

1
2 **STATE OF GEORGIA**
3 **COUNTY OF FULTON**
4 **CITY OF SOUTH FULTON**

5
6 **AN ORDINANCE AMENDING TITLE 3, BUILDING REGULATIONS, OF THE**
7 **CITY CODE OF ORDINANCES; REGULATING POST-CONSTRUCTION**
8 **STORMWATER MANAGEMENT FOR NEW DEVELOPMENT AND**
9 **REDEVELOPMENT WITHIN THE CITY AND FOR OTHER LAWFUL PURPOSES**

10
11 **(Sponsored by Councilwoman Rowell)**
12

13 **WHEREAS**, the City of South Fulton ("City") is a municipal corporation duly
14 organized and existing under the laws of the State of Georgia;

15
16 **WHEREAS**, the duly elected governing authority of the City is the Mayor and
17 Council thereof ("City Council");

18
19 **WHEREAS**, Section 1.12(b)(13) of the City Charter authorizes the City to enact
20 environmental regulations for the safety and protection of the City;

21
22 **WHEREAS**, the State of Georgia Environmental Division ("PPD") requires cities
23 throughout Georgia to adopt Municipal Separate Storm Sewer System ("MS4")
24 Ordinances;

25
26 **WHEREAS**, MS4 Ordinances are designed to reduce the discharge of pollutants,
27 mitigate construction site runoff control, detect and eliminate illicit discharge and reduce
28 pollution throughout the City;

29
30 **WHEREAS**, this Ordinance is modeled on EPD MS4 Ordinance post-construction
31 stormwater management for new development and redevelopment regulations; and

32
33 **WHEREAS**, this Ordinance is in the best interests of the health and general
34 welfare of the City, its residents and general public.

35 **THE COUNCIL OF THE CITY OF SOUTH FULTON HEREBY ORDAINS** as
36 follows:
37

38 **Section 1.** Title 3, Building Regulations, of the City of South Fulton Code of
39 Ordinances, is hereby amended by adding a new Chapter 7, Post-Construction
40 Stormwater Management for New Development and Redevelopment, which shall read as
41 follows:

42
43 **TITLE 3 – BUILDING REGULATIONS**

44 ...

45
46 **CHAPTER 7. – POST-CONSTRUCTION STORMWATER MANAGEMENT FOR NEW**
47 **DEVELOPMENT AND REDEVELOPMENT**

48
49 **Sec. 3-7001. – Purpose and Intent.**

50
51 The purpose of this Chapter is to protect, maintain and enhance the public health, safety,
52 environment and general welfare by establishing minimum requirements and procedures
53 to control the adverse effects of increased post-construction stormwater runoff and
54 nonpoint source pollution associated with new development and redevelopment. Proper
55 management of post- construction stormwater runoff will minimize damage to public and
56 private property and infrastructure, safeguard the public health, safety, environment and
57 general welfare of the public, and protect water and aquatic resources. Additionally, the
58 City of South Fulton is required to comply with several State and Federal laws, regulations
59 and permits and the requirements of the Metropolitan North Georgia Water Planning
60 District's regional water plan related to managing the water quantity, velocity, and quality
61 of post- construction stormwater runoff.

62
63 **Sec. 3-7002. – Definitions**

64
65 (a) For this Chapter, the terms below shall have the following meanings:

66
67 “administrator” means the person appointed to administer and implement this
68 Chapter on Post-Construction Stormwater Management for New Development and
69 Redevelopment in accordance with Sec. 7-7004.

70
71 “applicant” means a person submitting a land development application for
72 approval.

73
74 “BMP” or “best management practice” means both structural devices to store
75 or treat stormwater runoff and non-structural programs or practices which are designed
76 to prevent or reduce the pollution of the waters of the State of Georgia.

77
78 “BMP landscaping plan” means a design for vegetation and landscaping that is
79 critical to the performance and function of the BMP including how the BMP will be
80 stabilized and established with vegetation. It shall include a layout of plants and plant
81 names (local and scientific).

82
83 “channel” means a natural or artificial watercourse with a definite bed and banks
84 that conveys continuously or periodically flowing water.

85
86 “detention” means the temporary storage of stormwater runoff in a stormwater
87 detention facility for the purpose of controlling the peak discharge.

88
89 “detention facility” means a structure designed for the storage and gradual release
90 of stormwater runoff at controlled rates.

91
92 “development” means new development or redevelopment.
93

94 “extended detention” means the storage of stormwater runoff for an extended
95 period of time.
96

97 “extreme flood protection” means measures taken to prevent adverse impacts
98 from large low-frequency storm events with a return frequency of 100 years or more.
99

100 “flooding” means a volume of surface water that exceeds the banks or walls of a
101 BMP, or channel; and overflows onto adjacent lands.
102

103 “GSMM” means the latest edition of the Georgia Stormwater Management
104 Manual, Volume 2: Technical Handbook, and its Appendices.
105

106 “hotspot” means a land use or activity on a site that has the potential to produce
107 higher than normally found levels of pollutants in stormwater runoff. As defined by the
108 administrator, hotspot land use may include gasoline stations, vehicle service and
109 maintenance areas, industrial facilities (both permitted under the Industrial Stormwater
110 General Permit and others), material storage sites, garbage transfer facilities, and
111 commercial parking lots with high-intensity use.
112

113 “impervious surface” means a surface composed of any material that significantly
114 impedes or prevents the natural infiltration of water into the soil.
115

116 “Industrial Stormwater General Permit” means the National Pollutant Discharge
117 Elimination System (NPDES) permit issued by Georgia Environmental Protection
118 Division to an industry for stormwater discharges associated with industrial activity. The
119 permit regulates pollutant levels associated with industrial stormwater discharges or
120 specifies on-site pollution control strategies based on Standard Industrial Classification
121 (SIC) Code.
122

123 “infiltration” means the process of percolating stormwater runoff into the subsoil.
124

125 “inspection and maintenance agreement” means a written agreement providing for
126 the long-term inspection, operation, and maintenance of the stormwater management
127 system and its components on a site.
128

129 “land development application” means the application for a land development
130 permit on a form provided by the City of South Fulton along with the supporting
131 documentation required in Sec. 3-70010(a).
132

133 “land development permit” means the authorization necessary to begin
134 construction- related, land-disturbing activity
135

136 “land disturbing activity” means any activity which may result in soil erosion from
137 water or wind and the movement of sediments into state water or onto lands within the
138 state, including but not limited to clearing, dredging, grading, excavating, and filling of
139 land. Land disturbing activity does not include agricultural practices as described

O.C.G.A. 12-7-17(5) or silvicultural land management activities as described O.C.G.A. 12-7-17(6) within areas zoned for these activities.

“linear feasibility program” means a feasibility program developed by the City of South Fulton and submitted to the Georgia Environmental Protection Division, which sets reasonable criteria for determining when implementation of stormwater management standards for linear transportation projects being constructed by the City of South Fulton is infeasible.

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

“MS4 Permit” means the NPDES permit issued by Georgia Environmental Protection Division for discharges from the City of South Fulton’s municipal separate storm sewer system.

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

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

“overbank flood protection” means measures taken to prevent an increase in the frequency and magnitude of out-of-bank flooding (i.e. flow events that exceed the capacity of the channel and enter the floodplain).

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

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

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

“post-development” means the conditions anticipated to exist on site immediately

189 after completion of the proposed development.

190
191 “practicability policy” means the latest edition of the Metropolitan North Georgia
192 Water Planning District’s Policy on Practicability Analysis for Runoff Reduction.

193
194 “pre-development” means the conditions that exist on a site immediately before
195 the implementation of the proposed development. Where phased development or plan
196 approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at
197 the time before the first item being approved or permitted shall establish pre-
198 development conditions.

199
200 “pre-development hydrology” means (a) for new development, the runoff curve
201 number determined using natural conditions hydrologic analysis based on the natural,
202 undisturbed condition of the site immediately before implementation of the proposed
203 development; and (b) for redevelopment, the existing conditions hydrograph may take
204 into account the existing development when defining the runoff curve number and
205 calculating existing runoff, unless the existing development causes a negative impact on
206 downstream property.

207
208 “previously developed site” means a site that has been altered by paving,
209 construction, and/or land disturbing activity.

210
211 “redevelopment” means structural development (construction, installation, or
212 expansion of a building or other structure), creation or addition of impervious surfaces,
213 replacement of impervious surfaces not as part of routine maintenance, and land
214 disturbing activities associated with structural or impervious development on a previously
215 developed site. Redevelopment does not include such activities as exterior remodeling.

216
217 “routine maintenance” means activities to keep an impervious surface as near as
218 possible to its constructed condition. This includes ordinary maintenance activities,
219 resurfacing paved areas, and exterior building changes or improvements which do not
220 materially increase or concentrate stormwater runoff, or cause additional nonpoint
221 source pollution.

222
223 “runoff” means stormwater runoff.

224
225 “site” means an area of land where development is planned, which may include
226 all or portions of one or more parcels of land. For subdivisions and other common plans of
227 development, the site includes all areas of land covered under an applicable land
228 development permit.

229
230 “stormwater concept plan” means an initial plan for post-construction stormwater
231 management at the site that provides the groundwork for the stormwater management
232 plan including the natural resources inventory, site layout concept, initial runoff
233 characterization, and first round stormwater management system design.

234
235 “stormwater management plan” means a plan for post-construction stormwater
236 management at the site that meets the requirements of Sec. 3-7008(d) and is included
237 as part of the land development application.

“stormwater management standards” means those standards set forth in Sec. 3-7005.

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

“stormwater runoff” means flow on the surface of the ground, resulting from precipitation. “subdivision” means the division of a tract or parcel of land resulting in one or more new lots or building sites for the purpose, whether immediately or in the future, of sale, other transfer of ownership or land development, and includes divisions of land resulting from or made in connection with the layout or development of a new street or roadway or a change in an existing street or roadway.

(b) Other terms used but not defined in this Chapter shall be interpreted based on how such terms are defined and used in the GSMM and the City of South Fulton’s MS4 permit.

Sec. 3-7003. – Adoption and implementation of the GSMM; Conflicts and inconsistencies

(a) In implementing this Chapter, the City of South Fulton shall use and require compliance with all relevant design standards, calculations, formulas, methods, and other guidance from the GSMM as well as all related appendices.

(b) This Chapter is not intended to modify or repeal any other Chapter, ordinance, rule, regulation or other provision of law, including but not limited to any applicable stream buffers under state and local laws, and the Georgia Safe Dams Act and Rules for Dam Safety. In the event of any conflict or inconsistency between any provision in the City of South Fulton’s MS4 permit and this Chapter, the provision from the MS4 permit shall control. In the event of any conflict or inconsistency between any provision of this Chapter and the GSMM, the provision from this Chapter shall control. In the event of any other conflict or inconsistency between any provision of this Chapter and any other ordinance, rule, regulation or other provision of law, the provision that is more restrictive or imposes higher protective standards for human health or the environment shall control.

(c) If any provision of this Chapter is invalidated by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of this Chapter.

Sec. 3-7004. – Designation of Administrator

The City Department of Community Development and Regulatory Affairs shall administer and implement this Chapter.

Sec. 3-7005. – Applicability criteria for stormwater management standards

284
285 This Chapter applies to the following activities:
286

287 (a) New development that creates or adds 5,000 square feet or greater of new
288 impervious surface area or that involves land disturbing activity of 1 acre of land or
289 greater;
290

291 (b) Redevelopment (excluding routine maintenance and exterior remodeling)
292 that creates, adds, or replaces 5,000 square feet or greater of new impervious
293 surface area or that involves land disturbing activity of 1 acre or more;
294

295 (c) New development and redevelopment if
296

297 (i) such new development or redevelopment is part of a subdivision or
298 other common plan of development, and
299

300 (ii) the sum of all associated impervious surface area or land disturbing
301 activities that are being developed as part of such subdivision or other
302 common plan of development meets or exceeds the threshold in (a) and
303 (b) above;
304

305 (d) Any commercial or industrial new development or redevelopment,
306 regardless of size, that is a hotspot land use as defined in this Chapter; and
307

308 (e) Linear transportation projects that exceed the threshold in (a) or (b) above.
309

310 **Sec. 3-7006. – Exemptions from Stormwater Management Standards**
311

312 This Chapter shall not apply to the following activities:
313

314 (a) Land disturbing activity conducted by local, state, authority, or federal
315 agencies, solely to respond to an emergency need to protect life, limb, or property
316 or conduct emergency repairs;
317

318 (b) Land disturbing activity that consists solely of cutting a trench for utility
319 work and related pavement replacement;
320

321 (c) Land disturbing activity conducted by local, state, authority, or federal
322 agencies, whose sole purpose is to implement stormwater management or
323 environmental restoration;
324

325 (d) Repairs to any stormwater management system deemed necessary by the
326 administrator;
327

328 (e) Agricultural practices as described O.C.G.A. 12-7-17(5) within areas zoned
329 for these activities with the exception of buildings or permanent structures that
330 exceed the threshold in Sec. 3-7005(a) or (b);
331

332 (f) Silvicultural land management activities as described O.C.G.A. 12-7-17(6)

within areas zoned for these activities with the exception of buildings or permanent structures that exceed the threshold in Sec. 3-7005(a) or (b);

(g) Installations or modifications to existing structures solely to implement Americans with Disabilities Act (ADA) requirements, including but not limited to elevator shafts, handicapped access ramps and parking, and enlarged entrances or exits; and

(h) Linear transportation projects being constructed by the City of South Fulton to the extent the administrator determines that the stormwater management standards may be infeasible to apply, all or in part, for any portion of the linear transportation project. For this exemption to apply, an infeasibility report that is compliant with the City of South Fulton linear feasibility program shall first be submitted to the administrator that contains adequate documentation to support the evaluation for the applicable portion(s) and any resulting infeasibility determination, if any, by the administrator.

Sec. 3-7007. – Stormwater Management Standards.

Subject to the applicability criteria in Sec. 3-7005 and exemptions in Sec. 3-7006, the following stormwater management standards apply. Additional details for each standard can be found in the GSMM Section 2.2.2.2:

(a) Design of Stormwater Management System: The design of the stormwater management system shall be in accordance with the applicable sections of the GSMM as directed by the administrator. Any design which proposes a dam shall comply with the Georgia Safe Dams Act and Rules for Dam Safety as applicable.

(b) Natural Resources Inventory: Site reconnaissance and surveying techniques shall be used to complete a thorough assessment of existing natural resources, both terrestrial and aquatic, found on the site. Resources to be identified, mapped, and shown on the Stormwater Management Plan, shall include, at a minimum (as applicable):

- (i) Topography (minimum of 2-foot contours) and Steep Slopes (i.e., Areas with Slopes Greater Than 15%),
- (ii) Natural Drainage Divides and Patterns,
- (iii) Natural Drainage Features (e.g., swales, basins, depressional areas),
- (iv) Natural feature protection and conservation areas such as wetlands, lakes, ponds, floodplains, stream buffers, drinking water wellhead protection areas and river corridors,
- (v) Predominant soils (including erodible soils and karst areas), and
- (vi) Existing predominant vegetation including trees, high quality habitat and other existing vegetation.

(c) Better Site Design Practices for Stormwater Management: Stormwater management plans shall preserve the natural drainage and natural treatment systems and reduce the generation of additional stormwater runoff and pollutants to the maximum extent practicable. Additional details can be found in the GSMM Section 2.3.

(d) Stormwater Runoff Quality/Reduction: Stormwater Runoff Quality/Reduction shall be provided by using the following:

(i) For development with a stormwater management plan submitted before January 1, 2020, the applicant may choose either: (A) Runoff Reduction or (B) Water Quality.

(ii) For development with a stormwater management plan submitted on or after January 1, 2020, the applicant shall choose (A) Runoff Reduction and additional water quality shall not be required. To the extent (A) Runoff Reduction has been determined to be infeasible for all or a portion of the site using the Practicability Policy, then (B) Water Quality shall apply for the remaining runoff from a 1.2 inch rainfall event and must be treated to remove at least 80% of the calculated average annual post-development total suspended solids (TSS) load or equivalent as defined in the GSMM.

(A) Runoff Reduction - The stormwater management system shall be designed to retain the first 1.0 inch of rainfall on the site using runoff reduction methods, to the maximum extent practicable.

(B) Water Quality – The stormwater management system shall be designed to remove at least 80% of the calculated average annual post-development total suspended solids (TSS) load or equivalent as defined in the GSMM for runoff from a 1.2 inch rainfall event.

(iii) If a site is determined to be a hotspot as detailed in Sec. 3-7005, the City of South Fulton may require the use of specific or additional components for the stormwater management system to address pollutants of concern generated by that site.

(e) Stream Channel Protection: Stream channel protection shall be provided by using all of the following three approaches:

(i) 24-hour extended detention storage of the 1-year, 24-hour return frequency storm event;

(ii) Erosion prevention measures, such as energy dissipation and velocity control; and

(iii) Preservation of any applicable stream buffer.

(f) Overbank Flood Protection: Downstream overbank flood protection shall be provided by controlling the post-development peak discharge rate to the pre-development rate for the 25-year, 24-hour storm event.

(g) Extreme Flood Protection: Extreme flood protection shall be provided by controlling the 100-year, 24-hour storm event such that flooding is not

exacerbated.

(h) Downstream Analysis: Due to peak flow timing and runoff volume effects, some structural components of the stormwater management system fail to reduce discharge peaks to pre-development levels downstream from the site. A downstream peak flow analysis shall be provided to the point in the watershed downstream of the site or the stormwater management system where the area of the site comprises 10% of the total drainage area in accordance with Section 3.1.9 of the GSMM. This is to help ensure that there are minimal downstream impacts from development on the site. The downstream analysis may result in the need to resize structural components of the stormwater management system.

(i) Stormwater Management System Inspection and Maintenance: The components of the stormwater management system that will not be dedicated to and accepted by the City of South Fulton, including all drainage facilities, best management practices, credited conservation spaces, and conveyance systems, shall have an inspection and maintenance agreement to ensure that they continue to function as designed. All new development and redevelopment sites are to prepare a comprehensive inspection and maintenance agreement for the on-site stormwater management system. This plan shall be written in accordance with the requirements in Section Sec. 3-70016.

Sec. 3-7008. – Pre-submittal meeting, stormwater concept plan, and stormwater management plan requirements

(a) Before a land development permit application is submitted, an applicant may request a pre-submittal meeting with the City of South Fulton. The pre-submittal meeting should take place based on an early step in the development process such as before site analysis and inventory (GSMM Section 2.4.2.4) or the stormwater concept plan (GSMM Section 2.4.2.5). The purpose of the pre-submittal meeting is to discuss opportunities, constraints, and ideas for the stormwater management system before formal site design engineering. To the extent applicable, local and regional watershed plans, greenspace plans, trails and greenway plans, and other resource protection plans should be consulted in the pre-submittal meeting. Applicants must request a pre-submittal meeting with the City of South Fulton when applying for a Determination of Infeasibility through the Practicability Policy.

(b) The stormwater concept plan shall be prepared using the minimum following steps:

(i) Develop the site layout using better site design techniques, as applicable (GSMM Section 2.3).

(ii) Calculate preliminary estimates of the unified stormwater sizing criteria requirements for stormwater runoff quality/reduction, channel protection, overbank flooding protection and extreme flood protection (GSMM Section 2.2).

(iii) Perform screening and preliminary selection of appropriate best management practices and identification of potential siting locations (GSMM Section 4.1).

(c) The stormwater concept plan shall contain:

(i) Common address and legal description of the site,

(ii) Vicinity map, and

(iii) Existing conditions and proposed site layout mapping and plans (recommended scale of 1" = 50'), which illustrate at a minimum:

(A) Existing and proposed topography (minimum of 2-foot contours),

(B) Perennial and intermittent streams,

(C) Mapping of predominant soils from USDA soil surveys,

(D) Boundaries of existing predominant vegetation and proposed limits of clearing and grading,

(E) Location and boundaries of other natural feature protection and conservation areas such as wetlands, lakes, ponds, floodplains, stream buffers and other setbacks (e.g., drinking water well setbacks, septic setbacks, etc.),

(F) Location of existing and proposed roads, buildings, parking areas and other impervious surfaces,

(G) Existing and proposed utilities (e.g., water, sewer, gas, electric) and easements,

(H) Preliminary estimates of unified stormwater sizing criteria requirements,

(I) Preliminary selection and location, size, and limits of disturbance of proposed BMPs,

(J) Location of existing and proposed conveyance systems such as grass channels, swales, and storm drains,

(K) Flow paths,

(L) Location of the boundaries of the base flood floodplain, future-conditions floodplain, and the floodway (as applicable) and relationship of site to upstream and downstream properties and drainage, and

(M) Preliminary location and dimensions of proposed channel modifications, such as bridge or culvert crossings.

(d) The stormwater management plan shall contain the items listed in this part and be prepared under the direct supervisory control of either a registered Professional Engineer or a registered Landscape Architect licensed in the state of Georgia. Items (iii), (iv), (v), and (vi) shall be sealed and signed by a registered Professional Engineer licensed in the state of Georgia. The overall site plan must be stamped by a design professional licensed in the State of Georgia for such purpose. (GSMM Section 2.4.2.7)

- (i) Natural Resources Inventory
- (ii) Stormwater Concept Plan
- (iii) Existing Conditions Hydrologic Analysis
- (iv) Post-Development Hydrologic Analysis
- (v) Stormwater Management System
- (vi) Downstream Analysis
- (vii) Erosion and Sedimentation Control Plan
- (viii) BMP Landscaping Plan
- (ix) Inspection and Maintenance Agreement
- (x) Evidence of Acquisition of Applicable Local and Non-Local Permits
- (xi) Determination of Infeasibility (if applicable)

(e) For redevelopment and to the extent existing stormwater management structures are being used to meet stormwater management standards the following must also be included in the stormwater management plan for existing stormwater management structures

- (i) As-built Drawings
- (ii) Hydrology Reports
- (iii) Current inspection of existing stormwater management structures with deficiencies noted
- (iv) BMP Landscaping Plans

Sec. 3-7009. – Application fee

The fee for review of any land development application shall be based on the fee structure established by the City of South Fulton and payment shall be made before the issuance of any land disturbance permit or building permit for the development.

567 **Sec. 3-70010. – Application procedures**

568
569 Land development applications are handled as part of the City's process to obtain a land
570 disturbance permit. Before any person begins development on a site, the owner of the
571 site shall first obtain approval in accordance with the following procedure:

572
573 (a) File a land development application with the City of South Fulton on the
574 City of South Fulton's form of application with the following supporting materials:

575
576 (i) the stormwater management plan prepared in accordance with
577 Section Sec. 3-7008(d),

578 (ii) a certification that the development will be performed in accordance
579 with the stormwater management plan once approved,

580 (iii) a Preliminary Determination of Infeasibility, as applicable, prepared
581 in accordance with the practicability policy, and

582 (iv) an acknowledgement that applicant has reviewed the City of South
583 Fulton's form of inspection and maintenance agreement and that
584 applicant agrees to sign and record such inspection and maintenance
585 agreement before the final inspection.
586

587 (b) The administrator shall inform the applicant whether the application and
588 supporting materials are approved or disapproved.
589

590 (c) If the application or supporting materials are disapproved, the administrator
591 shall notify the applicant of such fact in writing. The applicant may then revise any
592 item not meeting the requirements hereof and resubmit the same for the
593 administrator to again consider and either approve or disapprove.
594

595 (d) If the application and supporting materials are approved, the City of South
596 Fulton's may issue the associated land disturbance permit or building permit,
597 provided all other legal requirements for the issuance of such permits have been
598 met. The stormwater management plan included in such applications becomes
599 the approved stormwater management plan.
600

601 **Sec. 3-70011. – Compliance with the approved stormwater management plan.**

602
603 All development shall be:

604
605 (a) Consistent with the approved stormwater management plan and all
606 applicable land disturbance and building permits, and

607
608 (b) Conducted only within the area specified in the approved stormwater
609 management plan.
610

611 No changes may be made to an approved stormwater management plan without review
612 and advanced written approval by the administrator.

613
614 **Sec. 3-70012. – Inspections to ensure plan compliance during construction**
615

616 Periodic inspections of the stormwater management system during construction shall be
617 conducted by the staff of the City of South Fulton or conducted and certified by a
618 professional engineer who has been approved by the City of South Fulton. Inspections
619 shall use the approved stormwater management plan for establishing compliance. All
620 inspections shall be documented with written reports that contain the following
621 information:

- 622
- 623 (a) The date and location of the inspection;
 - 624
 - 625 (b) Whether the stormwater management system is in compliance with the
 - 626 approved stormwater management plan;
 - 627
 - 628 (c) Variations from the approved stormwater management plan; and
 - 629
 - 630 (d) Any other variations or violations of the conditions of the approved
 - 631 stormwater management plan.
 - 632

633 **Sec. 3-70013. – Final inspection; As-built drawings; Delivery of inspection and**
634 **maintenance agreement**
635

636 Upon completion of the development, the applicant is responsible for:

- 637
- 638 (a) Certifying that the stormwater management system is functioning properly
 - 639 and was constructed in conformance with the approved stormwater management
 - 640 plan and associated hydrologic analysis,
 - 641
 - 642 (b) Submitting as-built drawings showing the final design specifications for all
 - 643 components of the stormwater management system as certified by a professional
 - 644 engineer,
 - 645
 - 646 (c) Certifying that the landscaping is established and installed in conformance
 - 647 with the BMP landscaping plan, and
 - 648
 - 649 (d) Delivering to the City of South Fulton a signed inspection and maintenance
 - 650 agreement that has been recorded by the owner in the property record for all
 - 651 parcel(s) that make up the site.
 - 652

653 The required certification under part (a) shall include a certification of volume, or other
654 performance test applicable to the type of stormwater management system component,
655 to ensure each component is functioning as designed and built according to the design
656 specifications in the approved stormwater management plan. This certification and the
657 required performance tests shall be performed by a qualified person and submitted to
658 the City of South Fulton with the request for a final inspection. The City of South Fulton
659 shall perform a final inspection with applicant to confirm applicant has fulfilled these
660 responsibilities.
661

662 **Sec. 3-70014. – Violations and enforcement**

663
664 Any violation of the approved stormwater management plan during construction, failure
665 to submit as-built drawings, failure to submit a final BMP landscaping plan, or failure of
666 the final inspection shall constitute and be addressed as violations of, or failures to
667 comply with, the underlying land disturbance permit. To address a violation of this
668 Chapter, the City of South Fulton shall have all the powers and remedies that are
669 available to it for other violations of building and land disturbance permits, including
670 without limitation the right to issue notices and orders to ensure compliance, stop work
671 orders, and penalties as set forth in the applicable ordinances for such permits.

672
673 **Sec. 3-70015. – Maintenance by owner of stormwater management systems**
674 **predating current GSMM**

675
676 For any stormwater management systems approved and built based on requirements
677 predating the current GSMM and that is not otherwise subject to an inspection and
678 maintenance agreement, such stormwater management systems shall be maintained by
679 the owner so that the stormwater management systems perform as they were originally
680 designed.

681
682 **Sec. 3-70016. – Inspection and maintenance agreements**

683
684 (a) The owner shall execute an inspection and maintenance agreement with
685 the City of South Fulton obligating the owner to inspect, clean, maintain, and
686 repair the stormwater management system; including vegetation in the final BMP
687 landscaping plan. The form of the inspection and maintenance agreement shall
688 be the form provided by the City of South Fulton. After the inspection and
689 maintenance agreement has been signed by the owner and the City of South
690 Fulton, the owner shall promptly record such agreement at the owner's cost in the
691 property record for all parcel(s) that make up the site.

692
693 (b) The inspection and maintenance agreement shall identify by name or
694 official title the person(s) serving as the point of contact for carrying out the owner's
695 obligations under the inspection and maintenance agreement. The owner shall
696 update the point of contact from time to time as needed and upon request by the
697 City of South Fulton. Upon any sale or transfer of the site, the new owner shall
698 notify the City of South Fulton in writing within 30 days of the name or official title
699 of new person(s) serving as the point of contact for the new owner. Any failure of
700 an owner to keep the point of contact up to date shall, following 30 days' notice,
701 constitute a failure to maintain the stormwater management system.

702
703 (c) The inspection and maintenance agreement shall run with the land and
704 bind all future successors-in-title of the site. If there is a future sale or transfer of
705 only a portion of the site, then:

706
707 (i) The parties to such sale or transfer may enter into and record an
708 assignment agreement designating the owner responsible for each portion
709 of the site and associated obligations under the inspection and
710 maintenance agreement. The parties shall record and provide written

notice and a copy of such assignment agreement to the City of South Fulton.

(ii) In the absence of a recorded assignment agreement, all owners of the site shall be jointly and severally liable for all obligations under the inspection and maintenance agreement regardless of what portion of the site they own.

Sec. 3-70017. – Right of entry for maintenance inspections

The terms of the inspection and maintenance agreement shall provide for the City of South Fulton's right of entry for maintenance inspections and other specified purposes. If a site was developed before the requirement to have an inspection and maintenance agreement or an inspection and maintenance agreement was for any reason not entered into, recorded, or has otherwise been invalidated or deemed insufficient, then the City of South Fulton shall have the right to enter and make inspections pursuant to the City of South Fulton general provisions for property maintenance inspections.

Sec. 3-70018. – Owner's failure to maintain the stormwater management system

The terms of the inspection and maintenance agreement shall provide for what constitutes a failure to maintain a stormwater management system and the enforcement options available to the City of South Fulton. If a site was developed before the requirement to have an inspection and maintenance agreement or an inspection and maintenance agreement was for any reason not entered into, recorded, or has otherwise been invalidated or deemed insufficient, then:

(a) An owner's failure to maintain the stormwater management system so that it performs as it was originally designed shall constitute and be addressed as a violation of, or failure to comply with, owner's property maintenance obligations; and

(b) To address such a failure to maintain the stormwater management system, the City of South Fulton shall have all the powers and remedies that are available to it for other violations of an owner's property maintenance obligations, including without limitation prosecution, penalties, abatement, and emergency measures.

Section 2. It is hereby declared to be the intention of the City Council that: (a) All sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.

(b) To the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. No section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Resolution.

(c) In the event that any phrase, clause, sentence, paragraph or section of this

Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the City Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance.

Section 3. All Ordinance and Resolutions in conflict herewith are hereby expressly repealed.

Section 4. The City Attorney, City Clerk and contracted City Codifier are authorized to make non-substantive formatting and renumbering edits to this ordinance for proofing, codification, and supplementation purposes. The final version of all ordinances shall be filed with the clerk.

Section 5. The effective date of this Ordinance shall be on the date as set forth under Sec. 3.21 of the City Charter unless provided otherwise by applicable local, state and/or federal law.

The foregoing Ordinance No. 2020-xxx was moved for approval by Councilmember _____ The motion was seconded by Councilmember _____, and being put to a vote, the result was as follows:

	AYE	NAY
William "Bill" Edwards, Mayor	_____	_____
Carmalitha Gumbs, Mayor Pro Tem	_____	_____
Catherine Foster Rowell	_____	_____
Helen Zenobia Willis	_____	_____
Gertrude Naeema Gilyard	_____	_____
Corey Reeves	_____	_____
khalid kamau	_____	_____
Mark Baker	_____	_____

THIS ORDINANCE so adopted this _____ day of _____ 2020. **CITY OF SOUTH FULTON, GEORGIA.**

WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:

S. DIANE WHITE, CITY CLERK

APPROVED AS TO FORM:

EMILIA C. WALKER, CITY ATTORNEY