

ORDINANCE 984

AN ORDINANCE TO REVISE THE MUNICIPAL CODE OF THE CITY OF BRUNSWICK, BY ADDING A NEW CHAPTER 22A, RELATING TO STORMWATER MANAGEMENT; TO PROVIDE DEFINITIONS; TO REGULATE NON-STORMWATER DISCHARGES TO THE STORM DRAINAGE SYSTEM; TO REGULATE POST CONSTRUCTION STORMWATER RUNOFF; TO PROVIDE PERMITTING, INSPECTION, ADMINISTRATIVE AND ENFORCEMENT PROCEDURES; TO PROVIDE FOR PENALTIES FOR VIOLATIONS; TO PROVIDE EXEMPTIONS AND WAIVERS; TO PROVIDE PERFORMANCE CRITERIA; TO PROVIDE FOR MAINTENANCE AND REPAIR OF STORMWATER FACILITIES; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

IT IS HEREBY ORDAINED BY THE CITY COMMISSION OF BRUNSWICK

SECTION ONE

The municipal code of the City of Brunswick is hereby amended by adding thereto a new Chapter 22A, "Stormwater Management," which shall provide as follows.

ARTICLE I – General Provisions

SECTION 22A-1 Findings of Fact

It is hereby determined that:

- a. Land development projects and associated changes in the landscape alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, and sediment transport and deposition;
- b. This stormwater runoff contributes to increased quantities of water-borne pollutants; and
- c. Stormwater runoff, soil erosion and nonpoint source pollution can be controlled and minimized through the regulation of stormwater runoff from existing and future development sites.

Therefore, the City of Brunswick establishes this set of water quality and quantity policies applicable to all surface waters to provide reasonable guidance for the regulation of stormwater runoff for the purpose of protecting local water resources from degradation. It is determined that the regulation of stormwater runoff discharges from land development projects and other construction activities in order to control and minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and nonpoint source pollution associated with stormwater runoff is in the public interest and will prevent threats to public health and safety.

SECTION 22A-2 Purpose

The purpose of this ordinance is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing in watersheds within this jurisdiction. This ordinance seeks to meet that purpose through regulation of activities that can through proper regulation improve and maintain those water resources that lie partially or wholly within the jurisdictional boundaries of the City of Brunswick.

SECTION 22A-3 Compatibility with Other Permit and Ordinance Requirements

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

SECTION 22A-4 Responsibility for Administration

Unless otherwise stated, the City Public Works Director (hereafter referred to as Director) shall administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the Director may be delegated in writing by the Director of Public Works to persons or entities acting in the beneficial interest of or in the employ of the City of Brunswick.

SECTION 22A-5 Ultimate Responsibility

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

SECTION 22A-6 Definitions

When used in this ordinance, the following words and phrases shall have the meaning given in this section. Words not defined herein shall be construed to have a meaning given by common and ordinary use as defined by Webster's Third New International Dictionary, copyright 1970. The term "shall" is mandatory. When not inconsistent with the context, words used in the singular number include the plural and those used in the plural number include the singular. Words used in the present tense include the future. The following definitions shall apply in the interpretation and enforcement of this ordinance, unless otherwise specifically stated:

- a) *As-built drawings*. Amended site plans specifying the locations, dimensions, elevations, capacities and operational capabilities of road and drainage structures and facilities as they have been constructed.
- b) *Best Management Practices (BMPs)*. Structural devices to store or treat stormwater runoff or non-structural programs or practices both of which are designed to prevent or reduce the pollution of the waters of the State of Georgia and provide other amenities.
- c) *Buffer*. An area along the course of any state waters or declared city waterway to be maintained in an undisturbed and natural condition.
- d) *Construction*. Any alteration of land for the purpose of achieving its development of changing use, including particularly any preparation for, building of, or erection of a structure.
- e) *Cut*. A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to excavated surface. Also known as excavation.
- f) *Design storm*. The rainfall event of such size and frequency as described in the Georgia Stormwater Management Manual or local design manual, which is used for the design of stormwater facilities.
- g) *Developer*. Any person who acts in his own behalf or as the agent of any owner of property and engages in alteration of land or vegetation in preparation for construction activity.
- h) *Development*. Any action in preparation for construction activities which result in alteration of either land or vegetation other than such minor land disturbing activities as home gardens and individual home landscaping repairs or maintenance work which result in minor soil erosion.
- i) *Drainage*. A general term applied to the removal of surface or subsurface water from a given area either by gravity or by pumping, commonly applied herein to surface water.

- j) *Drainage structure.* Any stormwater conveyance structure as defined below, and any piping or ditching for stormwater management purposes.
- k) *Drainage system.* The surface and subsurface system for the removal of water from the land, including both the natural elements of streams, marshes, and ponds, whether of an intermittent or continuous nature, and the manmade element which includes culverts, ditches, channels, retention facilities and the storm sewer system.
- l) *DRT.* The group of departmental representatives assigned by the City manager to meet periodically and review construction, subdivision and other plans, also referred to as the “Development Review Team.”
- m) *Erosion.* The process by which land surface is worn away by the action of wind, water, ice or gravity.
- n) *Flood.* A temporary rise in the level of rivers, streams, lakes, marshes and ocean, which results in inundation of areas not ordinarily covered by water.
- o) *Floodplain.* Any land area susceptible to being inundated by flood waters from any source.
- p) *Grading:* Altering ground surfaces to specified elevations, dimensions, and/or slopes; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.
- q) *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.
- r) *Hotspot.* An area where the land use or activities generate or have the potential to generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater.
- s) *Illicit discharge.* Any discharge as defined in 40 CFR Part 122.26(b)(2) to a MS4 that is not entirely composed of stormwater, except those discharges authorized under a NPDES permit (other than the NPDES permit for discharges from the MS4) and discharges resulting from fire fighting activities.
- t) *Illicit Connections.* Any man-made conveyance connecting a discharge directly to a MS4.
- u) *Impervious surface.* A manmade structure or surface which prevents the infiltration of stormwater into the ground below the structure or surface. Structures or surfaces which are constructed so as to only minimally affect the infiltration of stormwater are not considered impervious surfaces.

- v) *Industrial activity*. Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).
- w) *Land disturbing activity*. Any activity which results in changes in the volume or flow rates of rainfall runoff, soil erosion from water or wind; or the movement of sediments into state waters or onto land within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land.
- x) *Live retention*. That quantity of water capable of being effectively contained by a designated facility for stormwater storage for a specified period of time.
- y) *Lot*. A tract, portion or parcel of land separated from other tracts, portions or parcels by description on a subdivision plat of record or survey map or described by metes and bounds, and intended to be used to facilitate transfer of ownership or for building development. For the purposes of this ordinance, the term does not include any portion of a dedicated right-of-way.
- z) *Maintenance of stormwater facility*. Preserving the enclosing walls or impounding embankment of the retention facility in good condition; ensuring structural soundness, functional adequacy and freedom from sediment; and rectifying any unforeseen erosion problems.
- aa) *Municipal Separate Storm Sewer System (MS4)*. A conveyance or system of conveyances including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, swales, manmade channels or storm drains, owned or operated by a municipality or other public, designed or used for collecting or conveying storm water runoff and which is not a combined sewer or part of a Publicly Owned Treatment Works.
- bb) *National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit*. A permit issued by the U.S. Environmental Protection Agency (or by the State of Georgia under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.
- cc) *Natural ground surface*. The ground surface in its original state before any grading, excavation or filling.
- dd) *Nephelometric turbidity units (NTU)*. Numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloiddally dispersed particles are present.
- ee) *Non-storm water discharge*. Any discharge to the storm drain system that is not composed entirely of storm water.

- ff) *Permit*. The authorization necessary to conduct a land-disturbing activity under the provisions of this ordinance.
- gg) *Person*. Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality, or other political subdivision of this state, any interstate body or any other legal entity
- hh) *Pollution*. The contamination or other significant alteration of any water's physical, chemical or biological properties, including, but not limited to, a change in temperature, taste, color, turbidity, or odor of such waters or the discharge of any liquid, 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.
- ii) *Pollutant*. Any impurity or waste material that degrades the physical, chemical, biological or radiological integrity of surface or subsurface waters.
- jj) *Pretreatment*. The onsite reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in stormwater prior to or in lieu of discharging or otherwise introducing such pollutants into the publicly owned drainage system.
- kk) *Project*. The entire proposed development project regardless of the size of the area of land to be disturbed.
- ll) *Stormwater facility*. A facility which provides for storage of stormwater runoff and controlled release of this runoff during and after a flood storm.
- mm) *Right-of-way*. "Right-of-way" shall mean a strip or parcel of land occupied by or intended to be occupied by a street, crosswalk, pedestrian path, cart path, utility system, water main, sanitary sewer or storm drain sewer main, drainage ditches and watercourses or any other valid public use. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a record or final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way, and not included within the dimensions or areas of such other lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains or other use involving maintenance by a public agency shall be dedicated or deeded to public use by the maker of the plat on which such right-of-way is established.
- nn) *Sediment*. Solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, ice, or gravity as a product of erosion.
- oo) *Sedimentation*. The action or process of forming or depositing sediment.

- oo) Stormwater.* Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation
- pp) Stormwater runoff.* The portion of a precipitation on the land which reaches the drainage system.
- qq) Stream.* Natural, running water flowing continuously or intermittently in a channel on or below the surface of the ground.
- rr) Structure.* Anything constructed or erected, the use of which requires a location on the ground, or attached to something having a location on the ground, including, but not limited to, tennis courts, fences, swimming pools, and buildings.
- ss) Subdivision.* Subdivision includes all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purposes, whether immediate or future, of sale, gift, or building development and includes all divisions or development of land involving a new street or a change in an existing street. It shall also include resubdivision, the process of subdividing and the land or area subdivided; provided, however, divisions of land into parcels of five acres or more where no new street is involved are not included in this definition.
- tt) Watercourse.* Any natural or man-made conveyance channel, stream, river, creek, channel, ditch, swale, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which stormwater flows either continuously or intermittently and which has a definite channel, bed and banks, and including any areas adjacent thereto subject to inundation by reason of overflow or floodwater.

ARTICLE II – ILLICIT DISCHARGE PROHIBITION

SECTION 22A-7 Purpose

The purpose of this article is to provide for the health, safety, and general welfare of the citizens of the City of Brunswick through the regulation of non-stormwater discharges to the storm drainage system to the maximum extent practicable. The objectives of this article are:

- a. To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by stormwater discharges by any user
- b. To prohibit Illicit Connections and Discharges to the MS4
- c. To establish legal authority to carry out all inspection; surveillance and monitoring; and enforcement procedures as necessary to ensure compliance with this article

SECTION 22A-8 Applicability

This article shall apply to all non-stormwater discharges entering the storm drain system generated on any developed or undeveloped lands unless explicitly exempted by the City of Brunswick.

SECTION 22A-9 Prohibition of Illegal Discharges

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

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

- a. The following discharges are exempt from discharge prohibitions established by this article: water line flushing or other potable water sources, landscape irrigation or lawn watering, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wetland flows, swimming pools (if dechlorinated - less than one PPM chlorine), fire fighting activities, and any other water source not containing pollutants.
- b. Discharges specified in writing by the Director as being necessary to protect public health and safety.

- c. Dye testing is an allowable discharge, but requires a verbal notification to the Director prior to the time of the test followed by written notice within ten days.
- d. Any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that approval has been granted for any discharge to the storm drain system.
- e. Any stormwater discharge regulated under an NPDES stormwater discharge permit for industrial activities provided that the discharger is in full compliance with all requirements of the permit. Proof of compliance with said permit may be required in a form acceptable to the Director prior to the allowing of discharges to the MS4.
- f. Any stormwater discharge regulated under an NPDES stormwater discharge permit for construction activities or other local land disturbance permit provided that the discharger is in full compliance with all requirements of the permit. Proof of compliance with said permit may be required in a form acceptable to the Director prior to the allowing of discharges to the MS4.

SECTION 22A-10 Prohibition of Illicit Connections

The construction, use, maintenance or continued existence of illicit connections to the MS4 or watercourses is prohibited. 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. A person is considered to be in violation of this article if a person connects a line conveying any material to the MS4, allows such a connection to continue without a permit from the City of Brunswick, or alters the existing flow of any watercourse.

SECTION 22A-11 Suspension due to Illicit Discharges in Emergency Situations

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

SECTION 22A-12 Suspension due to the Detection of Illicit Discharge

Any person discharging to the MS4 or watercourses in violation of this article may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The Director will notify a violator of the proposed termination of its MS4 access. The violator may

petition the Director for a reconsideration and hearing. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the Public Works Director.

SECTION 22A-13

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

- a. The Director or designated representatives shall be permitted to enter and inspect facilities subject to regulation under this article as often as may be necessary to determine compliance with this article. If a discharger has security measures in force, which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the City of Brunswick.
- b. Facility operators shall allow City of Brunswick personnel ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.
- c. The Director shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the Director to conduct monitoring and/or sampling of the facility's stormwater discharge.
- d. The Director has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
- e. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the Director and shall not be replaced. The costs of clearing such access shall be borne by the operator.
- f. Unreasonable delays in allowing City of Brunswick personnel access to a permitted facility are a violation of a stormwater discharge permit and of this article. A person who is the operator of a facility with a NPDES permit to discharge stormwater associated with industrial activity commits a violation if the person denies City of Brunswick personnel reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this article.
- g. If City of Brunswick personnel are refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this article, or that there is a need to inspect and/or sample as

part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the Director may seek issuance of a search warrant from any court of competent jurisdiction.

SECTION 22A-14 Specification of Best Management Practices (BMPs)

The City of Brunswick may adopt requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the MS4 or watercourses, or waters of the United States.

SECTION 22A-15 Pollution Prevention in New Facilities

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

SECTION 22A-16 Pollution Prevention in Existing Facilities

Any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the MS4 or watercourses.

SECTION 22A-17 Discharge Permits from Regulatory Agencies Other than the City of Brunswick

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 Article. BMPs designated for compliance with the NPDES permit or BMPs implemented as a result of action taken in compliance of this Article shall be included in a stormwater pollution prevention plan (SWPP) as necessary for compliance with requirements of the NPDES permit.

SECTION 22A-18 Watercourse Protection

Every person or persons owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. 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. Those persons owning property on either side (abutting) of a watercourse, or their lessee, are responsible from their property line to the center of the watercourse and are subject to the same rules and regulations applicable to those persons having a watercourse flow through their property.

SECTION 22A-19

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 MS4 or watercourses, or water of the U.S. said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the Public Works Department in person, by phone, facsimile or email no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Director of Public Works within three business days of the verbal notice. The notification of the discharge of materials to the Director shall be in addition to notification of other applicable agencies, Regional, State and Federal authorities. 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.

SECTION 22A-20

Enforcement

(a) Whenever the Director finds that a person has violated a prohibition or failed to meet a requirement of this article, the Director may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- i) The performance of monitoring, analyses, and reporting;
- ii) The elimination of illicit connections or discharges;
- iii) That violating discharges, practices, or operations shall cease and desist;
- iv) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
- v) Payment of a fine to cover administrative and remediation costs; and
- vi) The implementation of source control or treatment BMPs.

b) If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work may be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

- c) Any person receiving a Notice of Violation may appeal the determination of the Director. The notice of appeal must be received within ten days from the date of the Notice of Violation. Hearing on the appeal before the appropriate authority or his/her designee shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the reviewing authority or their designee shall be final.
- d) 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, within ten days of the decision of the reviewing authority upholding the decision of the Director, then representatives of the Director shall enter upon the subject private property and are 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 City of Brunswick personnel or designated contractor to enter upon the premises for the purposes set forth above.
- e) Within 30 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within 30 days. If the amount due is not paid within a timely manner as determined by the decision of the reviewing authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.
- f) It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this article. If a person has violated or continues to violate the provisions of this article, the Director may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.
- g) In lieu of enforcement proceedings, penalties, and remedies authorized by this article, the City of Brunswick may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.
- h) In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this article is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.
- i) Any person that has violated or continues to violate this article shall be liable to criminal prosecution to the fullest extent of the law, and shall be subject to a criminal penalty in Brunswick Municipal Court in accordance with Chapter 15 of the Municipal Code of Brunswick; each day a violation continues shall constitute a separate offense. The City of Brunswick may recover all attorneys' fees court costs and other expenses associated with enforcement of this article, including sampling and monitoring expenses.

j) The remedies listed in this article are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

ARTICLE III – POST CONSTRUCTION STORMWATER RUNOFF

SECTION 22A-21 Purpose

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

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

SECTION 22 A-22 Applicability

This article shall be applicable to all subdivision or site plan applications, unless eligible for an exemption or granted a waiver by the Director under the specifications of Section 4 of this article. This article also applies to land development activities that are smaller than the minimum applicability criteria if such activities are part of a larger common plan of development that meets the following applicability criteria, even though multiple separate and distinct land development activities may take place at different times on different schedules.

- a. New development that involves the creation of 5,000 square feet or more of impervious cover, or that disturbs one acre or more of land;
- b. Redevelopment that includes the creation, addition or replacement of 5,000 square feet or more of impervious cover, or that involves other land development activity of one acre or more;
- c. Any new development or redevelopment, regardless of size, that is defined by the Development Review Team (DRT) to be a hotspot land use; or,

- d. Land development activities that are smaller than the minimum applicability criteria set forth in items A and B above if such activities are part of a larger common plan of development, even though multiple, separate and distinct land development activities may take place at different times on different schedules.

SECTION 22 A-23 Exempt Activities

The following activities are exempt from this article:

- a. Individual single-family or duplex residential lots that are not part of a subdivision or phased development project;
- b. Additions or modifications to existing single-family or duplex residential structures;
- c. Agricultural or silvicultural land management activities within areas zoned for these activities; and,
- d. Repairs to any stormwater management facility or practice deemed necessary by the DRT.

SECTION 22 A-24 Development of a Local Stormwater Design Manual

The City of Brunswick may furnish additional policy, criteria and information including specifications and standards, for the proper implementation of the requirements of this ordinance and may provide such information in the form of a Local Stormwater Design Manual (LDM). If such a LDM is developed, the requirements outlined within the LDM shall take precedence.

SECTION 22A-25 Permit Required

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

SECTION 22A-26 Application Requirements

Unless specifically excluded by this article, any land owner or operator desiring a permit for a land disturbance activity shall submit to The City of Brunswick a permit application on a form provided for that purpose. Unless otherwise excepted by this article, a permit application must include the minimum requirements as defined in this article or local stormwater design manual in order for the permit application to be considered.

SECTION 22A-27 Application Review Fees

The City of Brunswick may require the submittal of a review fee for review of the stormwater management plan. This review fee shall be based on the amount of land to be disturbed at the site, and the fee structure shall be established by the DRT and approved by the City Manager. All of the monetary contributions shall be credited to a local budgetary category to support local plan review, inspection and program administration, and shall be made prior to the issuance of any building permit for the development.

SECTION 22A-28 Permit Duration

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

SECTION 22A-29 Waivers for Providing Stormwater Management

Every applicant shall provide for stormwater management as required by this article, unless a written request is filed to waive this requirement. Requests to waive the stormwater management plan requirements shall be submitted to the DRT for approval. The minimum requirements for stormwater management may be waived in whole or in part upon written request of the applicant, provided that at least one of the following conditions applies:

- a. It can be demonstrated that the proposed development is not likely to impair attainment of the objectives of this article.
- b. Alternative minimum requirements for on-site management of stormwater discharges have been established in a stormwater management plan that has been approved by the DRT and local ordinance or Legal Developer Agreement requires the implementation of the plan.
- c. Provisions are made to manage stormwater by an off-site facility. The off-site facility is required to be in place, to be designed and adequately sized to provide a level of stormwater control that is equal to or greater than that which would be afforded by on-site practices and there is a legally obligated entity responsible for long-term operation and maintenance of the stormwater practice.
- d. The DRT finds that meeting the minimum on-site management requirements is not feasible due to the natural or existing physical characteristics of a site.
- e. Non-structural practices may be used on the site that reduce: a) the generation of stormwater from the site, b) the size and cost of stormwater storage; and c) the pollutants generated at the site. These non-structural practices shall be explained in detail in the local or state design manual and the amount of credit available for using such practices

shall be determined by the DRT if the City of Brunswick provides for stormwater credits in the review process.

SECTION 22A-30 Conditions of Waiver

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

- a. Deterioration of existing culverts, bridges, dams, and other structures;
- b. Degradation of biological functions or habitat;
- c. Accelerated streambank or streambed erosion or siltation; or
- d. Increased threat of flood damage to public health, life, or property.

SECTION 22A-31 Mitigation Requirements for Waivers

Where compliance with minimum requirements for stormwater management is waived, the applicant will satisfy the minimum requirements by meeting one of the mitigation measures selected by the DRT. Mitigation measures may include, but are not limited to, one or more of the following:

- a. The purchase and donation of privately owned lands, or the grant of an easement to be dedicated for preservation and/or reforestation. These lands should be located adjacent to the stream corridor in order to provide permanent buffer areas to protect water quality and aquatic habitat;
- b. The creation of a stormwater management facility or other drainage improvements on previously developed properties, public or private, that currently lack stormwater management facilities designed and constructed in accordance with the purposes and standards of this article; and
- c. Monetary contributions (Fee-in-Lieu) to fund stormwater management activities such as research and studies (e.g., regional wetland delineation studies, stream monitoring studies for water quality and macroinvertebrates, stream flow monitoring, threatened and endangered species studies, hydrologic studies, and monitoring of stormwater management practices, etc.).

SECTION 22A-32 Fee in Lieu of Stormwater Management Practices

Where the DRT 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 DRT.

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 City of Brunswick agree on a greater alternate contribution) established by the DRT. 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 permit for the development.

SECTION 22A-33 Dedication of Land

In lieu of a monetary contribution, an applicant may obtain a waiver of the required stormwater management by entering into an agreement with The City of Brunswick for the granting of an easement or the dedication of land by the applicant, to be used for the construction of an off-site stormwater management facility. The agreement shall be entered into by the applicant and City of Brunswick prior to the recording of plats or, if no record plat is required, prior to the issuance of the building permit.

SECTION 22A-34 Performance Criteria

Unless judged by the DRT to be exempt or granted a waiver, the performance criteria set forth in the following sections shall be addressed for stormwater management at all sites.

SECTION 22A-35 Peak Runoff Rate Control

The applicant shall control all stormwater discharges from the proposed project such that post development peak runoff rates do not exceed pre-development peak runoff rates for the 2-year, 5-year, 10-year, 25-year, 50-year and 100-year frequency storms, unless otherwise specified or the DRT grants the applicant a waiver or the applicant is exempt from such requirements. In addition, if hydrologic or topographic conditions warrant greater control than that provided by the minimum control requirements, the DRT reserves the right to impose any and all additional requirements deemed necessary to control the volume, timing, and rate of runoff.

- a. An emergency overflow device (which does not include the throttling device) for a detention pond shall be designed to pass the 100-year peak developed inflow without overtopping the dam
- b. The steepest fill slopes shall be 2.5:1, and cut slopes shall be no steeper than 2:1
- c. An eight-foot-wide access road which runs on top of the dam shall be required around the circumference of the pond
- d. If a pond is deeper than four feet, a chain link fence shall be required
 1. The fence shall be six feet high
 2. Fence posts shall be set in concrete ten feet on centers
 3. There shall be a minimum ten-foot-wide gate for access

4. The fence shall not be installed across the slope of a dam or dike, but installed completely around the pond and containing the dike and access road
5. The DRT may require a planted vegetation buffer around all or part of the pond.
- 6.

SECTION 22A-36 Channel Protection

To protect stream channels from degradation, a specific channel protection criteria shall be proposed by the developer and reviewed by the DRT, which may require an additional or different criteria than the one proposed. The channel protection criteria may be waived by the DRT for sites that discharge directly into larger streams, rivers, wetlands, lakes, estuaries, or tidal waters where the reduction in smaller flows will not have an impact on stream bank or channel integrity. Additionally, the DRT may waive the channel protection criteria if the post development peak runoff rate for the channel protection criteria is less than two cubic feet per second (cfs) for the 1-year 24-hour storm in a post-development state.

Channel protection shall be provided through 24-hour extended detention of the 1-year 24-hour rainfall event, unless the DRT grants the applicant a waiver or the applicant is exempt from such requirements. If the applicant provides for channel protection, the applicant shall not be required to provide detention as specified in Sections 5.1 for the 2-year, 5-year and 10-year frequency storms.

SECTION 22A-37 Water Quality Control

For new development, stormwater treatment practices shall be designed to remove pollutants to levels prescribed. It is presumed that a BMP complies with this performance standard if it is:

1. Sized to capture the prescribed water quality volume (WQ_v)
2. Designed according to the specific performance criteria applied to the treatment practice
3. Constructed properly, and maintained regularly

This article follows the philosophy of removing pollutants to the 'maximum extent practicable' through the use of a percentage removal performance goal. The approach to be taken is to treat a water quality volume of runoff equal to that generated by 1.2 inches of rainfall (WQ_v) to remove 80% of the annual total suspended solids (TSS) loading commonly found in urban stormwater runoff, unless the DRT grants the applicant a waiver or the applicant is exempt from such requirements. The applicant shall reference section 2.1.7 of the Georgia Stormwater Management Manual (GSMM) Volume 2, First Edition for the approved methodology for calculating the WQ_v.

All stormwater runoff generated from new development shall not discharge untreated stormwater directly into a wetland or local water body without adequate treatment. Stormwater management practices for a site shall be chosen based on the physical conditions of the site. Additionally, stormwater management practices that utilize vegetation as part of the functional treatment

process (e.g. constructed wetlands, etc.) must submit a separate landscaping plan detailing both the vegetation to be in the practice and how and who will manage and maintain this vegetation.

SECTION 22A-38 Conveyance Issues

All conveyances including pipes and open channels except those associated with detention facilities shall be designed for the 25-year frequency storm. Inlets for conveyances shall be designed for an equal frequency storm (i.e. 25-year storm design pipe system shall have all inlets sized for the 25-year storm). The DRT reserves the right to increase the requirements outlined herein where deemed necessary. All pipes placed within an easement or on public right-of-way for maintenance by the City of Brunswick shall be reinforced concrete pipe (RCP).

SECTION 22A-39 Sensitive Resources

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

SECTION 22A-40 Hot Spots

Stormwater discharges from land uses or activities with higher potential pollutant loadings, known as “hotspots,” may require the use of specific BMPs and pollution prevention practices.

SECTION 22A-41 Stormwater Management Plan Required for All Developments.

No application for development will be approved unless it includes a stormwater management plan detailing in concept how runoff and associated water quality impacts resulting from the development will be controlled or managed. This plan must indicate whether stormwater will be managed on-site or off-site and, if on-site, the general location and type of practices.

The stormwater management plan(s) shall be referred for comment to all other interested agencies, and any comments must be addressed in a final stormwater management plan. This final plan must be signed by a licensed professional engineer (PE). No development related permits shall be issued until a satisfactory final stormwater management plan, or a waiver thereof, shall have undergone a review and been approved by the DRT after determining that the plan or waiver is consistent with the requirements of this article.

SECTION 22A-42 Stormwater Management Plan Requirements

A stormwater management plan shall be required with all permit applications and will include sufficient information (e.g., maps, hydrologic calculations, etc) to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site,

both present and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing stormwater generated at the project site. The intent of this planning process is to determine the type of stormwater management measures necessary for the proposed project, and ensure adequate planning for management of stormwater runoff from future development. To accomplish this goal the applicant will prepare a design report, which shall include elements sufficient to ensure compliance with this article. These reports shall include at a minimum: a narrative description of the proposed development project and its changes to the site, predevelopment drainage maps, post development drainage maps, predevelopment runoff rates, post development rates, lists of assumptions used in calculating drainage impacts, and calculations of drainage impacts. The DRT reserves the right to extend these requirements to ensure compliance with this article. However, in these cases, the DRT must provide a written explanation of the additional elements needed to the applicant.

SECTION 22A-43 Performance Bond/Security

The City of Brunswick may, at its discretion, require the submittal of a performance security or 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, if any, shall be the total estimated construction cost of the stormwater management practices approved under the permit, plus 25% as agreed to by the applicant and the City of Brunswick. The performance security shall contain forfeiture provisions for failure to complete work specified in the stormwater management plan.

The installation performance security may be partially released during the course of development in the discretion of the DRT, but shall be released in full only upon submission of “as built plans” and written certification by a registered professional engineer that the stormwater practice has been installed in accordance with the approved plan and other applicable provisions of this article. The DRT will make a final inspection of the stormwater practice to ensure that it is in compliance with the approved plan and the provisions of this article. Provisions for a partial pro-rata release of the performance security based on the completion of various development stages can be done at the discretion of the DRT.

SECTION 22A-44 Notice of Construction Commencement

The applicant must notify the DRT in advance before the commencement of construction so as to provide for scheduling of inspections. If any violations are found, the property owner shall be notified in writing of the nature of the violation and the required corrective actions. The DRT may issue a “Stop Work Order” if the DRT determines that the corrective actions will need to be made prior to continuance of other development activities on the site to ensure compliance with this article. In these cases, no added work shall proceed until any violations are corrected and all work previously completed has received approval by the DRT.

SECTION 22A-45 As Built Plans

All applicants are required to submit actual “as built” plans for any stormwater management practices located on-site after final construction is completed in a format specified by the DRT. The plan must show the final design specifications for all stormwater management facilities and must be certified by a professional engineer. A final inspection by the DRT is required before the release of any performance securities can occur.

SECTION 22A-46 Maintenance Easement

Prior to the issuance of any permit that has a stormwater management facility as one of the requirements of the permit, the applicant or owner of the site must execute a maintenance easement agreement that shall be binding on all subsequent owners of land served by the stormwater management facility. The agreement shall provide for access to the facility at reasonable times for periodic inspection by the DRT or their contractor or agent, and for regular or special assessments of property owners to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this article. The easement agreement shall be recorded by the applicant in the land records. The minimum width of an easement for pipe systems shall be 20 feet, however the DRT may increase this requirement for systems that are deeper than 6 feet in depth. Minimum width of an easement for an open channel shall be the width of the channel at the top of slope plus 10 feet either side of the channel. All other easements for structures including but not limited to detention ponds, etc. shall be 10 feet beyond the facilities footprint.

SECTION 22A-47 Maintenance Covenants

Maintenance of all stormwater management facilities shall be ensured through the creation of a formal maintenance covenant that must be approved by the DRT and recorded into the land record prior to final plan approval. As part of the covenant, a schedule shall be developed for when and how often maintenance will occur to ensure proper function of the stormwater management facility. Stormwater management facilities may be required to undergo annual inspections to document maintenance and repair needs and ensure compliance with the requirements of this article and accomplishment of its purposes. These needs may include; removal of silt, litter and other debris from all catch basins, inlets and drainage pipes, grass cutting and vegetation removal, and necessary replacement of landscape vegetation. Any maintenance needs found must be addressed in a timely manner and the inspection and maintenance requirement may be increased as deemed necessary to ensure proper functioning of the stormwater management facility. The requirement for such inspections shall be outlined in the maintenance covenant.

In lieu of a maintenance covenant, the City may accept dedication of any existing or future stormwater management facility for maintenance, provided such facility meets all the requirements of this article and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

SECTION 22A-48 Records of Installation and Maintenance Activities.

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

SECTION 22A-49 Failure to Maintain Practices

If a responsible party fails or refuses to meet the requirements of the maintenance covenant, the City of Brunswick 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 DRT shall notify the party responsible for maintenance of the stormwater management facility in writing. Upon receipt of that notice, the responsible person shall affect maintenance and repair of the facility in an approved manner and within the established deadline. After proper notice, the City of Brunswick may assess the owner(s) of the facility for the cost of repair work and any penalties; and the cost of the work shall be a lien on the property, or prorated against the beneficial users of the property.

ARTICLE IV ENFORCEMENT AND PENALTIES

SECTION 22A-50 Injunction

Any development activity that is commenced or is conducted contrary to this article may be restrained by injunction or otherwise abated in a manner provided by law.

SECTION 22A-51 Notice of Violation.

When the DRT determines that an activity is not being carried out in accordance with the requirements of this article, the DRT shall issue a written notice of violation to the owner of the property. The notice of violation shall contain:

- 1) the name and address of the owner or applicant;
- 2) the address when available or a description of the building, structure or land upon which the violation is occurring;
- 3) a statement specifying the nature of the violation;
- 4) a description of potential remedial measures necessary to bring the development activity into compliance with this article and a time schedule for the completion of such remedial action;

- 5) a statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;
- 6) a statement that the determination of violation may be appealed to the City of Brunswick by filing a written notice of appeal within fifteen days of service of notice of violation.

SECTION 22A-52 Stop Work Orders

Persons receiving a notice of violation may be required to halt all or certain construction activities. This “stop work order” will be in effect until the DRT 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 article.

SECTION 22A-53 Civil and Criminal Penalties

In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this article shall be punished by a fine in Brunswick Municipal Court in accordance with Chapter 15 of the Municipal Code of Brunswick and applicable Georgia law. Such person shall be guilty of a separate offense for each day during which the violation occurs or continues.

SECTION 22A-54 Restoration of Lands

Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the City of Brunswick may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

SECTION 22A-55 Holds on Occupation Permits

Occupation permits will not be granted until all corrections to all stormwater practices have been made and accepted by the DRT. A provisional occupation permit may be issued for a specified period of time not to exceed 90 days in the event the DRT determines there is an urgent need for such provisional occupancy. Provisional permits may be conditioned according to such terms as the DRT deems reasonable, and may be revoked at any time upon determination by the DRT that revocation is an appropriate means to protect the public interest in light of violation of the conditions of the provisional permit, violation of this or other ordinance of the City, or such other grounds as the DRT deems justify a revocation.

SECTION TWO

It is the intention of the City Commission in adopting this ordinance that, should any paragraph, phrase, clause, word or other part hereof be adjudicated invalid under state or federal law, then any remaining portions of the ordinance shall remain in effect and be enforced to the extent reasonably consistent with the purposes hereof.

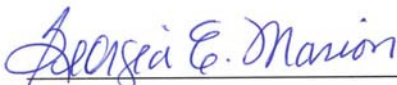
SECTION THREE

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

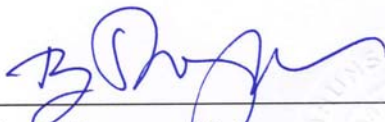
SECTION FOUR

This ordinance shall be effective immediately upon its approval by the City Commission.

Ordinance 983 approved this 13th day of December, 2006.



Georgia E. Marion, City Clerk



Bryan Thompson, Mayor

