

ORDINANCE 1069

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BRUNSWICK AT CHAPTER 22A, STORMWATER MANAGEMENT; TO AMEND DEFINITIONS; TO PROVIDE AN EFFECTIVE DATE; TO PROVIDE FOR SEVERABILITY; TO RESTATE AND REAFFIRM THE CODE OF ORDINANCES, AS MODIFIED HEREBY; TO REPEAL ALL CODE PROVISIONS, ORDINANCES, OR PARTS THEREOF, IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.

The commission of the City of Brunswick hereby ordains that the Code of Ordinances of the City of Brunswick be and it is hereby amended as follows:

SECTION ONE:

That the following sections of the Code of Ordinances of the City of Brunswick, Georgia, Article V, Stormwater Management, to Chapter 22A are hereby amended and shall now read as follows:

Sec. 22A – 6. Definitions.

When used in this article, 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 article, unless otherwise specifically stated:

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.

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.

Buffer. An area along the course of any state waters or declared city waterway to be maintained in an undisturbed and natural condition.

Coastal Stormwater Supplement (CSS) to the Georgia Stormwater Management Manual (GSMM). The latest edition of all volumes of the CSS, a technical design supplement to the GSMM that was developed for coastal Georgia. The CSS addresses stormwater management practices and BMPs that are specific and applicable to coastal stormwater quantity and quality issues.

Construction. Any alteration of land for the purpose of achieving its development or changing use, including particularly any preparation for, building of, or erection of a structure.

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.

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.

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.

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.

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.

Drainage structure. Any stormwater conveyance structure as defined below, and any piping or ditching for stormwater management purposes.

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.

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."

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

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.

Floodplain. Any land area susceptible to being inundated by flood waters from any source.

Georgia Stormwater Management Manual (GSMM). The latest edition of all volumes of the GSMM, a technical guidance document governing stormwater management design, construction and long-term maintenance activities in Georgia

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.

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.

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.

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.

Illicit connections. Any manmade conveyance connecting a discharge directly to a MS4.

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.

Industrial activity. Activities subject to NPDES industrial permits as defined in 40 CFR, Section 122.26 (b)(14).

Infiltration: The process of percolating stormwater runoff into the underlying native soils.

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.

Live retention. That quantity of water capable of being effectively contained by a designated facility for stormwater storage for a specified period of time.

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 chapter, the term does not include any portion of a dedicated right-of-way.

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.

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 is not a combined sewer or part of a publicly owned treatment works.

National pollutant discharge elimination system (NPDES) stormwater discharge permit. A permit issued by the U.S. Environmental Protection Agency (or by the State of Georgia under authority delegated pursuant to 33 USC § 1342(b) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

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

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.

Non-stormwater discharge. Any discharge to the storm drain system that is not composed entirely of stormwater.

Permit. The authorization necessary to conduct a land-disturbing activity under the provisions of this article.

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.

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.

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

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.

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

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.

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.

Sedimentation. The action or process of forming or depositing sediment.

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

Stormwater facility. A facility which provides for storage of stormwater runoff and controlled release of this runoff during and after a flood storm.

Stormwater runoff. The portion of a precipitation on the land which reaches the drainage system.

Stream. Natural, running water flowing continuously or intermittently in a channel on or below the surface of the ground.

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.

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.

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.

Sec. 22A-7 Severability.

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

Sec. 22A-20. - Reserved.

Sec. 22A-27. - Access to Facilities

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.
- (b) Facility operators shall allow city 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 personnel reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this article.
- (g) If city 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.

Sec. 22A-34. - 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:
 - 1. The performance of monitoring, analyses, and reporting;
 - 2. The elimination of illicit connections or discharges;
 - 3. That violating discharges, practices, or operations shall cease and desist;
 - 4. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
 - 5. Payment of a fine to cover administrative and remediation costs; and
 - 6. 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 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 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 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.

Sec. 22A-53. - Exempt activities.

The following activities are exempt from this article:

- (a) Individual single-family or duplex residential lots that are not part of a subdivision or phased development project;
- (b) Additions or modifications to existing single-family or duplex residential structures;
- (c) Repair or upgrade of an existing drainage system or facility that does not materially increase or concentrate stormwater runoff, or cause additional nonpoint source pollution;
- (d) Agricultural or silvicultural land management activities within areas zoned for these activities; and,
- (e) Repairs to any stormwater management facility or practice deemed necessary by the director.

Sec. 22A-54. - Local stormwater design manual.

The city will utilize the information presented in the latest edition of the Georgia Stormwater Management Manual (GSMM), and the Coastal Stormwater Supplement (CSS) to assist the implementation of this ordinance. The city may also furnish additional policy, criteria and information including specifications and standards, for the proper implementation of the requirements of this chapter 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.

Sec. 22A-60. - 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 water quality, biological functions or habitat;
- (c) Accelerated streambank or streambed erosion or siltation; and
- (d) Increased threat of flood damage to public health, life, or property.

Sec. 22A-61. - 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, 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; and
- (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 installation of stormwater BMPs, 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.).

Sec. 22A-65. - Peak runoff rate control for overbank flood protection.

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 two-year, five-year, ten-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.

Sec. 22A-66. Stormwater runoff reduction

The stormwater runoff volume generated by the first 1.2” of rainfall is called the runoff reduction storm event (RRv), in the latest edition of the CSS to the GSMM. The RRv shall be captured on-site or reduced on-site to the maximum extent practicable in order to help maintain pre-development site hydrology and help protect local aquatic resources from several indirect impacts of the land development process, including decreased groundwater recharge, decreased baseflow and degraded water quality. In general, a stormwater management system is presumed to comply with these criteria if:

- (a) It includes green infrastructure practices that provide for the interception, evapotranspiration, infiltration or capture and reuse of stormwater runoff, that have been selected, designed, constructed and maintained in accordance with the information presented in the latest edition of the GSMM and CSS; and
- (b) It is designed to provide the amount of stormwater runoff reduction specified in the latest edition of the GSMM and CSS.

The DRT may vary the amount of stormwater runoff reduction needed to satisfy this criteria on development sites that are considered to be stormwater hotspots or that have site characteristics or constraints, such as high groundwater, impermeable soils, contaminated soils or confined groundwater aquifer recharge areas, that prevent the use of green infrastructure practices that provide for the interception, evapotranspiration, infiltration or capture and reuse of stormwater runoff.

When seeking a variance in the amount of stormwater runoff reduction that needs to be provided in order to satisfy these criteria, applicants must provide adequate documentation to the DRT to show that no additional runoff reducing green infrastructure practices can be used on the development site and that the reduction provided is all that can be provided in a practical manner.

Sec. 22A-67. – Stormwater quality protection

In order to protect local aquatic resources from water quality degradation, post-construction stormwater runoff shall be adequately treated before it is discharged from a development site. Applicants can satisfy this criterion by satisfying the stormwater runoff reduction criteria. However, if any of the stormwater runoff volume generated by the RRv, as defined in the latest edition of the CSS to the GSMM, cannot be reduced on the development site, due to site characteristics or constraints, it shall be intercepted and treated in one or more stormwater management practices that provide at least an 80 percent reduction in total suspended solids loads and that reduce nitrogen and bacteria loads to the maximum extent practical. When seeking to satisfy this criterion through the use of one or more stormwater management practices, applicants shall:

- (a) Intercept and treat stormwater runoff in stormwater management practices that have been selected, designed, constructed and maintained in accordance with the information presented in the latest edition of the GSMM and CSS; and,
- (b) Provide adequate documentation to the DRT to show that total suspended solids, nitrogen and bacteria removal were considered during the selection of the stormwater management practices that will be used to intercept and treat stormwater runoff on the development site.

It is presumed that a BMP complies with this performance standard if it is:

- (a) Sized to capture and treat the RRv that cannot otherwise be infiltrated on site;
- (b) Designed according to the specific performance criteria outlined in the GSMM and CSS; and
- (c) Constructed properly and maintained regularly.

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.

Sec. 22A-68. - Channel protection.

To protect stream channels from degradation, a specific channel protection criteria shall be provided. 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 one-year 24-hour storm in a post-development state.

Channel protection shall be provided through 24-hour extended detention of the one-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 section 22A-65 for the two-year, five-year and ten-year frequency storms.

Velocity control and energy dissipation measures shall be installed at all stormwater outfalls in accordance with the criteria and guidance provided in the applicable sections of the latest versions of the CSS and GSMM.

Follow minimum buffer requirements presented in the City of Brunswick Code of Ordinances to preserve applicable stream buffers.

Sec 22A-69. – Extreme flood protection

All stormwater management systems shall be designed, constructed, and maintained to control the peak discharge generated by the extreme flood protection storm event, as defined in the latest edition of the CSS and GSMM, to prevent an increase in the duration, frequency and magnitude of downstream extreme flooding and protect public health and safety. Development sites shall be designed, constructed, and maintained such that all stormwater management practices that impound stormwater runoff can safely pass the 100-year storm without overtopping or creating damaging or dangerous downstream conditions.

Demonstration of safe passage of the 100-year, 24-hour storm shall include a stage-storage analysis of the system, an inflow/outflow comparison of the system, and construction of a table showing peak stage elevations in comparison to safe freeboards to structures of the system and adjacent buildings/structures/infrastructure.

The DRT may modify or waive this criteria on development sites where both the on-site and downstream stormwater conveyance systems are designed to safely convey the peak discharge generated by the extreme flood protection storm event to a receiving stream, tidal creek or other aquatic resource without causing additional downstream flooding or other environmental impacts, such as stream channel enlargement or degradation of habitat.

Sec 22A-70. - Redevelopment criteria

Development activities that are considered to be redevelopment activities shall meet at least one of the following criteria to meet the runoff reduction volume and the Stormwater Quality Protection criteria:

- (a) Reduce Impervious Cover: Reduce existing site impervious cover by at least 20%, unless otherwise approved by the DRT.
- (b) Provide Stormwater Management: Manage the stormwater runoff from the site's existing impervious cover and any new impervious cover in accordance with the post-construction stormwater management criteria outlined in the applicable sections of this ordinance. The green infrastructure and stormwater management practices used to

comply with these criteria shall be selected, designed, constructed and maintained in accordance with the latest version of the GSMM and the CSS.

- (c) Provide Off-Site Stormwater Management: Provide, through the use of off-site stormwater management practices, a level of stormwater quality and quantity control that is equal to or greater than that which would be provided by satisfying the post-construction stormwater management criteria outlined in the applicable sections of this ordinance.
- (d) Combination of Measures: Any combination of (1) through (3) above that is acceptable to the DRT.

Sec. 22A-71. - 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 shall be reinforced concrete pipe (RCP).

Sec. 22A-72. - 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.

Sec. 22A-73. - 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.

Sec. 22A-74. - 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.

Sec. 22A-75. - 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.

Sec. 22A-76. - Performance bond/security.

The city 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 shall be the total estimated construction cost of the stormwater management practices approved under the permit, plus 25 percent as agreed to by the applicant and the city. The performance security shall contain forfeiture provisions for failure to complete work specified in the stormwater management plan.

The installation performance security shall be released in full only upon submission of "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.

Sec. 22A-77. - 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.

Sec. 22A-78. - 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.

Sec. 22A-79. - 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 [review authority] may increase this requirement for systems that are deeper than six 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 ten feet either side of the channel. All other easements for structures including but not limited to detention ponds, etc. shall be ten feet beyond the facilities footprint.

Sec. 22A-80. - 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.

The city in lieu of a maintenance covenant, 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.

Sec. 22A-81. - 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 director during inspection of the facility and at other reasonable times upon request.

Sec. 22A-82. - Failure to maintain practices.

If a responsible party fails or refuses to meet the requirements of the maintenance covenant, the city 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 director 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 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.

Secs. 22A-83—22A-100. - Reserved.

ARTICLE IV. - ENFORCEMENT AND PENALTIES

Sec. 22A-101. - 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.

Sec. 22A-102. - Notice of violation.

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

- (a) The name and address of the owner or applicant;
- (b) The address when available or a description of the building, structure or land upon which the violation is occurring;
- (c) A statement specifying the nature of the violation;
- (d) 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;
- (e) A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;
- (f) A statement that the determination of violation may be appealed to the city by filing a written notice of appeal within fifteen days of service of notice of violation.

Sec. 22A-103. - Stop work orders.

Persons receiving a notice of violation may be required to halt all construction activities. This "stop work order" will be in effect until the director 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.

Sec. 22A-104. - 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 TWO:

All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

SECTION THREE:


If any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION FOUR:

This Ordinance shall be effective immediately upon its adoption by the City Commission.

SO ORDAINED BY THE CITY COMMISSION OF BRUNSWICK THIS 2ND DAY OF DECEMBER, 2020.


Cornell L. Harvey, Mayor

ATTEST: 
Naomi D. Atkinson, City Clerk

