Russell Allenbaugh**  
CONTACTS:

  
Yvette Fields, Director

**RECOMMENDATION:**

Recommend approval to purchase from Flint Equipment Co., of Albany, GA the following pieces of equipment for the Public Works Department. One (1) Alamo 25' Boom Mower and one (1) John Deere 6130M Cab Tractor. The total expenditure will be \$174,373.52.

**BACKGROUND INFORMATION:**

The purchase will utilize the Georgia DOAS Contract 99999-001-SPD0000102-0027 with Deere & Company. The new equipment will replace a 2012 Boom mower and a 2012 John Deere Cab Tractor.

**COUNTY ADMINISTRATOR ACTION:**☒ APPROVED☐ DISAPPROVED☐ HOLD

COMMENTS:

2-19-21  
DATE

  
COUNTY ADMINISTRATOR

**List of Documents Attached:**

Quote

CENTRAL SERVICES

**A RESOLUTION  
ENTITLED**

**A RESOLUTION PROVIDING FOR INVESTIGATION AND/OR INSPECTION BY THE PUBLIC OFFICER AS DESIGNATED UNDER DOUGHERTY COUNTY NUISANCE ABATEMENT RESOLUTION NUMBER 02-034 AND/OR HIS OR HER DESIGNEE AND PROVIDING FOR THE ENFORCEMENT OF THE DOUGHERTY COUNTY NUISANCE ABATEMENT RESOLUTION RELATIVE TO CERTAIN REAL PROPERTY LOCATED IN THE UNINCORPORATED AREA OF DOUGHERTY COUNTY; REPEALING RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HERewith; AND FOR OTHER PURPOSES.**

**WHEREAS**, there exists in the unincorporated area of the County certain real property that is unfit for human habitation and not in compliance with applicable County codes and state laws and constitutes an endangerment to the public health and safety as a result of unsanitary and unsafe conditions; and

**WHEREAS**, the Board of Commissioners of Dougherty County, Georgia finds that it is necessary to utilize Dougherty County Nuisance Abatement Resolution Number 02-034 to abate the nuisances as found in the unincorporated area of the County.

**NOW THEREFORE, BE IT RESOLVED** by the Board of Commissioners of Dougherty County, Georgia and it is hereby resolved by authority of same as follows:

**SECTION I** The Public Officer, as designated in Dougherty County Nuisance Abatement Resolution Number 02-034, is hereby requested to make an investigation and inspection of the following property to determine if the above-described conditions exist under applicable codes: (1) 2912 Thrasher Avenue, Albany, Georgia 31707 (Lot 59, Rolling Acres Subdivision) and (2) 2914 Thrasher Avenue, Albany, Georgia 31707 (Lot 58, Rolling Acres Subdivision).

**SECTION II** The Public Officer is hereby requested to have filed in a Civil Court with jurisdiction a Complaint In Rem against the above-stated lots, tracts or parcels of real property found to be in violation of said Resolution.

**SECTION III** The County Attorney is hereby directed to take appropriate action on behalf of Dougherty County relative to the above-stated properties to abate any nuisance found to be in violation of Dougherty County Nuisance Abatement Resolution Number 02-034.

**SECTION IV** The County Attorney, Public Officer and County Administrator are hereby authorized to expend funds necessary to have the violations abated, including demolition costs.

**SECTION V** All Resolutions or parts of Resolutions in conflict herewith are hereby repealed.

This the 1st day of March, 2021.

BOARD OF COMMISSIONERS OF  
DOUGHERTY COUNTY, GEORGIA

BY: \_\_\_\_\_  
Christopher S. Cohilas, Chairman

ATTEST:

\_\_\_\_\_  
County Clerk

## Chapter 2-14.5 - STORMWATER CONTROL

### ARTICLE I. - IN GENERAL

#### Sec. 2-14.5-1. - General provisions.

- (a) *Title.* This chapter shall be known as the "Dougherty County Stormwater Quality Management and Discharge Control Resolution."
- (b) *Statement of findings.* The governing body of Dougherty County finds that:
  - (1) Stormwater runoff from lands modified by human activities threatens public health and safety by causing increased runoff flows and velocities, which overtaxes the carrying capacity of existing streams and storm sewers, greatly increases the cost of public facilities to convey and manage stormwater.
  - (2) Inadequate planning and management of stormwater runoff resulting from land development and redevelopment throughout a watershed can also harm surface water resources by changing the natural hydrologic patterns, accelerating stream flows (which increase scour and erosion of streambeds and streambanks thereby elevating sedimentation), destroying aquatic habitat and elevating aquatic pollutant concentrations and loadings such as sediments, nutrients, heavy metals and pathogens. Groundwater resources are also impacted through loss of recharge.
  - (3) These impacts happen mainly through a decrease in natural infiltration of stormwater.
  - (4) A comprehensive program of stormwater management, including reasonable regulation of development and other activities causing loss of natural infiltration, is fundamental to the public health, safety, welfare, and the protection of the people of Dougherty County, their resources, and the environment.
  - (5) Public education on the control of pollution from stormwater is an essential component in successfully addressing stormwater.
  - (6) Federal and state regulations require certain counties to implement a program of stormwater controls. Dougherty County is required to obtain a federal permit for stormwater discharge under the National Pollutant Discharge Elimination System (NPDES).
  - (7) Nonstormwater discharges to municipal separate storm sewer systems can contribute to pollution of waters of the United States by the county.
- (c) *Purpose.* The purpose of this chapter is to ensure the health, safety, and general welfare of the citizens of Dougherty County, and protect and enhance the water quality of water bodies, including without limitation, lakes, rivers, streams, ponds, wetlands, and groundwater, in a manner pursuant to and consistent with the Federal Clean Water Act (33 U.S.C. 1251 et seq.), National Pollution Discharge Elimination System permit (NPDES) and applicable regulations, and 40 CFR 122.26 for stormwater discharges. This chapter seeks to meet that purpose through the following objectives:
  - (1) Minimize increases in stormwater runoff from any development in order to reduce flooding, siltation and stream bank erosion and maintain the integrity of stream channels,
  - (2) Minimize increases in non-point source pollution caused by stormwater runoff from development which would otherwise degrade local water quality,
  - (3) Minimize the total annual volume of surface water runoff pollutants which flows from any specific site during and following development to not exceed the pre-development hydrologic regime concentrations to the maximum extent practicable,
  - (4) Reduce stormwater runoff rates and volumes, soil erosion and non-point 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,

- (5) Adopt any rules and regulations deemed necessary to accomplish the purposes of this statute, including the adoption of a system of fees for inspections, services and permits.
- (d) *Applicability.*
  - (1) This chapter shall apply to all water entering the separate storm drain system generated on any developed and undeveloped lands lying within Dougherty County including any amendments or revisions thereto.
  - (2) Stormwater management activities are also regulated under existing state law and implementing regulations. This chapter shall operate in coordination with those parallel requirements; the requirements of this chapter shall be no less restrictive in meeting the purposes of this chapter than state law.
- (e) *Responsibility for administration.* The Dougherty County Public Works Director shall administer, implement, and enforce the provisions of this chapter. Any powers granted or duties imposed upon the public works director may be delegated in writing by the public works director to persons or entities acting in the beneficial interest of or in the employment of the county.
- (f) *Severability.* The provisions of this chapter are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this chapter or the application thereof to any person, establishment, or circumstances shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect the other provisions or application of this chapter.
- (g) *Regulatory consistency.* This chapter shall be construed to assure consistency with the requirements of the Clean Water Act and acts amendatory thereof or supplementary thereto, or any applicable implementing regulations.
- (h) *Ultimate responsibility of discharger.* The standards set forth herein and promulgated pursuant to this chapter are minimum standards; therefore this chapter does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants into waters of the U.S. caused by said person. Approvals issued and actions taken under this chapter do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other code, law, regulation or chapter. This chapter shall not create liability on the part of Dougherty County, or any agent or employee thereof for any damages that result from any discharger's reliance on this chapter or any administrative decision lawfully made thereunder.

(Res. No. 06-001, § I(1), 1-18-06)

#### **Sec. 2-14.5-2. - Definitions.**

For the purpose of this chapter, the following definitions shall apply. Words used in the singular shall include the plural, and the plural shall include the singular; words used in the present tense shall include the future tense. The words "shall" and "must" are mandatory and not discretionary. The words "may" and "should" are permissive. Words not defined in this section shall be construed to have the meaning given by common and ordinary use as defined in the latest edition of Webster's Dictionary. The terms used in this chapter shall have the following meanings:

*Applicant.* A landowner, developer or other person who has filed an application for approval, including a project plan under subsection 2-14.5-3(d)(2), to engage in any land development involving earth disturbance of five thousand (5,000) square feet or greater at a project site in the municipality.

*As built.* Drawings depicting conditions as they were actually constructed.

*Best management practices.* Activities, practices, and procedures to prevent or reduce the discharge of pollutants directly or indirectly to the municipal storm drain system and waters of the United States. Best management practices (BMP) include, but are not limited to: treatment facilities to remove pollutants from stormwater; operating and maintenance procedures; facility management practices to control runoff, spillage or leaks of nonstormwater, waste disposal, and drainage from materials storage; erosion and

sediment control practices; and the prohibition of specific activities, practices, and procedures and such other provisions as the county determines appropriate for the control of pollutants. Please refer to the Manual for Erosion and Sediment Control in Georgia and Georgia Stormwater Management Manual, as discussed further in section 2-14.5-41 herein, for specific requirements.

*Borrow area.* A source of earth fill material used in the construction of embankments or other earth fill structures.

*Building permit.* A permit or other approval issued by a municipality for construction and/or earth disturbance.

*Channel.* A natural or artificial constructed watercourse with a definite bed and banks that conducts flowing water continuously or periodically.

*Clean Water Act.* The federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), and any subsequent amendments thereto.

*Code of Federal Regulations (CFR).* The codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the federal government.

*Community water.* Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wetlands, wells and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of Dougherty County.

*Contaminant.* Any physical, chemical, biological, or radiological substance or matter in water.

*County.* Dougherty County.

*Construction activity.* Activities subject to NPDES construction permits. These include construction projects resulting in land disturbance of one (1) acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

*Detention pond.* Means the temporary storage of storm runoff in a stormwater management practice with the goals of controlling peak discharge rates and providing gravity settling of pollutants.

*Discharge.* Dispose, deposit, spill, pour, inject, seep, dump, leak or place by any means, or that which is disposed, deposited, spilled, poured, injected, seeped, dumped, leaked, or placed by any means including any direct or indirect entry of any solid or liquid matter into the municipal separate storm sewer system.

*Easement.* An acquired privilege or right of use or enjoyment that a person, party, firm, corporation, municipality or other legal entity has in the land of another.

*Erosion.* The removal of soil particles by the action of water, wind, ice or other geological agents, whether naturally occurring or acting in conjunction with or promoted by anthropogenic activities or effects.

*Erosion and sediment control plan.* A written plan (including drawings or other graphic representations) that is designed to minimize the accelerated erosion and sediment runoff at a site during construction activities.

*Hotspot.* An area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater.

*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.

*Illicit connections.* An illicit connection is defined as either of the following:

- (1) Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to

enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by a government agency; or

- (2) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by the county.

*Illegal discharge.* Any direct or indirect nonstormwater discharges to the storm drain system, except as exempted in section 2-14.5-41 of this chapter.

*Impervious cover.* Those surfaces that cannot effectively infiltrate rainfall (e.g., building rooftops, pavement, sidewalks, driveways, etc.).

*Industrial activity.* Activities subject to NPDES industrial permits as defined in Title 40 CFR, Section 122.26.

*Land disturbing activity.* Any activity on property that results in a change in the existing soil cover (both vegetative and nonvegetative) and/or the existing soil topography. Land disturbing activities include, but are not limited to, development, redevelopment, demolition, construction, reconstruction, clearing, grading, filling, and excavation.

*Maintenance.* Any activity that is necessary to keep a stormwater facility in good working order so as to function as designed. Maintenance shall include complete reconstruction of a stormwater facility if reconstruction is needed in order to restore the facility to its original operational design parameters. Maintenance shall also include the correction of any problem on the site property that may directly impair the functions of the stormwater facility.

*Maintenance agreement.* A document recorded in the land records that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.

*Municipal separate storm sewer system (MS4).* The conveyances owned or operated by the municipality for the collection and transportation of stormwater, including the roads and streets and their drainage systems, catch basins, curbs, gutters, ditches, man-made channels, and storm drains.

*National Pollutant Discharge Elimination System (NPDES) stormwater discharge permits.* General, group, and individual stormwater discharge permits, which regulate facilities defined in federal NPDES regulations pursuant to the Clean Water Act.

*Non-point-source pollution.* Pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

*Nonstormwater discharge.* Any discharge to the storm drain system that is not composed entirely of stormwater.

*Off-site facility.* A structural BMP located outside the subject property boundary described in the permit application for land development activity.

*On-site facility.* A structural BMP located within the subject property boundary described in the permit application for land development activity.

*Point source.* Any discernible and confined conveyance, including but not limited to, any pipe, ditch, channel tunnel, conduit, well, container, rolling stocks, concentrated animal feeding operations, vessels, or floating craft which pollutants are or may be discharged. This term does not include returns from irrigated agriculture.

*Pollutant.* Anything, which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a



building or structure (including but not limited to sediments and concrete rinsates); and noxious or offensive matter of any kind.

*Pollution.* The human-made or human-induced alteration of the quality of waters by waste to a degree which unreasonably affects, or has the potential to unreasonably affect, either the waters for beneficial uses or the facilities which serve these beneficial uses.

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

*Recharge.* The replenishment of underground water reserves.

*Retention pond.* Retention ponds capture the diverted stormwater runoff from streets and gutters, providing pollutant removal through settling and biological uptake.

*Runoff.* Any part of precipitation that flows over the land surface.

*Sediment.* Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface either above or below sea level.

*Sedimentation.* Soil particles suspended in stormwater that can settle in streambeds and disrupt the natural flow of the stream.

*Soils report.* A study of soils on a subject property with the primary purpose of characterizing and describing the soils. The soils report shall be prepared by qualified soils engineer, who shall be directly involved in the soil characterization either by performing the investigation or by directly supervising employees.

*Stabilization.* Providing adequate measures, vegetative and/or structural, that will prevent erosion from occurring.

*Stop work order.* An order issued which requires that all construction activity on a site be stopped.

*Storm drain system.* Publicly-owned facilities operated by the county or natural channel by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures which are within the county and are not part of a publicly-owned treatment works as defined at 40 CFR Section 122.2.

*Stormwater.* Any surface flow, runoff, and drainage consisting entirely of water from rainstorm events.

*Stormwater management.* The use of structural or non-structural practices that are designed to reduce stormwater runoff pollutant loads, discharge volumes, and/or peak flow discharge rates.

*Stormwater management plan:* The set of drawings and other documents that comprise all the information and specifications for the programs, drainage systems, structures, BMPs, concepts and techniques intended to maintain or restore quality and quantity of stormwater runoff to predevelopment levels.

*Stormwater runoff.* Flow on the surface of the ground, resulting from precipitation.

*Structural BMPs.* Devices that are constructed to provide control of stormwater runoff.

*Surface water.* Includes waters upon the surface of the earth in bounds created naturally or artificially including, but not limited to, streams, other watercourses, lakes and reservoirs.

*Watercourse.* A permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

*Water quality volume (WQ<sub>v</sub>).* The storage needed to capture and remove at least eighty (80) percent of the calculated average annual post-development total suspended solids (TSS) load or equivalent as

defined in the GSMM for runoff from a 1.2" rainfall event. Numerically ( $WQ_v$ ) will vary as a function of long-term rainfall statistical data.

*Watershed.* All the land area that contributes runoff to a particular point along a waterway.

*Waters of the United States.* Surface watercourses and water bodies as defined at 40 CFR 122.2, including all natural waterways and definite channels and depressions in the earth that may carry water, even though such waterways may only carry water during rains and storms and may not carry stormwater at and during all times and seasons.

(Res. No. 06-001, § I(2), 1-18-06)

### **Sec. 2-14.5-3. - Permit procedures and requirements.**

- (a) *Permit required.* Every person will be required to obtain a land disturbance permit from the Dougherty County Public Works Department in the following cases:
  - (1) Land disturbing activity disturbs one (1) or more acres of land;
  - (2) Land disturbing activity of less than one (1) acre of land if such activity is part of a larger common plan of development that affects one (1) or more acre of land;
  - (3) Land disturbing activity of less than one (1) acre of land, if in the discretion of the county public works department such activity poses a unique threat to water, or public health or safety;
  - (4) The creation and use of borrow pits.
- (b) *Building permit.* No building or occupancy permit shall be issued until the applicant has obtained a land disturbance permit where the same is required by this chapter.
- (c) *Application requirement.* Unless specifically excluded by this chapter, any landowner or operator desiring a permit for a land disturbance activity shall submit to the county's public works department a permit application on a form provided by the public works department for that purpose. Unless otherwise excepted by this chapter, a permit application must be accompanied by the following in order that the permit application be considered:
  - (1) A sediment and erosion control plan,
  - (2) A stormwater management concept plan, providing for stormwater management during the land disturbing activity,
  - (3) A maintenance agreement for after the activity has been completed, and
  - (4) A nonrefundable permit review fee.

The stormwater management plan, sediment and erosion control plan, and the maintenance agreement shall be prepared to meet the requirements of section 2-14.5-5 of this chapter. Permit fees shall be those established by the county public works department.

- (d) *Application review fees.* The application review fee shall be established to defray review costs incurred by the county. The fee for review of any land development application shall be based on the amount of land to be disturbed at the site, and the fee structure shall be established by the county's public works department. All of the monetary contributions shall be credited to an appropriate capital improvements program project, and shall be made prior to the issuance of any building permit for the development. The fees required by this chapter shall, at a minimum, cover:
  - (1) Administrative/clerical costs.
  - (2) The review of the project plan by the county.
  - (3) The site inspections including, but not limited to, pre-construction meetings, inspections during construction of stormwater BMPs, and final inspection upon completion of the stormwater BMPs.

- (4) Any additional work required to enforce any permit provisions regulated by this chapter, correct violations, and assure proper completion of stipulated remedial actions.
- (e) *Application procedures.*
  - (1) Applications for land disturbance activity permits must be filed with the county's public works department on any regular business day.
  - (2) Permit applications shall include the following: two (2) copies of the stormwater management concept plan, two copies of the maintenance agreement, and any required review fees.
  - (3) Within fifteen (15) business days of the receipt of a complete permit application, including all documents as required by this chapter, the county's public works department shall inform the applicant whether the application, plan and maintenance agreement are approved or disapproved.
    - a. If the permit application, stormwater management plan or maintenance agreement are disapproved, the applicant may revise the stormwater management plan or agreement. If additional information is submitted, the county's public works department shall have five (5) business days from the date the additional information is received to inform the applicant that the plan and maintenance agreement are either approved or disapproved.
    - b. If the permit application, final stormwater management plan and maintenance agreement are approved by the county's public works department, all appropriate land disturbance activity permits shall be issued.
- (f) *Permit duration.* Every land disturbance permit shall expire and become null and void if substantial work authorized by such permit has not commenced within one hundred eighty (180) calendar days of issuance, or is not complete within eighteen (18) months from the date of the commencement of construction.
- (g) *Notice of construction.* The applicant must notify the Dougherty County Public Works Department five (5) working days in advance of the commencement of construction. Regular inspections of the stormwater management system construction shall be conducted by the Dougherty County Public Works Department. All inspections shall be documented and written reports prepared that contain the following information:
  - (1) The date and location of the inspection;
  - (2) Whether construction is in compliance with the approved stormwater management plan;
  - (3) Variations from the approved construction specifications;
  - (4) Any violations that exist.
- (h) *Performance bonds.*
  - (1) The Dougherty County Public Works Department may, at its discretion, require the submittal of a non-revocable letter of credit, performance security or performance bond prior to issuance of a permit in order to ensure that the stormwater practices are installed by the permit holder as required by the approved stormwater management plan. The amount of the installation performance security or performance bond shall be the total estimated construction cost of the structural BMPs approved under the permit plus any reasonably foreseeable additional related costs, e.g., for damages or enforcement. The performance security shall contain forfeiture provisions for failure to complete work specified in the stormwater management plan. The applicant shall provide an itemized construction cost estimate complete with unit prices which shall be subject to acceptance, amendment or rejection by the county public works department. Alternatively the Dougherty County Public Works Department shall have the right to calculate the cost of construction cost estimates.
  - (2) The performance security or performance bond shall be released in full only upon submission of record or as built drawing plans and written certification by a registered professional engineer (PE) or land surveyor licensed to practice in Georgia that the structural BMP has been installed

in accordance with the approved plan and other applicable provisions of this chapter. The Dougherty County Public Works Department will make a final inspection of the structural BMP to ensure that it is in compliance with the approved plan and the provisions of this chapter. Provisions for a partial pro-rata release of the performance security or performance bond based on the completion of various development stages can be made at the discretion of the Dougherty County Public Works Department.

(Res. No. 06-001, § I(3), 1-18-06)

**Sec. 2-14.5-4. - Waivers for providing stormwater management.**

- (a) *Generally.* Every applicant shall provide for stormwater management as required by this chapter, unless a written request is filed to waive this requirement. Requests to waive the stormwater management plan requirements shall be submitted to the Dougherty County Public Works Department for approval.
- (b) *Conditions for waiver.* 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 chapter.
  - (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 Dougherty County Public Works Department.
  - (3) Provisions are made to manage stormwater by an off-site facility. The off-site facility must be in place and designed to provide the level of stormwater control that is equal to or greater than that which would be afforded by on-site practices. Further, the facility must be operated and maintained by an entity that is legally obligated to continue the operation and maintenance of the facility.
- (b) *Downstream damage, etc., prohibited.* In order to receive a waiver, the applicant must demonstrate to the satisfaction of the Dougherty County Public Works Department that the waiver will not lead to any of the following conditions downstream:
  - (1) Deterioration of existing culverts, bridges, dams, and other structures;
  - (2) Degradation of biological functions or habitat;
  - (3) Accelerated stream bank or streambed erosion or siltation;
  - (4) Increased threat of flood damage to public health, life or property.
- (d) *Land disturbance permit not to be issued where waiver requested.* No land disturbance permit shall be issued where a waiver has been requested until the waiver is granted. If no waiver is granted, the plans must be resubmitted with a stormwater management plan.

(Res. No. 06-001, § I(4), 1-18-06)

**Sec. 2-14.5-5. - Stormwater system design and management standards.**

- (a) *Stormwater design or BMP manual.* Dougherty County adopts as its stormwater design and best management practices (BMP) manual the following publications, which are incorporated by reference in this chapter as is fully set out herein, the current editions of the:
  - (1) Manual for Erosion and Sediment Control in Georgia,
  - (2) Dougherty County Soil Erosion & Sedimentation Control chapter, and

(3) Georgia Stormwater Management Manual.

The Manual for Erosion and Sediment Control in Georgia includes a list of acceptable BMPs including the maintenance requirements for each stormwater practice. Stormwater facilities that are designed, constructed and maintained in accordance with these BMP criteria will be presumed to meet the minimum water quality performance standards.

(b) *General performance criteria for stormwater management.* Unless granted a waiver or judged by the county public works department to be exempt, the following performance criteria shall be addressed for stormwater management at all sites:

- (1) All site designs shall control the peak flow rates of stormwater discharge associated with design storms specified in this chapter or in the BMP manual and reduce the generation of post-construction stormwater runoff to pre-construction levels. These practices should seek to utilize pervious areas for stormwater treatment and to infiltrate stormwater runoff from driveways, sidewalks, rooftops, parking lots, and landscaped areas to the maximum extent practical to provide treatment for both water quality and quantity.
- (2) To protect stream channels from degradation, specific channel protection criteria shall be provided as prescribed in the BMP manual.
- (3) Stormwater discharges to critical areas with sensitive resources (i.e., cold water fisheries, shellfish beds, swimming beaches, recharge areas, water supply reservoirs) may be subject to additional performance criteria, or may need to utilize or restrict certain stormwater management practices.
- (4) Stormwater discharges from land uses or activities with higher potential pollutant loadings, known as "hotspots," may require the application of specific structural BMPs and pollution prevention practices.
- (5) Prior to or during the site design process, applicants for land disturbance permits shall consult with the county public works department to determine if they are subject to additional stormwater design requirements.
- (6) The calculations for determining peak flows as found in the BMP manual shall be used for sizing all stormwater facilities.
- (7) All stormwater runoff generated from new development shall not discharge untreated stormwater directly into a jurisdictional wetland or local water body without adequate treatment. Where such discharges are proposed, the impact of the proposal on wetland functional values shall be assessed using a method acceptable to the county's public works department. In no case shall the impact on functional values be any more than allowed by the Army Corp of Engineers (ACE) or the DNR or EPD responsible for natural resources.
- (8) Annual groundwater recharge rates shall be maintained, by promoting infiltration through the use of structural and non-structural methods. At a minimum, annual recharge from the post-development site shall not exceed the annual recharge from pre-development site conditions.
- (9) For new development, structural BMPs shall be designed to remove eighty (80) percent of the average annual post development total suspended solids load (TSS). It is presumed that a BMP complies with this performance standard if it is:

- a. Sized to capture the prescribed water quality volume ( $WQ_v$ );

The formula for determining  $WQ_v$  is:

$$WQ_v = [(P)(R_v)(A)]/12, \text{ where}$$

P = Rainfall depth in inches, using the "80 percent storm" - the volume of rainfall for 80 percent of the storm events which produce runoff in the watershed annually (e.g., 1.2 inches)

A = Project area in acres

$R_v$  = Volumetric runoff coefficient  $[0.05 + 0.009(I)]$ , where I is the impervious surface percentage (impervious area ÷ total project area) × 100 percent

- b. Designed according to the specific performance criteria outlined in the Manual for Erosion and Sediment Control in Georgia manual;
- c. Constructed properly; and
- d. Maintained regularly.

(c) *Minimum control requirements.*

- (1) All stormwater management practices will be designed so that the specific storm frequency storage volumes (e.g., recharge, water quality, channel protection, 10-year, 100-year) as identified in the current stormwater design manual are met, unless the county's public works department grants the applicant a waiver or the applicant is exempt from such requirements.
- (2) In addition, if hydrologic or topographic conditions warrant greater control than that provided by the minimum control requirements, the county's public works department reserves the right to impose any and all additional requirements deemed necessary to control the volume, timing, and rate of runoff.

(d) *Site design feasibility.*

- (1) Stormwater management practices for a site shall be chosen based on the physical conditions of the site. Among the factors that should be considered:
  - a. Topography;
  - b. Maximum Drainage Area;
  - c. Depth to Water Table;
  - d. Soils;
  - e. Slopes;
  - f. Terrain;
  - g. Head;
  - h. Location in relation to environmentally sensitive features or ultra-urban areas.

OR the stormwater management BMPs shall be selected according to the following order of preference:

- a. Site planning for locating proposed buildings, impervious areas and grading which minimizes disruption of the natural site characteristics;
- b. Minimization of impervious areas and promotion of retentive grading;
- c. Implementation of innovative nonstructural measures;
- d. Infiltration of runoff on-site;
- e. Flow attenuation by use of open vegetated swales and natural depressions;
- f. Stormwater detention/retention structures.
- (2) Applicants shall consult the Stormwater Design Manual for guidance on the factors that determine site design feasibility when selecting a stormwater management practice.

(e) *Conveyance issues.*



- (1) All stormwater management practices shall be designed to convey stormwater to allow for the maximum removal of pollutants and reduction in flow velocities. This shall include, but not be limited to:
  - a. Maximizing of flowpaths from inflow points to outflow points;
  - b. Protection of inlet and outfall structures;
  - c. Elimination of erosive flow velocities;
  - d. Providing of underdrain systems, where applicable.
- (2) The Stormwater Design Manual provides detailed guidance on the requirements for conveyance for each of the approved stormwater management practices.
- (f) *Pretreatment requirements.* Every stormwater treatment practice shall have an acceptable form of water quality pretreatment, in accordance with the pretreatment requirements found in the current Stormwater Design Manual. Certain stormwater treatment practices, as specified in the Stormwater Design Manual, are prohibited even with pretreatment in the following circumstances:
  - (1) Stormwater is generated from highly contaminated source areas known as "hotspots."
  - (2) Stormwater is carried in a conveyance system that also carries contaminated, nonstormwater discharges.
  - (3) Stormwater is being managed in a designated groundwater recharge area.
  - (4) Certain geologic conditions exist (e.g., karst) that prohibit the proper pretreatment of stormwater.
- (g) *Treatment/geometry conditions.* All stormwater management practices shall be designed to capture and treat stormwater runoff according to the specifications outlined in the Stormwater Design Manual. These specifications will designate the water quantity and quality treatment criteria that apply to an approved stormwater management practice.
- (h) *Stormwater management plan requirements.* The stormwater management plan shall include sufficient information to allow the county public works department 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. To accomplish this goal, the stormwater management plan shall include the following:
  - (1) *Topographic base map:* A 1 inch = 100 feet topographic base map of the site which extends a minimum of one hundred (100) feet beyond the limits of the proposed development and indicates:
    - a. Existing surface water drainage including streams, ponds, culverts, ditches, sink holes, wetlands; and the type, size, elevation, etc., of nearest upstream and downstream drainage structures;
    - b. Current land use including all existing structures, locations of utilities, roads, and easements;
    - c. All other existing significant natural and artificial features;
    - d. Proposed land use with tabulation of the percentage of surface area to be adapted to various uses; drainage patterns; locations of utilities, roads and easements; the limits of clearing and grading;
    - e. Proposed structural BMPs;
    - f. A written description of the site plan and justification of proposed changes in natural conditions may also be required.

- (2) *Calculations:* Hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in the BMP manual. These calculations must show that the proposed stormwater management measures are capable of controlling runoff from the site in compliance with this chapter and the guidelines of the BMP manual. Such calculations shall include:
- A description of the design storm frequency, duration, and intensity where applicable;
  - Time of concentration;
  - Soil curve numbers or runoff coefficients including assumed soil;
  - Moisture conditions;
  - Peak runoff rates and total runoff volumes for each watershed area;
  - Infiltration rates, where applicable;
  - Culvert, stormwater sewer, ditch and/or other stormwater conveyance capacities;
  - Flow velocities;
  - Data on the increase in rate and volume of runoff for the design storms referenced in the BMP manual; and
  - Documentation of sources for all computation methods and field test results.
- (3) *Soils information:* If a stormwater management control measure depends on the hydrologic properties of soils (e.g., infiltration basins), then a soils report shall be submitted. The soils report shall be based on on-site boring logs or soil pit profiles and soil survey reports. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soil types present at the location of the control measure.
- (4) *Maintenance and repair plan:* The design and planning of all stormwater management facilities shall include detailed maintenance and repair procedures to ensure their continued performance. These plans will identify the parts or components of a stormwater management facility that need to be maintained and the equipment and skills or training necessary. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan. A permanent elevation benchmark shall be identified in the plans to assist in the periodic inspection of the facility.
- (5) *Landscaping plan:* The applicant must present a detailed plan for management of vegetation at the site after construction is finished, including 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. Where it is required by the BMP, this plan must be prepared by a registered landscape architect licensed in Georgia.
- (6) *Maintenance easements:* The applicant must ensure access to the site for the purpose of inspection and repair by securing all the maintenance easements needed. These easements must be binding on the current property owner and all subsequent owners of the property and must be properly recorded in the land record.
- (7) *Maintenance agreement:*
- The owner of property to be served by an on-site stormwater management facility must execute an inspection and maintenance agreement that shall operate as a deed restriction binding on the current property owner and all subsequent property owners.
  - The maintenance agreement shall:

1. Assign responsibility for the maintenance and repair of the stormwater facility to the owner of the property upon which the facility is located and be recorded as such on the plat for the property by appropriate notation.
  2. Provide for a periodic inspection by the property owner for the purpose of documenting maintenance and repair needs and ensure compliance with the purpose and requirements of this chapter. The property owner will arrange for this inspection to be conducted by a registered professional engineer (PE) licensed to practice in the State of Georgia who will submit a sealed report of the inspection to the county public works department. It shall also grant permission to the county to enter the property at reasonable times and to inspect the stormwater facility to ensure that it is being properly maintained.
  3. Provide that the minimum maintenance and repair needs include, but are not limited to: the removal of silt, litter and other debris, the cutting of grass, grass cuttings and vegetation removal, and the replacement of landscape vegetation, in detention and retention basins, and inlets and drainage pipes and any other stormwater facilities. It shall also provide that the property owner shall be responsible for additional maintenance and repair needs consistent with the needs and standards outlined in the BMP manual.
  4. Provide that maintenance needs must be addressed in a timely manner, on a schedule to be determined by the county public works department.
  5. Provide that if the property is not maintained or repaired within the prescribed schedule, the county public works department shall perform the maintenance and repair at its expense, and bill the same to the property owner. The maintenance agreement shall also provide that the county public works department cost of performing the maintenance shall be a lien against the property.
- c. The county shall have the discretion to accept the dedication of any existing or future stormwater management facility, provided such facility meets the requirements of this chapter, and includes adequate and perpetual access and sufficient areas, by easement or otherwise, for inspection and regular maintenance. Any stormwater facility accepted by the county must also meet the county's construction standards and any other standards and specifications that apply to the particular stormwater facility in question.
- (8) *Sediment and erosion control plans:* The applicant must prepare a sediment and erosion control plan for all construction activities that complies with subsection (i) below.
- (i) *Erosion and sediment control plan requirements.* The sediment and erosion control plan shall accurately describe the potential for soil erosion and sedimentation problems resulting from land disturbing activity and shall explain and illustrate the measures that are to be taken to control these problems. The length and complexity of the plan is to be commensurate with the size of the project, severity of the site condition, and potential for off-site damage. The plan shall be sealed by a registered professional engineer (PE) licensed in the state of Georgia. A copy of the erosion and sediment control plan and any required permit, by this chapter, shall be available at the project site at all times. The plan shall also conform to the requirements found in the BMP manual, the Dougherty County Soil Erosion and Sedimentation Control Resolution No. 01-032 [included in this volume as chapter 2-13.5], and shall include at least the following:
- (1) Project description. Briefly describe the intended project and proposed land disturbing activity including number of units and structures to be constructed and infrastructure required.
  - (2) A topographic map with contour intervals of ten (10) feet or less showing present conditions and proposed contours resulting from land disturbing activity.
  - (3) All existing drainage ways, including intermittent and wet-weather. Include any designated floodways or flood plains.

- (4) A general description of existing land cover. Individual trees and shrubs do not need to be identified.
- (5) Stands of existing trees, as they are to be preserved upon project completion, specifying their general location on the property. Differentiation shall be made between existing trees to be preserved, trees to be removed and proposed planted trees. Tree protection measures must be identified, and the diameter of the area involved must also be identified on the plan and shown to scale. Information shall be supplied concerning the proposed destruction of exceptional and historic trees in setbacks and buffer strips, where they exist. Complete landscape plans may be submitted separately. The plan must include the sequence of implementation for tree protection measures.
- (6) Approximate limits of proposed clearing, grading and filling.
- (7) Approximate flows of existing stormwater leaving any portion of the site.
- (8) A general description of existing soil types and characteristics and any anticipated soil erosion and sedimentation problems resulting from existing characteristics.
- (9) Location, size and layout of proposed stormwater and sedimentation control improvements.
- (10) Proposed drainage network.
- (11) Proposed drain tile or waterway sizes.
- (12) Approximate flows leaving site after construction and incorporating water runoff mitigation measures. The evaluation must include projected effects on property adjoining the site and on existing drainage facilities and systems. The plan must address the adequacy of outfalls from the development: when water is concentrated, what is the capacity of waterways, if any, accepting stormwater off-site; and what measures, including infiltration, sheeting into buffers, etc., are going to be used to prevent the scouring of waterways and drainage areas off-site, etc.
- (13) The projected sequence of work represented by the grading, drainage and sedimentation and erosion control plans as related to other major items of construction, beginning with the initiation of excavation and including the construction of any sediment basins or retention facilities or any other structural BMPs.
- (14) Specific remediation measures to prevent erosion and sedimentation runoff. Plans shall include detailed drawings of all control measures used; stabilization measures including vegetation and non-vegetation measures, both temporary and permanent, will be detailed. Detailed construction notes and a maintenance schedule shall be included for all control measures in the plan.
- (15) Specific details for the construction of rock pads, wash down pads, and settling basins for controlling erosion; road access points; eliminating or keeping soil, sediment, and debris on streets and public ways at a level acceptable to the county public works department. Soil, sediment, and debris brought onto streets and public ways must be removed by the end of the workday by machine, broom or shovel to the satisfaction of the county public works department. Failure to remove the sediment, soil or debris shall be deemed a violation of this chapter.
- (16) Proposed structures location (to the extent possible) and identification of any proposed additional buildings, structures or development on the site.
- (17) A description of on-site measures to be taken to recharge surface water into the groundwater system through infiltration.

(Res. No. 06-001, § I(5), 1-18-06)

**Sec. 2-14.5-6. - Post construction.**

- (a) *As built plans.* All applicants are required to submit actual as built plans for any structures located on-site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be sealed by a registered professional engineer (PE) licensed to practice in Georgia. A final inspection by the county public works department is required before any performance security or performance bond will be released. The county public works department shall have the discretion to adopt provisions for a partial pro-rata release of the performance security or performance bond on the completion of various stages of development. In addition, occupation permits shall not be granted until corrections to all BMPs have been made and accepted by the county public works department.
- (b) *Landscaping and stabilization requirements.* Any area of land from which the natural vegetative cover has been either partially or wholly cleared by development activities shall be revegetated according to a schedule approved by the Dougherty County Public Works Department. 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 is established over ninety (90) percent 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 (75) percent of the cover crop throughout the year immediately following revegetation. Revegetation must be repeated in successive years until the minimum seventy-five (75) percent survival for one (1) year is achieved.
  - (4) In addition to the above requirements, a landscaping 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. 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.
- (c) *Inspection of stormwater management facilities.* A set of design plans approved by the county shall be on file at the site throughout the duration of the development activity. Periodic inspections shall be made by the county or designee during development activities.
- (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 of the stormwater facility, and of all maintenance and repairs to the facility, and shall retain the records for at least three (3) years. These records shall be made available to the county public works department during inspection of the facility and at other reasonable times upon request.
- (e) *Failure to meet or maintain design or maintenance standards.* If a responsible party fails or refuses to meet the design or maintenance standards required for stormwater facilities under this chapter, the county public works department, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition. In the event that the stormwater management facility becomes a danger to public safety or public health, the county public works department shall notify in writing the party responsible for maintenance of the stormwater management facility. Upon receipt of that notice, the responsible person shall have fourteen (14) calendar days to effect maintenance and repair of the facility in an approved manner. In the event that corrective action is not undertaken within that time, the county public works department may take necessary corrective action. The cost of any action by the county public works department under this section shall be charged to the responsible party.
- (f) *Certification of completion.* At the completion of the project, and as a prerequisite for the release of the performance guarantee under subsection 2-14.5-3(h), the owner or his representatives shall:

- (1) Provide a certification of completion from an engineer, architect, surveyor or other qualified person verifying that all permanent facilities have been constructed according to the plans and specifications and approved revisions thereto.
- (2) Provide a set of "as built" drawings.

After receipt of the certification by the county, a final inspection shall be conducted by Dougherty County Public Works to certify compliance with this chapter.

(Res. No. 06-001, § I(6), 1-18-06)

**Sec. 2-14.5-7. - Existing locations and developments.**

- (a) *Requirements for all existing locations and developments.* The following requirements shall apply to all locations and development at which land disturbing activities have occurred previous to the enactment of this chapter:
- (1) Denuded areas must be vegetated or covered under the standards and guidelines specified in the BMP manual and on a schedule acceptable to the county public works department.
  - (2) Cuts and slopes must be properly covered with appropriate vegetation and/or retaining walls constructed.
  - (3) Drainage ways shall be properly covered in vegetation or secured with rip-rapp, channel lining, etc., to prevent erosion.
  - (4) Trash, junk, rubbish, etc. shall be cleared from drainage ways.
  - (5) Stormwater runoff shall be controlled to the extent reasonable to prevent pollution of local waters. Such control measures may include, but are not limited to, the following:
    - a. Ponds:
      1. Detention pond;
      2. Extended detention pond;
      3. Wet pond;
      4. Alternative storage measures.
    - b. Constructed wetlands.
    - c. Infiltration systems:
      1. Infiltration/percolation trench;
      2. Infiltration basin;
      3. Porous pavement.
    - d. Filtering systems:
      1. Catch basin inserts/media filter;
      2. Sand filter;
      3. Filter/absorption bed;
      4. Filter and buffer strips.
    - e. Open channel:
      1. Swale.
- (b) *Requirements for existing problem locations.* Dougherty County Public Works Department shall in writing notify the owners of existing locations and developments of specific drainage, erosion or



sediment problems affecting such locations and developments, and the specific actions required to correct those problems. The notice shall also specify a reasonable time for compliance.

- (c) *Inspection of existing facilities.* Dougherty County Public Works Department may, to the extent authorized by state and federal law, establish inspection programs to verify that all stormwater management facilities, including those built before as well as after the adoption of this chapter, are functioning within design limits. These inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of the county's NPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may 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 BMPs.
- (d) *Corrections of problems subject to appeal.* Corrective measures imposed by the Dougherty County Public Works under this section are subject to appeal under section 2-14.5-93 of this chapter.

(Res. No. 06-001, § I(7), 1-18-06)

**Secs. 2-14.5-8—2-14.5-20. - Reserved.**

**ARTICLE II. - DISCHARGE PROHIBITIONS**

**Sec. 2-14.5-21. - Scope.**

This article shall apply to all water generated on developed or undeveloped land entering Dougherty County's separate storm sewer system.

(Res. No. 06-001, § I(8), 1-18-06)

**Sec. 2-14.5-22. - Prohibition of illicit discharges.**

No person shall discharge or cause to be discharged into the county storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

- (1) Discharges from the following activities will not be considered a source of pollutants to the storm drain system and to waters of the U.S. when properly managed to ensure that no potential pollutants are present, and therefore they shall not be considered illegal discharges unless determined to cause a violation of the provisions of the Clean Water Act, or this chapter: potable water line flushing; uncontaminated pumped groundwater and other discharges from potable water sources; landscape irrigation and lawn watering; diverted stream flows; rising groundwater; groundwater infiltration to the storm drain system; uncontaminated foundation and footing drains; uncontaminated water from crawl space pumps; air conditioning condensation; uncontaminated non-industrial roof drains; springs; individual residential and occasional non-commercial car washing; flows from riparian habitats and wetlands; dechlorinated swimming pool discharges; street wash waters; and flows from fire fighting.
- (2) The prohibition shall not apply to any nonstormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered by the State

of Georgia under the authority of the Federal Environmental Protection Agency (EPA), 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 written approval has been granted by Dougherty County for any discharge to the storm drain system.

- (3) Dougherty County may exempt in writing other nonstormwater discharges, which are not a source of pollutants to the storm drain system, nor waters of the U.S.
- (4) Discharges specified in writing by the county public works department as being necessary to protect public health and safety.
- (5) Dye testing is an allowable discharge if the county public works department has so specified in writing.

(Res. No. 06-001, § I(8), 1-18-06)

**Sec. 2-14.5-23. - Prohibition of illicit connections.**

- (a) The following connections are prohibited:
  - (1) Any drain or conveyance, whether on the surface or subsurface, which allows any nonstormwater discharge including sewage, process wastewater, and wash water to enter the separate storm sewer system, and any connections to the storm drain system from indoor drains and sinks;
  - (2) Any drain or conveyance connected from a commercial or industrial land use to the separate storm sewer system which has not been documented in plans, maps, or equivalent records, and approved by the county.
- (b) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(Res. No. 06-001, § I(8), 1-18-06)

**Sec. 2-14.5-24. - Reduction of stormwater pollutants by the use of best management practices (BMP).**

Any person responsible for a property or premises, which is, or may be, the source of an illicit discharge, may be required to implement, at the person's expense, the BMPs necessary to prevent the further discharge of pollutants to the municipal separate storm sewer system. 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 compliance with the provisions of this section.

(Res. No. 06-001, § I(8), 1-18-06)

**Sec. 2-14.5-25. - Roof drains.**

- (a) Roof drains shall not be connected to streets, sanitary or storm sewers or roadside ditches.
- (b) When it is more advantageous to connect directly to streets or storm sewers, connections of roof drains to streets or roadside ditches may be permitted on a case by case basis by county public works.
- (c) Roof drains shall discharge to infiltration areas or vegetative BMPs to the maximum extent practicable.

(Res. No. 06-001, § I(8), 1-18-06)

**Sec. 2-14.5-26. - Waste disposal prohibitions.**

No person shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, left, or maintained, in or upon any public or private property, driveway, parking area, street, alley, sidewalk, component of the storm drain system, or waters of the U.S., any refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations, so that the same may cause or contribute to pollution. Wastes deposited in streets in proper waste receptacles for the purposes of collection are exempted from this prohibition.

(Res. No. 06-001, § I(8), 1-18-06)

**Sec. 2-14.5-27. - Alteration of BMPs.**

- (a) No person shall modify, remove, fill, landscape or alter any existing stormwater BMP, unless part of an approved maintenance program, without the written approval of the county public works.
- (b) No person shall place any structure, fill, landscaping or vegetation into a stormwater BMP or within a drainage easement, which would limit or alter the functioning of the BMP, without the written approval of the county public works.

(Res. No. 06-001, § I(8), 1-18-06)

**Sec. 2-14.5-28. - Discharges in violation of industrial or construction activity NPDES stormwater discharge permit.**

Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Public Works Director prior to or as a condition of a subdivision map, site plan, building permit, or development or improvement plan; upon inspection of the facility; during any enforcement proceeding or action; or for any other reasonable cause.

(Res. No. 06-001, § I(8), 1-18-06)

**Secs. 2-14.5-29—2-14.5-40. - Reserved.****Sec. 2-14.5-41. - Prevention, control, and reduction of stormwater pollutants.**

- (a) *Authorization to adopt and impose best management practices.* The county will adopt the Manual for Erosion and Sediment Control in Georgia requirements identifying best management practices (BMP) for any activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the storm drain system, or waters of the U.S. Where best management practices requirements are promulgated by the county or any federal, State of Georgia, or regional agency for any activity, operation, or facility which would otherwise cause the discharge of pollutants to the storm drain system or waters of the U.S., every person undertaking such activity or operation, or owning or operating such facility shall comply with such requirements.
- (b) *New development and redevelopment.* The county may adopt requirements identifying appropriate best management practices to control the volume, rate, and potential pollutant load of stormwater runoff from new development and redevelopment projects as may be appropriate to minimize the generation, transport and discharge of pollutants. The county shall incorporate such requirements in

any land use entitlement and construction or building-related permit to be issued relative to such development or redevelopment. The owner and developer shall comply with the terms, provisions, and conditions of such land use entitlements and building permits as required in this chapter.

- (c) *Responsibility to implement best management practices.* Notwithstanding the presence or absence of requirements promulgated pursuant to subsections (a) and (b) above, any person engaged in activities or operations, or owning facilities or property which will or may result in pollutants entering stormwater, the storm drain system, or waters of the U.S. shall implement best management practices to the extent they are technologically achievable to prevent and reduce such pollutants. The owner or operator of a commercial or industrial establishment shall provide reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses. Facilities to prevent accidental discharge of prohibited materials or other wastes shall be provided and maintained at the owner or operator's expense. Best management practices required by the county can be obtained from the public works department.

(Res. No. 06-001, § I(9), 1-18-06)

**Sec. 2-14.5-42. - Elimination of illegal discharges.**

Notwithstanding the requirements of section 2-14.5-71 herein, the public works director may require by written notice that a person responsible for an illegal discharge immediately, or by a specified date, discontinues the discharge and, if necessary, take measures to eliminate the source of the discharge to prevent the occurrence of future illegal discharges.

(Res. No. 06-001, § I(10), 1-18-06)

**Sec. 2-14.5-43. - Elimination of or securing of approval for illicit connections.**

- (a) The public works director may require by written notice that a person responsible for an illicit connection to the storm drain system comply with the requirements of this chapter to eliminate or secure approval for the connection by a specified date, regardless of whether or not the connection or discharges to it had been established or approved prior to the effective date of Resolution No. 06-001.
- (b) If, subsequent to eliminating a connection found to be in violation of this chapter, the responsible person can demonstrate that an illegal discharge will no longer occur, said person may request county approval to reconnect. The reconnection or reinstallation of the connection shall be at the responsible person's expense.

(Res. No. 06-001, § I(11), 1-18-06)

**Sec. 2-14.5-44. - Watercourse protection.**

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property reasonably free of trash, debris, excessive vegetation, and other obstacles 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. The owner or lessee shall not remove healthy bank vegetation beyond that actually necessary for maintenance, nor remove said vegetation in such a manner as to increase the vulnerability of the watercourse to erosion. The property owner shall be responsible for maintaining and stabilizing that portion of the watercourse that is within their property lines in order to protect against erosion and degradation of the watercourse originating or contributed from their property.

(Res. No. 06-001, § I(12), 1-18-06)

**Sec. 2-14.5-45. - Remediation requirements.**

Whenever the public works director finds that a discharge of pollutants is taking place or has occurred which will result in or has resulted in pollution of stormwater, the storm drain system, or waters of the U.S., the public works director may require by written notice to the owner of the property and/or the responsible person that the pollution be remediated and the affected property restored to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the county may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

(Res. No. 06-001, § I(13), 1-18-06)

**Sec. 2-14.5-46. - Monitoring and analysis.**

The public works director may require by written notice of requirement that any person engaged in any activity and/or owning or operating any facility which may cause or contribute to stormwater pollution, illegal discharges, and/or non-stormwater discharges to the storm drain system or waters of the U.S., to undertake at said person's expense such monitoring and analyses and furnish such reports to Dougherty County as deemed necessary to determine compliance with this chapter.

(Res. No. 06-001, § I(14), 1-18-06)

**Sec. 2-14.5-47. - 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 are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drain system, or water of the U.S. from said facility, 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 a hazardous material said person shall immediately notify emergency response officials of the occurrence via emergency dispatch services (911). In the event of a release of nonhazardous materials, said person shall notify the county's public works department in person or by phone or facsimile no later than 4:30 p.m. of the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the county's 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 years.

(Res. No. 06-001, § I(15), 1-18-06)

**ARTICLE III. – POST CONSTRUCTION STORMWATER MANAGEMENT**

**Sec. 2-14.5-48. - General provisions for post construction stormwater management.**

- (a) *Purpose.* The purpose of this chapter is to protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased post-development stormwater runoff and nonpoint source pollution associated with new development and redevelopment. Proper management of post-development stormwater runoff will minimize damage to public and private property and infrastructure, safeguard

the public health, safety, environment and general welfare of the public, and protect water and aquatic resources. Additionally, Dougherty County is required to comply with several State and Federal laws, regulations, and permits related to managing the water quantity, velocity, and quality of post-construction stormwater runoff. This chapter seeks to meet that purpose through the following objectives:

- (1) Establish decision-making processes surrounding land development activities that protect the integrity of the watershed and preserve the health of water resources;
  - (2) Require that new development and redevelopment maintain the pre-development hydrologic response in their post-development state as nearly as practicable in order to reduce flooding, streambank erosion, nonpoint source pollution, and maintain the integrity of stream channels and aquatic habitats;
  - (3) Establish minimum post-development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;
  - (4) Establish design and application criteria for the construction and use of structural stormwater control facilities that can be used to meet the minimum post-development stormwater management standards;
  - (5) Encourage the use of nonstructural stormwater management and stormwater better site design practices, such as the preservation of greenspace and other conservation areas, to the maximum extent practicable;
  - (6) Establish provisions for the longterm responsibility for and maintenance of structural stormwater control facilities and nonstructural stormwater management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public safety; and
  - (7) Establish administrative procedures for the submission, review, approval and disapproval of stormwater management plans, and for the inspection of approved active projects, and longterm follow up.
- (b) *Applicability.* All persons proposing development and/or construction within the county shall submit a stormwater management plan and hydrology study to the Director of Public Works (the director) for review of conformity with this chapter, except as provided in section 2-14.5-51. These standards apply to any new development or redevelopment site that meets one or more of the following criteria:
- (1) 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 of land or greater;
  - (2) Redevelopment (including routine maintenance and exterior remodeling) that creates, adds, or replaces 5,000 square feet or greater of new impervious surface area or that involves land disturbing activity of one acre or more;
  - (3) Any new development or redevelopment if
    - (a) such new development or redevelopment is part of a subdivision or other common plan of development, and
    - (b) the sum of all associated impervious surface area or land disturbing activities that are being developed as part of such subdivision or other common plan of development meets or exceeds the threshold in (1) and (2) above;
  - (4) Any commercial or industrial new development or redevelopment, regardless of size, that is a hotspot land use as defined in this article; and
  - (5) Linear transportation projects that exceed the threshold in (1) and (2) above.

#### (Add Resolution Information)

#### Sec. 2-14.5-49. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Words not defined herein, shall be construed to have a meaning given by common and ordinary use. 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 article, unless otherwise specifically stated:

*Addition (to an existing structure)* means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls, is new construction.

*Administrator* means the person appointed to administer and implement this Article on Post-Construction Stormwater Management for New Development and Redevelopment in accordance with Section 2-14.5-48.

*Agricultural activities* means 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 agricultural, horticultural, dairy, livestock, poultry, eggs, and apiarian products.

*Applicant* means a person submitting a land development application for approval.

*As-built design certification* means a report prepared and signed by the professional that prepared the construction plans and/or stormwater management plan certifying that the stormwater facilities constructed as part of the development and depicted on the as-built survey will function as designed in the stormwater management plan and meeting the requirements outlined in the Stormwater LDM.

*As-built survey* means a drawing prepared and signed by a licensed professional engineer or registered land surveyor registered in the state illustrating the locations, dimensions and elevations of a development as it has been constructed following completion of construction based on direct field measurements and shown to scale. One hard and one electronic copy shall be provided to the county. The electronic copy shall be in ArcGIS or AutoCad/AutoDesk format projected in the Georgia State Plane West for Dougherty County, Georgia.

*BMP or best management practices* means both structural practices to store or treat stormwater runoff and non-structural programs or practices which are designed to prevent or reduce the pollution of the waters of the State of Georgia.

*BMP landscaping plan* means a design for vegetation and landscaping that is critical to the performance and function of the BMP including how the BMP will be stabilized and established with vegetation. It shall include a layout of plants and plant names (local and scientific).

*Business day* means operating hours of the county government, Monday through Friday, excluding locally recognized holidays.

*Channel* means a natural or artificial watercourse with a definite bed and banks that conveys continuously or periodically flowing water.

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

*Construction activity* means activities subject to NPDES Construction Permits or those activities addressed in the LDM. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

*Day* means a day is defined as a calendar day.



*Design storm* means the rainfall event of such size and frequency as described in the LDM that is used for the design of stormwater facilities.

*Detention* means the temporary storage of stormwater runoff in a stormwater detention facility for the purpose of controlling the peak discharge.

*Detention facility* means a structure designed for the storage and gradual release of stormwater runoff at controlled rates.

*Developer* means any person who acts in his or her own behalf or as the agent of any owner of property for construction activity.

*Development* means new development or redevelopment.

*Director* means the Dougherty County Director of Public Works.

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

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

*Electronic copy* means (as related to design drawings) a copy of applicable design drawings produced in AutoCad/Autodesk which incorporate the state plane system.

*Extended detention* means the storage of stormwater runoff for an extended period of time.

*Extreme flood protection* means measures taken to prevent adverse impacts from large low-frequency storm events with return frequency of 100 years or more.

*Flooding* means a volume of surface water that exceeds the banks or walls of a BMP, or channel; and overflows onto adjacent lands.

*GSMM* means the latest edition of the Georgia Stormwater Management Manual, Volume 2: Technical Handbook, and its Appendices.

*Hardship* means (as related to variances of this article) the exceptional hardship that would result from a failure to grant the requested variance. The county requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

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

*Hotspot* means a land use or activity on a site that has the potential to produce higher than normally found levels of pollutants in a stormwater runoff. As defined by the administrator, hotspot land may include gasoline stations, vehicle service and maintenance areas, industrial facilities (both permitted under the Industrial Stormwater General Permit and others), material storage sites, garbage transfer facilities, and commercial parking lots with high-intensity use.

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

*Industrial Stormwater General Permit* means the National Pollutant Discharge Elimination System (NPDES) permit issued by Georgia Environmental Protection Division to an industry for stormwater

discharge associated with industrial activity. The permit regulates pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies based on Standard Industrial Classification (SIC) Code.

*Infiltration* means the process of percolating stormwater runoff into the subsoil.

*Inspection and maintenance agreement* means a written agreement providing for the long-term inspection, operation, and maintenance of the stormwater management system and its components on a site.

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

*Land development application* means the application for a land development permit on a form provided by Dougherty County along with the supporting documentation required in Section 2-14.5-53.

*Land development permit* means the authorization necessary to begin construction related, land-disturbing activity.

*Land disturbing activity* means any activity which may result in soil erosion from water or wind and the movement of sediments into state water or onto lands within the state, including but not limited to clearing, dredging, grading, excavating, and filling of land.

*Linear feasibility program* means a feasibility program developed by Dougherty County and submitted to the Georgia Environmental Protection Division, which sets reasonable criteria for determining when implementation of stormwater management standards for linear transportation projects being constructed by Dougherty County is infeasible.

*Linear transportation projects* means construction projects on traveled ways including but not limited to roads, sidewalks, multi-use paths and trails, and airport runways and taxiways.

*Local design manual* means a 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 chapter.

*Maintenance of stormwater facility* means 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.

*MS4 Permit* means the NPDES permit issued by the Georgia Environmental Protection Division for discharges from the Dougherty County municipal separate storm sewer system.

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

*New development* means land disturbing activities, structural development (construction, installation or expansion of a building or other structure), and/or creation of impervious surfaces on a previously undeveloped site.

*Nonpoint source pollution* means a form of water pollution that does not originate from a discrete point such as a wastewater treatment facility or industrial discharge, but involves the transport of pollutants such as sediment, fertilizers, pesticides, heavy metals, oil, grease, bacteria, organic materials, and other contaminants from land to surface water or groundwater via mechanisms such as precipitation, stormwater runoff, and leaching. Nonpoint source pollution is a by-product of land use practices such as agricultural, silvicultural, mining, construction, subsurface disposal, and urban runoff sources.

*Nonstructural best management practice* means any natural or planted vegetation or other nonstructural component of the stormwater management plan that provides for or enhances stormwater quantity and/or quality control or other stormwater management benefits, and includes, but is not limited

to, riparian buffers, open and greenspace areas, overland flow filtration areas, natural depressions, and vegetated channels.

*Obstruction* includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

*Overbank flood protection* means measures taken to prevent an increase in the frequency and magnitude of out-bank flooding (i.e. flow that exceeds the capacity of the channel and enters the floodplain).

*Owner* means the legal or beneficial owner of a site, including but not limited to, a mortgagee or vendee in possession, receiver, executor, trustee, lessee or other person, firm or corporation in control of the site.

*Person* means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, city, county or other political subdivision of the State, any interstate body or any other legal entity.

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

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

*Post-construction stormwater management* means stormwater best management practices that are used on a permanent basis to control and treat runoff once construction has been completed in accordance with a stormwater management plan.

*Post-development* means the conditions anticipated to exist on site immediately after completion of the proposed development.

*Pre-development* means the conditions that exist on a site immediately before the implementation of the proposed development. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time before the first item being approved or permitted shall establish pre-development conditions.

*Pre-development hydrology* means (a) for new development, the runoff curve number determined using natural conditions hydrologic analysis based on the natural, undisturbed condition of the site immediately before implementation of the proposed development; and (b) for redevelopment, the existing conditions hydrograph may take into account the existing development when defining the runoff curve number and calculating existing runoff, unless the existing development causes a negative impact on downstream property.

*Previously developed site* means a site that has been altered by paving, construction, and/or land disturbing activity.

*Redevelopment* means structural development (construction, installation, or expansion of a building or other structure), creation or addition of impervious surfaces, replacement of impervious surfaces not as part of routine maintenance, and land disturbing activities associated with structural or impervious development on a previously developed site. Redevelopment does not include such activities as exterior remodeling.

*Routine maintenance* means activities to keep an impervious surface as near as possible to its constructed condition. This includes ordinary maintenance activities, resurfacing paved areas, and

exterior building changes or improvements which do not materially increase or concentrate stormwater runoff, or cause additional nonpoint source pollution.

*Runoff* means stormwater runoff.

*Site* means an area of land where development is planned, which may include all or portions of one or more parcels of land. For subdivisions and other common plans of development, the site includes all areas of land covered under the applicable land development permit.

*Site development permit* means the authorization necessary to conduct a land-disturbing activity under the provisions of this article.

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

*Stormwater concept plan* means an initial plan for post-construction stormwater management on a site that provides the groundwork for the stormwater management plan including the natural resource inventory, site layout concept, initial runoff characterization, and first round stormwater management system design.

*Stormwater design manual* means the Georgia Stormwater Management Manual (GSMM), current edition, as published by the Atlanta Regional commission. The GSMM is available online at [www.georgiastormwater.org](http://www.georgiastormwater.org).

*Stormwater facility* means a structural stormwater management facility or device that controls stormwater runoff and changes the characteristics of that runoff including, but not limited to, the quantity, the quality, the period of release or the velocity of flow.

*Stormwater management plan* means a plan for post-construction stormwater management at the site that meets the requirements of Section 2-14.5-54 and is included as part of the land development application.

*Stormwater management standards* means those standards as set forth in Section 2-14.5-48 (7).

*Stormwater management system* means the entire set of non-structural site design features and structural BMPs for collection, conveyance, storage, infiltration, treatment, and disposal of stormwater runoff in a manner designed to prevent increased flood damage, streambank channel erosion, habitat degradation and water quality degradation, and to enhance and promote the public health, safety, and general welfare.

*Stormwater runoff* means flow on the surface of the ground, resulting from precipitation.

*Subdivision* means the division of a tract or parcel of land resulting in one or more new lots or building sites for the purpose, whether immediately or in the future, of sale, other transfer of ownership or land development, and includes divisions of land resulting from or made in connection with the layout or development of a new street or roadway or a change in an existing street or roadway.

*Undisturbed natural buffer* means a tract of land in its natural undisturbed state where no vegetation can be removed or planted without a county permit. No herbicides, pesticides, or other chemicals, either natural or manmade can be used in this buffer without a county permit.

*Violation* means the failure of a structure or other development to be fully compliant with this article. A structure or other development without evidence of compliance required in this article is presumed to be in violation until such time as that documentation is provided.

#### (Add Resolution Information)

#### **Sec. 2-14.5-50. - Stormwater local design manual.**

The county will utilize the policy, criteria and information including technical specifications and standards in the latest edition of the GSMM and the Dougherty County Stormwater LDM, for the proper implementation of the requirements of this chapter. The LDM may be updated and expanded periodically,

based on improvements in science, engineering, monitoring and local maintenance experience. Where the LDM and GSMM conflict, the LDM will govern.

**(Add Resolution Information)**

**Sec. 2-14.5-51. - Exemption from Stormwater Management Standards.**

This article does not apply to the following activities but listed activities are not exempt from Georgia Erosion Control and Forestry BMPs:

- (1) Land disturbing activity conducted by local, state, authority, or federal agencies, solely to respond to an emergency need to protect life, limb, or property or conduct emergency repairs;
- (2) Land disturbing activity that consists solely of cutting a trench for utility work and related pavement replacement;
- (3) Land disturbing activity conducted by local, state, authority, or federal agencies whose sole purpose is to implement stormwater management or environmental restoration;
- (4) Repairs to any stormwater management system deemed necessary by the director.
- (5) Agricultural and forestry land management activities
- (6) Additions or modifications to existing detached single-family or duplex dwellings.
- (7) Construction of a detached single-family dwelling that is not part of a larger development.
- (8) Two-lane road construction by a governmental body (any road wider than a two-lane road is not exempted).

**(Add Resolution Information)**

**Sec. 2-14.5-52. - Requirements for stormwater management plan.**

All stormwater management plans submitted to the county shall be submitted in accordance with the provisions as outlined in this chapter and the LDM.

- (1) The stormwater management plan shall be prepared under the supervision of, and certified by, a professional engineer or professional land surveyor with competency in hydrology and hydraulics, currently registered in the state. The plan shall conform to the requirements of this chapter and the LDM.
- (2) Upon receipt of the stormwater management plan, the county shall perform appropriate reviews, and shall either approve the stormwater management plan or return comments and reasons for rejection.

**(Add Resolution Information)**

**Sec. 2-14.5-53. - Permit procedures and requirements.**

- (a) *Permit application requirements.* No owner or developer shall perform any land development activities without first developing an approved stormwater management plan prior to commencing the proposed activity. Unless otherwise exempted by this chapter, or granted a waiver to meeting the minimum requirements outlined in the LDM, a site development permit application shall be accompanied by the following items in order to be considered:

- (1) Stormwater concept plan and consultation meeting certification if required by the county;
- (2) Stormwater management plan;

- (3) Inspection and long-term maintenance agreement;
  - (4) Performance bond, if applicable; and,
  - (5) Site development permit application and applicable review fees.
- (b) *Stormwater concept plan and consultation meeting.* Projects that are complex in nature may require a stormwater concept plan and consultation prior to submittal of design plans for review by the county. The stormwater concept plan shall meet the requirements outlined in the LDM. For the purposes of this section, any proposed development activity that meets any of the following criteria shall be required to perform a stormwater concept plan and consultation meeting prior to submittal of engineering plans for review:
- (1) Any residential subdivision with greater than 50 lots, unless such development contains lots which are all two-acres or greater in area.
  - (2) Any nonresidential development with a disturbed area of ten acres or greater.
  - (3) Any nonresidential development regardless of size which has an impervious surface coverage that covers 50 percent or more of the property excluding those lands contained within undisturbed buffers including but not limited to floodplains, stream buffers and undisturbed buffers between dissimilar zonings.
  - (4) Any nonresidential development regardless of size, which is defined as a hotspot land use.
- (c) *Modifications for offsite facilities.* The stormwater management plan for each land development project shall provide for stormwater management measures located on the site of the project, unless provisions are made with the county to manage stormwater by an offsite, or regional facility. The offsite or regional facility:
- (1) Must be located on property legally dedicated for the purpose;
  - (2) Must be designed and adequately sized to provide a level of stormwater quantity and quality control that is equal to or greater than that which would be afforded by onsite practices;
  - (3) There must be a county approved, legally-obligated entity responsible for long-term operation and maintenance of the offsite or regional stormwater facility; and
  - (4) An easement must be provided for culverts or drainageways. In addition, onsite measures shall be implemented, where necessary, to address stormwater management issues upstream and downstream from the development site to the offsite or regional facility.
- (d) *Stormwater management plan must be submitted.* A stormwater management plan must be submitted to the county, which shows the adequacy of the offsite or regional facility. To be eligible for a modification, the applicant must demonstrate to the satisfaction of the county that the use of an offsite or regional facility will not result in the following impacts to upstream or downstream areas:
- (1) Increased threat of flood damage to public health, life, and property;
  - (2) Deterioration of existing culverts, bridges, dams, and other structures;
  - (3) Accelerated streambank or streambed erosion or siltation;
  - (4) Degradation of in-stream biological functions or habitat; or
  - (5) Water quality impairment in violation of state of the state water quality standards, and/or violation of any state or federal regulations.
- (e) *Fee in lieu of stormwater management practices.* Where the county waives all or part of the minimum stormwater management requirements, or where the waiver is based on the provision of adequate stormwater facilities provided downstream of the proposed development, the applicant may be required to pay a fee in an amount as determined by the county.

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

### (Add Resolution Information)

#### **Sec. 2-14.5-54. - Post-development stormwater management performance criteria.**

The following performance criteria shall be applicable to all stormwater management plans, unless otherwise provided for in this article:

- (1) *Stormwater Runoff Quality/Reduction.* Stormwater runoff quality/reduction shall be provided by using the following:
  - a. For development with a stormwater management plan submitted before December 6, 2020, the applicant may choose either (A) Runoff Reduction or (B) Water Quality.
  - b. For development with a stormwater management plan submitted on or after December 6, 2020, the applicant shall choose (A) Runoff Reduction and additional water quality shall not be required. To the extent (A) Runoff Reduction is determined by the MS4 to be infeasible for all or a portion of the site, then (B) Water Quality shall apply for the remaining runoff from a 1.2 inch rainfall event and runoff must be treated to remove at least 80% of the calculated average post-development total suspended solids (TSS) load or equivalent as defined in the GSMM. The determination that it is infeasible to apply the stormwater runoff quality/reduction must be documented with the site plan review documents.
  - (A) Runoff Reduction- The stormwater management system shall be designed to retain the first 1.0 inch of rainfall on the site using runoff reduction methods, to the maximum extent practicable.
  - (B) Water Quality- The stormwater management system shall be designed to remove at least 80% of the calculated average annual post-development total suspended solids (TSS) load or equivalent as defined in the GSMM for runoff from a 1.2 inch rainfall event.
  - c. Runoff from hotspot land uses and activities identified in the LDM are adequately treated and addressed through the use of appropriate structural stormwater controls, nonstructural practices and pollution prevention practices.
- (2) *Stream channel protection.* Protection of stream channels from bank and bed erosion and degradation shall be provided by using the following approaches:
  - a. Preservation, restoration and/or reforestation (with native vegetation) of the applicable stream buffer;
  - b. Erosion prevention measures such as energy dissipation and velocity control.

All design and construction work that is undertaken proximate to stream channels (including the buffer areas) shall be in strict conformance with current local, state and federal regulations.
- (3) *Flood protection.* Flood and public safety protection shall be provided by controlling and safely conveying storm events such that flooding is not exacerbated for the storm events specified in the LDM and in accordance with applicable requirements of this chapter.
- (4) *Drainage system guidelines.* A system emphasizing a natural as opposed to an engineered drainage strategy shall be encouraged. The applicability of a natural approach depends upon

such factors as site storage capacity, open channel hydraulic capacity, maintenance needs/resources and regulatory permitting factors. Stormwater conveyance facilities may include but are not limited to culverts, stormwater drainage pipes, catchbasins, drop inlets, junction boxes, headwalls, gutters, swales, channels, ditches, and energy dissipaters shall be provided when necessary for the protection of public and private properties adjoining project sites. Stormwater conveyance facilities that are designed to carry stormwater runoff from more than one parcel, existing or proposed, shall meet the following requirements:

- a. Methods to calculate stormwater flows shall be in accordance with the LDM;
- b. All culverts, pipe systems and open channel flow systems shall be sized in accordance with the stormwater management plan using the methods included in the LDM; and
- c. Design and construction of stormwater conveyance facilities shall be in accordance with the criteria and specifications found in the LDM.

**(Add Resolution Information)**

**Sec. 2-14.5-55. - Maintenance of facilities.**

- (a) Stormwater detention facilities which are deemed to be an essential and integral part of the county stormwater management program may be maintained by the county. Stormwater management facilities, which are built to satisfy this chapter for nonresidential developments, and function for only one owner of a parcel of land in fee simple, will not be maintained by the county, and the owner thereof shall meet the requirements of the subsequent provisions of this chapter. No stormwater detention facility shall be accepted for maintenance by the county without first being approved by the chairman and board of commissioners.
  - (1) In order to facilitate the maintenance of said stormwater detention facilities, a drainage easement shall be provided which will at a minimum encompass the 100-year flood elevation contour plus 20 feet. The 20 feet shall be measured horizontally outward from the 100-year flood elevation contour (or top of slope of the pond). When a fence is placed around the pond for restrictive access, as required by section 3.2.1 of the Local Design Manual, the fence shall be placed no less than 20 feet, measured horizontally outward, from the 100-year flood elevation or top of slope of the pond.
  - (2) A 20-foot access easement shall be provided from an existing or proposed right-of-way to the said stormwater detention facility. The access easement shall be improved so as to allow for periodic usage for the purpose of maintenance of the stormwater management facility.
- (b) An inspection and maintenance agreement shall be executed for all private onsite stormwater management facilities prior to approval of the final plat or issuance of a certificate of occupancy.
  - (1) The property owner must incorporate language into the final plat wherein the property owner agrees and covenants to maintain the stormwater management facility as set forth in this subsection and to perform maintenance to ensure the proper function of the stormwater management facility. The final plat shall also include language that:
    - a. Obligates the property owner to conduct periodic inspections to ensure proper performance of the facility between scheduled cleanouts;
    - b. Obligates all subsequent property owners to maintain the facility so as to maintain proper performance of the facility between scheduled cleanouts; and
    - c. Obligates all subsequent property owners such that all inspection, maintenance and repair procedures of such facilities shall be their responsibility.
  - (2) Such agreement shall provide for access to the facility by virtue of a non-exclusive perpetual easement in favor of the county at reasonable times for regular inspection by the Director of Public Works, or the director's designee.



- (3) The agreement shall provide that the county, as it deems appropriate, may conduct preventive maintenance inspections of infiltration systems, retention, or detention structures. The county's inspection schedule shall be established on a frequency that meets the intent of this chapter and applicable regulatory compliance requirements bestowed on the county.
- (4) The agreement shall provide that if, after an inspection, the condition of a facility presents an immediate danger to the public health, safety or general welfare because of unsafe conditions or improper maintenance, the county shall have the right, but not the duty, to take such action as may be necessary to protect the public health, safety, general welfare and adjacent properties from damage. If it is determined that such deficient conditions are the result of neglected maintenance, or other action caused by the property owner, then any cost incurred by the county shall be paid by the property owner as set forth in section 54-27.
- (5) The agreement shall provide that the county shall notify the property owner of the facility of any violation, deficiency or failure to comply with this chapter. The agreement shall also provide that upon a failure to correct violations requiring maintenance work, within 30 days after notice thereof, the county may provide for all necessary work to place the facility in proper working condition. The county is entitled to recover its costs pursuant to section 54-27(d)(2).
- (c) In lieu of an inspection and maintenance agreement, the chairman and board of commissioners may, at its discretion, accept dedication of any existing or future regional stormwater management facility for perpetual maintenance by the county, provided such facility meets all the requirements of this chapter, the LDM and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular structural maintenance by the county.

**(Add Resolution Information)**

**Sec. 2-14.5-56. - Maintenance of pre-existing stormwater facilities.**

- (a) Pursuant to the Georgia's Service Delivery Act (O.C.G.A. § 36-70-1 et seq.), the county (Resolution No. 06-025) and the city (Ordinance No. 06-118) have adopted a service delivery strategy. Those same provisions (contained in the latter document) are expressly incorporated herein as if set forth verbatim.
- (b) All other stormwater management facilities in the county on the effective date of this chapter shall be maintained by the property owner of the property on which the facility is located in a manner so as to maintain the level of service provided by the facility as intended by the original design or current conditions whichever is more stringent.

**(Add Resolution Information)**

**Sec. 2-14.5-57. - Inspection.**

- (a) The director, or the director's designee, shall be responsible for determining whether a development is proceeding in accordance with the approved stormwater management plan. Periodic inspection of the development site shall be made by the director, or designee, to ensure that the stormwater management plan is properly implemented.
- (b) Upon completion of the construction phase on the project, and prior to approval of the final plat or issuance of a certificate of occupancy, the developer shall provide an as-built survey and an as-built design certification for each stormwater management facility. One hard copy and one electronic copy of the survey shall be provided. The survey shall employ the state plane coordinate system for the state so that it may be incorporated into the county's GIS database. To ensure uniformity and consistency, the developer shall reference a known elevation marker or benchmark within the county. If the developer is unable to locate an appropriate marker within a one-mile radius of the site, the county will assist in identifying or establishing a suitable marker.

- (c) A certified record drawing of the facility shall be prepared based upon this as-built survey and certified by the design professional who prepared the stormwater management plan. Based on the actual parameters established on the record drawing, an addendum to the stormwater management plan shall be prepared which demonstrates that the facility, as constructed, complies with the requirements of the approved stormwater management plan.
- (d) Following final plat approval or issuance of a certificate of occupancy, the Director of Public Works, or the director's designee, shall conduct periodic inspections of the stormwater facility on a schedule established by the county. Inspection reports including documented deficiencies and needed maintenance requirements will be included on the inspection reports and provided to the property owner to undertake appropriate action.

(Add Resolution Information)

**Secs. 2-14.5-58—2.14.5-70. - Reserved.**

#### **ARTICLE IV. - INSPECTIONS AND MONITORING**

##### **Sec. 2-14.5-71. - Authority to inspect.**

Whenever necessary to make an inspection to enforce any provision of this chapter, or whenever the public works director, or his designees has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this chapter, the director may enter such premises at all reasonable times to inspect the same and to inspect and copy records related to stormwater compliance. In the event the owner or occupant refuses entry after a request to enter and inspect has been made, the county is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.

(Res. No. 06-001, § I(16), 1-18-06)

##### **Sec. 2-14.5-72. - Authority to sample, establish sampling devices, and test.**

During any inspection as provided herein, the public works director may take any samples and perform any testing deemed necessary to aid in the pursuit of the inquiry or to record site activities.

(Res. No. 06-001, § I(17), 1-18-06)

**Secs. 2-14.5-73—2-14.5-90. - Reserved.**

#### **ARTICLE V. - VIOLATIONS, PENALTIES AND ENFORCEMENT**

##### **Sec. 2-14.5-91. - Enforcement.**

- (a) *Enforcement authority.* The director of the county public works department or his designees shall have the authority to issue notices of violation and citations, and to impose the civil penalties provided in this section.
- (b) *Notification of violation.*
  - (1) *Written notice.* Whenever the director of the county public works department finds that any permittee or any other person discharging stormwater has violated or is violating this chapter or a permit or order issued hereunder, the director may serve upon such person written notice of

the violation. Within ten (10) days of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the director. Submission of this plan in no way relieves the discharger of liability for any violations occurring before or after receipt of the notice of violation.

- (2) *Consent orders.* The director is empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the noncompliance. Such orders will include specific action to be taken by the person to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as administrative orders issued pursuant to paragraphs (4) and (5) below.
- (3) *Show cause hearing.* The director may order any person who violates this chapter or permit or order issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served on the person specifying the time and place for the meeting, the proposed enforcement action and the reasons for such action, and a request that the violator show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing.
- (4) *Compliance order.* When the director finds that any person has violated or continues to violate this chapter or a permit or order issued thereunder, he may issue an order to the violator directing that, following a specific time period, adequate structures, devices, be installed or procedures implemented and properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the construction of appropriate structures, installation of devices, self-monitoring, and management practices.
- (5) *Cease and desist orders.* When the director finds that any person has violated or continues to violate this chapter or any permit or order issued hereunder, the director may issue an order to cease and desist all such violations and direct those persons in noncompliance to:
  - a. Comply forthwith; or
  - b. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.
  - c. Persons receiving a notice of violation will be required to halt all construction activities. This "stop work order" will be in effect until the County confirms that the development activity is in compliance and the violation has been satisfactorily addressed. Failure to address a notice of violation in a timely manner can result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this chapter.
- (6) *Holds on occupation permits.* Occupation permits will not be granted until corrections to all stormwater practices have been made and accepted by the county.
- (7) *Conflicting standards.* Whenever there is a conflict between any standard contained in this chapter and in the BMP manual adopted by the municipality under this chapter, the strictest standard shall prevail.

(Res. No. 06-001, § I(18), 1-18-06)

#### **Sec. 2-14.5-92. - Penalties.**

- (a) *Violations.* Any person who shall commit any act declared unlawful under this chapter, who violates any provision of this chapter, who violates the provisions of any permit issued pursuant to this chapter, or who fails or refuses to comply with any lawful communication or notice to abate or take corrective action by the Dougherty County Public Works Department, shall be guilty of a civil offense.

- (b) *Penalties.* Any person violating the provisions of this chapter may be assessed a civil penalty by the Dougherty County Public Works Department of not less than fifty dollars (\$50.00) and not more than five thousand dollars (\$5,000.00) per day for each day of violation. Each day of violation shall constitute a separate violation.
- (c) *Measuring Civil Penalties.* In assessing a civil penalty, the Director of the Dougherty County Public Works Department may consider:
  - (1) The harm done to the public health or the environment;
  - (2) Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;
  - (3) The economic benefit gained by the violator;
  - (4) The amount of effort put forth by the violator to remedy this violation;
  - (5) Any unusual or extraordinary enforcement costs incurred by the municipality;
  - (6) The amount of penalty established by chapter or chapter for specific categories of violations; and
  - (7) Any equities of the situation, which outweigh the benefit of imposing any penalty or damage assessment.
- (d) *Recovery of damages and costs.* In addition to the civil penalty in subsection (b) above, the county may recover:
  - (1) All damages proximately caused by the violator to the county, which may include any reasonable expenses incurred in investigating violations of, and enforcing compliance with, this chapter, or any other actual damages caused by the violation.
  - (2) The costs of the county's maintenance of stormwater facilities when the user of such facilities fails to maintain them as required by this chapter.
- (e) *Other remedies.* The county may bring legal action to enjoin the continuing violation of this chapter, and the existence of any other remedy, at law or equity, shall be no defense to any such actions.
- (f) *Remedies cumulative.* The remedies set forth in this section shall be cumulative, not exclusive, and it shall not be a defense to any action, civil or criminal, that one (1) or more of the remedies set forth herein, has been sought or granted.

(Res. No. 06-001, § I(19), 1-18-06)

#### **Sec. 2-14.5-93. - Appeals.**

Notwithstanding the provisions of section 2-14.5-95 below, any person receiving a notice of violation under section 2-14.5-91 above may appeal the determination of the public works director to the county administrator. The notice of appeal must be received by the county administrator within five (5) days from the date of the notice of violation. Hearing on the appeal before the county administrator or his/her designee shall take place within fifteen (15) days from the date of county's receipt of the notice of appeal. The decision of the county administrator or designee shall be final.

(Res. No. 06-001, § I(20), 1-18-06)

#### **Sec. 2-14.5-94. - Abatement by county.**

If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal under section 2-14.5-93, within ten (10) days of the decision of the county administrator upholding the decision of the public works director, then the county or a contractor designated by the public works director shall enter upon the subject private property and is authorized to

take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the county or designated contractor to enter upon the premises for the purposes set forth above.

(Res. No. 06-001, § I(21), 1-18-06)

**Sec. 2-14.5-95. - Charging cost of abatement/liens.**

- (a) Within thirty (30) days after abatement of the nuisance by the county, the public works director shall notify the owner of the property of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment with the county administrator within fifteen (15) days. The decision of the county administrator shall be final.
- (b) If the amount due is not paid within ten (10) days of the decision of the county administrator, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. A copy of the resolution shall be turned over to the county auditor so that the auditor may enter the amounts of the assessment against the parcel as it appears on the current assessment roll, and the tax collector shall include the amount of the assessment on the bill for taxes levied against the parcel of land.

(Res. No. 06-001, § I(22), 1-18-06)

**Sec. 2-14.5-96. - Urgency abatement.**

The public works director is authorized to require immediate abatement of any violation of this chapter that constitutes an immediate threat to the health, safety or well-being of the public. If any such violation is not abated immediately as directed by the public works director, Dougherty County is authorized to enter onto private property and to take any and all measures required to remediate the violation. Any expense related to such remediation undertaken by the county shall be fully reimbursed by the property owner and/or responsible party. Any relief obtained under this section shall not prevent the county from seeking other and further relief authorized under this chapter.

(Res. No. 06-001, § I(23), 1-18-06)

**Sec. 2-14.5-97. - Compensatory action.**

In lieu of enforcement proceedings, penalties, and remedies authorized by this chapter, the public works director may impose upon violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

(Res. No. 06-001, § I(24), 1-18-06)

**Sec. 2-14.5-98. - Violations deemed a public nuisance.**

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

(Res. No. 06-001, § I(25), 1-18-06)

**Sec. 2-14.5-99. - Acts potentially resulting in a violation of the federal Clean Water Act.**

Any person who violates any provision of this chapter or any provision of any requirement issued pursuant to this chapter, may also be in violation of the Clean Water Act and may be subject to the sanctions of those acts including civil and criminal penalties. Any enforcement action authorized under this chapter shall also include written notice to the violator of such potential liability.

(Res. No. 06-001, § I(26), 1-18-06)