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STORMWATER MANAGEMENT ORDINANCE

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AUGUSTA, GEORGIA

Development Document #5

Augusta-Richmond County Planning Commission

June 1999

TITLE 5

UTILITIES

CHAPTER 1

STORM WATER MANAGEMENT

§ 5-1-1. GENERALLY.

This Chapter shall be known as the *Storm Water Management Ordinance of Augusta-Richmond County*.

§ 5-1-2. FINDINGS.

(a) Uncontrolled storm water drainage/discharge may have a significant, adverse impact on the health, safety, and welfare of the citizens of Augusta-Richmond County. Surface water runoff can carry pollutants and nutrients into receiving waters.

(b) Uncontrolled storm water drainage can increase the incidence of flooding and the level of floods which occur, endangering roads, other public and private property and human life.

(c) Altered land surfaces can change the rate and volume of runoff.

(d) Adverse water quality and quantity consequences described above could result in substantial economic losses. Potential losses include, but are not limited to, increased water treatment costs, as well as state and federal fines associated with water quality violations.

(e) Many future problems can be avoided through proper storm water management.

(f) Every parcel of real property, both public and private, either uses or benefits from the maintenance of Augusta-Richmond County's storm water system.

(g) Current and anticipated growth will contribute to and increase the need for improvement and maintenance of the storm water system.

§ 5-1-3. OBJECTIVES.

The objectives of this chapter include the following:

(a) To protect, maintain, and enhance the public health, safety, and general welfare. This objective will be achieved by providing for regulation and management of Augusta-Richmond County's storm water system, including public and private facilities in Augusta-Richmond County.

(b) To comply with State Department of Natural Resources and Federal Environmental Protection Agency storm water regulations developed pursuant to the Federal Clean Water Act. These requirements include:

(1) Control of the contribution of pollutants to the municipal storm sewer system by storm water discharges associated with commercial and industrial activity and the quality of storm water discharged from sites of commercial and industrial activity;

(2) Prohibition of illicit connections to municipal separate storm sewers;

(3) Control of discharge to municipal separate storm sewers of spills, dumping or disposal of materials other than storm water; and,

(4) Control, through intergovernmental agreements, of contribution of pollutants from one municipal system to another.

§ 5-1-4. DEFINITIONS.

(a) For the purposes of this chapter, unless specifically defined below, words or phrases shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most effective application. Words in the singular shall include the plural, and words in the plural shall include the singular. Words used in the present tense shall include the future tense. The word *shall* connotes mandatory and not discretionary; the word *may* is permissive.

(b) Unless otherwise specified, or it is apparent from the context, definitions herein will be the same as those in other Augusta-Richmond County Ordinances and as used elsewhere in this code.

(1) *Accidental discharge.* A discharge prohibited by this chapter into the municipal storm sewer system which occurs by chance and without planning or consideration prior to occurrence.

(2) *Appeals authority.* The Augusta-Richmond County Commission, one of whose purpose is to review appeals to this

chapter and render decisions and variances.

(3) *Best Management Practices (BMPs)*. A wide range of management procedures, activities, and prohibitions on practices which control the quality and/or quantity of storm water runoff and which are compatible with the planned land use.

(4) *Clean Water Act*. The Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.).

(5) *Cooling water*. Water used exclusively as a cooling medium in an appliance, device or apparatus.

(6) *Conveyance*. Storm water features designed for the movement of storm water through the drainage system, such as concrete or metal pipes, ditches, depressions, or swales.

(7) *Department*. The department of public works responsible for all storm water management activities and implementation of the provisions of this chapter.

(8) *Development* means:

a. The division of a lot, tract or parcel of land into two (2) or more lots, plots, sites, tracts, parcels or other divisions by plat or deed;

b. The construction, installation, or alteration of a structure, impervious surface, or drainage facility;

c. Clearing, scraping, grubbing, or otherwise significantly disturbing the soil, vegetation, mud, sand or rock or a site; or

d. Adding, removing, exposing, excavating, leveling, grading, digging, burrowing, dumping, piling, dredging, or otherwise disturbing the soil, vegetation mud, sand or rock of a site.

(9) *Director*. Either the director of department of public works or any duly authorized representatives of the director.

(10) *Easement*. An acquired legal right for the specific use of land owned by others.

(11) *Governing body*. The Augusta-Richmond County Commission.

(12) *Illicit connection.* A connection to a municipal separate storm sewer system which results in discharge that is not composed entirely of storm water runoff, except discharges pursuant to a NPDES permit (other than the NPDES permit for discharges from the municipal separate storm sewer).

(13) *Maintenance.* Any action necessary to preserve storm water management facilities in proper working condition, in order to serve the intended purposes set forth in this chapter and to prevent structural failure of such facilities.

(14) *Municipal storm sewer system.* A conveyance or system of conveyances (including roads with drainage systems, highways, rights-of-way, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, storm drains, detention ponds, other stormwater facilities) which is:

- a. Owned or operated by Augusta-Richmond County;
- b. Designed or used for collecting or conveying storm water;
- c. Not a combined sewer; and,
- d. Not a part of a Publicly Owned Treatment Works (POTW).

(15) *National Pollutant Discharge Elimination System (NPDES).* A regulatory mechanism established by the U.S. Environmental Protection Agency pursuant to the Water Quality Act and the Clean Water Act with permit application requirements as set forth in 55FR47990 as implemented by the Georgia Environmental Protection Division of the Department of Natural Resources in accordance with the State Water Quality Control Act, O.C.G.A. § 12-5-21.

(16) *Person.* Any and all persons, natural or artificial and includes any individual, firm, corporation, government agency, business trust, estate, trust, partnership, association, two (2) or more persons having a joint or common interest, or any other legal entity.

(17) *Pollution.* The contamination or other alteration of any water's physical, chemical or biological properties, including 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 create a nuisance or 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.

(18) *Private.* Property or facilities owned by individuals, corporations, and other organizations and not by city, state, or federal government.

(19) *Procedure.* A procedure adopted by the utility, by and through the director of public works, to implement a regulation or regulations adopted under this chapter, or to carry out other responsibilities as may be required by this code or other codes, ordinances or resolutions of Augusta-Richmond County.

(20) *Regulation.* Any regulation, rule or requirement prepared by the department and adopted by Augusta-Richmond County pursuant to the requirements of this chapter.

(21) *Sanitary sewer system.* The complete sanitary sewer system of the county which discharges sewage directly or indirectly into the sewage treatment plant, including sanitary sewer pipelines, manholes and flushing inlets and appurtenances to the foregoing, excluding sewage treatment facilities.

(22) *Site.* Any lot, plot, parcel or tract of land.

(23) *Storm water management.* The collection, conveyance, storage, treatment and disposal of storm water runoff in a manner to meet the objectives of this chapter and which shall include a system of vegetative or structural measures, or both, that control the increased volume and rate of storm water runoff and water quality impacts caused by manmade changes to the land.

(24) *Storm water management facilities.* Constructed or natural components of a storm water drainage system, designed to perform a particular function, or multiple functions, including, but not limited to, pipes, swales, ditches, culverts, street gutters, detention basins, retention basins, constructed wetlands, infiltration devices, catch basins, oil/water separators, sediment basins, natural systems and modular pavement.

(25) *Storm water runoff.* The direct response of a land surface to precipitation and includes the surface and subsurface runoff that enters a ditch, stream, storm drain or other concentrated flow during and following the precipitation.

(26) *Variance.* The modification of the minimum

storm water management requirements for specific circumstances where strict adherence of the requirements would result in unnecessary hardship and not fulfill the intent of this chapter.

(27) *Water quality.* Those characteristics of storm water runoff that relate to the physical, chemical, biological, or radiological integrity of water.

(28) *Water quantity.* Those characteristics of storm water runoff that relate to the rate and volume of the storm water runoff.

§ 5-1-5. SCOPE OF RESPONSIBILITY.

(a) The provisions of this chapter shall apply throughout Augusta-Richmond County.

(b) The director of the department of public works or designee shall be responsible for the coordination and enforcement of the provisions of this chapter.

(c) The department of public works shall be responsible for the conservation, management, maintenance, extension, and improvement of the Augusta-Richmond County storm water system, including activities necessary to control storm water runoff and activities necessary to carry out storm water management programs included in Augusta-Richmond County's NPDES storm water permit.

(d) The application of this chapter and the provisions expressed herein shall be the minimum storm water management requirements and shall not be deemed a limitation or repeal of any other powers granted by State statute. In addition, if site characteristics indicate that complying with these minimum requirements will not provide adequate designs or protection for local property or residents, it is the designer's responsibility to exceed the minimum requirements as necessary.

§ 5-1-6. POWERS OF THE DEPARTMENT OF PUBLIC WORKS.

(a) The department of public works shall have the power to administer and enforce all regulations and procedures adopted to implement this chapter, including the right to maintain an action or procedure in any court of competent jurisdiction to compel compliance with or to restrain any violation of this chapter.

(b) The department of public works shall:

(1) Administer, coordinate and oversee acquisition, design, construction, and operation and maintenance of municipal storm water facilities and conveyances;

(2) Establish or oversee establishment of development standards and guidelines for controlling storm water runoff,

(3) Determine the manner in which storm water facilities should be operated;

(4) Inspect private systems which discharge to the Richmond County's storm water system;

(5) Advise the Augusta-Richmond County Commission and other Augusta-Richmond County departments on issues related to storm water;

(6) Protect facilities and properties controlled by the Department of Public Works and prescribe how they are used by others;

(7) Require new, increased, or significantly changed storm water contributions to comply with the terms of this chapter.

(8) Develop programs or procedures to control the discharge of pollutants into the municipal storm sewer system; and,

(9) Adopt and implement the storm water management program for Augusta-Richmond County.

§ 5-1-7. STORM WATER RUNOFF QUANTITY CONTROLS.

(a) Water quantity controls will be provided as a part of all development pursuant to the provisions of the Augusta-Richmond County Soil Erosion and Sediment Control Ordinance, Zoning Ordinance, Water and Wastewater Disposal Ordinance, and Subdivision of Land Ordinance, and regulations adopted pursuant to those ordinances.

(b) Augusta-Richmond County may allow storm water runoff that otherwise is of unacceptable quantity or which would be discharged in volumes or at rates in excess of those otherwise allowed by its ordinances and regulations to be discharged into drainage facilities off site of the development, provided the following conditions are met:

(1) It is not practicable to completely manage runoff on-site in a manner that meets the design and performance standards found in the ordinances and regulations.

(2) Off-site drainage facilities and channels leading to them are designed, constructed and maintained in accordance with requirements of those ordinances; and,

(3) Adequate provision is made for sharing of construction, maintenance and operating costs of facilities.

§ 5-1-8. PROHIBITION.

(a) It is unlawful for any person to throw, drain, run, or otherwise discharge to any component of the municipal separate storm water system or to cause, permit or suffer to be thrown, drained, run, or allow to seep or otherwise discharge into such system all matter of any nature excepting only such storm or surface water as herein authorized.

(b) The director may require controls for or exempt from the prohibition provision above the following, provided he/she determines they are not a significant source of pollution:

(1) Unpolluted industrial cooling water, but only under the authorization and direction of the director and appropriate NPDES permit. (Per State requirements, the discharge should not raise the temperature of the receiving stream more than five (5) degrees after the discharge has thoroughly mixed with receiving waters. In secondary trout streams, there shall be no elevation in temperature exceeding two (2) degrees above the natural stream temperature).

(2) Water line flushing performed by a government agency, diverted stream flows, rising ground waters, and unpolluted ground water infiltration.

(3) Unpolluted pumped ground water.

(4) Discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, and street wash water.

(5) Discharges or flows from fire fighting.

(6) Other unpolluted water.

(c) In the event of an accidental discharge or an unavoidable loss to the municipal storm sewer system of any material or substance other than storm water runoff, the person concerned shall inform the department of public works within twenty-four (24) hours of the nature, quantity and time of occurrence of the discharge. The person concerned shall take immediate steps to contain the waste, treat the waste or other actions to minimize affects of the discharge on the municipal system and receiving streams. The person shall also take immediate

steps to ensure no recurrence of the discharge.

§ 5-1-9. ILLICIT CONNECTIONS.

(a) It is unlawful for any person, to connect any pipe, open channel, or any other conveyance system that discharges anything except storm water or unpolluted water which is approved by the director, based on the exemptions listed in § 5-1-8(b), to Augusta-Richmond County's storm water system.

(b) Improper connections in violation of this Code must be disconnected and redirected, if necessary, to the Augusta-Richmond County sanitary sewer system upon approval by the director of the water and sewer department.

§ 5-1-10. MAINTENANCE AND INSPECTION.

(a) Any storm water management facility or BMP which services a single lot or commercial and industrial development shall be privately owned and maintained. The owner shall maintain a perpetual, nonexclusive easement which allows for access for maintenance.

(b) All other storm water management control facilities and BMPs shall be publicly owned and/or maintained only if accepted for maintenance by Augusta-Richmond County.

(c) The director may require dedication of privately owned storm water facilities which discharge to the storm water system to Augusta-Richmond County.

(d) The department of public works director shall determine inspection schedules necessary to enforce the provisions of this chapter.

(e) The director or designee, bearing proper credentials and identification shall be permitted to enter, without hindrance, all properties for regular inspections, periodic investigations, observation, measurement, enforcement, sampling and testing, in accordance with provisions of this chapter. The director or designee shall duly notify the owner of said property or the representative on site, except in the case of an emergency.

(f) The director or designated employee of the department of public works, bearing proper credentials and identification, shall be permitted to enter, without hindrance, all properties for which Augusta-Richmond County holds a negotiated easement for repairs, maintenance and other purposes related to any portion of the storm water management facilities lying within said easement. The director or designee shall duly notify the owner of said property or the representative on site, except in the case of

an emergency.

(g) Measurements, tests and analyses performed by the department of public works or required of any discharger to the municipal system shall be in accordance with 40 CFR Part 136, unless another method is approved by the director.

(h) If, after inspection, the condition of a facility presents any immediate danger to the public health, safety or general welfare because of unsafe conditions or improper maintenance, Augusta-Richmond County shall have the right, but not the duty, to take action as may be necessary to protect the public and make the facility safe.

(i) Inspection reports shall be maintained in a permanent file located at the department of public works office for a period of three (3) years. All such records shall be open to the public.

§ 5-1-11. VARIANCES FOR REQUIREMENTS.

(a) The director may grant a variance from requirements of this chapter if exceptional circumstances applicable to a site exist such that strict adherence to the provisions of this chapter will result in unnecessary hardship and will not fulfill the intent of this chapter.

(b) A written request for a variance shall be required and shall state the specific variance sought and the reasons, with supporting data, a variance should be granted. The request shall include all information necessary to evaluate the proposed variance.

(c) The director will conduct a review of the request for a variance within thirty (30) working days of receiving the request.

§ 5-1-12. APPEALS.

(a) Any person aggrieved by a decision of the director (including any decision with reference to the granting or denial of a variance from the terms of this chapter) may appeal same by filing a written notice of appeal with the director within ten (10) days of the issuance of said decision by the director. A notice of appeal shall state the specific reasons why the decision of the director is alleged to be in error.

(b) The director may reverse his/her decision giving written reason for reversal. In the event the director does not reverse his/her decision, the director shall prepare and send to the board of appeals and appellant a written response to said

notice of appeal within thirty (30) days of receipt of the notice of appeal.

(c) All appeals shall be heard by a board of appeals to be constituted of the county administrator, the director of inspections, and the Director of the Augusta-Richmond County Planning and Zoning Commission. The hearing shall be held within thirty (30) days after receipt of notice of appeal or on a date mutually agreed upon in writing by the appellant and the board of appeals. The board of appeals shall then make its finding within ten (10) days of the appeal hearing. Decisions of the board of appeals shall be based upon guidelines for appeals established by the Augusta-Richmond County Commission as amended from time to time.

(d) If the appellant is dissatisfied with the decision of the board of appeals, he/she can appeal said decision to the Augusta-Richmond County Commission within thirty (30) days of the hearing decision being rendered to appellant. The Commission shall notify appellant of a time and place for hearing the appeal, and said time shall be within thirty (30) days of receipt of notice from appellant. The Commission shall make a finding on the appeal within ten (10) days of the hearing.

(e) If the appellant is dissatisfied with the Commission's decision, he/she can appeal said decision to the Superior Court of Richmond County within thirty (30) days of the date of that decision. Said appeal shall consist of a review of the record in the appeal process.

§ 5-1-13. COOPERATION WITH OTHER GOVERNMENTS.

Augusta-Richmond County may enter into agreements with the State of Georgia or with other local governments to carry out the purpose of this chapter. These agreements may include, but are not limited to enforcement of provisions, resolution of disputes, cooperative monitoring, and cooperative management of storm water system and management programs.

§ 5-1-14. PROPERTY OWNER LIABILITY; SUPPLEMENTAL CHARGES.

Any person in violation of any portion of this chapter shall pay for all costs of Augusta-Richmond County associated with the violation, including (but not limited to) containment, cleanup, injury, death, legal, or other costs.

§ 5-1-15. ENFORCEMENT; PENALTIES.

(a) This chapter shall be enforced by the office of the director of public works. Citations for violation may be issued by inspectors from the department of public works. Citation

shall specify the nature of violation and the potential penalty involved.

(b) Any person, cited for violating this chapter shall be tried as a misdemeanor and shall upon conviction, shall be subject to the penalties provided in § 1-6-1.

(c) In addition, Augusta-Richmond County may institute appropriate action or proceedings at law or in equity for the enforcement of this chapter or to correct violations of this chapter. Any court of competent jurisdiction may have the right to issue restraining orders, temporary or permanent injunctions, and other appropriate forms of remedy or relief. Each day of noncompliance is considered a separate offense. Nothing herein contained shall prevent Augusta-Richmond County from taking such other lawful action as is necessary to prevent or remedy any violation, including application for injunctive relief.

§ 5-1-16. SEVERABILITY.

If any term, requirement or provision of this chapter or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this chapter or the application of such terms, requirements and provisions to persons or circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby and each term, requirement or provision of this chapter shall be valid and be enforced to the fullest extent permitted by law.

§ 5-1-17. PRIOR INCONSISTENT ORDINANCES.

Any provisions and ordinances adopted prior to the date of adoption of this chapter and that are inconsistent with this chapter are hereby voided, but only to the extent of such inconsistency.