CHAPTER 24

Environmental Regulations

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The FDPO adopted on September 24, 2021, was rescinded in its entirety and a new version adopted on August 22, 2025.

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ARTICLE I

Flood Damage Prevention Ordinance

Flood Damage Prevention Ordinance adopted on September 24, 2021, was rescinded in its entirety and a new version adopted on August 22, 2025.

§24-101 Statutory Authority. Article IX, Section II of the Constitution of the State of Georgia and Section 36-1-20(a) of the Official Code of Georgia Annotated delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Board of Commissioners of Chatham County, Georgia, does ordain the following.

§24-102 Findings of Fact.

1. Chatham County is experiencing more severe and frequent storm events. These events result in increased flooding and periodic inundation which potentially can cause loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood relief and protection, and impairment of the tax base, all of which adversely affect public health, safety, and general welfare.

2. These flood losses are caused by the occupancy in flood hazard areas of uses vulnerable to floods, which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages, and by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities.

§24-103 Statement of Purpose. The purpose of this Ordinance is to establish development standards intended to protect and promote the health and safety of the public; increase long-term community resilience to flooding hazards; and minimize losses due to flooding.
The provisions of this Ordinance to support this purpose include:

1. Requiring uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction,

2. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion,

3. Controlling fill, grading, dredging and other development which may increase flood damage or erosion,

4. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or increase flood hazards to other lands, and

5. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters.

§24-104 Objectives. The objectives of this ordinance are:

1. Protect human life and health,

2. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in floodplains,

3. Help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood impacts,

4. Minimize expenditure of public money for costly flood control projects,

5. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public,

6. Minimize prolonged business interruptions,

7. Increase community awareness of flood prone areas,

8. Provide flood-based resources regarding Special Flood Hazard Areas (SFHA), and

9. Meet and exceed the Federal Emergency Management Agency (FEMA) National Flood Insurance Policy (NFIP) standards to provide increased protection for lives and properties while providing a mechanism for post disaster financial assistance through FEMA.

§24-105 Definitions. Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.

1. Accessory structure - a structure which is on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. For example,

a residential structure may have an accessory structure such as a detached garage or storage shed for garden tools. Other examples of accessory structures include gazebos, picnic pavilions, boathouses, small pole barns, storage sheds, and similar.

2. Addition (to an existing structure) - any improvement that increases the square footage of an existing structure. These include lateral additions added to the front, side, or rear of a structure, vertical additions added on top of a structure, and enclosures added underneath a structure.

3. Administrator - County personnel who implements the provisions of this Ordinance. The County Engineer or designee shall be the Administrator of the Flood Damage Prevention Ordinance (FDPO).

4. Appeal - a written request by an aggrieved person initiating a review of an interpretation of any provision of this Ordinance or variance decision. An appeal shall be signed and dated with applicant's full name and the address of the parcel involved and shall state specific reasons for the appeal.

5. Area of shallow flooding - a designated AO, VO, or AH Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet, and/or where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

6. Area of special flood hazard - see Special Flood Hazard Area.

7. Base flood - a flood having a one percent chance of being equaled or exceeded in any given year. This is also referred to as the 100-year flood event.

8. Base Flood Elevation (BFE) - the elevation of surface water resulting from a base flood. The BFE is shown on the Flood Insurance Rate Map (FIRM) for Zones AE, AH, A1-A30, AR, V-V30, and VE.

9. Basement - an area of the building having its floor subgrade (below ground level) on all sides. The lowest floor of a residential building including basement must be above the Base Flood Elevation.

10. Breakaway wall - a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

11. Building - See definition for "Structure."

12. Coastal High Hazard Area - a Special Flood Hazard Area (SFHA) along the coast that has additional hazards due to wind and wave action. The coastal high hazard areas are identified as Coastal A and V Zones on Flood Insurance Rate Maps (FIRMs).

13. Crawlspace - an under-floor space that has its interior floor area no more than five feet below the top of the next higher floor. Crawlspaces generally have solid (perimeter) foundation walls.

14. Critical Facility - a public or private facility in which flooding would create an added dimension to the disaster and/or increase the hazard to life and health. Critical facilities include:

    a. Structures or facilities that produce, use, process, distribute, or store highly volatile, flammable, explosive, toxic, or water-reactive materials that may contaminate, explode, or heighten the risk of injury or death during or after a flood or storm event,

    b. Hospitals, nursing homes, housing for the elderly, or similar facilities that likely contain occupants who may not be able to avoid injury or death in a flood and storm event,

    c. Emergency operation centers or data storage centers which contain records or services that may become lost or inoperative during flood and storm events, and

    d. Generating plants and other principal points of utility lines.

15. Development - any man-made change to an improved or unimproved property, including, but not limited to, construction of buildings or other structures, mining, dredging, filling, grading, paving, excavating, dri1ling, and storage of materials or equipment.

16. Elevated building - a building that has the lowest elevated floor raised above ground level by solid (perimeter) foundation walls, shear walls, pilings, columns, posts, or piers.

17. Elevation Certificate (EC) - a certificate verifying the elevation of the lowest floor of the structure. Three iterations of an EC are required with all new or substantially improved structures in the SFHA.

18. Enclosure - a walled in area below the lowest floor of an elevated building with walls more than 40% solid. An enclosure below the Base Flood Elevation (BFE) may only be used for building access, vehicle parking, and storage. Enclosures must be adequately anchored, must remain unfinished, or be built using flood damage-resistant building material, and must have utilities and service facilities designed and/or located at least three feet above the base flood elevation (BFE) to prevent flood damage.

19. Existing construction - a structure for which the "start of construction" commenced before August 1, 1980.

20. Existing manufactured (mobile) home park or subdivision - a manufactured (mobile) home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured (mobile) homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before August 1, 1980.

21. Existing structure - a structure for which the "start of construction" commenced before August 1, 1980.

22. Expansion to an existing manufactured (mobile) home park or subdivision - the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured (mobile) homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

23. FEMA - Federal Emergency Management Agency.

24. Fill - the placement of material such as soil, gravel, crushed stone, or other materials that increase the elevation of the floodplain . The placement of fill in the Special Flood Hazard Area (SFHA) is considered development and will require a FDPO Approval letter under this Ordinance.

25. Flood or flooding - a general and temporary condition of partial or complete inundation of two or more acres of normally dry land areas or two or more properties from:

    a. Inland or tidal waters overflow,

    b. Unusual and rapid accumulation or runoff of surface waters from any source,

    c. Mudslides or mudflows which are proximately caused by flooding and are akin to a river of liquid and flowing

mud on the surfaces of normally dry land, as when earth is carried by a current of water and deposited along the path of the current, or

d. The collapse or subsidence of land along the shore of a lake or similar body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels that result in a flood as defined above.

26. Flood damage-resistant material - any building product capable of withstanding direct and prolonged contact with flood waters without sustaining significant damage. Prolonged contact is defined as at least 72 hours. Significant damage is any damage requiring more than low-cost cosmetic repair (such as painting). All structural and non-structural building materials at or below the BFE must be flood damage-resistant materials.

27. Flood Hazard Boundary Map (FHBM) - an official map of a community issued by FEMA, where the boundaries of the flood, mudflow and related erosion areas having special hazards have been designated.

28. Flood Insurance Rate Map (FIRM) - an official map of a community on which FEMA has delineated the Special Flood Hazard Areas (SFHAs), the Base Flood Elevations (BFEs) and the risk premium zones applicable to the community.

29. Flood Insurance Study (FIS) - a compilation and presentation of flood risk data for specific watercourses, lakes, and coastal flood hazard areas within a community. The FIS report contains detailed flood elevation data in flood profiles and data tables.

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

31. Floodproofing - any combination of structural and non-structural additions, changes, or adjustments to non-residential structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. Floodproofing of areas below the BFE in residential buildings is not permitted.

32. Floodproofing Certificate - documentation that the design and methods of construction of a non-residential building are in accordance with accepted practices for meeting the floodproofing requirements in this Ordinance. The National Flood Insurance Program (NFIP) Floodproofing Certificate (per current FEMA form) form shall be used and certified by a

registered Georgia professional engineer or registered Georgia architect.

33. Floodway - the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

34. Highest adjacent grade (HAG) - the highest elevation, natural or finished, of the ground surface adjacent to the proposed foundation of a building.

35. Historic structure - any structure that is:

    a. Listed individually in the National Register of Historic Places or preliminarily determined as meeting the requirements for individual listing on the National Register,

    b. Certified or preliminarily determined as contributing to the historical significance of a registered historic district or a district preliminarily determined to qualify as a registered historic district,

    c. Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs, or

    d. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified.

36. Landscape fill - a non-compacted, loosely placed material often containing substantial organic content to promote the growth and survival of plantings, sod, or other greenscape installations.

37. Limit of Moderate Wave Action (LiMWA) - the delineating line indicating the landward limit of waves ranging from 1.5 to 3.0 feet in height within the AE flood zone. The LiMWA determines the landward limit of the Coastal A Zone.

38. Lowest floor - the lowest floor of the lowest enclosed area (including basement). An unfinished or flood damage-resistant enclosure, usable solely for vehicle parking, building access, or storage in an area other than a basement area is not considered a building's lowest floor provided that such enclosure is not built to render the structure in violation of other provisions of this Ordinance.

39. Manufactured (mobile) home - a structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term does not include a recreational vehicle, park trailer, travel trailer, and similar transportable structures.

40. Manufactured (mobile) home park or subdivision - a parcel (or contiguous parcels) of land divided into two or more manufactured (mobile) home lots for rent or sale.

41. Mean Sea Level - the average height of the sea for all stages of the tide that is used as a reference for establishing various elevations within the floodplain. For purposes of the National Flood Insurance Program (NFIP), the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations (BFE) are shown on a community's Flood Insurance Rate Map (FIRM).

42. National Geodetic Vertical Datum (NGVD) - corrected in 1929, NGVD serves as a vertical control used as a reference for establishing varying elevation within the floodplain.

43. New construction - structures for which the "start of construction" commenced after August 1, 1980, including any subsequent improvements to such structures.

44. New manufactured (mobile) home park or subdivision - a manufactured (mobile) home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured (mobile) homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after August 1, 1980.

45. North American Vertical Datum (NAVD) - the vertical control datum established for vertical control surveying in the United States of America based upon the General Adjustment of the North American Datum of 1988.

46. Post-FIRM structure - a structure permitted, constructed, or substantially improved on or after August 1, 1980.

47. Pre-FIRM structure - a structure permitted, constructed, or substantially improved before August 1, 1980. This means they were built before detailed flood hazard data and flood elevations were provided to the community and usually before the community enacted comprehensive regulations on floodplain regulation.

48. Recreational vehicle - a vehicle which is:

    a. Built on a single chassis,

    b. Four hundred (400) square feet or less when measured at the largest horizontal projection,

    c. Designed to be self-propelled or towable by a light duty truck, and

    d. Designed primarily for temporary living quarters for recreational, camping, travel, or seasonal use not for use as a permanent dwelling.

49. Shear walls - walls used for structural support but not structurally joined or enclosed at the ends (except by breakaway walls). Shear walls should be situated parallel or nearly parallel to the flow of the water.

50. Solid (perimeter) foundation walls - walls that are used as a means of elevating a building in A Zones, excluding Coastal A Zones. These walls shall contain sufficient openings to allow for the unimpeded flow of flood waters more than one foot deep.

51. Special Flood Hazard Area (SFHA) - an area having special flood, mudflow, or flood-related erosion hazards. These areas are shown on a Flood Hazard Boundary Map, Flood Insurance Rate Map (FIRM) as A, AO, A1-A30, AE, A99, AH, AR, V1-V30, VE, or V Zones, or identified by the Administrator.

52. Start of construction - the date the building permit was issued for new construction or substantial improvements, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start for new construction is either the first placement of permanent construction of the structure such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured (mobile) home on a foundation. The actual start of construction for substantial improvements is the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building. Permanent construction does not include initial land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory structures, such as garages or sheds not

occupied as dwelling units or part of the main structure. NOTE: *Accessory structures are NOT exempt from any Ordinance requirements.*

53. Structure - a walled and roofed building, a gas or liquid storage tank, or manufactured (mobile) home that are affixed to a permanent foundation set at the proper height above the BFE. The terms "structure" and "building" can be interchangeable in this Ordinance unless otherwise specified. Residential, non-residential, and accessory structures follow different criteria as stated in this Ordinance, such as, a residential building in a floodplain must be elevated above the Base Flood Elevation (BFE) and non-residential and accessory structures may be elevated and/or floodproofed.

54. Structural fill - a non-native screened earthen material compacted to create a strong, stable base to support structures. Structural fill is not allowed within Coastal A or V Zones. Structural fill is allowed in A and AE zones in accordance with this Ordinance. The fill shall be placed and compacted as specified on the approved plans and in accordance with Sections 1803.5.8 and 1804.4 of the International Building Code and Section 2.4 of ASCE 24.

55. Subdivision - the division of a single lot into two or more lots for the purpose of sale or development.

56. Substantial improvement (SI) / Substantial damage (SD) -

    a. Substantial Improvement (SI) - any repairs, reconstruction, rehabilitation, alteration, additions, or other improvements to a structure taking place during a 5-year period, in which the cumulative cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement.

    b. Substantial Damage (SD) - damage of any origin whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred. This term includes structures which have incurred substantial damage, regardless of the actual amount of repair work performed.

    c. SI/SD does not include:

        i. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code

enforcement official and which are the minimum necessary to assure safe living conditions, or

ii. Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure".

57. Substantially improved manufactured (mobile) home parks or subdivisions - an existing manufactured (mobile) home park that has undergone repairs, reconstruction, rehabilitation, or improvements of the streets, utilities, and pads equal or exceeding fifty percent (50%) of the value of the streets, utilities, and pads before the repair, reconstruction, or improvement commenced.

58. V Zone Certificate - documentation that the design and planned methods of construction meet the requirements of this Ordinance. V Zone Certificates must be certified by a registered Georgia professional engineer or registered Georgia architect.

59. Variance - an officially granted exception to terms of this Ordinance which permits construction and/or development in a manner otherwise prohibited by this Ordinance.

60. Violation - failure to comply with the provisions of this Ordinance or with any of its requirements, including conditions and safeguards established in connection with grants of variance or special exceptions as determined by the Administrator. Any structure or development is presumed to be in violation until the required corrective actions are completed and approved by the Administrator.

61. Watercourse - the channel and banks of a natural or artificial stream, river, creek, channel, canal, or waterway. The flood carrying capacity refers to the capacity of the channel (except in the case of alluvial fans, where a channel is not typically defined). A watercourse does not include the adjoining floodplain areas.

§24-106 Lands to Which This Ordinance Applies. This Ordinance shall apply to all lands within the unincorporated area of Chatham County, Georgia designated as the Special Flood Hazard Areas (SFHA).

§24-107 Basis for Establishing the Special Flood Hazard Area (SFHA). The SFHA identified by FEMA in its Flood Insurance Study (FIS), dated August 16, 2018, (i.e., most current Flood Insurance Rate Map (FIRM), with accompanying maps and other supporting data and any revisions), are adopted by reference

and declared a part of this Ordinance. SFHA may also include those areas known to have flooded historically or defined through standard engineering analysis by governmental agencies or private parties but not yet incorporated in a FIS.

Repository for the public inspection of the FIS, accompanying FIRMs, local watershed studies, and other supporting data is located at the Department of Engineering, 124 Bull Street, Savannah, GA 31401.

§24-108 Compliance. No structure or land shall hereafter be located, extended, converted, or altered without full compliance with the terms of this Ordinance and other applicable regulations, codes, and ordinances of Chatham County.

§24-109 Abrogation and Greater Restrictions. This Ordinance is not intended to repeal, abrogate, or impair any existing ordinance, easements, covenants, or deed restrictions. However, where this Ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

§24-110 Interpretation. In the interpretation and application of this ordinance all provisions shall be:

1. Considered as minimum requirements;

2. Liberally construed in favor of the governing body, and;

3. Deemed neither to limit nor repeal any other powers granted under state statutes.

§24-111 Warning and Disclaimer of Liability. The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur; flood heights may be increased by man-made or natural causes. This Ordinance does not imply that land outside the SFHAs or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of Chatham County, Georgia, or by any Chatham County official or employee for any flood damages that result from adherence to this Ordinance, or any administrative decision lawfully made thereunder.

§24-112 Duties and Responsibilities of the Administrator.

1. Review floodplain management related construction documents to ensure that the permit requirements of this Ordinance have been satisfied.

2. Review proposed development to assure that all necessary permits have been received from governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334, and the Endangered Species Act of 1973, as amended. Require that copies of such permits be provided and maintained on file.

3. Review construction documents to determine whether proposed development will be reasonably safe from flooding.

4. Obtain, review, and reasonably utilize any Base Flood Elevation (BFE) and floodway data available from a Federal, State, or other sources in order to administer the provisions of Section 24-116 and 24-118 when BFE data or floodway data have not been provided in accordance with Section 24-107.

5. Review and record the actual elevation in relation to NAVD 1988 (or highest adjacent grade) of the regulatory floor or in the case of coastal high hazard areas the lowest horizontal structural member, including basement, of all new or substantially improved structures.

6. Review and record the actual elevation, in relation to NAVD 1988 to which any new or substantially improved/damaged structures have been floodproofed.

7. Obtain design certification and a completed Floodproofing Certificate from a Georgia registered professional engineer or Georgia registered architect when floodproofing is utilized for a non-residential structure. Floodproofing for flood insurance rate reduction is only creditable for non-residential structures.

8. Obtain design certification, a completed V Zone Certificate, and a completed Finished Construction Elevation Certificate (EC) from a Georgia registered professional engineer or Georgia registered architect that any new construction or substantial improvement placed in a Coastal High Hazard Area meet the criteria of Section 24-121.

9. Make substantial damage (SD) determinations following a flood event or any other event that causes damage to structures in Special Flood Hazard Areas (SFHA).

10. Make substantial improvement (SI) determinations regarding any proposed structural improvements to an existing structure in the SFHA.

11. Notify adjacent communities and the Georgia Department of Natural Resources (GA DNR) prior to any alteration or

relocation of a watercourse and submit evidence of such notification to FEMA.

12. Submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community flood maps through the Letter of Map Revision process for any altered or relocated watercourse. Assure flood carrying capacity of any altered or relocated watercourse is maintained.

13. Interpret the exact location of SFHA boundaries when needed (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). Any person contesting the location of the SFHA boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.

14. Maintain all records pertaining to the provisions of this Ordinance. Records shall be open for public inspection.

15. Render decisions regarding on-site construction activities involving fill placement and other floodplain management related activities.

16. Hear and decide requests for variances from the requirements of this Ordinance.

§24-113 Violation of Ordinance. Failure to comply with the provisions of this Ordinance or with any of its requirements, including conditions and safeguards established in connection with grants of variance or special exceptions shall constitute a violation. Should the Administrator find that the violation is willful, in wanton disregard of the Ordinance, or poses an immediate threat to public health, safety, or the environment, then the Administrator may issue a court summons or citation in lieu of a Notice of Violation (NOV) and/or Stop Work Order (SWO).

Ordinance violation(s) shall result in the following:

1. Violation Notice. When the Administrator determines that violation of the Ordinance has occurred through unauthorized development or property modifications that conflicts with the recorded Non-conversion Agreement, the Administrator shall issue a SWO and/or NOV.

    a. A SWO is posted on site. When a SWO is posted, all activities on that site must cease until violation(s) is/are corrected. To remove the SWO and continue work on the approved project, the property must be brought into compliance with this Ordinance.

b. The NOV shall be addressed to the owner of the property or the owner's agent and to the person, tenant, firm, corporation, property owner or property owner's agent found to be violating the provisions of this Ordinance. The NOV shall:

i. Be in writing,

ii. Include a description of the property sufficient for identification of where the violation(s) occurred,

iii. List the specific provision(s) of the Ordinance for the violation,

iv. List the required corrective action(s) to be implemented within a given time frame, and

v. State that, if corrective action(s) is/are not completed within the given time frame, a penalty for violation(s) shall be issued.

Upon receipt of the NOV, the person(s) shall submit a corrective action plan and a corrective action timeline to the Administrator within five (5) business days. Once approved, the corrective action plan shall be implemented within forty-five (45) business days of the initial NOV to bring the parcel into compliance with this Ordinance.

2. Penalty for Violation. Any person who fails to comply with this Ordinance shall be subject to a civil penalty initiated by the Administrator. Ordinance violation(s) shall be fined up to $1,500 per violation, imprisoned up to 30 days, or both. In addition, violator(s) shall pay all costs and expenses involved in the case. Each day the violation(s) continue shall be considered a separate offense. Nothing herein contained shall prevent Chatham County from taking such other lawful actions as is necessary to prevent or remedy any violation. The provisions of this section shall be in addition to any other penalty provisions applicable to this article.

3. Section 1316 Declaration and Rescissions. Section 1316 of the National Flood Insurance Act of 1968 states that no FEMA flood insurance coverage shall be provided for any property that has been declared by a duly constituted State or local authority to be in violation of this Ordinance. Once a Section 1316 Declaration has been determined, the property remains on the Section 1316 list until corrective actions bring it into compliance with this Ordinance. FEMA NFIP insurance availability can be restored once the violations are brought

into compliance and the Section 1316 Declaration is rescinded by FEMA.

§24-114 Establishment of Development Permit. A development permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities.

§24-115 Flood Damage Prevention Ordinance (FDPO) Approval Letter and Development Permit Procedures. Applicants seeking to develop, alter, repair, and/or improve parcels or structures in the SFHA shall submit a complete FDPO Review Application packet prior to applying for a development permit. Completed packets shall be reviewed and approved by the Administrator in accordance with the FDPO and the Chatham County Engineering Policy.

Once an FDPO Approval Letter has been issued, applicants can submit for a development permit. Any changes to the development after issuance of the FDPO Approval Letter must be resubmitted and approved by the Administrator.

§24-116 General Standards. In ALL Special Flood Hazard Areas (SFHA), the following provisions are the minimum requirements for new construction, development, and existing structures undergoing construction to address SI/SD. Projects should adhere to this section and the specific section that pertains to the flood zone. For instance, Coastal High Hazard Areas, including Coastal A and V Zones require higher standards for protection. Refer to Section 24-121 for the additional construction and development standards for these zones.

General Standards for SFHA parcels are as follows:

1. Construction projects involving a single residential or non-residential structure on parcels located within the SFHA shall submit the FDPO permit application and all required documentation delivered to the Administrator.

2. The entire residential structure:

   a. Shall comply with this Ordinance if a portion of the structure is located in a SFHA,

   b. Shall be designed and constructed to meet the more restrictive requirements when impacted by multiple Base Flood Elevation (BFE) lines,

   c. Shall be anchored to prevent flotation, collapse, or lateral movement,

d. Shall utilize flood damage-resistant materials, components, or systems for all areas not situated three feet above the BFE, and

e. Shall be constructed by methods and practices that minimize flood damage.

3. The entire non-residential structure:

a. Shall comply with this Ordinance if a portion of the structure is located in a SFHA,

b. Shall be designed and constructed to meet the more restrictive requirements when impacted by multiple Base Flood Elevation (BFE) lines,

c. Shall be constructed by methods and practices that minimize flood damage (ex. Floodproofed or elevated),

d. Shall be anchored to prevent flotation, collapse, or lateral movement of the structure, and

e. Shall utilize flood damage-resistant materials, components, or systems for all areas not situated three feet above the BFE.

4. Enclosures with finished elevations situated less than three feet above the BFE shall be designed with flood openings to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of flood water.

a. Designs for complying with this requirement must either be certified by a Georgia registered professional engineer or Georgia registered architect to meet the following minimum criteria:

i. A minimum of two openings or vents shall be installed on opposing or adjacent walls, having a total net area of not less than one square inch for every square foot of the enclosed area subject to flooding,

ii. The bottom of all openings or vents shall be no higher than one foot above finished grade, and

iii. Openings or vents may be equipped with screens, louvers, valves, or other coverings provided the openings or vents permit the unassisted automatic flow of flood water in both directions.

b. The enclosure shall only be used for parking of vehicles, storage, or entry to the elevated area. All other uses would classify this enclosure as the lowest floor of the structure on the Elevation Certificate (EC),

c. The interior portion of the enclosure shall not be partitioned into separate rooms. Drywall or other non-flood damage-resistant material shall only be installed on surfaces higher than *three feet* above the BFE. Only flood damage-resistant materials may be installed at or below *three feet* above the BFE, and

d. Structures built in the SFHA with a floor below *three feet* above the BFE must sign a "Non-conversion Agreement for Certain Structures in the Floodplain" as provided by the Administrator. The Non-conversion Agreement shall be recorded and submitted to the Administrator. The Non-conversion Agreement provides the right for the Administrator to inspect the enclosure at any time. Failure to comply with the recorded Non-conversion Agreement violates this Ordinance.

5. Residential and non-residential utilities shall meet the following criteria:

a. Residential: All residential electrical components maintained by the resident (ex. service lines, EV chargers, interior and exterior outlets, and breaker box), plumbing fixtures, ventilation, heating and air conditioning equipment, including ductwork shall be installed at least three feet above the BFE.

b. Non-residential: All non-residential electrical components maintained by the owner (ex. service lines, EV chargers, interior and exterior outlets, and breaker box), plumbing fixtures, ventilation, heating and air conditioning equipment, including ductwork shall be either installed at least three feet above the BFE or floodproofed to prevent water from entering or accumulating within the components during flood events. If floodproofed, then a Floodproof Certificate shall be required.

6. Manufactured (mobile) homes and freestanding accessory structures shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable State requirements for resisting wind forces. An EC will be required.

7. New and replacement water supply systems shall be designed to eliminate infiltration of flood waters into the system.

8. New and replacement sanitary sewage systems shall be designed to eliminate infiltration of flood waters into the systems and prevent discharges from the systems into flood waters.

9. Onsite sewage management systems (OSSMS) shall be located and constructed to prevent impairment and contamination during flooding. Advanced Treatment Units (ATUs) must be considered for new systems and for systems in need of repair, replacement, or addition to reduce fill volumes in the SFHA.

10. For SI/SD projects, the Fifty Percent (50%) Rule applies. A comprehensive project estimate worksheet(s) that includes labor and materials shall be completed prior to permitting for all repairs, reconstruction, or alterations. A final comprehensive project costs worksheet will be required at the end of construction to capture project alterations that occurred during construction. These worksheet(s) shall be permanently filed by the Administrator for future reference to ensure compliance with the five- year cumulative component of the 50% Rule.

11. Any alteration, repair, reconstruction, or improvement to a structure that is not compliant with this Ordinance, shall be undertaken only if the non-conformity is not furthered, extended, or replaced.

12. Development projects in the SFHA are subject to inspections by the Administrator during. Structures must pass these inspections to ensure compliance with the FDPO. Structures must also submit required FDPO documentation for review and approval. Once all FDPO inspections have passed and all FDPO documents have been approved, then the project has met the FDPO requirements for the development permit.

13. Floodways located within the SFHA may be extremely hazardous areas due to velocity of flood waters, debris, or erosional potential. In addition, these areas must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights. Therefore, the following provisions shall apply:

    a. Encroachments are prohibited, including earthen fill, new construction, substantial improvements, or other development within the regulatory floodway. Development may be permitted provided demonstration through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment shall not result in ANY increase in flood levels or

floodway widths during a base flood discharge. A Georgia registered professional engineer must provide supporting technical data and certification thereof.

b. When Section 24-116(13)(a) is satisfied, then new construction or substantial improvements shall comply with all other applicable flood hazard reduction provisions of Section 24-116 thru Section 24-122.

§24-117 Specific Standards for Special Flood Hazard Areas (SFHA) designated as A1-30, AE, AH, or A with estimated Base Flood Elevation (BFE). For new construction and/or improvements in the above listed SFHA zones, the following standards shall be required:

1. New residential construction and/or substantial improvements - Any residential structure shall have the lowest floor, including basement, elevated at least *three feet* above the BFE. Should solid (perimeter) foundation walls be used to elevate a structure, the walls shall be equipped with sufficient openings/vents to allow flood waters to flow unimpeded per Section 24-116(4)(a). Engineered flood vent installation requires submission of the Flood Vent Certificate and identification of the manufacturer and model selected.

   All electrical components, ventilation, plumbing fixtures, heating and air conditioning equipment, and other service facilities including ductwork that is maintained by the resident shall be installed at least *three feet* above the BFE.

2. Non-residential construction and/or substantial improvements - Any non-residential structure shall have the lowest floor, including basement, together with attendant utility and sanitary facilities maintained by the owner, elevated at least *three feet* above the BFE. Should solid (perimeter) foundation walls be used to elevate a structure, walls shall be equipped with sufficient openings/vents to allow flood waters to flow unimpeded per Section 24-116(4)(a). Engineered flood vent installation requires submission of the Flood Vent Certificate and identification of the manufacturer and model selected.

   Non-residential structures can be floodproofed in lieu of elevation. The floodproofed structure, together with attendant utility and sanitary facilities maintained by the owner, must be designed to be watertight to at least *three feet* above the BFE, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A Floodproofing Certificate shall be required for the design and methods of construction. A Georgia registered professional engineer or Georgia registered architect shall

certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above and shall provide such certification to the official as set forth above. An Operation & Maintenance plan shall be submitted to assure continued viability of the floodproofing measures.

3. Residential manufactured (mobile) homes:

   a. All manufactured homes placed and substantially improved on: (1) individual lots or parcels, (2) in new and substantially improved manufactured home parks or subdivisions, (3) in expansions to existing manufactured home parks or subdivisions, or (4) on a site in an existing manufactured home park or subdivision where a manufactured home has incurred "substantial damage" as the result of a flood, must have the lowest floor including basement, elevated at least *three feet* above the base flood elevation.

   b. Manufactured (mobile) homes must have the lowest floor including basement, elevated at least *three feet* above the BFE and the manufactured (mobile) home chassis is elevated and supported by reinforced piers or other foundation elements which are no less than *four feet* above highest adjacent grade.

   c. Manufactured (mobile) homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable State requirements for resisting wind forces.

   d. All electrical components, ventilation, plumbing fixtures, heating and air conditioning equipment, and other service facilities including ductwork maintained by the owner shall be elevated at least three foot above the BFE.

4. Recreational vehicles (RVs):

   a. Recreational vehicles placed within the SFHA shall either:

      i. Be on the site for fewer than 180 consecutive days,

      ii. Be fully licensed and ready for highway use, (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system,

attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions such as porches or decks), or

iii. Meet elevation and anchoring requirements for manufactured (mobile) homes in Section 24-117(3)(a) - (d).

§24-118 Specific Standards for Special Flood Hazard Areas (SFHA) designated as A Zones with Streams without Established Base Flood Elevations (BFE) and/or Floodways. Located within the Special Flood Hazard Areas where streams exist but no base flood data have been provided (A Zones), or where base flood data have been provided but a floodway has not been delineated, the following provisions apply:

1. The Administrator shall obtain, review, and reasonably utilize any scientific or historic BFE and floodway data available from a Federal, State, or other source in order to administer the provisions this Section.

2. If data are not available from Federal, State, or other sources, then no encroachments, including structures or fill material, shall be placed within an area equal to the width of the stream or twenty-five (25) feet, whichever is greater, measured from the top of the stream bank. Certification by a Georgia registered professional engineer demonstrating that such encroachment shall not result in an increase in flood levels during the occurrence of the base flood discharge in order for an encroachment to be considered.

3. New construction and substantial improvements of existing structures shall have the lowest floor of the lowest enclosed area (including basement) elevated at least *four feet* above the highest adjacent grade at the building site. (Note: The lowest floor is required to be elevated at least one foot above the estimated BFE in A Zones where a Limited Detail Study has been completed). Openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with Section 24-116(4)(a).

4. All electrical, ventilation, plumbing fixtures, heating and air conditioning equipment, and other service facilities including ductwork maintained by the owner shall be elevated at least *four feet* above the highest adjacent grade.

5. The Administrator shall review and record the lowest floor elevation which becomes a permanent part of the permit file.

6. Manufactured (mobile) homes placed and/or substantially improved in an existing manufactured (mobile) home park or subdivision shall be elevated so that the manufactured (mobile) home chassis is supported by reinforced piers (or other foundation elements of at least an equivalent strength) of at least *four feet* in height above the highest adjacent grade.

7. A recorded Non-conversion Agreement is required for all structures lowest floor situated less than three feet above the BFE.

§24-119 Specific Standards for Special Flood Hazard Areas (SFHA) designated as AE Zones with Streams with Established Base Flood Elevation (BFE) without Designated Floodways. Located within the Special Flood Hazard Areas where streams with BFEs are provided but no floodways have been designated (AE Zones), the following provisions apply:

1. No fill shall be placed within this SFHA without approval. Prior to development including fill material, new structures, or substantial improvements, an onsite mitigation plan including volumetric calculations and locations shall be submitted to the Administrator.

    a. Volumes less than ten (10) cubic yards may be allowed on projects without providing equivalent mitigation measures; however, onsite mitigation plans may still be required for review and approval. Fill placement shall be limited to a volume of ten (10) cubic yards per five-year cycle, or

    b. Mitigation plans must indicate where mitigated excavation shall be done on the site or on a deed-restricted adjacent site. The volume of excavated material must equal or exceed the volume of proposed fill. Excavated areas must be hydraulically connected to the SFHA at an elevation below the BFE. Proposed fill placement as well as volumetric calculations shall be shown on the mitigation plan. an as-built certification of cut/fill volumes will be required. Both the mitigation plan and as-built certification shall be prepared and provided by a Georgia registered professional engineer or Georgia registered land surveyor, or

    c. Onsite mitigation must be deemed infeasible by the Administrator before a flood study will be considered or reviewed. Flood study impacts shall be prepared by a Georgia registered professional engineer and demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated

developments, will not increase the water surface elevation of the base flood more than six inches at any point. The engineering certification shall be based on approved modeling methods to support technical data that conforms to standard hydraulic engineering principles as described in the Chatham County Engineering Policy.

2. New construction or substantial improvements of structures shall be accordance with Section 24-117(1) and Section 24-117(2).

3. Manufacture (mobile) homes and recreational vehicles shall be in accordance with Section 24-117(3) and Section 24-117(4).

4. Development activities must include installation and maintenance of positive drainage away from the structure, flowing towards the nearest outfall, and ensuring protection of the neighboring parcels.

5. A recorded Non-conversion Agreement is required for all structures situated less than three feet above the BFE.

§24-120 Specific Standards for Special Flood Hazard Areas (SFHA) designated as AO Zones with areas of Shallow Flooding. Located within the Special Flood Hazard Areas where areas of shallow flooding occur have been designated (AO Zones), the following provisions apply:

1. All new construction and substantial improvements of residential and non-residential structures shall have the lowest floor, including basement, elevated to at least *three feet* above the flood depth number specified (in feet) on the Flood Insurance Rate Map (FIRM), above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least *three feet* above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Section 24-116(4).

   The Administrator shall review and record the lowest floor elevation which becomes a permanent part of the permit file.

2. New construction and the substantial improvement of a non-residential structure may be floodproofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be watertight to the specified flood level in Section 24-120(1) with walls substantially impermeable to the passage of water and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A Georgia registered professional engineer or Georgia

registered architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above and shall provide such certification to the official as set forth above. An Operation & Maintenance plan shall be submitted to assure continued viability of the floodproofing measures.

3. Drainage paths shall be provided to guide flood water around and away from any proposed and existing structure.

§24-121 Specific Standards for Special Flood Hazard Areas (SFHA) designated as Coastal High Hazard Areas known as Coastal A and V Zones. Coastal High Hazard Areas include V, VE, and AE Zones that are seaward of the Limits of Moderate Wave Action (LiMWA), known as Coastal A Zones. These Coastal High Hazard Areas have increased flood hazards associated with wave action and storm surge; therefore, requiring more stringent development standards. The following provisions shall apply:

1. All new construction and substantial improvements of existing structures shall be located a minimum of thirty-five (35) feet landward of the reach of the Coastal Marshland Protection Act (CMPA) Jurisdictional Determination Line as determined by Coastal Resources Division of the Georgia's Department of Natural Resources. Note that other State or County development buffer and set back requirements for coastal development may increase this distance.

2. All new construction and substantial improvements of existing structures, with the exception of freestanding accessory structures, shall be anchored and elevated on piles, piers, columns, or shear walls so that the bottom of the lowest supporting horizontal structural member is located at least *three feet* above the Base Flood Elevation (BFE). Freestanding accessory structures reference 24-121(16).

3. The area below the lowest horizontal supporting member must remain free of obstruction and may only be enclosed by non-structural components such as certified breakaway walls, open lattice work, or screening. The following design specifications shall apply:

    a. Breakaway walls shall be designed to wash away in the event of wave action without causing structural damage to the supporting foundation or elevated portion of the structure. Breakaway walls shall be certified on the V Zone Certificate and equipped with hydrostatic flood venting in compliance with Section 24-116(4),

    b. Open lattice, insect screening, or decorative screening materials may be permitted in the area below the lowest

horizontal supporting member as long as these materials do not obstruct the flow of water,

c. Any area enclosed by breakaway walls shall remain unfinished or finished with flood damage-resistant materials. This area is also to remain non-conditioned and function as a space for storage, parking, or building access,

d. Concrete underneath the structure shall be placed in maximum three feet by three feet square sections not exceeding a thickness of four inches. Concrete design mix shall be low-strength (not exceeding a 2,500-psi mix design), non-reinforced, and frangible. The concrete shall not to be allowed to bond or adhere to the supporting members of the structure and is to be placed on natural subgrade or landscape fill as no structural fill is allowed in the Coastal High Hazard Area, and,

e. Per NFIP Technical Bulletin 4 (latest edition), elevators may be permitted; however, the installation of an elevator requires hydrostatic flood vents to be placed in at least two walls of the elevator shaft and all electrical to be installed at least *three feet* above the BFE.

4. Wood-framed walls shall not be allowed as a structure's foundation system below *three feet* above the BFE. Pressure treated timber pilings are allowed to support habitable living space above an enclosure.

5. All pile, pier, and column foundations and the attached structures shall be anchored to resist flotation, collapse, and lateral movement due to the combined effects of wind and water loads acting simultaneously on all building components, both non-structural and structural. Water loading values shall equal or exceed those of the base flood. Wind loading values shall be in accordance with the most current edition of the International Building Code.

6. A Georgia registered professional engineer or Georgia registered architect shall submit a completed V Zone Certificate and Construction Drawing Elevation Certificate (EC), to certify the design, specifications, and plans for construction are in compliance with the provisions contained in this section.

7. Garage doors installed within certified breakaway wall systems may be permitted (FEMA Technical Bulletin 9, latest edition).

8. Detailed plans for breakaway walls, open latticework, or decorative screening shall be submitted with the FDPO permit application.

9. Improvement, alteration, repair, or reconstruction to any structure in Coastal High Hazard Areas shall not enclose the space below the lowest floor except as provided in this section.

10. No structural fill shall be brought into these flood zones.

11. For parcels in Coastal High Hazard Areas, Advanced Treatment Units (ATUs) must be considered for new onsite sewage management systems (OSSMS) and for OSSMS in need of repair, replacement, or addition to reduce fill volumes in the SFHA. Landscape fill used to cover the top of the septic system cannot exceed *two feet* in depth at any point. An as-built survey, prepared by a Georgia registered professional engineer or land surveyor, may be required to verify depths of landscape fill.

12. Landscape fill not associated with septic systems may be used around the perimeter of a structure provided the fill shall not exceed *one foot* in depth at any point and will wash out with storm surge thereby rendering the structure free of obstruction. Landscape fill is not intended to elevate the entire site. Landscape fill shall comply as defined with the definition of Section 24-105. The Administrator shall permit design plans for landscape fill only after the applicant has provided an analysis prepared by a Georgia registered professional engineer, Georgia registered architect, and/or Georgia registered soil scientist which demonstrates the following:

    a. Particle composition of fill material does not have a tendency for excessive natural compaction,

    b. Volume and distribution of fill will not cause wave deflection to adjacent properties, and

    c. Slope of fill will not cause wave run-up or ramping.

    d. An as-built plan is required to verify depths of landscape or top cover fill. The as-built plan must be prepared by a Georgia registered professional engineer or land surveyor.

13. There shall be no alteration of sand dunes or mangrove stands, which would increase potential flood damage.

14. Retaining walls may be permitted. A Georgia registered professional engineer must demonstrate through engineering analysis that the proposed retaining wall shall not induce wave deflection action onto any adjacent property.

15. Recreational vehicles placed on a parcel in the Coastal High Hazard Area must either:

    a. Be on the site for fewer than 180 consecutive days,

    b. Be fully licensed and ready for highway use, (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions), or

    c. Meet the elevation requirements of Section 24-121(2) and anchoring requirements for manufactured (mobile) homes in Section 24-117(3)(c).

16. Freestanding non-residential accessory structures such as a detached garage, a boathouse, or other similar structure exceeding 150 square feet may be elevated or constructed slab-on-grade. Flood damage-resistant materials shall be installed from grade up to *three feet* above the BFE. These structures shall be anchored and have hydrostatic flood venting in compliance to Section 24-116(4) in addition to engineered breakaway walls. Freestanding accessory structures such as storage sheds, greenhouses, or similar non-residential structures equal to or less than 150 square feet with no utilities may be exempt from certain components of the FDPO permit.

17. Coastal High Hazard Areas require additional FDPO documentation and building components. Prior to the issuance of the closing of the building permit, FDPO documentation and inspections will review structure and documentation for accuracy and compliance.

18. Manufactured homes (mobile homes) are prohibited, except in an existing manufactured homes park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the elevation and anchoring standards of Section 24-117(3) are met.

§24-122 Standards for Subdivisions and/or Development Proposals.

1. All subdivision and/or development proposals shall:

a. Utilize best management practices to minimize flood damage on site, to neighboring parcels, and downstream,

b. Plan and install public utilities and facilities to minimize flood damage, and

c. Provide adequate drainage to reduce impacts from flood hazards.

d. Include mitigation plans and calculations based on fill of all lots up to the BFE.

2. For subdivisions and/or development proposals, flood zone, BFE data, and LiMWA line shall be provided, including manufactured (mobile) home parks and subdivisions. Additionally, the designed finished floor and garage/carport elevations should be shown for each lot.

3. After all required construction permitting is obtained, any changes or revisions to the flood data as shown on the FIRM shall be submitted by the developer's engineer to FEMA for review as a Conditional Letter of Map Revision (CLOMR) or Conditional Letter of Map Amendment (CLOMA), whichever is applicable. The developer's engineer shall provide the Administrator with copies of all documentation submitted to FEMA.

   Upon completion of the project, the developer is responsible for submitting the "as-built" data to FEMA to obtain the final Letter of Map Revision (LOMR). The developer's engineer shall provide the Administrator with copies of documentation to FEMA along with all digital data needed to update local versions of the DFIRM.

4. All subdivision plats shall delineate each flood zone including the datum reference, and if applicable a Letter of Map Amendments (LOMA).

§24-123 Standards for Critical Facilities.

Critical facilities include but are not limited to hospitals, nursing homes, power stations, fire stations, police stations, critical record storage, water and wastewater treatment facilities, and similar facilities. The following shall apply:

1. New and substantially improved critical facilities shall not be located in the 100-year floodplain or the 500-year floodplain.

2. Hazardous materials shall not be stored in the SFHA. These include acetone, ammonia, benzene, calcium carbide, carbon

disulfide, celluloid, chlorine, hydrochloric acid, magnesium, nitric acid, prussic, and oxides of nitrogen, phosphorus, potassium, sodium, and sulfur.

§24-124 Variance Procedures.

1. The Administrator shall hear and decide requests for variance from the requirements of this Ordinance.

2. A written request for a variance shall be submitted to the Administrator and shall state the specific variance requested along with detailed reasons for the request. The request shall include scientific data and all other pertinent documentation to evaluate the proposed variance request.

3. Conditions for Variances:

    a. A variance shall be issued ONLY when there is:

        i. A finding of "good and sufficient cause" such as when a parcel of land possesses physical characteristics so unusual that complying this Ordinance would create an exceptional hardship related to the property, the surrounding property owners, or the community in general. Exception hardships only apply to land characteristics and do not include financial, personal, or aesthetic hardships, and

        ii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

    b. The provisions of this Ordinance are minimum standards for flood loss reduction; therefore, any deviation from the standards must be weighed carefully. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

    c. In the instance of a historic structure, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the structure.

    d. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the Base Flood Elevation (BFE) and the elevation of the

proposed lowest floor along with a statement that the cost of flood insurance will be commensurate with the increased risk to life and property resulting from the reduced lowest floor elevation.

e. Applicants receiving a variance from the elevation requirements pertaining to the lowest floor elevation is required to have such variance noted on the deed and the plat for the property on which the structure is or is to be located. Such notation shall read as follows:

The lowest floor elevation variance of _____ feet has been approved by the Chatham County Board of Commissioners for a structure located on this property. The structure is identified as a (Select one: single-family, duplex of multi-family dwelling, or commercial building) located at

_____

It should be noted that such variance may significantly increase the flood insurance premiums for this property, as well as increase the likelihood of flood damage to the structure and its contents. Said variance was issued upon petition of the property owner and was issued with the owner's full knowledge of the consequences to the present and future owners.

A copy of the deed and plat shall be filed by the Owner with the Administrator within two weeks of receipt of formal notification of variance approval.

4. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.

5. Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this Article are met, no reasonable alternative exists, and the development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety. A functionally dependent use for the purpose of this Ordinance is a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

6. Variances shall not be issued in an attempt to correct an oversight or construction error following the issuance of a building permit.

7. Variances shall not be issued within any designated floodway if ANY increase in flood levels would result.

8. In reviewing variance requests, the Administrator shall consider all technical evaluations, relevant factors, and all standards specified in this Ordinance.

9. Upon consideration of the factors listed above and the purposes of this Ordinance, the Administrator may attach conditions to the granting of variances as it deems necessary to further the purposes of this Ordinance.

10. The Chatham County Board of Commissioners (Board) shall hear and decide requests for appeals of variance decisions made by the Administrator.

11. The Board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made in the enforcement or administration of this Ordinance.

12. Any person aggrieved by decisions of the Chatham County Board of Commissioners may appeal such decision to Superior Court as provided in O.C.G.A. §15-6-8.

13. The Administrator shall maintain variance and appeal actions, reporting any granted variances to FEMA upon request.

§24-125 Repeal of Previous Ordinances. The Flood Damage Prevention Ordinance adopted on September 24, 2021, is rescinded in its entirety. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

§24-126 Severability. 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 effect the validity of the remaining portions of this Ordinance.

Ordinance adopted on August 22, 2025.

ARTICLE II

Land-Disturbing Activities Ordinance

§24-201 Title. This ordinance shall be known and cited as the "Land-Disturbing Activities Ordinance for Chatham County, Georgia."

§24-202 Jurisdiction. The provisions of this ordinance shall apply to all lands within the unincorporated area of Chatham County.

§24-203 Purpose. The purpose of this Land-Disturbing Activities Ordinance is to:

1. Lessen air pollution and carbon dioxide levels in the air, and promote clean air quality by increasing dust filtration;

2. Prevent soil erosion; prevent rivers, canals, ditches and other waterways from silting; prevent reductions in the drainage holding capacity of land; improve surface drainage and minimize flooding;

3. Minimize increases in temperatures on lands with natural and planted tree cover;

4. Maintain moisture levels in the air of lands with natural tree cover;

5. Reduce noise, heat and glare, and ensure that these and other distractions of movement in one area do not adversely affect activity within other adjacent areas;

6. Emphasize the importance of trees and vegetation as both a visual and physical buffer;

7. Protect and enhance the aesthetic qualities of the community to ensure that tree removal does not reduce property values;

8. Minimize the cost of construction and maintenance of drainage systems necessitated by the increased flow and diversion of surface waters; and

9. Maintain, wherever possible, a minimum of fifty percent canopy cover across the unincorporated areas of Chatham County.

§24-204 Exemptions. The following lands are exempted from compliance with the clearing and tree provisions of these regulations.

1. Utility easements for power lines, pipelines, or similar facilities, except where such utilities cross tree easements, set-asides or natural buffers.

2. Those portions of Airports and heliports which require clear areas for safety purposes, including runways and taxiways, approach and departure clear zones.

3. Land zoned for agricultural purposes for the duration of such use, provided that property rezoned for purposes other than agriculture shall be subject to the requirements in this Ordinance.

4. All acceptable LDAO permits applied for prior to the enactment date of this ordinance.

5. Minor residential subdivisions which create no additional frontage on public roads.

6. All single family lots recorded prior to the enactment of this ordinance.

7. Any commercial development with an area of land disturbance less than 5,000 square feet where no trees are to be removed or adversely impacted and site drainage is not adversely impacted. (Amended November 17, 2023)

§24-205 Definitions. Unless specifically defined below, words or phrases used in this Ordinance shall be as defined in the Illustrated Book of Development Definitions, Moscowitz, (1981 Rutgers). Words not defined herein or within the above mentioned book shall be interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application. Words used in the singular shall include the plural, and the plural the singular; words used in the present tense shall include the future tense. The word "shall" is mandatory and not discretionary. The word "may" is permissive. The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," and "occupied for."

1. Addition (to an existing building). Any walled and roofed expansion to the perimeter of a building in which the addition is connected by any wall. Any walled and roofed addition which is connected by a 4-hour fire wall or is separated by an independent perimeter load-bearing wall is new construction, or as further defined in the County Building Code.

2. Appeal. A request for a review of the Administrator's interpretation of any provision of this Ordinance or a request for a variance.

3. Aquifer. Any stratum or zone of rock beneath the surface of the earth capable of containing or producing water from a well. (Amended December 3, 1999)

4. Area of Special Flood Hazard. The land in the flood plain within Chatham County subject to a one percent or greater chance of flooding in any given year and so delineated on official County maps for lands and properties subject to inundation and flooding conditions for the purpose of protecting such areas from inappropriate development and the subsequent risks of flooding.

5. Benefitted Use. A land use benefitted from the installation of a required buffer by and from a "burdened use."

6. Buffer. An area of land which includes living or non-living landscaping material(s) established for the purposes of separating, screening or shielding a use from a dissimilar or more intense use.

7. Buffer Type. A specific buffer design utilized in buffer construction to screen abutting land uses from more intensive uses. This Ordinance provides for five buffer types consisting of three classes within each type.

8. Building. Any structure having a roof supported by columns or walls that encloses a space and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind or nature or as further defined in the County Building Code.

9. Building Permit Applicant. The person who applies for a building permit for a single-family residential lot.

10. Burdened Use. A land use "burdened" or having the responsibility of installing a required buffer to protect an abutting less intensive "benefitted use."

11. Caliper. The diameter or thickness of the main stem of a young tree or sapling as measured at six inches above ground level. This measurement is used for nursery-grown trees having a diameter of four inches or less.

12. Canopy Trees. Large trees which at maturity will achieve a canopy spread of forty or more feet in diameter.

13. Clearing. The removal of vegetation, but not including grubbing activities.

14. Clearing and Grubbing Permit. A permit allowing work to begin before construction drawings are approved, provided the site

plan or preliminary plat, and erosion and sedimentation control plan are approved, and the proposed landscaping plans determined acceptable by the County Arborist, without necessarily having approved the Tree Establishment Plan or the Greenspace and Buffer Plan in detail. Under this permit the following activities are allowed: tree cutting and clearing, vegetation removal, tree harvesting and handling and stump removal.

15. Commission. The State Soil and Water Conservation Commission.

16. Construction Codes. The Building, Fire, Electrical, Mechanical, Plumbing, Gas and Housing Codes adopted by the Board of Commissioners of Chatham County for use in the unincorporated area of Chatham County.

17. County Arborist. The agent of Chatham County assigned the responsibility of review and approval of tree preservation and establishment plans and buffering plans as established under the provisions of this Comprehensive Land-Disturbing Activities Ordinance.

18. County Engineer. The Director of the Engineering Department of Chatham County, or the Director's designee, who is also designated as the Administrator of this Comprehensive Land-Disturbing Activities Ordinance.

19. County Health Department. The Georgia Department of Human Resources for Chatham County.

20. County Tree Bank. A fund earmarked for the financing of tree establishment and maintenance activities on properties and rights-of-ways owned by Chatham County.

21. 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 an excavation or borrow pit.

22. Developer. The legal or beneficial owner or owners of a lot or of any land included in a proposed development including the holder of an option or contract to purchase, or other persons having enforceable proprietary interests in such lands.

23. Development. Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent or temporary storage of material.

24 Development Permit. A permit authorizing land-disturbing activities. This may be the initial land-disturbing permit issued. The Development Permit shall include all activities authorized by the Clearing and Grubbing, and Grading Permits. This permit is required for all projects to proceed with infrastructure construction.

25. Diameter, Breast Height (DBH). The diameter or width of the main stem of a tree as measured 4.5 feet above the natural grade at the base of a tree. Whenever a branch, limb, defect or abnormal swelling of the trunk occurs at this height, the DBH shall be measured at the nearest point above or below 4.5 feet at which a normal diameter occurs.

26. Director of Inspections. The Director of the Inspections Department of Chatham County or the Director's designee.

27. District. The Coastal Soil and Water Conservation District.

28. Erosion and Sedimentation Control Plan. A plan for the control of soil erosion and sedimentation resulting from a land-disturbing activity.

29. Exceptional Tree. Any tree determined by Chatham County to be of notable historic interest, high aesthetic value, or of unique character because of species, type, age, or size.

30. Existing Grade. The vertical location or elevation of the existing ground surface prior to cutting or filling.

31. Fifty Percent (50%) Canopy Cover. Canopy expected to be achieved over a thirty year period by the planting of large trees or the retention of existing trees which result in a minimum of fifty percent cover across the unincorporated area of Chatham County. Fifty percent canopy cover will be approximately 18 large trees per acre, quantified as 1600 Tree Quality Points per acre.

32. Filling. The placement of any soil or other solid material either organic or inorganic on an existing grade so as to raise the ground surface to a higher finished grade.

33. Finished Grade. The final grade or elevation of the ground surface after all cut or fill activities have been completed.

34. Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from:

    a. The overflow of inland or tidal waters;

b. The unusual and rapid accumulation of runoff or surface waters from any source.

35. Greenspace. Any area retained as permeable unpaved ground and is dedicated to supporting vegetation. Buffers, Tree Protection Zones, and other landscaping not otherwise regulated by this Ordinance, may be considered greenspace.

36. Grading. Altering surfaces to specified elevations, dimensions, and/or slopes; this includes removal of buildings, removal of vegetation, cutting, filling, stock-piling and shaping or any combination thereof and shall include the land in its cut or filled condition.

37. Grading Permit. A permit authorizing site grading (which may also include clearing and grubbing if not already authorized) and may be approved before final approval of road and utility construction details. This permit requires approval of all other development plans, including greenspace elements and storm drainage elements and includes the activities authorized by Clearing and Grubbing Permit.

38. Grandfathered Project. A land-disturbing project/activity for which a valid permit has been issued by Chatham County prior to the date of adoption of this Ordinance and which has been actively pursued in the previous six (6) months.

39. Groundwater Recharge Area. Those areas mapped by the Georgia Department of Natural Resources (DNR) in Hydrologic Atlas 18, Most Significant Groundwater Recharge Areas of Georgia (1989 edition). Mapping of recharge areas is based on outcrop area, lithology, soil type and thickness, slope, density of lithologic contracts, geologic structure, the presence of karst, and potentiometric surfaces. (Amended December 3, 1999)

40. Grubbing. The clearing of property by digging up by, or as if by, the roots. Such clearing shall include the removal of stumps or roots and buildings or pavement and other impermeable structures.

41. Hazardous Constituent. Any substance listed as a hazardous constituent in regulations promulgated by the administrator of the United States Environmental Protection Agency (USEPA) pursuant to the Federal Solid Waste Disposal Act, as amended, particularly by but not limited to the Resources Conservation and Recovery Act of 1976 (Public Law 94-580, 42 USC §6901, et seg.), as amended, codified as Appendix VIII to 40 CFR. Part 24 - 32 261 C Identification and Listing of Hazardous Waste. (Amended December 3, 1999)

42. Impervious Surface. A solid base underlying a container that is nonporous, unable to absorb hazardous materials, free of cracks or gaps and is sufficient to contain leaks, spills and accumulated precipitation until collected material is detected and removed. (Amended December 3, 1999)

43. Issuing Authority. The governing authority of Chatham County (Chatham County Commission and its designated staff) which has been certified by the Director of the Environmental Protection Division of the Department of Natural Resources as an issuing authority, pursuant to the Erosion and Sedimentation Act of 1975, as amended. The Director of the Engineering Department is the designated staff person to act as the issuing authority (permittor) for the Chatham County Commission.

44. Jurisdictional Wetland. An area that meets the requirements for wetlands as determined by the U.S. Army Corps of Engineers (USACOE). (Amended December 3, 1999)

45. Jurisdictional Wetland Determination. An official written statement signed by the USACOE that states whether or not jurisdictional wetlands area present on a site. (Amended December 3, 1999)

46. Land-Disturbing Activities. Any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land but not including agricultural practices as described in Section VII, 2. a.

47. Land-Disturbing Activities Permits. A group of three permits authorizing certain land-disturbing activities on properties within the unincorporated area of Chatham County not exempted by this Ordinance. The three permits are: 1) Clearing and Grubbing, 2) Grading, and 3) Development. These permits may be issued incrementally or all land-disturbing activities may be authorized by a Development Permit.

48. Landscape Plan. A map and supporting documentation which describes for a particular site where vegetation is to be retained or provided in compliance with these regulations, the types of vegetation, and how such vegetation will be provided. The Landscaping Plan shall include any required buffer elements.

49. Landscape Quality Point. A unit of measurement which quantifies the relative value of shrubs and ground cover, as well as small and medium-sized trees, which are planted on a given site. A Landscape Quality Point quantitatively expresses

the desirable qualities of the species with regard to the size and landscape attributions.

50. Metropolitan Planning Commission. The Metropolitan Planning Commission (MPC) is the local Planning and Zoning Commission.

51. MPC Executive Director. The Executive Director of the Chatham County-Savannah Metropolitan Planning Commission or the Director's designee.

52. Multi-Family. Any residential development consisting of two or more dwelling units on a single lot of record.

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

54. New Construction. Structures for which the "start of construction" commenced on or after the effective date of this Ordinance.

55. Owner. Any person as herein defined having a majority fee simple interest in real estate, or a majority interest through any other form of ownership.

56. Permittee. Any owner as herein defined who has been granted any of the land-disturbing activities permits established by this Ordinance.

57. Permit, Major. A land-disturbing activities permit for which review by the Coastal Soil and Water Conservation District is required pursuant to the Georgia Soil-Erosion and Sedimentation Control Act, as amended.

58. Permit, Minor. A land-disturbing activities permit for which review by the Coastal Soil and Water Conservation District is not required.

59. Person. An individual human being, firm, partnership or joint stock company, association, syndicate, company, corporation, a state (including all sovereign states), and all political subdivisions of a state, or an agency or instrumentality thereof.

60. Susceptibility. The relative vulnerability of an aquifer to being polluted from spills, discharges, leaks, impoundments, applications of chemical, injections and other human activities in the recharge area. (Amended December 3, 1999)

61. Pollution Susceptibility Maps. Maps of relative vulnerability to pollution prepared by the DNR in Hydrologic Atlas 20, Groundwater Pollution Susceptibility Map of Georgia. Pollution

susceptibility maps categorize the land areas of the State into areas having high, medium and low groundwater pollution potential. (Amended December 3, 1999)

62. Project (development or construction). A principal building or structure on a lot, a subdivision, a multi-family development, a shopping center, an office park, a community sized development, or group of buildings or structures, planned and designed as an interdependent unit together with all accessory uses or structures, utilities, drainage, access, and circulation facilities, whether built in whole or in phases.

63. Quality Points Factor. A decimal fraction that is assigned to each tree species in the tree lists and is used as a multiplier in calculating the Tree Quality Points for any tree retained on a site.

64. Recharge Area. Any portion of the earth's surface where water infiltrates into the ground to replenish an aquifer. (Amended December 3, 1999)

65. Sediment. Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, ice, or gravity; the product of erosion.

66. Set-asides. A land area, dedicated to greenspace, which supplies tree cover and tree quality points toward the requirement for a larger surrounding or adjacent parcel of land. Examples of set-asides include wetlands, parkland, recreation areas, medians of boulevards.

67. Site Development or Land-Disturbing Activities Plan. The plans required in order to obtain one or more of the land-disturbing activities or development permits, which shows the means by which the developer will conform with the applicable provisions of this Ordinance and other applicable County Ordinances. A preliminary subdivision plat may serve as a site development plan or part of such plan.

68. Slope. Ratio of change in horizontal distance to the change in vertical grade.

69. Species diversity. A diverse selection of tree species on a site or within the community to prevent dominance of a single type of tree species.

70. Stabilization. The process of establishing an enduring soil cover of vegetation or mulch or other ground cover or in combination with installing temporary or permanent structures

for the purpose of reducing to a minimum the transport of sediment by wind, water, ice or gravity.

71. Start of Construction. (For other than new construction or substantial improvements under the Coastal Barrier Resources Act P.L. 97-348) includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within six months of the permit date. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

72. State Waters. Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and any other body of surface or subsurface waters, natural and artificial, lying within or forming a part of the boundary of the State which are not entirely confined and retained completely upon the property of a single individual, partnership or corporation.

73. Storm water. Surface flow water from precipitation that accumulates in and flows through natural and/or constructed storage and conveyance systems during and immediately following a storm event. (Amended December 3, 1999)

74. Storm water Infiltration Basin. A hydrologic impoundment without an outflow in which incoming storm water is temporarily stored until it gradually infiltrates into the soil surrounding the basin. Storm water detention ponds, storm water retention ponds and other storm water facilities with outflows are not included in this definition. (Amended December 3, 1999)

75. Structural Land Disturbance Practices. Soil and water conservation measures, other than vegetation, utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating, or disposing of runoff to prevent excessive sediment loss. Such practices include, but are not limited to rip rap, sediment basins, dikes, level spreaders, waterways or outlets,

diversions, grade stabilization structures, sediment traps, land grading, etc.

76. Structure. A combination of materials to form a construction for use, occupancy or ornamentation whether installed on, above, or below the surface of land or water.

77. Substantial Improvement. Any repair, reconstruction, alteration, or improvement to a structure, the cost of which equals or exceeds fifty percent of the market value of the structure, either before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.

78. Surface Mining. Any activity constituting all or part of a process for the removal of minerals, ores, and other solid matter for sale or for processing or consumption in the regular operation of a business. Tunnels, shafts and dimension stone quarries shall not be considered to be surface mining.

79. Tree Commission. The Tree Commission is the Chatham County Tree Commission as established by this Ordinance for the purpose of advancing tree awareness and protection and which serves as appeals board for Sections VI to IX.

80. Tree Easement. An easement, not less than ten feet in width and not in conflict with any other planning requirements under the zoning and subdivision regulations, for the public planting, retention and maintenance of canopy street trees, exclusive of utility, drainage or other easements. Tree Easements shall be established pursuant to the provisions of the Chatham County Subdivision Regulations. Administrative approval is required for easements greater than ten feet in width.

81. Tree Fund. The Chatham County Tree Fund, established to receive funds paid in lieu of required Tree Quality Points or Landscape Quality Points, or for compensation for damage or removal of County-owned trees. (Amended November 17, 2023)

82. Tree Protection Zone. The area surrounding a preserved or planted tree that is essential to that tree's health and

survival, and is protected within the guidelines of this Ordinance.

83. Tree Quality Point. A unit of measurement which quantifies the relative value of trees that are planted or retained on a given site. Tree Quality Points quantitatively express the desirable qualities of the species with regards to size for each tree that is retained on a site. For planted trees the Tree Quality Points are an expression of species desirability and the expected mature size of each tree.

84. Variance. A grant of relief from the requirements of this Ordinance which permits land-disturbing activities in a manner otherwise prohibited by this Ordinance.

85. Vegetative Practices. Measures for the stabilization of erosive or sediment producing areas by covering the soil with:

    a. Permanent seeding, sprigging, or planting producing long-term vegetative cover; or,

    b. Short-term seeding, producing temporary vegetative cover; or,

    c. Sodding, covering areas with a turf of perennial sod-forming grass.

86. Wetland Delineation. A delineation of jurisdictional wetland boundaries as approved by the USACOE as required by Section 404 of the Clean Water Act, 33 USC §1344, as amended. (Amended December 3, 1999)

87. Wetlands Inventory Area. Wetlands identified on the USEPA West Chatham County ADID Map of Wetlands and Uplands (ADID map) where available or, for property outside the study area defined on the ADID map, wetlands identified on the current U.S. Fish and Wildlife Service National Wetlands Inventory(NWI) map for Chatham County, Georgia. A Wetlands Inventory Area does not necessarily represent jurisdictional wetlands and cannot serve as a substitute for a jurisdictional wetland determination or a wetland delineation. (Amended December 3, 1999)

§24-206 General Provisions. (Amended November 17, 2023)

1. Permit Required for Clearing. Except as herein provided, a property owner shall not clear (as defined in Section V) or permit the clearing of property without first obtaining a Land-Disturbing Activity permit.

2. Tree Quality Points and Landscape Quality Points Required. Land cleared for development or land being proposed for development shall be provided with not less than 1600 Tree Quality Points per acre on a given site, excluding easements and trees in existing right-of-ways. In addition, commercial, industrial and multi-family developments shall provide four hundred (400) Landscape Quality Points per acre of development. When a commercial, industrial or multi-family development is to contain a parking area, then within the boundaries of such a parking area, there shall be provided not less than 1200 Tree Quality Points per acre, exclusive of Landscape Quality Points. (Amended November 17, 2023)

3. Land-Disturbing Activities Manual. Chatham County's Comprehensive Land-Disturbing Activities Manual, amended 1995, hereinafter referred to as "the Manual," and any amendments thereto adopted by the Chatham County Board of Commissioners, which provides detailed information and standards in reference to the provisions of these regulations, is hereby adopted by reference and made a part thereof.

   All land clearing, tree protection, tree establishment and landscaping shall be done in a manner consistent with the provisions contained in said Manual.

4. Chatham County Tree Commission Established. There is hereby created a Chatham County Tree Commission which shall consist of five members appointed by the Chatham County Commission. The Chatham County Commission, when appointing members to the Tree Commission, shall give consideration to those persons who have demonstrated an interest in the preservation and conservation of trees in Chatham County.

   A majority of the members of the Tree Commission shall be residents of the unincorporated area or owners of businesses located therein. The County Arborist shall serve as advisor to the Tree Commission.

   a. Membership.

      i. The initial five members shall be those persons serving on the Chatham County Tree Commission on the effective date of this Ordinance.

      ii. Such persons shall serve the remaining terms of their appointment as set forth in the Tree Ordinance for the unincorporated area of Chatham County, adopted December 21, 1984, or until their successors are duly appointed and approved by the County.

iii. Successors to those members appointed by the County shall, thereafter, be appointed for terms of four years.

iv. The following organizations shall be requested to nominate, in turn, three persons to fill each subsequent vacancy on the Tree Commission:

(1) Savannah Tree Foundation,

(2) Savannah Area Chamber of Commerce,

(3) Georgia Conservancy (Coastal Chapter),

(4) Savannah Home Builders Association,

(5) American Society of Landscape Architects (Savannah Section of the Georgia Chapter).

v. The Chatham County Commission shall select a member to fill the vacancy from the three persons nominated. Subsequent vacancies shall be filled from these three nominees presented by each agency, in turn.

vi. Vacancies caused by death, resignation, or otherwise, shall be filled for the unexpired term in the same manner as outlined above. No Commissioner shall hereafter serve more than two consecutive terms. Three Commissioners shall constitute a quorum.

b. Organization. Members of the Commission shall serve without salary or remuneration. Within a reasonable time after the appointment of the Commission, an organization meeting shall be called for the election of officers and to consider establishing rules and procedures and for the holding of regular and special meetings as deemed advisable and necessary in order to perform the duties set forth.

c. Duties. Duties of the Tree Commission shall be as follows: (Amended November 17, 2023)

i. The Commission shall educate the public as to the economic and aesthetic benefits of trees to Chatham County and its citizens, both on publicly owned property and privately owned property.

ii. The Commission shall promote the conservation, planting, health, and growth of trees in Chatham

County with the particular objective of establishing and protecting avenues of live oak trees.

d. Records. The Tree Commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Administrator and shall be a public record. The decision of the Tree Commission shall be by resolution, which resolution shall contain a statement of the grounds of its decision or action. The full text of the resolution shall be sent to the applicant.

e. Administration. Designation of the Administrator of this Ordinance. The Director of the Engineering Department is hereby appointed to administer and implement the provisions of this Ordinance.

§24-206.1 Issuance of notice of violation. (Adopted July 8, 2022)

(a) Notice of violation.

a. Notice of violation. Whenever the County Engineer determines that development activity or inactivity on a property does not comply with the approved development and construction plans, or that any other activities violate the provisions of this article, the County Engineer shall issue a notice of violation in accordance with Sec. 24-711 Administrative Enforcement; Remediation Plan. Whenever the County Engineer determines that there has been a violation of the Land Disturbing Activities Ordinance, the County Engineer shall issue a notice of violation, a court summons, or a citation. The provisions of this section shall be in addition to any other penalty provisions applicable to this article. The notice of violation, of the provisions of this article or of any rule or regulation adopted pursuant hereto shall be addressed to the owner of the property or the owner's agent and to the person, tenant, firm, corporation, property owner or property owner's agent found to be violating the provisions of this article and shall:

(1) Be in writing;

(2) Include a description of the property sufficient for identification of where the violation has occurred;

(3) List the specific provisions of this article which have been violated;

(4) List the required corrective actions to be implemented within a given time frame;

(5) State that, if these repairs, construction or alterations are not completed within a reasonable time period specified by the inspector, summons or citation shall be issued for the person, firm, corporation, owner, or owner's agent to appear in court of competent jurisdiction.

(6) Should the County Engineer, find that the violation is willful, in wanton disregard of the provisions of this article or constitutes an immediate public health and safety hazard or endangers the ecosystem, the County Engineer may issue a court summons or citation in lieu of a notice of violation.

§24-207 Principles and Standards for Greenspaces, Tree Protection, Tree Establishment and Landscaping: General.

1. Tree Protection and Tree Establishment.

a. Protection of Preserved or Planted Trees. Tree Protection Zones shall be established and maintained for all trees preserved or planted on a site for which tree quality points are to be claimed. The following provisions apply to such zones and the trees within them.

i. A Tree Protection Plan and details shall accompany all applications for Land-Disturbing Activities Permits identifying where and how existing trees within Tree Protection Zones are to be protected during clearing and construction of the project. Such plan and details shall be approved by the County Arborist upon finding that the plan adequately addresses the criteria set forth in Section D of the Chatham County Land-Disturbing Activities Manual.

ii. The area within any Tree Protection Zone must remain open and unpaved. The use of perforated pavers may be allowed subject to the approval of the County Arborist.

iii. No vehicles shall be parked, or construction material stored or substances poured or disposed of or placed, within any Tree Protection Zone at any

time during clearing or construction of the project.

iv. No change in grade within the Tree Protection Zone shall be allowed around existing trees except for a maximum addition of four inches of mulch unless otherwise approved by the County Arborist.

v. Tree wells or tree walls (islands) shall be constructed as needed to protect the preserved trees from grade changes which result in changes of water supply to the Tree Protection Zone. Adequate means for drainage of excess moisture from the Tree Protection Zone shall be provided if tree wells or tree walls are constructed.

vi. All retained or planted trees shall be protected or situated so as to prevent damage from environmental changes (such as lowered water table) or land disturbance resulting from any building or facility construction within or immediately adjacent to the critical root zones of the tree(s).

vii. No artificial plants, trees, or like materials shall be counted toward meeting the standards of these regulations.

viii. For planted trees, the following tree protection standards and requirements shall apply:

(1) The minimum size Tree Protection Zone centered upon the planted tree shall be as specified in Table 1.

TABLE 1. MINIMUM TREE PROTECTION ZONE

Mature Tree Size	Square	Rectangular	Circular
Small*(less than 25')	4' x 4'	-	4.5'Diam.
Medium* (25' - 40')	8' x 8'	6' x 11'	9' Diam.
Large* (40' +)	20' x 20'	16' x 25'	22.5'Diam.

*A listing of small, medium and large trees is found within Table 12 of the Chatham County Land-Disturbing Activities Manual.

(2) No tree shall be planted closer to a building foundation or water, sewer, or natural gas line, than as follows:

Five feet (5') for a mature small tree.
Ten feet (10') for a mature medium/large tree.

(3) No tree shall be planted under overhead utility distribution lines if the average mature height of the tree is greater than the lowest overhead wire.

ix. Irrigation Requirements. Except in single-family development and as provided for herein, irrigation shall be provided for Tree Protection Zones in the following manner:

(1) A permanent water source shall be installed not less than fifty (50) feet from each Tree Protection Zone, but shall not encroach more than twelve inches (12") into any Tree Protection Zone.

(2) All trees within a Tree Protection Zone must have a permanent water source within one hundred (100) feet, or at the perimeter of the Tree Protection Zone if that Tree Protection Zone has a radius of more than one hundred feet.

(3) The minimum permanent water source shall be a hose bib capable of delivering a minimum of three gallons per minute.

(4) All irrigation systems connected to any potable water supply shall prevent contamination of the potable water supply, according to County building codes.

Provided however, irrigation shall not be required where (1) existing individual trees or clumps or groups of existing trees or wooded areas are to be preserved and grading, filling or other land-disturbing activities have not disturbed the natural ground water supply to such trees, or (2) for planted trees it is determined by the County Arborist that the natural condition is sufficient to sustain tree growth.

b. Standards and Specifications.

i. Assignment of Tree Quality Points to Preserved or Planted Trees.

(1) All preserved trees must be greater than four inches DBH to qualify for Tree Quality Points.

(2) All large trees, except for conifers, must be at least two-inch caliper to qualify for Tree Quality Points when planted on the site.

(3) All coniferous (Pines, Cedars, Cypress, etc.) trees and all medium or small trees must be a minimum of one-inch caliper to qualify for Tree Quality Points when planted on the site.

(4) If multi-trunk trees are planted or preserved the largest trunk only shall qualify for Tree Quality Points.

ii. Tree Quality Points for Planted Trees. Quality Points are assigned to newly planted trees as defined in the following table. The species lists contained in Table 12 of the Chatham County Land-Disturbing Activities Manual identifies tree types by size.

TABLE 2. TREE QUALITY POINTS FOR PLANTED TREES

Species Quality Rating

Mature Size	Acceptable	Recommended	Preferred
Small*(less than 25')**	3	5	10
Medium*(25' - 40')**	5	15	30
Large*(40' +)	15	40	90

*A listing of small, medium and large trees is found within Tables 12-17 of the Chatham County Land-Disturbing Activities Manual.
**Small and Medium Trees qualify for Landscape Quality Points.

iii. Tree Quality Points for Preserved Trees. Quality Points for trees preserved on the site are directly related to the tree species quality and the Tree Protection Zone that must be provided for the tree. For preserved trees, Tree Quality Points are calculated by squaring the tree's DBH (Diameter at Breast Height) and multiplying this number by the applicable Quality Points Factor.

$$(DBH)^2 \times (\text{Quality Points Factor}) = \text{Tree Quality Points}$$

The Quality Points Factor is found in the following table or the Tree Species Lists in the Chatham County Land-Disturbing Activities Manual.

TABLE 3. TREE QUALITY POINTS FACTOR

Tree Quality Rating	Quality Points Factor
Acceptable	0.5

Recommended	0.75
Preferred	1.5
Exceptional	2.5

iv. Standards for Preserved Stands of Trees

(1) Tree Quality Points and Landscape Quality Points for Retained Stands of Trees: The most effective method for preserving trees in good condition is through the preservation of continuous, undisturbed stands of trees and vegetation. This is also the most expeditious means for achieving the desired level of tree canopy cover in Chatham County. Therefore, the preservation of mature native stands of trees shall receive 0.25 Tree Quality Points per square foot of preserved area. Understory trees and shrubs shall have a value of 0.1 Landscape Quality Points per square foot. (Amended June 27, 1997)

(2) Specifications:

(a) The County Arborist shall visit the site in order to verify that the stand contains native trees of sufficient size, quantity and quality to warrant preservation. The County Arborist shall review the types of tree species present, the quantity of trees within each species, the degree of crown closure and their condition. Stands found by the County Arborist to contain an insufficient number of mature native trees shall not qualify for Quality Points under stand calculations. The trees may qualify for Tree Quality Points on an individual basis when found to be unacceptable as a preserved stand by the County Arborist.

(b) The stand shall be integrated into a Tree Protection, Tree Establishment and Landscape Plan in a logical and aesthetically pleasing manner. The locations of preserved stands of trees shall be distributed throughout the site in a similar manner as that required for planted or preserved trees.

(c) All existing vegetation shall remain within the preserved stand with the exception of hazardous trees. No clearing of underbrush shall be allowed.

(d) The Stand shall be protected throughout the construction period using the same standards and specifications as required for a Tree Protection Zone.

(e) For Palm-Type trees, two Tree/Landscape Quality Points will be assigned per foot of stem height up to 10 feet, regardless of whether the tree is preserved or planted on the site. The maximum Landscape Quality Point value for any palm-type tree is 20.

(f) Landscape Quality Points for Shrubs and Ground Cover:

Landscape Quality Points shall be assigned to planted shrubs and ground cover on new commercial, industrial and multi-family developments. Medium and small trees may also qualify towards the 400 Landscape Quality Point Requirement.

To qualify, shrubs shall be a 3 gallon container size or larger. If the shrub is incorporated into a buffer, it shall meet the height requirements of the buffer within a 12-month period.

TABLE 4. REQUIRED LANDSCAPING POINTS PER ACRE*

The following includes types of material acceptable for Landscape Quality Points:

Type	Points for Planted Material	Points for Preserved
Medium Trees	30 Pts for Preferred Trees	1.50 Factor
	15 Pts for Recommended Trees	0.75 Factor
	5 Pts for Acceptable Trees	0.50 Factor
Small Trees	10 Pts for Preferred Trees	1.50 Factor
	5 Pts for Recommended Trees	0.75 Factor
	3 Pts for Acceptable Trees	0.50 Factor
Palm Type Trees	2 Pts for Each Foot of Stem Height	
Evergreen Shrubs		
Large (6-12' high)	5 Pts each	
Medium (4-6' high)	3 Pts each	
Small (Under 4' high)	1 Pts each	
Deciduous Shrubs		
Large (6-12' high)	2.5 Pts each	

Medium and Small	1.5 Pts each
Evergreen Ground Cover	0.1 Pts per plant when 1 gallon

*See Approved Material in Land Clearing and Tree Protection Activities Manual, Revised 1995.

c. Continuing Obligation for Maintenance: The following Maintenance standards apply to all trees which are planted or preserved on a site in order to meet the minimum requirements for Tree Quality Points and Landscape Quality Points as defined in this Section. Other trees on the site are exempt from these requirements.

i. Any damage or injury occurring to a preserved tree, by determination of the Arborist, sufficient to cause the tree to die within five years or develop into an irreparable hazard tree, shall cause the tree to be removed and lose Tree Quality Points.

ii. Destruction of desirable leaf crown or bark circumference of the trunk, major limbs or buttress roots not considered by the Arborist to be fatal to the tree or hazardous to the public shall be immediately repaired and shall result in proportional decrease in Tree Quality Point assessment. Assessment of damage shall be made following guidelines established in "the Manual"

iii. Repair of trees shall meet the standards set forth in "the Manual."

iv. It is the responsibility of the Owner to provide irrigation and fertilization to these trees in order to maintain tree health and vigor. Failure to maintain the required number of Tree Quality Points shall be a violation of this ordinance.

d. Designation of Exceptional Trees. Certain individual trees possessing extreme quality, character, or development shall be considered a public landmark and shall not be destroyed or endangered. Therefore, upon nomination by the developer, owner or his agents, the Chatham County Arborist, may upon inspection, designate such a tree as an Exceptional Tree. The designation of a tree as being Exceptional shall be based upon a professional evaluation of that tree in relation to the following criteria. Trees designated Exceptional shall thereafter be considered a public landmark and shall not be destroyed or endangered.

i. Procedure. All nominations for Exceptional Tree designation shall be reviewed by the County Arborist who shall designate such tree as being Exceptional. The designation of an Exceptional Tree shall be based upon an evaluation of the tree in relation to one or more of the following criteria:

(1) The tree is demonstrated to have an association with a documented historical event, or is located on an historic site.

(2) The tree has unusually high aesthetic value.

(3) The tree is of unique character because of its age, species, variety, location, or because of the size and development of its crown, trunk, or main stem.

ii. The designation of an Exceptional Tree shall also meet all of the following criteria:

(1) The tree is free of disease, pests and other serious injury.

(2) The tree has a life expectancy of more than ten years.

(3) The tree is free from structural defects which would present a hazard to the public.

iii. Protection and Tree Quality Point Assignment for Exceptional Trees. Upon designation as an Exceptional Tree, the tree shall be protected from land-clearing activities as provided in this Ordinance, and the tree quality points assignment shall be based upon a Quality Points Factor of 2.5 (60% more tree quality points than a preferred tree of equal DBH).

e. Trees on Adjacent County Property.

i. A property owner responsible for any land-disturbing activity within a within 5' of the critical root zone of a tree located on County property shall provide for the protection of such tree(s) to the standards described in this ordinance. All work on County rights-of-way requires a permit under the Rights-of-way Encroachment Ordinance.

ii. A property owner responsible for a land-disturbing activity that causes damage to a tree which affects the health or growth of such tree, or removes a tree on County property, shall compensate the County for such tree loss or damage as set forth below.

(1) The County Arborist shall establish the tree quality points for the removed or damaged tree. The property owner responsible for the land-disturbing activity which caused the removal or damage to such tree shall compensate the County for such tree loss or damage under one of the following options subject to the approval of the County Arborist.

(a) Plant or preserve additional trees on the development site that equals or exceeds the value of the tree quality points that were assessed for the removed or damaged tree.

(b) Plant trees on adjacent County rights-of-way that equals or exceeds the value of the tree quality points that were assessed for the removed or damaged tree.

(c) Donate a gift-in-kind to the County Tree Bank that equals or exceeds the value of the tree quality points that were assessed for the removed or damaged tree or equal to the International Society of Arboriculture (ISA) appraised value.

(d) Meet any equivalent combination of the above as approved by the County Arborist.

(2) Upon approval by the County Arborist of the method for compensating the County for the subject tree loss, the owner of the development shall submit a revised Tree Protection and Tree Establishment Plan which incorporates the approved tree compensation plan, to the County Arborist for approval.

4. Timber Harvesting Standards

a. Applicability. All properties, other than those zoned and used for agricultural activities, which propose timber harvesting or clear cutting, shall comply with the

following timber harvesting provisions: (in this sub-section).

b. Procedures.

i. Permits required for Timber Harvest. A Land-Disturbing Activities Permit is required prior to the timber harvest.

ii. Plans required for Timber Harvest. A Plan for development of the land and a Timber Harvest and Reforestation Plan for each phase of the Master Plan shall be reviewed and approved prior to the issuance of a land-disturbing permit.

iii. Timber Harvest and Reforestation Plan. The Timber Harvest and Reforestation Plan shall identify areas where trees are to be retained on site, along with the density, species and Tree Quality Point value,

All required buffers shall be retained or installed as per the Buffer Requirements in the Zoning Regulations and this Ordinance.

The Timber Harvest and Reforestation Plan shall be prepared by a registered forester and shall be reviewed by the County Arborist.

iv. Reforestation and Tree Protection Standards. A minimum of 1600 Tree Quality Points per acre shall remain on the parcel after the timber harvest, or reforestation shall be accomplished (as per Item D) utilizing one or more of the following methods:

(1) Residual Stands of Trees: Tree Quality Points may be given to residual stands of trees which are existing on the site and are protected during the harvesting process.

(2) Buffer Areas: Tree Quality Points may be given to trees located within buffer areas.

(3) If an insufficient number of Tree Quality Points are left on the site following the timber harvest, a Tree Establishment Plan shall be submitted to the County Arborist showing the location of the trees to be planted, their species, size and Tree Quality Point value.

(4) Reforestation Areas: Where the site is to be used for continual timber growth or silva-culture, such land shall be considered a reforestation area. In order to comply with the provisions of this section, a Tree Establishment Plan shall be submitted. This shall consist of the establishment of native tree seedlings using traditional forestry methods and best management practices. A minimum of 600 seedlings per acre shall be planted on the site by the end of the first planting season following the timber harvest. A minimum survival rate of 350 trees per acre will be maintained after the first complete growing season or other techniques as approved by County Arborist.

5. Timber Harvesting Notification (adopted and effective April 22, 2022)

a. Notice of Commencement of Timber Harvesting and Notice of Cessation of Timber Harvesting Operations. All persons or firms harvesting standing timber in any unincorporated area of Chatham County for delivery as pulpwood, logs, poles, posts, flooring, or wood chips to any woodyard or processing plant located inside or outside this state shall provide Notice of such harvesting operations to the Chatham County Governing Authority's designated agent, the Chatham County Engineering Department, prior to entering onto the property if possible, but in no event later than 24 hours after entering onto the property. Further, such persons shall give Notice of cessation of cutting within 24 hours after the job is completed.

b. The Notice of harvesting operations required by this Ordinance shall be provided for each separate tract to be harvested. Such Notice shall be made in such form as prescribed by rule or regulation of the Director of the Georgia Forestry Commission, and shall include the following information:

i. A map of the area which identifies the location of the tract to be harvested and, as to those trucks which will be traveling to and from such tract for purposes of picking up and hauling loads of cut forest products, the main point of ingress to such tract from a public road and, if different, the main point of egress from such tract to a public road. If multiple points of ingress and/or ingress will be used, all such points shall be identified;

ii. A statement as to whether the timber will be removed pursuant to a lump sum sale, per unit sale, or owner harvest for purposes of ad valorem taxation under O.C.G.A. §48-5-7.5;

iii. The name, address, and daytime telephone number of the timber seller if the harvest is pursuant to a lump sum or per unit sale or of the timber owner if the harvest is an owner harvest; and

iv. The name, business address, business telephone number, and nighttime or emergency telephone number of the person or firm harvesting such timber.

c. The person or firms that conduct Timber Harvesting Operations within unincorporated Chatham County shall provide the Board of Commissioners and its designated representative, the Chatham County Engineering Department shall within 24 hours of cessation of timber harvesting operations and activities a notice of cessation of all timber harvesting activities. Such notice of cessation will include certification that the site and remaining timber debris upon said property has to be cleared and performed in accordance with the agreement or contract with the owner of the property and timber.

d. Subject to the provisions of Section 5 of this Ordinance, the Notice required by this Ordinance may be submitted in person, by transmission of an electronic record via telefacsimile or e-mail, or by mail.

e. Subject to the provisions of Section 5 of this Ordinance, upon notification published by the Director of the Georgia Forestry Commission that a state-wide notification website or platform is available for public use, persons or firms wishing to utilize said website or platform to provide the Notice required by this Ordinance may do so at their option, and Chatham County will accept notifications submitted in this manner.

f. On and after a date specified and published by the Director of the Georgia Forestry Commission, use of the state-wide notification website or platform shall be mandatory and shall be the sole means of providing the Notice required by this Ordinance; on and after said date submission of the Notice by any of the means listed in Section 3 above shall cease and will no longer be deemed acceptable or in compliance with this Ordinance.

g. The Notice required by this Ordinance shall not be or remain effective unless and until the person or firm

providing such Notice has delivered to the Governing Authority of Chatham County or its designated agent, Chatham County Engineering Department, a valid surety bond, executed by a surety corporation authorized to transact business in this state, protecting Chatham County against any damage caused by such person or firm in the amount of $5,000.00; provided, however, that at the option of the person or firm harvesting timber a valid irrevocable letter of credit issued by a bank or savings and loan association, as defined in O.C.G.A. §7-1-4, in the amount of $5,000.00 may be provided in lieu of a surety bond. Such bonds or letters of credit shall be subject to the conditions set forth in Sections 7 and 8 of this Ordinance. No more than one bond or letter of credit shall be required from each person or firm harvesting timber, regardless of the number of tracts harvested in the county for so long as the bond or letter of credit remains in effect. The bond or letter of credit required herein shall be valid only for the calendar year in which it was delivered.

h. The bond or letter of credit required by Section 6 of this Ordinance shall protect Chatham County against any damage requiring re-ditching or repair of existing ditch structures or the removal of any harvesting residue, including tree tops, debris, logs, pulpwood and other materials, placed in or around the county's rights of way caused by such person or firm tendering the bond or letter of credit. The proceeds of such bond or letter of credit shall be available to reimburse the county for any cost incurred to repair such damages or remove such debris in or around the county's rights of way. The proceeds of such bond or letter of credit shall also be available to reimburse the county for any costs incurred to maintain or repair county roads damaged by the ingress or egress of motor vehicles engaged in the harvest operations located within 500 feet of any point of ingress or egress of the timber harvesting operation. The right of Chatham County to call such bond or letter of credit in accordance with the provisions of Section 8 of this Ordinance shall be in addition to any other remedies available to the county at law or in equity for damage to county roads or rights of way.

i. When damage results from a person or firm's harvesting activities, the Governing Authority of Chatham County shall make and provide a written claim to the person or firm causing the damage within 30 business days after the Governing Authority becomes aware of the damage. Such claim may be given in person, by telefacsimile, email or mail. The claim shall describe the damage in detail and,

in compliance with Section 9 (a) of this Ordinance, give the person or firm the opportunity to repair such damage within 30 days of the notification; provided, however, the county shall be authorized to repair the damage immediately if the Governing Authority or its designee determines the conditions present a threat to public safety, health or welfare and, upon making such repairs, shall present to the person or firm and the issuer of the applicable bond or letter of credit an itemized list of expenses incurred as a claim against the responsible party and the issuer of its bond or letter of credit. Upon the issuance of a claim as provided in this Section the Governing Authority of Chatham County or its designee shall notify the issuer of the bond or letter of credit that a claim has been made and will be resolved or adjudicated according to the terms of this Ordinance.

j. Within 30 days of receipt of the written claim described in Section 8, the person or firm against whom the claim is submitted may:

i. Repair such damage at his or its own expense with the approval and supervision of the Governing Authority of Chatham County or its designee. When repairs are completed to the satisfaction of the governing authority or its designee, the Chatham County Engineering Department, the governing authority or its designee shall provide a written notification of satisfactory completion within five business days to the responsible person or firm and to the surety issuing the bond or the bank issuing the letter of credit, thereby terminating the claim.

ii. In the event of inclement weather or other factors preventing repair of the damage, request a 30-day extension to repair the damage from the Governing Authority of Chatham County, or its designee the Chatham County Department of Engineering, provided that no extensions shall exceed 90 days from the date the claim was tendered. Approval of any extension shall be at the discretion of the Governing Authority of Chatham County or its designee, the Chatham County Department of Engineering.

iii. Appeal the claim to the Magistrate Court of Chatham County. Any such appeal must name the issuer of the bond or letter of credit as a party, who shall be served with all pleadings in the action and shall have the right to appear. The Magistrate Court will

hear evidence and arguments within 30 days of the written appeal and issue a ruling within ten days of such hearing. Any such appeal shall toll the 30-day period, or any extension thereof, required by Section 8 of this Ordinance. If the Magistrate Court rules in favor of the person or firm against whom the claim was made, the county shall have no right to recover any proceeds of the bond or letter of credit, and judgment shall be entered against the county. If the Magistrate Court rules in favor of the county the court shall determine the amount of damages to which the county is entitled to recover and enter judgment against Owner, person, or firm conducting Timber Harvesting activities, the Bonding Company and the financial institution issuing the letter of credit; the Governing Authority of Chatham County shall be authorized to call the bond or letter of credit and recover from the proceeds thereof an amount equal to the judgment entered by the court including cost and court fees, up to the total amount of the bond or letter of credit. The portion of any judgment entered in favor of the county that exceeds the amount of the bond or letter of credit shall be subject to collection by any additional remedies at law or equity. Any judgment in favor of Chatham County may be filed on the general execution docket maintained by the Clerk of Superior Court of Chatham County.

iv. In the event the person or firm against whom the claim has been submitted fails to take any of the actions allowed under subsections (a), (b) or (c) of this Section within the time required therein, such person or firm shall be deemed to have waived any and all rights to contest the call of the bond or letter of credit.

k. If the person or firm tendering a bond or letter of credit pursuant to the requirements of this Ordinance continues its timber harvesting operation beyond the calendar year in which the bond or letter of credit was issued, the person or firm continuing the timber harvesting operation shall tender a new bond or letter of credit within five (5) business days after the first day of the new calendar year.

l. In the event a bond or letter of credit tendered pursuant to the requirements of this Ordinance is revoked by the surety or bank, then a valid replacement bond or letter of credit must be delivered to the Governing Authority of

Chatham County within five business days after the date of revocation in order for timber harvesting operations to continue. In addition, if the person or firm tendering the bond or letter of credit caused its revocation, the amount of the bond or letter of credit required shall be increased to $10,000 following the initial revocation of the prior bond, caused by the person or firm tendering the bond or letter of credit. The maximum amount of the bond or letter of credit shall not exceed $10,000.

m. Submission of the Notice required by this Ordinance shall authorize the person or firm submitting same to undertake the timber harvesting operation described in the Notice and shall remain in effect until such time as the person or firm gives Notice that the harvesting operation is complete; provided, however, that any change in the facts required to be provided for purposes of such Notice, including but not limited to a change in the scope or extent of the operation, must be reported to the Governing Authority of Chatham County within three business days after such change.

n. Any person or firm that engages in a timber harvesting operation in the unincorporated portion of Chatham County without complying with the Notice requirements of this Ordinance shall be subject to a citation and trial, and upon conviction shall be fined in an amount not to exceed $1,000.00 for each violation.

o. This Ordinance applies to activities which qualify as forestry land management practices or agricultural operations under O.C.G.A. §12-7-17 (5) and (6) on land that is zoned for or used for forestry, silvicultural or agricultural purposes. It shall not authorize land disturbing activities incidental to development in conflict with the limitations set forth in O.C.G.A. §12-7-17(6). It shall not authorize land disturbing activities on any property not zoned for agricultural purposes.

p. Consistent with O.C.G.A. §12-6-24:

   i. no fee shall be charged to provide and submit the Notice required by this Ordinance; and

   ii. no permit, including a driveway permit, shall be required of the person or firm engaged in a timber harvesting operation as defined by said Code section. Persons and firms providing the Notice required by this Ordinance may be asked to consult with county officials responsible for roads and

public works for the purpose of minimizing damage to the county's roads, rights of way and infrastructure, and are urged to follow recommendations from county officials. Notwithstanding the forgoing, the person or firm conducting the timber harvest operation bears ultimate responsibility for their actions, and nothing in this Ordinance shall preclude the Governing Authority of Chatham County from taking any and all legal action necessary to protect its property and the health, safety and welfare of its citizens.

q. The provisions of this Ordinance are severable, and the invalidity of any phrase, clause, section or part of this Ordinance shall not affect the validity or effectiveness of the remainder of this Ordinance.

§24-208 Principles and Standards for Greenspaces, Tree Protection, Tree Establishment and Landscaping in Commercial, Industrial and Multi-family Development.

1. Applicability. Except as herein provided, a Greenspace Plan shall be submitted for all proposed commercial, industrial or multifamily development (as defined in this ordinance). Such Plan shall include a Tree Protection, Tree Establishment and Landscape Plan. Such Plans shall conform to the standards and requirements of these regulations. (Amended January 28, 2000)

2. Greenspace Design Principles and Standards.

   a. A minimum of twenty percent (20%) of the total land area of the development shall be devoted to Greenspace.

   b. Sidewalks, curbing, or other paved or impermeable surfaces within the greenspace area shall not count towards the twenty percent (20%) minimum greenspace requirement.

   c. Existing stands of mature native trees and the associated plant communities beneath them shall be retained wherever possible.

   d. Locations for Planting and/or Preserving Trees and Landscaping

      i. Street Trees. Street trees may be planted or preserved within the front yard development setback if they can be placed within a Tree Easement established pursuant to the provisions of the Chatham County Subdivision Regulations, provided

such tree in the Tree Easement does not conflict with any existing utility, drainage or other easements. Street trees within Tree Easements will be planted and maintained by the County.

ii. Front Yard Development Setback. Understory and canopy trees may be preserved and/or planted in this area. A portion of the 400 Landscape Quality Points/acre may be planted in this area to screen parking areas from adjacent roadways.

iii. Parking Areas.

(1) Tree Quality Points Required in Parking Areas. A minimum of 1200 Tree Quality Points per acre in canopy trees shall be planted and/or preserved within landscaped islands and medians located between parking bays. Landscape Quality Points may also be planted in these areas.

(2) Size and Location of Parking Islands. Canopy trees planted in parking islands shall have 400 square feet of unpaved, uncompacted soil for root development. The standard tree island shall be 20' x 20' provided, however, that where the islands are an extension of a 10' wide landscaped median, the islands may be reduced in width to 16'. Islands shall not be separated by more than 12 parking spaces, including the landscaped ends of drive aisles. Islands shall be designed so as to minimize foot traffic across them.

iv. Buffers. Existing and/or planted canopy, understory trees, and planted evergreen shrubs may be incorporated into buffer areas. Landscape and/or Tree Quality Points shall be counted for vegetation in buffer areas if it meets the principles and standards for planting or preservation.

v. Areas Adjacent to Buildings. Planting adjacent to buildings shall be eligible for Tree and Landscape Quality Points if it meets the principles and standards of these regulations.

e. Landscaping Standards

i. Landscape Quality Points Requirement. The required four hundred (400) Landscape Quality Points per acre shall be provided through the planting of

medium trees, small trees, shrubs and/or ground cover.

ii. Locations for Landscape Quality Points. Such plantings may be located in the following areas:

(1) Front yard development setback.

(2) Parking areas: islands and medians.

(3) Buffers.

(4) Areas adjacent to buildings.

f. Special Cases

i. Car/Boat/Trailer Sales Lots. The requirement of canopy cover in the outdoor display, sales and storage areas may be waived for such uses only if the requirements have been met elsewhere on the site. The required 400 Landscape Quality Points per acre, however, shall be provided in this area to break up large expanses of pavement.

(1) Employee and Customer Parking Areas shall be clearly delineated to separate them from outdoor display, sales, and storage areas. Such parking areas shall provide 1200 Tree Quality Points per acre in canopy trees and 400 Landscape Quality Points per acre in landscaping.

(2) Porous paving may be used within outdoor display, sales and parking areas to provide root growth area for new and existing trees.

g. Development and Expansion of Existing Property. A minimum of 1600 Tree Quality Points per acre and 400 Landscape Quality Points per acre shall be provided for that portion of the site which is being developed. Also, a minimum of twenty percent (20%) of the newly developed area shall be in greenspace.

3. Requirements for Land Clearing Permit.

a. A pre-development site visit shall be scheduled between the Owner/Agent and the County Arborist. This meeting may be waived by the County Arborist at the request of the Owner.

b. The Owner/Developer shall submit the Tree Protection, Tree Establishment and the Landscape Plans, together with other required drawings, for review by the County Arborist.

c. For projects where lawn sprinklers or an irrigation piping system are to be installed, the Landscape, Tree Establishment and Tree Protection Plans shall be prepared by a registered landscape architect or other registered professional who has experience with proper planting design (i.e., arborist, forester, horticulturist, etc.) who accepts full responsibility for such plans.

d. The Owner/Developer shall coordinate the location of utilities with the utility companies and the County Arborist prior to the issuance of a Land-Disturbing Activities Permit. If there is a potential tree and utility conflict, a new Tree Establishment Plan and/or Tree Protection Plan shall be submitted to the County Arborist showing the new, proposed utility locations or tree locations.

e. A Pre-Construction meeting shall be scheduled among the Owner, Agent, Contractors, appropriate County Staff and the County Arborist prior to issuance of a Land-Disturbing Activities Permit. This meeting shall establish the location of temporary buildings or trailers, temporary utilities, installation of tree protection and erosion control devices, storage of materials, etc. Forty-eight (48) hours notice shall be given to schedule the site visit.

f. Tree protection shall be installed by the Owner/Agent and inspected by the Administrator prior to the issuance of a Land-Disturbing Activities Permit.

4. Land-Disturbing and Tree Protection Requirements for Certificate of Occupancy.

a. Certification that trees and landscaping have been properly installed and protected shall be made in writing by the person who prepared Final Tree Protection, Tree Establishment and Landscape Plans.

b. The County Arborist shall make a final inspection of trees and landscaping for completeness prior to issuance of the Certificate of Occupancy.

c. Temporary Performance Bonds. The Owner shall post a temporary performance bond for tree and/or landscape installation which cannot be planted because of continued

construction, improper planting season, etc. A deadline for completion of work shall be scheduled with the County Arborist and the Inspections Department and a Temporary Certificate of Occupancy issued. Refer to Bond Section in the Chatham County Subdivision Regulations for bond requirements.

d. Release of Performance Bond. The County Arborist shall make a final inspection of the trees and landscaping at the scheduled completion of work. If work has been completed, the Temporary Performance Bond shall be refunded. If the tree and/or landscape installation is not complete at the scheduled deadline, the Temporary Performance Bond shall be withheld based upon the amount of work incomplete.

e. Posting of Two-Year Landscape Establishment Bond. A two-year Landscape Establishment Bond shall be posted prior to issuance of the Certificate of Occupancy. The bond shall be based upon a fixed rate value of landscaping per acre, as determined by the Administrator.

5. Release of Two-Year Landscape Establishment Bond. At the end of the two-year landscape establishment bond period, the County Arborist shall inspect the site and shall make a determination of whether or not the required trees and landscaping are healthy and have a reasonable chance of surviving to maturity. Upon such finding, the bond shall be released. In absence of such a finding, the bond or other posted security shall not be released and the owner of the property shall be notified to replace the unhealthy trees and landscaping or take other appropriate action as approved by the County Arborist. Upon failure of the owner to comply with the County Arborist's decision regarding such vegetation, the County shall use the bond to the extent necessary to bring the property into compliance with the provisions of these regulations. Final inspection shall be scheduled within ten working days' notice.

§24-209 Principles and Standards for Greenspaces, Tree Protection, Tree Establishment and Landscaping in New Single-family Residential Subdivision Development.

1. Applicability. These provisions shall apply to individual lots or new single family residential subdivisions.

2. Greenspace Design Principles and Standards in Single-Family Residential Development

a. Tree Quality Points Required. 1600 Tree Quality Points per acre shall be provided within the subdivision in

order to achieve a minimum of fifty percent canopy cover for the development. This shall be achieved through the required planting of street trees within tree easements, protecting existing trees, planing within set-asides established by the developer, planting on individual lots.

b. Plans Required

i. For Rights-of-Way and Drainage and Utility Easements. Except as herein provided, a Greenspace Plan shall accompany each Preliminary Plan for review in order for a Land-Disturbing Activities Permit for rights-of-way and easements to be obtained. Such Plan shall conform to the standards and requirements of these regulations.

ii. For Individual Lots. A Plot Plan which includes Greenspace information shall be submitted by the Building Permit Applicant in order to obtain a Land-Disturbing Activities Permit for an individual lot.

c. Requirements for Utilities Crossing the Tree Easement. Utilities crossing the Tree Easement shall be located outside of the critical root zone of trees, unless otherwise approved by the County Arborist. Utility locations shall allow for the unobstructed planting of street trees at a separation of 40 to 60 feet.

d. Tree Requirements Within New Single-Family Subdivisions

i. Planted Street Trees. Canopy street trees shall be planted within Tree Easements. Such trees shall be no less than one inch in caliper at time of installation. Trees shall be planted 40 to 60 feet apart, along all street frontages within or abutting the subdivision. Each planted street tree shall have a value of 90 Tree Quality Points.

ii. Existing Trees. Existing trees, for which Tree Quality Points are sought, may be protected within Tree Easements as street trees (and counted for Tree Quality Points), on individual lots, within set-aside areas, in buffers or elsewhere as approved by the County Arborist, provided that they be protected prior to clearing, as demonstrated in Section VII and as illustrated in the Land-Disturbing Activities Manual.

iii. Trees on Individual Lots (Other than Within Street Tree Easements). Existing or planted canopy trees on new lots may count toward the required 1600 Tree Quality Points per acre provided they meet the principles and standards within Section VII of these regulations.

iv. Trees Within Set-Aside Areas. Existing and/or planted trees within set-aside areas, as defined by this ordinance, may count towards the 1600 Tree Quality Point requirement if they meet the principles and standards within Section VII of these regulations.

3. Procedures for Obtaining a Land-Disturbing Activities Permit for Street Rights-of-Way and Utility and Drainage Easements. A Land-Disturbing Activities Permit is required as a prerequisite for clearing rights-of-ways and utility and drainage easements in new residential subdivisions.

a. A pre-development site visit shall be scheduled between the Owner/Agent and the County Arborist. This meeting may be waived by the County Arborist at the request of the Owner.

b. After approval of the Sketch Plan, the centerlines and rights-of-ways of the proposed roadways shall be staked at 100 foot stations to enable field review by the County Arborist.

c. The Developer shall show how required Tree Quality Points are to be met in the subdivision or phase of subdivision for which the Land-Disturbing Activities Permit is sought. This may be shown on a separate Greenspace Plan or on one of the other Construction Drawings, and shall be submitted to the County Arborist for review. The Greenspace Plan shall show the total Tree Quality Points for the site, any set-aside areas and trees to be protected, the number of required street trees to be provided, and the number of Tree Quality Points to be allocated on each lot.

d. Tree Protection for Set-asides and/or any tree proposed for Tree Quality Points located adjacent to rights-of-ways or easements where clearing is to occur shall be installed by the Developer and inspected by the County Arborist prior to issuance of a Land-Disturbing Activities Permit.

4. Procedures for Obtaining a Land-Disturbing Activities Permit for Lots. A Land-Disturbing Activities Permit is required as

a prerequisite for acquiring a Building Permit on a lot in a new residential subdivision.

a. A Plot Plan shall be submitted to the County Arborist for review and approval as a prerequisite for a Land-Disturbing Activities Permit. This Plot Plan shall show lot dimensions, buildings, driveways, easements, utility corridors and the location of trees to be protected and/or planted. The Plot Plan shall also include the species and diameter breast height (DBH) for preserved trees, and caliper and species for planted trees, and a Tree Quality Point summary for all preserved and/or planted trees, as per the approved Greenspace plan. The Plot Plan shall also show where Tree Protection devices are to be located with respect to trees to be preserved.

b. A Building Permit Applicant who owns more than one lot in the same phase of a new subdivision may aggregate or average Tree Quality Points as long as the total Tree Quality Points for all of the lots equals or exceeds the minimum required Tree Quality Points for the combined lots. Where the amount of required Tree Quality Points vary from the approved Greenspace Plan, the Building Permit Applicant shall shown how the required points shall be met on the Plot Plans.

c. Tree Protection devices around trees to be preserved, as shown on the Plot Plan, shall be installed by the Building Permit Applicant and inspected by the County Arborist prior to issuance of a Land-Disturbing Activities Permit for lot clearing.

5. Requirements for Certificate of Occupancy.

a. The total required Tree Quality Points in trees to be protected and/or planted shall match the approved Plot Plan.

b. The Building Permit Applicant shall certify in writing that the existing trees were properly protected and are likely to survive, as per the requirements of Section VII.

c. The Building Permit Applicant shall certify in writing that planted trees were properly installed and in healthy condition, as per the requirements of Section VII.

d. The Building applicant shall provide street trees for all streets in a residential subdivision through one of the following methods described in “i” or “ii” below.

i. Contribution to the County Tree Fund.

(1) The Building Permit Applicant shall contribute to a Tree Fund established by the County for the planting of new street trees. This contribution shall be a specified dollar amount for each linear foot of property frontage for the establishment of street trees. (refer to the Manual for the tree fund formula and the current costs for street tree establishment.)

(2) Planted street trees shall be large, preferred trees , a minimum of one inch caliper in size. The County Arborist shall determine the species of street trees on each street and shall coordinate the species with the developers of private streets. The street trees to be planted by the County shall be Installed at substantial completion of the subdivision so as to prevent such trees from construction damage.

ii. Contracting the planting of street trees. The Building Permit Applicant may employ a private contractor for the installation of street trees subject to the following:

(1) The street tree planting plan must be submitted to and approved by the County Arborist in advance of planting.

(2) The trees to be planted must conform to the current version of the American Standard for Nursery Stock, Section 1, Shade and Flowering Trees published by the American Association of Nurserymen.

(3) The contractor hired to install the trees must derive at least fifty percent of their income from landscape installation.

(4) All trees must be planted in accordance with the specifications set forth in the Manual and must be properly mulched and watered after planting.

(5) A two-year tree maintenance and replacement contract shall be provided for all trees planted.

(6) Street trees will be inspected in increments of no fewer than ten trees planted. (Amended June 27, 1997)

iii. This section shall be retroactive to February 24, 1995. Any contribution to the Tree Fund which was made prior to June 27, 1995 shall be refunded only upon compliance with Section IX, 5.D. (Amended December 19, 1997)

e. The County Arborist, or other qualified personnel as designated by the County Engineer or Director of Building Safety and Regulatory Services, shall inspect the property for Tree Quality Point compliance within two (2) working days notice by the Building Permit Applicant. (Amended July 9, 2004)

6. Withholding the Certificate of Occupancy.

a. If required trees are not planted or preserved according to the provisions of these regulations, the Director of Inspections shall deny a Certificate of Occupancy until the situation is resolved.

b. Upon a showing of an unusual hardship by the Building Permit Applicant, he may be issue a Certificate of Occupancy even though all elements of the Greenspace component of the Plot Plan have not been met. A certified check deposit for the amount of money necessary to complete the work, plus an additional amount, specified in the County's Fee Schedule, shall be deposited with the County Inspections Department. A time of completion, not to exceed six months, shall be set up between the Building Permit Applicant and the Inspections Department. At the scheduled completion date, the County Arborist, or other qualified personnel as designated by the County Engineer or Director of Building Safety and Regulatory Services, shall inspect the site for compliance. If the site complies, the deposit shall be refunded to the Applicant. If the work is still not complete, the deposit shall be forfeited and the property brought into compliance by the County with the provisions of these regulations. (Amended July 9, 2004.)

§24-210 Administration.

1. Designation of the Administrator of this Ordinance. The Director of the Chatham County Engineering Department is hereby appointed to administer and implement the provisions of this Ordinance.

2. Application for Land-Disturbing Activities Permits.

a. Submission Requirements.

i. Application

(1) Applications for permits for land-disturbing activities shall be submitted by the land owner or an authorized agent to the Administrator. The applicant may apply for one of the following land-disturbing activity permits: (1) Clearing and Grubbing, (2) Grading, or (3) Development. Each type of permit shall be further identified as Major or Minor, as defined elsewhere herein.

(2) The applicant shall provide the required plans, data, documents, surveys or other information for the appropriate land-disturbing activities permit. The Administrator will not accept an application for a permit unless it is accompanied by the required number of copies of all documents, data and plans as required herein. The application must be signed by the land owner as defined herein.

ii. Project Description. Such description shall include: (a) purpose of the requested permit, (b) map(s) showing existing and proposed land uses, buildings, parking, and other pertinent elements of development, (c) a boundary survey which shall include the location of all easements, building setback lines, nearby zoning district boundaries, (d) anticipated starting and completion dates for each phase of the project, and (d) a location map at a scale of 1" = 1500' or larger, showing the location of the property within the county.

b. Phasing of a Project. If a tract is to be developed in phases, then a separate permit shall be required for each phase as appropriate.

c. Time Limit on Approval. A permit shall be valid for twelve (12) months. In the event that the permittee has not begun the permitted work within twelve months the permit shall lapse and a new permit must be obtained before work can begin. Once work is begun under a valid permit the permittee may continue the permitted work until the work is completed. Any permit will automatically lapse after twelve (12) months of

inactivity, unless the developer has obtained an extension from the Director of Inspections.

d. If a permit is denied, the reason for denial shall be furnished to the applicant in writing.

e. The Administrator may waive the requirement for one or more of the plans, or allow that they be combined with other drawings upon finding that three or fewer trees are being proposed for removal, no grading has been proposed, and such removal will not be contrary to the purpose of these regulations.

3. Establishment of a Tree Fund. There is hereby created a Chatham County Tree Fund to receive funds paid in lieu of required Tree Quality Points or Landscape Quality Points, or for compensation for damage or removal of County-owned trees. (Amended November 17, 2023)

a. Payment to the Tree Fund shall be permitted when the County Arborist deems that it is not possible to plant trees or landscaping to the specifications required in the County ordinance.
b. Payment made in lieu of required Tree Quality Points or Landscape Quality Points shall be made prior to the issuance of permits.
c. Payment required for compensation for damage or removal of County-owned trees shall be made at such time as established in the associated mitigation plan.
d. Payment shall be a price determined by the County Arborist amounting to 200% of the aggregate cost of the tree or trees, planting, and maintenance for two years following planting.
e. Funds in the Tree Fund may be used towards the following goals:

i. Funding new tree plantings on County lands.

ii. County-sponsored tree equity programs.

iii. The preservation of trees through the purchase of conservation lands in the County.

4. Appeals and Variances.

a. Appeals Procedures. Appeals from the decisions of the Administrator or requests for variances from the provisions of this Ordinance shall be made to the Chatham County Board of Commissioners on the forms provided for such purpose by the Administrator. All such appeals or requests shall be heard at a time consistent with the

established procedure for placing items on the agenda of the Commission. (Amended November 17, 2023)

b. Conditions for Granting Variances from this Section. Variances shall only be granted upon a determination that the variance is the minimum necessary to afford relief.

c. Variance Criteria. Variances shall only be granted upon:

i. A showing of good and sufficient cause,

ii. A determination that failure to grant the variance would result in exceptional hardship, and

iii. A determination that the granting of a variance will not adversely impact the intents and purposes of these regulations.

d. In consideration of variances and appeals, and the purposes set forth for these regulations, the Commission may impose or require such additional restrictions and standards as may be necessary to protect the health and safety of workers and residents in the community, and to protect the value and use of property in the general neighborhood.

5. Violations.

a. Civil Penalties. Failure to comply with any of the requirements and provisions of these regulations including violation of conditions and safeguards established in connection with grants of variance or special exception, shall constitute a violation of this Ordinance. Failure to maintain property in full compliance with the approved plan, including, but not limited to, buffer maintenance and Tree Quality Points, shall be considered a violation of these regulations. Any person who violates this Ordinance or fails to comply with any of its requirements shall, upon conviction thereof, be fined not less than $500 or more than $2,000 for each violation, and in addition, shall pay all costs and expenses involved in the case. The owner of land upon which a violation occurs and each person assisting in the commission of a violation shall be guilty of a separate offense. Each day during which the violation or failure to comply continues shall be a separate violation.

The court shall have the power and authority to place any person found guilty of violating this Ordinance on probation and to suspend or modify any fine or sentence. As a condition of said suspension, the court may require

payment of restitution or impose other punishment allowed by law. Nothing herein contained shall prevent Chatham County from taking such other lawful action as is necessary to prevent or remedy any violation of this Ordinance.

b. Failure to Obtain a Permit for Land-Disturbing Activity. If any person commences any land-disturbing activity requiring a land-disturbing permit, the person shall be subject to revocation of his business license, work permit, or other authorization for the conduct of a business and associated work activities within the jurisdictional boundaries of unincorporated Chatham County.

c. Stop Work Orders. Upon notice from the Issuing Authority or its agent, work on any project that is being done contrary to the provisions of this ordinance or in a dangerous or unsafe manner, shall be immediately stopped. Such notice shall be in writing and shall be given to the owner of the property, his authorized agent or the person or persons in charge of the activity on the property, and shall state the conditions under which work may be resumed. Where an emergency exists, no written notice shall be required.

d. Bond Forfeiture. If, through inspection, it is determined that a person engaged in land-disturbing activities has failed to comply with the approved plan, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance with the plan and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this ordinance and, in addition to other penalties, shall be deemed to have forfeited his performance bond, if required to post one. The Issuing Authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance.

§24-211 Requirements for Protection of Wetlands and Ground Water Recharge Areas.

1. Wetlands Protection

a. When Wetlands Assessment Required. This section is intended to provide applicants for a land-disturbing activities permit with notice when the proposed activity

may require a Department of the Army (DOA) permit due to impact upon jurisdictional wetlands. The provisions in the following paragraph of this section shall not apply if the applicant can provide to the Administrator a valid USACOE wetland delineation that verifies that the proposed activity is not located within jurisdictional wetlands, or if the applicant can provide a valid USACOE permit or letter that authorizes the proposed activity within jurisdictional wetlands. If such evidence of compliance with USACOE permitting requirements is provided, the Administrator shall follow normal procedures for issuing a land-disturbing activities permit.

b. Wetlands Assessment. Prior to the issuance of a land-disturbing activities permit the Administrator shall assess whether the proposed activity could result in a disturbance of wetlands and, if so, shall also assess whether the proposed activity is located inside or within 100 feet of a Wetland Inventory Area. To assess whether the proposed activity is so located, the Administrator shall consult the current USEPA West Chatham County ADID Map of Wetlands and Uplands (ADID map). If the proposed activity is not located within the study area defined on the ADID map, the Administrator shall consult the current U.S. Fish and Wildlife Service National Wetlands Inventory (NWI) map for Chatham County.

i. If the Administrator determines that the proposed activity could not result in a disturbance of wetlands or if the proposed activity is not located inside or within 100 feet of a Wetland Inventory Area, the Administrator shall follow normal procedures for issuing a land-disturbing activities permit.

ii. If the Administrator determines that the proposed activity could result in a disturbance of wetlands and that the proposed activity is located inside or within 100 feet of a Wetland Inventory Area, a USACOE jurisdictional wetland determination shall be required prior to issuance of a land-disturbing activities permit.

(1) If the USACOE determines that a DOA permit is required, a land-disturbing activities permit shall be issued only following issuance of the DOA permit.

(2) If the USACOE determines that the proposed activity would not require a DOA permit, the

Administrator shall proceed with normal procedures for issuing a land-disturbing activities permit.

(3) Effect of Wetlands Assessment. Wetlands Inventory Areas as identified above and defined in Section V do not necessarily represent jurisdictional wetlands within Chatham County and cannot serve as a substitute for a jurisdictional wetland determination or a wetlands delineation. No permit issued pursuant to these regulations relieves a landowner from Federal or State permitting requirements.

2. Groundwater Recharge Area Protection.

a. Intent. This section is intended to protect groundwater quality by restricting land uses that generate, use, or store pollutants within groundwater recharge areas. Minimum sizes for lots within groundwater recharge areas that are served by on-site sewage management systems are established in the Chatham County Subdivision and Zoning Ordinances and the Georgia Department of Human Resources Manual for On-site Sewage Management Systems.

b. Groundwater Recharge Area Assessment. Prior to the issuance of a land-disturbing activities permit, the Administrator shall assess whether the proposed activity is located within a Groundwater Recharge Area. All lands identified as Groundwater Recharge Areas shall be subject to the Development Standards in this section.

c. Development Standards. Areas of high, medium and low pollution susceptibility are identified by the Georgia DNR on the Pollution Susceptibility Map in Hydrologic Atlas 20, 1992 edition. Hydrologic Atlas 20 shall be used to determine the applicability of the following development standards within Groundwater Recharge Areas:

i. Secondary Containment for New Above-Ground Storage Tanks. Within all pollution susceptibility areas, new above-ground chemical or petroleum storage tanks having a minimum volume of 660 gallons shall have secondary containment for 110% of the volume of such tanks or 110% of the volume of the largest tank in a cluster of tanks. This provision shall not apply to farm fuel tanks.

ii. Liners for New Agricultural Waste Impoundment Sites. All new agricultural waste impoundment sites shall be lined if they are within:

(1) high pollution susceptibility area;

(2) medium pollution susceptibility area and exceed 15 acre-feet in size; or

(3) a low pollution susceptibility area and exceed 50 acre-feet in size. As a minimum, the liner shall be constructed of compacted clay having a thickness of one foot and a vertical hydraulic conductivity of less than 5x10-7 cm/sec or other criteria established by the Natural Resources Conservation Service. Applications for a land-disturbing activities permit for a new agricultural waste impoundment site that requires a liner under the provisions of this subsection shall include a site plan that shows the location and design of the liner.

iii. Septic Tanks. No construction may proceed on any building or mobile home to be served by a septic tank unless the Chatham County Health Department first approves the proposed septic tank installation as meeting the standards and minimum lot size requirements of the Georgia Department of Human Resources Manual for On-Site Sewage Management Systems.

iv. Impervious Surfaces for Hazardous Materials Handling Operations. Within all pollution susceptibility areas, new facilities that handle hazardous constituents in amounts of 10,000 pounds or more on any one day shall perform their operations on impervious surfaces and in conformance with any applicable Federal spill prevention requirements and the Chatham County Fire Prevention Code requirements. This provision shall not apply to underground storage tanks. Applications for a land-disturbing activities permit for hazardous materials handling operations as defined in this subsection shall include a site plan that shows the location and design of any required spill and leak collection systems, along with a statement from a professional engineer registered in the State of Georgia that the plan conforms with applicable local, State and Federal

requirements for hazardous materials handling operations.

v. Permanent Storm water Infiltration Basins Prohibited in Areas of High Pollution Susceptibility. Permanent storm water infiltration basins shall not be constructed in areas having high pollution susceptibility.

(Editor's note: The ordinance was amended by adding a new Section XI on December 3, 1999. The sections following the new Section XI were renumbered accordingly.)

§24-212 Fees. Fees for land-disturbing activities are set forth in the Chatham County Revenue Ordinance. The fees shall accompany the permit application. Future phases of a development shall require new permit applications and the payment of fees for the additional lots or acreage involved.
(Amended June 9, 2000, to become effective July 1, 2000)

These fees may be revised as the Board of Commissioners deems necessary.

§24-213 Implementation.

1. Repeal of Previous Ordinances. The Chatham County Land-disturbing Activities Ordinance adopted as amended June 22, 1990, are rescinded in their entirety. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

2. Conflict with Other Laws. Whenever the requirements of this Ordinance are more restrictive than the standards required in, or under, any other statutes, ordinance, or resolution, the requirements of this Ordinance shall govern. Whenever the provisions of any other statute, ordinance, or resolution are more restrictive standards than those of this Ordinance, the provisions of said statute, etc. shall govern.

3. Effective Date. This Ordinance shall become effective June 1, 1995.

§24-214 Severability. If any provision of this ordinance is declared to be invalid, such declaration shall not affect, impair, or invalidate the remaining provisions of this ordinance.

§24-215 Conflicts. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

(Editor’s Note: The Land-disturbing Activities Ordinance (LDAO) or “Tree Ordinance” was adopted in its entirety on February 24, 1995. Amendments were adopted on June 27, 1997, December 19, 1997, December 18, 1998, December 3, 1999, January 28, 2000, June 9, 2000, July 9, 2004, April 22, 2023, and November 17, 2023.)

ARTICLE III

Noise Control

§24-301 Title. This Ordinance shall be known as the "Noise Control Ordinance for the Unincorporated Area of Chatham County, Georgia."

§24-302 Definitions. The following definitions shall apply in the interpretation and enforcement of this Ordinance; unless otherwise specifically stated:

1. Definitions of technical terms used which are not herein defined shall be obtained from publications of acoustical terminology issued by the American National Standards Institute (ANSI) or its successor body.

   a. Ambient sound level. The noise associated with a given environment, exclusive of a particular noise being tested, being usually a composite of sounds from many sources near and far, exclusive of intruding noises from isolated identifiable sources.

   b. A-weighted sound level. The sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level is designated dB(A) or dBA.

   c. Construction. Any site preparation, assembly, erection, substantial repair, alteration, or similar action, for or of public or private rights-of-way, structures, utilities, or similar property.

   d. Decibel (dB). A logarithmic and dimensionless unit of measure used in describing the relative loudness of level of sound.

   e. Demolition. Any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces, or similar property.

   f. Emergency. Any occurrence or set of circumstances involving actual or imminent physical or psychological trauma or property damage which demands immediate action.

   g. Emergency work. Any work performed for the purpose of alleviating or resolving an emergency.

   h. Impulsive sound. Sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include

explosions, drop forge impacts, and the discharge of firearms.

i. Motorboat. Any vessel which operates on water and which is propelled by a motor, including, but not limited to, boats, barges, amphibious craft, water ski towing devices and hover craft.

j. Motorcycle. Any motor vehicle having a saddle or seat for the use of the rider and designed to travel on not more than three wheels in contract with the ground. The term shall include, but not be limited to, motorized bicycles and motor scooters.

k. Motor vehicle. Any motor-operated vehicle licensed for use on the public highways, but not including a motorcycle.

l. Noise. Any sound which disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

m. Noise control officer. The person designated by the County having responsibility for the enforcement of any provision of this Ordinance.

n. Noise disturbance. Any sound which endangers or injures the welfare, safety or health of human beings, or disturbs a reasonable person of normal sensitivities, or devalues or injures personal or real property, or as herein-after defined.

o. Noise sensitive activities. Activities which should be conducted under conditions of exceptional quiet including, but not limited to, operation of schools, libraries open to the public, churches, hospitals, and nursing homes.

p. Noise sensitive area. Any area designated for the purpose of ensuring exceptional quiet and clearly posted with "Noise Sensitive Area" signs, because of the noise sensitive activities conducted therein.

q. Person. Any individuals, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, operative, state agency, municipality or other political subdivisions of this State, any interstate body, or any other legal entity.

r. Powered model vehicle. Any self-propelled airborne, waterborne, or landborne model plane, vessel, or vehicle, which is not designed to carry persons, including, but not limited to any model airplane, boat, car or rocket.

s. Public right-of-way. Any street, avenue, boulevard, highway, sidewalk, lane or similar place which is owned or controlled by a governmental entity.

t. Public space. Any real property, including any structure thereon, which is owned or controlled by a governmental entity.

u. Pure tone. Any sound which can be distinctly heard as a single pitch or a set of single pitches.

v. Real property boundary. An imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intra-building real property divisions.

w. Receiving land use. The use or occupancy of the property which receives the transmission of sound as hereinafter defined.

x. Recreational vehicle. Any race car, motorcycle, or any other motorized vehicle equipped for use in racing or other recreational events or uses off of public rights-of-way on public or private property.

y. Residential. Any property on which is located a building or structure used wholly or partially for living or sleeping purposes.

z. Sound. An oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that cause compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

    i. Sound level. The weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network, such as A, B, or C as specified in American National Standards Institute specifications for sound level meters (ANSI S1.41971, or the latest approved revision thereof). If the frequency weighting employed is not indicated, the A-weighting shall apply.

ii. Sound level meter. An instrument which includes a microphone, amplifier, RMS detector, integrator or time average, output or display meter, and weighting networks used to measure sound pressure levels, which complies with American National Standards Institute Standard 1.4-1971 as revised.

iii. Sound pressure. The instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space, as produced by sound energy.

iv. Used or occupied. Either word shall be deemed to include the words "intended, designed, or arranged to be used or occupied."

§24-303 Exceptions:

1. The provisions of this Ordinance shall not apply to:

   a. The emission of sound for the purpose of alerting persons to the existence of an emergency.

   b. The emission of sound in the performance of emergency work.

   c. Agricultural activities, exclusive of those involving the ownership or possession of animals or birds.

   d. Public mass transportation vehicles.

   e. Church or clock carillons, bells, or chimes.

   f. The emission of sound in the discharge of weapons or in fireworks displays for which a permit has been issued.

§24-304 Noise disturbance prohibited.

1. No person shall make, continue, or cause to be made or continued, except as permitted, any noise disturbance, or any noise in excess of the limits for such noise established in this Section.

   a. Maximum permissible sound levels. With the exception of sound levels elsewhere specifically authorized by this Ordinance, Table 1 sets forth the maximum permissible sound levels allowed at or within the real property boundary of a receiving land use. Any activity or use that produces a sound in excess of such noise levels for a receiving land use shall be deemed a "noise disturbance" and is in violation of this Ordinance.

b. Measurement of sound. The measurement of sound or noise shall be made with a sound level meter meeting the standards prescribed by the American National Standards Institute or its successor body. The instrument shall be maintained in calibration and good working order. Octave band corrections may be employed in meeting the response specification. A calibration check shall be made of the system at the time of any noise measurement. Measurements recorded shall be taken so as to provide a proper representation of the noise source. The microphone used during measurement shall be positioned so as not to create any unnatural enhancement or diminution of the measured noise. A windscreen for the microphone shall be used when required. Traffic, aircraft, and other transportation noise sources and other transportation noise sources and other background noises shall not be considered in taking measurements except where such background noise interferes with the primary noise being measured.

The measure of all sound levels shall be made as close to the property line of the receiving land use as is practical. The measure period shall not be less than ten minutes and the sound levels measured shall not exceed the sound levels set forth in Table 1 by more than ten percent of any measurement period.

TABLE 1

Sound Levels by Receiving Land Use

ZONING CATEGORY OF (1) RECEIVING LAND USE	TIME (3)	SOUND LEVEL Limit, dBA(4)
Residential (2)	7 A.M. - 10 P.M.	60
	10 P.M. - 7 A.M.	55
Business	At all times	65
Industrial	At all times	75
Noise Sensitive Area	At all times	55

(1) As set forth in the Zoning Ordinance for Chatham County

(2) Any zoning district containing the letter "R."

(3) Unless otherwise stated in the Ordinance.

(4) For any source of sound which emits a pure tone, the maximum sound level limits set shall be reduced by 5 dBA.

2. The provisions of this Section shall not apply to the operation of the following domestic power tools or equipment between the hours of 7:00 A.M. and 10:00 P.M.:

   a. Electrical power tools.

   b. Motor-powered, muffler equipped lawn, garden, and tree trimming equipment.

§24-305 Specific Activities Prohibited.

1. Emergency signaling devices. No person shall operate or permit the intentional sounding outdoors of any fire, burglar, or civil defense alarm, siren, whistle or similar stationary emergency signaling device, except for emergency purposes or for testing. Such devices shall be equipped with an automatic cut-off terminating the signal fifteen (15) minutes after activation.

2. Sales by "Hawking" or "Barking." No person shall offer for sale or sell anything by shouting or outcry within any residential or business area unless authorized by Chatham County.

3. Loading and unloading. No person shall so load, unload, open, close or handle boxes, crates, containers, building materials, refuse, garbage cans, motor vehicles, or similar objects between the hours of 8:00 P.M. and 7:00 A.M. the following day as to create a noise disturbance across a residential real property boundary or within a noise sensitive area.

4. Vehicle or motorboat repairs and testing. No person shall repair, rebuild, modify, or test any motor vehicle, motorcycle, or motorboat in such a manner as to create a noise disturbance across a residential real property boundary or outdoors within a noise sensitive area.

5. Powered model vehicles. No person shall operate or permit the operation of a powered model vehicles in a public or private space out of doors within 150 feet of a residential or noise sensitive real property boundary or between the hours of 9:00 P.M. and 8:00 A.M. the following day.

6. Musical instruments and similar devices. No person shall operate, play or permit the operation or playing of any drum, musical instrument or similar device which produces sound in such a manner as to create a noise disturbance across a residential real property boundary or within a noise sensitive area, subject to the provision of Section 3 and 6 of this Ordinance.

§24-306 Regulation Of Sound and Sound Amplifying Equipment.

1. Except for activities for which a permit has been issued by the City under this Section, no person shall so operate, play or permit the operation or playing of any radio, television, or phonograph, amplifier, or loud speaker, or similar device so as to:

   a. create a noise disturbance across real property boundary or within a noise sensitive area. Provided, however, bars, taverns, lounges, night clubs, dance halls, game rooms and similar activities which produce a noise that is plainly audible beyond the premises shall be deemed a noise disturbance in violation of this Ordinance.

   b. create a noise which is plainly audible other than to the occupants, when such device is operated in or on a private motor vehicle on a public right-of-way or public space, or in a private boat on public waters;

   c. create a noise which is plainly audible to any person other than the operator of the device, when operated on a common carrier, or public right-of-way or public place or space.

2. Sound equipment permitted. Except as hereafter provided, no person shall use, operate or cause to be used or operated any radio, record player, tape deck or player, loud speaker, amplifier, sound truck or other device for producing, reproducing, or amplifying sounds, hereinafter referred to as "sound equipment", upon the public streets or in any building or upon any premises, public or private, so as to produce a noise disturbance. Provided, however, the following activities were authorized by Chatham County may use sound equipment which produces a sound not to exceed ninety (90) db(A)'s when measured at a distance of fifty (50) feet from such equipment. Where the receiving land is residential such equipment may be used only from 9:00 A.M. to 11:00 P.M.

   a. Public health and safety purposes;

   b. Fairs, carnivals and similar activities;

   c. Parades, processions, excursions and associated festivities;

   d. Outdoor concerts and theatrical performances;

   e. Outdoor neighborhood functions such as lawn and pool parties, street dances and similar activities;

f. Civic and religious celebrations; and,

g. Recreational and athletic activities.

3. Commercial advertising--sound equipment prohibited. No sound equipment shall be permitted to be used on public streets or public places, or in any building or upon any premises if the sound therefrom may be plainly audible from any public street or public place when any such use is for commercial advertising purposes or for the purpose of attracting the attention of the public to any building or structure for monetary gain.

§24-307 Motorized Vehicles.

1. The following provisions shall apply to all motor vehicles requiring registration by the State of Georgia Department of Public Safety:

   a. No person shall operate the engine providing motive power, or an auxiliary engine, of a motor vehicle with a manufacturer's gross vehicle weight rating of one thousand (1,000) pounds or more for a consecutive period longer than twenty (20) minutes while such vehicle is standing and located within one hundred fifty (150) feet of property zoned and used for residential purposes except where such vehicle is standing within a completely enclosed structure. This Section shall not apply to delivery or pickup vehicles that require the operation of the engine to unload or load their vending loads.

   b. No person shall drive or move or cause or knowingly permit to be driven or knowingly permit to be driven or moved a motor vehicle or combination of vehicles at any time in such a manner as to exceed the following noise limits for the category or motor vehicle shown below. Noise shall be measured at a distance of at least twenty-five (25) feet seven point five (7.5 meters) from the near side of the nearest land(s) being monitored and at a height of at least four (4) feet above the immediate surrounding surface.

Sound Pressure Level, dB(A)		
	Speed Limit 35 mph or less	Speed Limit over 35 mph

Motor vehicles with a manufacturers gross vehicle weight rating(GVWR) or gross combination weight rating (GCWR) of one thousand (1,000)pounds or more, or any combination of vehicles towed by such motor vehicle, except those operated by an Interstate Motor Carrier.	81	90
Any other motor vehicle or any combination of vehicles towed by any motor vehicle.	65	76

a. This Section shall apply to the total noise from a vehicle or combination of vehicles and shall not be construed as limiting or precluding the enforcement of any other provisions of this title relating to motor vehicle mufflers for noise control.

b. No person shall operate or cause to be operated any motor vehicle unless the exhaust system of such vehicle is:

i. free from defects which affect sound reduction;

ii. equipped with a muffler or other noise dissipative device; and,

iii. not equipped with any cut-out, by-pass or similar device.

§24-308 Construction.

1. No person shall operate or permit the operation of any tools or equipment in construction, drilling, demolition work, or in preventative maintenance work for public service utilities:

a. Between the hours of 10:00 P.M. and 7:00 A.M., in any manner which creates a noise disturbance across a residential real property boundary or within a noise sensitive area.

b. At any other time, in any manner which creates a noise disturbance across a real property boundary or within a noise sensitive area; for purposes of this subparagraph, a sound level at or across a real property boundary or within a noise sensitive area in excess of seventy-five (75) dBA shall be deemed a noise disturbance.

c. The provisions of this Section shall not apply to:

i. Emergency work or repair work performed by or for governmental entities or public service utilities.

ii. The uses of domestic power tools or equipment as set forth in Section 4(b) of this Ordinance.

§24-309 Animals and Fowl.

Paragraph deleted in its entirety.

§24-310 Variance.

1. Variance permit. A variance permit to cause or create a noise at sound levels which would otherwise be in violation of this Ordinance may be granted by the Chatham County Commissioners upon recommendation of the Zoning Administrator/County Noise Officer that:

   a. Additional time is necessary for the applicant to alter or modify the activity in order to comply with the provisions of this article; or

   b. The activity, operation or noise source will be of a temporary duration and cannot be done in a manner that would comply with the provisions of this article; and,

   c. No reasonable alternative is available to the applicant.

2. Any permit granted pursuant to this Section shall contain thereon all conditions upon which said permit has been granted, including but not limited to the effective date, time of day, location, sound level limit or equipment limitation. Application for such a permit shall be made through the Zoning Officer/Noise Control Officer.

§24-311 Administration, Appeals and Penalties.

1. The Noise Control Officer shall implement, administer, and enforce the provisions of this Ordinance and shall issue orders requiring the abatement of all violations and the revocation of permits issued.

2. Any person aggrieved by a decision or order rendered by the Noise Control Officer, after exhausting all administrative remedies, shall have the right to appeal to the Chatham County Commissioners and after its decision shall have the right to appeal to the Superior Court of Chatham County.

3. Any person in violation of this Ordinance, the offender, upon conviction shall be guilty of a misdemeanor and shall be subject to such penalties as are provided by law for other

misdemeanors. Each and every day a violation continues shall be deemed a separate offense.

§24-312 Conflict With Other Laws. All ordinances or parts of ordinances not specifically in conflict herewith are hereby continued in force and effect, but all such ordinances or parts of ordinances in conflict herewith are hereby repealed.

§24-313 Severability. If any section, clause, provision, or portion of these regulations shall be held to be invalid or unconstitutional by any court of competent jurisdiction, said holding shall not affect any other section, clause, or portion of these regulations which is not itself declared by a court of competent jurisdiction to be invalid or unconstitutional.

§24-314 Effective Date. These regulations shall take effect and be enforced from and after their adoption. (7/10/81)

ARTICLE IV

Transport of Nuclear Waste

§24-401 Notice of Transport. It shall be unlawful to transport radio-active material in any quantity or form within or through the County of Chatham unless, no later than forty-eight (48) hours prior to the commencement of such shipment, notification of shipment has been submitted to the Chief of County Police. Such notification shall include at least the following information:

1. Identification of all radioactive elements contained in said shipment by name, atomic numbers and weight; if said shipment consists of spent reactor fuel or mixed fission products associated with such spent fuel elements, it shall be identified as "SPENT REACTOR FUEL;"

2. Identification of the radioactive level of each element or shipment, in the curies;

3. Identification of the transportation route, date and approximate time of such transport into or out of the County of Chatham;

4. Name, address and telephone number of the person, association, partnership or corporation submitting the notice and his, her or its relationship to the shipment (e.g., consignee, shipper, transporter and the name of the shipper, the name of the carrier, and the name of the person or firm to whom the shipment is being sent.

§24-402 Prohibited Materials. It shall be unlawful to transport within or through the County or Chatham any of the following radioactive materials:

1. Plutonium isotopes in any quantity and form exceeding two grams or 20 curies, whichever is less;

2. Uranium enriched in the isotope U-235 exceeding 25 atomic percent of the total uranium content in quantities where the U-235 content exceeds one (1) kilogram;

3. Any of the actinides (i.e., elements with atomic number 89 or greater) the activity of which exceeds 20 curies;

4. Spent reactor fuel elements or mixed fission products associated with such spend fuel elements the activity of which exceeds 20 curies; or,

5. Any quantity of radioactive material specified as a "Large Quantity" by the Nuclear Regulatory Commission in 10 CFR Part 71, entitled "Packaging of Radioactive Material for Transport."

§24-403 Exempt Materials. For the purpose of this Ordinance, the term "radioactive material" shall not include:

1. Radiation sources defined by the Department of Transportation in 49 CFR Section 173.391, as being a "limited quantity;"

2. Radiation sources used in radiography and other non-destructive testing procedures, when used by persons or firms duly licensed by the State of Georgia.

3. Radiation sources shipped by or for the United States government for military or national defense purposes;

4. Teletherapy sources or radioactive materials employed in therapeutic radiology, in biomedical research or in educational endeavors, or medical devices designed for individual application (e.g., cardiac pacemakers) containing plutonium-238, promethium-147 or other radioactive material.

§24-404 Atomic Energy Act. Nothing in this Ordinance shall be construed to require the disclosure of any defense information or restricted data as defined in the Atomic Energy Act of 1954 and the Energy Reorganization Act of 1974, as amended.

§24-405 United States Government Exemptions. This Ordinance shall not apply to radioactive material shipped by or for the United States government for national security, military purposes or national defense purposes.

§24-406 Effective Date. This Ordinance shall become effective on June 24, 1983. (7/24/83)

ARTICLE V

Lake Pollution

§24-501 Gasoline Motors in Lake Mayer; Prohibited. It shall be unlawful for any person, association or corporation to operate any gasoline motor propelled machinery on Lake Mayer, including, but not limited to, boats, barges, amphibious craft, water ski towing devices and hover craft.

§24-502 Penalty. The penalty for violation of this Ordinance shall be a fine not to exceed one hundred dollars ($100), or service of not more than thirty (30) days in jail, either or both, or any part of either or both at the discretion of the Court.

§24-503 Repeal. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

§24-504 Effective Date. This Ordinance shall be effective on the 28th day of May, 1982. (5/28/82)

ARTICLE VI

Industrial Wastewaters

Note: On November 16, 2001, Chapter 15, Article I, the "Combined Sewer Disposal and Industrial Wastewaters Ordinance" was adopted. This article was amended and incorporated into Chapter 15, Article I.

ARTICLE VII

Storm Water Management Ordinance

§24-701 Statutory Authorization. The authority of this chapter is based on home rule provisions of the Georgia Constitution, Article IX, Section II, Chapter 2-49 This ordinance shall be known as the Storm water Management Ordinance, Chatham County. Adoption of this ordinance supercedes any previous ordinances.

§24-702 Findings.

1. Uncontrolled storm water drainage/discharge may have a significant, adverse impact on the health, safety, the welfare of Chatham County, and the quality of life of its citizens. More specifically, surface water runoff can carry pollutants and nutrients into receiving water.

2. 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.

3. Altered land surfaces can change the rate and volume of runoff.

4. Many future problems can be avoided through proper storm water management.

5. Every parcel of real property, both public and private, either uses or benefits from the maintenance of the municipal/county separate storm sewer system.

6. Current and anticipated growth will contribute to and increase the need for improvement and maintenance of the municipal/county separate storm sewer system.

7. Encroachment such as structures and fill on flood hazard areas, reduces the flood carrying capacity, increases the flood heights and velocities, and increases flood hazards in areas beyond the encroachment itself.

8. 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.

§24-703 Objectives. The objectives of this ordinance include the following:

1. Protect, maintain, and enhance the short-term and long-term public health, safety, and general welfare. This objective will be achieved by providing for regulation and management of municipal/county separate storm sewer system, including public (and private) facilities in Chatham County's service area.

2. Comply with Georgia Department of Natural Resources (DNR) and Federal Environmental Protection Agency (EPA) storm water regulations developed pursuant to the Clean Water Act. These requirements include:

   a. Control the contribution of pollutants to the municipal/county separate storm sewer system by storm water discharge associated with commercial and industrial activity and the quality of storm water discharged from sites of commercial and industrial activity;

   b. Control the contribution of pollutants to the county separate storm sewer system by storm water discharge associated with development and redevelopment activities;

   c. Prohibit illicit connections to municipal/county separate storm sewers;

   d. Control discharge to municipal/county separate storm sewers of spills, dumping or disposal of materials other than storm water; and,

   e. Control, through intergovernmental agreements, contributions of pollutants from one municipal/ county system to another.

3. Establish minimum requirements and procedures to regulate the adverse effects of increased storm water runoff and development in flood hazard areas.

§24-704 Definitions. For the purposes of this ordinance, 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 ordinance 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.

Unless otherwise specified, or it is apparent from the context, definitions herein will be the same as those in other Chatham County codes.

For purposes of this ordinance, the following terms, phrases and words, and their derivatives, shall have the meaning given herein:

1. Accidental Discharge shall be defined as a discharge prohibited by this ordinance into the municipal/county separate storm sewer system which occurs without planning or consideration prior to occurrence. Accidental discharge shall not include a discharge caused by negligence.

2. Appeal Authority shall mean the Chatham County Board of Commissioners, one of whose purpose is to review appeals to this ordinance and render decisions and variances.

3. Base flood elevation shall mean the minimum expected water surface elevation identified by the Federal Emergency Management Agency or as determined by the Director.

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

5. Chatham County shall mean Unincorporated Chatham County.

6. Clean Water Act shall mean the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.)

7. Conveyance shall mean storm water features designed for the movement of storm water through the drainage system, such as concrete or metal pipes, ditches, depressions, swales, etc.

8. Department shall mean the Chatham County Department of Engineering which is responsible for all storm water management activities and implementation of the provisions of this ordinance.

9. Development Activity shall mean any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, dredging, clearing, grubbing, scraping, grading, filling, paving, excavation or other activities disturbing the soil or vegetation.

10. Director shall mean either the County Engineer or any of that person’s duly authorized representatives.

11. Discharge shall mean the release of treated or untreated water from the site.

12. Easement shall mean an acquired legal right for the specific use of land owned by others.

13. Extended Detention shall mean the storage and release of the 1-year, 24-hour storm runoff over a 24-hour period.

14. Flood Hazard Area shall mean those delineated geographical areas of special flood hazard identified by the Federal Emergency Management Agency or other areas as determined by the Director.

15. Hot Spot shall mean a land use or activity on a site that produces higher concentrations of trace metals, hydrocarbons or other priority pollutants than are normally found in urban storm water runoff. Examples include, but are not limited to, gas stations, vehicle service and maintenance areas, salvage yards, material storage sites, garbage transfer facilities, and commercial parking lots with high-intensity use.

16. Illicit Connection shall mean a connection to a municipal/ county separate storm sewer system which results in discharge that is not composed entirely of storm water runoff except discharges pursuant to a National Pollutant Discharge Elimination System (NPDES) permit (other than the NPDES permit for discharges from the municipal/county separate storm sewer system).

17. Maintenance shall mean any action necessary to preserve storm water management facilities in proper working condition, in order to serve the intended purposes set forth in this ordinance or to prevent structural failure of such facilities.

18. Manual shall mean the latest edition of the Georgia Storm Water Management Manual.

19. Municipal/County Separate Storm Sewer System (MS4) shall mean a conveyance or system of conveyances (including roads with drainage systems, highways, rights-of-ways, municipal/county streets, catch basins, curbs, gutters, ditches, man-made channels, storm drains, detention ponds, other storm water facilities) which is:

    a. Owned or operated by Chatham County;

    b. Designed or used for collecting or conveying storm water;

    c. Not a combined sewer; and

    d. Not part of a Publicly Owned Treatment Works (POTW).

20. NPDES shall mean the National Pollutant Discharge Elimination System permit granted by the Georgia Department of Natural Resources.

21. Open tidal waters shall mean natural bodies of water influenced by daily tide fluctuations that have no downstream man-made flow restrictions.

22. Person shall mean any and all persons, natural or artificial and includes any individual, firm, corporation, government agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity.

23. Pollution shall mean 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 of discharge or 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.

24. Post-developed conditions shall mean the conditions following the completion of the land development activity in terms of topography, vegetation, land use, and quality, rate, volume, and direction of storm water runoff.

25. Pre-developed conditions shall mean those land use conditions that exist prior to the initiation of the proposed land development activity in terms of topography, vegetation, land use, and quality, rate, volume, and direction of storm water runoff.

26. Private shall mean property or facility owned by individuals, corporations, and other organizations and not by city, county, state, or federal government.

27. Procedure shall mean a procedure adopted by the Department, by and through the Director, to implement a regulation adopted under this ordinance, or to carry out other responsibilities as may be required by other codes, ordinances or resolutions of Chatham County or other agencies.

28. Record Drawings shall mean a set of engineering site drawings that delineate the permitted storm water management facility as actually constructed and are prepared in accordance with

the standards specified in the Chatham County Engineering Policy.

29. Regulation shall mean any regulation, rule or requirement adopted by Chatham County pursuant to the requirements of this ordinance.

30. Sanitary Sewer System shall mean the complete sanitary sewer system of Unincorporated Chatham 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, but shall exclude any portion or facilities of the sewage treatment plant.

31. Site shall mean any lot, plot, parcel or tract of land.

32. Storm Water shall mean storm water runoff, snow melt runoff, and surface runoff.

33. Storm Water Management shall mean the prevention and mitigation of storm water quantity and quality impacts.

34. Storm Water Management Facilities shall mean 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, canals, wetlands, culverts, street gutters, storm water ponds, flood hazard areas, constructed wetlands, infiltration devices, catch basins, oil/water separators, sediment basins, natural and modular pavement.

35. Storm Water Runoff shall mean the flow of water that results from precipitation.

36. Variance shall mean the modification of the minimum storm water management requirements of specific circumstances where strict adherence of the requirements would result in unnecessary hardship and not fulfill the intent of this ordinance.

37. Water Quality shall mean those characteristics of storm water runoff that relate to the physical, chemical, biological or radiological integrity of water.

38. Water Quantity shall mean those characteristics of storm water runoff that relate to the rate and volume of the storm water runoff.

39. Watershed shall mean the drainage area contributing storm water runoff to a single point in the storm water system.

§24-705 Scope of Responsibility.

1. The provisions of this ordinance shall apply throughout Chatham County and to drainage systems maintained by intergovernmental agreement between Chatham County and municipal jurisdictions.

2. The Director or designee shall be responsible for the coordination and enforcement of the provisions of this ordinance.

3. The Department shall be responsible for the conservation, management, extension and improvement of the MS4, including activities necessary to control storm water runoff and activities necessary to carry out storm water management programs included in Chatham County's NPDES storm water permit.

4. The application of this ordinance 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 local requirements authorized by State statute. Other storm water project improvements, as defined under Georgia Law, may be required.

§24-706 Powers of the Department.

1. The Department shall have the power to administer and enforce all regulations and procedures adopted to implement this ordinance, including the right to maintain an action or procedure in any court of competent jurisdiction to compel compliance with or restrain any violation of this ordinance.

2. The Department can:

   a. Administer, coordinate and oversee acquisition, design, and construction of municipal/county storm water facilities;

   b. Establish or oversee establishment of development standards and guidelines for controlling storm water runoff;

   c. Determine the manner in which storm water facilities should be operated;

   d. Inspect private storm water management facilities;

   e. Advise the Board of Commissioners of Chatham County, other Chatham County Departments and other local governments on issues related to storm water;

f. Protect facilities and properties controlled by the Department and prescribe how they are used by others;

g. Require new, increased, or modified storm water contributions to comply with the terms of this ordinance;

h. Develop programs and procedures to control the discharge of pollutants into the MS4; and,

i. Adopt and implement the storm water management program for Chatham County.

§24-706.1 Issuance of notice of violation. (Adopted July 8, 2022)

1. Notice of violation.

a. Notice of violation. Whenever the County Engineer determines that development activity or inactivity on a property does not comply with the approved development and construction plans, or that any other activities violate the provisions of this article, the County Engineer shall issue a notice of violation in accordance with Sec. 24-711 Administrative Enforcement; Remediation Plan. Whenever the County Engineer determines that there has been a violation of the Storm Water Management Ordinance, the County Engineer shall issue a notice of violation, a court summons, or a citation. The provisions of this section shall be in addition to any other penalty provisions applicable to this article. The notice of violation, of the provisions of this article or of any rule or regulation adopted pursuant hereto shall be addressed to the owner of the property or the owner's agent and to the person, tenant, firm, corporation, property owner or property owner's agent found to be violating the provisions of this article and shall:

(1) Be in writing;

(2) Include a description of the property sufficient for identification of where the violation has occurred;

(3) List the specific provisions of this article which have been violated;

(4) List the required corrective actions to be implemented within a given time frame;

(5) State that, if these repairs, construction or alterations are not completed within a reasonable time period specified by the inspector, summons or citation shall be issued for the person, firm, corporation, owner, or

owner's agent to appear in court of competent jurisdiction.

(6) Should the County Engineer, find that the violation is willful, in wanton disregard of the provisions of this article or constitutes an immediate public health and safety hazard or endangers the ecosystem, the County Engineer may issue a court summons or citation in lieu of a notice of violation.

§24-707 Storm Water Management Plans (SWMP).

1. All development activity that is required to have a permit for land disturbing under the provisions of the Land Disturbing Activities Ordinance, Flood Damage Prevention Ordinance, or Soil Erosion and Sedimentation Control Ordinance shall have an approved Storm water Management Plan (SWMP). A SWMP shall be valid for one year from date of acceptance. The minimum design requirements for the SWMP shall include the following:

   a. Use of Better Site Design Practices for Storm Water Management. Site designs should preserve the natural drainage and treatment systems and reduce the generation of additional storm water runoff and pollutants. All site designs shall implement a combination of approaches collectively known as storm water better site design practices, as described in Volume 2 of the Manual, to the fullest practical extent. Such practices include conservation of natural features, use of lower impact site design techniques, reduction of impervious cover, utilization of natural features for storm water management.

   b. Storm Water Runoff Quality. All storm water runoff generated from a site shall be adequately treated before discharge. Storm water management systems (which can include both structural storm water controls and better site design practices) must be designed to remove 80% of the calculated average annual post-development total suspended solids (TSS) load and be able to meet any other additional watershed- or site-specific water quality requirements. A storm water management system complies with this performance standard if:

      i. It is sized to capture and treat the prescribed water quality treatment volume, which is defined as the storm water runoff volume resulting from the first 1.2 inches of rainfall from a site;

      ii. Appropriate structural storm water controls are selected, designed, constructed, and maintained

according to the specified criteria in the Manual; and

iii. Runoff from hotspot land uses and activities is adequately treated and addressed through the use of appropriate structural storm water controls and pollution prevention practices.

c. Stream Channel Protection.

i. Stream channel protection shall be provided to both downstream and on-site channels by using all of the following three approaches:
(1) 24-hour extended detention storage of the 1-year, 24-hour return frequency storm event;
(2) erosion prevention measures such as energy dissipation and velocity control; and
(3) preservation of the applicable stream buffer.

ii. This requirement may be waived by the Director for sites that discharge directly into piped storm water drainage systems, larger streams, rivers, wetlands, or tidal waters where the reduction in flows will not have an impact on channel integrity

d. Overbank Flood Protection.

i. Downstream overbank flood protection shall be provided by controlling the post-development peak discharge rate to the pre-development rate for the 2-year through the 50-year, 24-hour return frequency storm event.

ii. This requirement does not apply provided the following:

(1) The development directly discharges into open tidal waters, or;

(2) Provisions are made to provide a conveyance system with adequate capacity to carry storm water flows to open tidal waters.

e. Extreme Flood Protection. Extreme flood protection shall be provided by controlling and/or safely conveying the 100-year, 24-hour return frequency storm event such that there is no increase in flood elevations, either upstream or downstream.

f. Hydrologic Analysis. A hydrologic analysis, both upstream and downstream, shall be performed to determine the following:

i. Adequate capacity of the receiving system; and

ii. Whether there are any additional impacts in terms of peak flow increase or water elevations while meeting Minimum Standards (a) through (e), above

iii. This analysis shall be performed at the outlet(s) of the site, and downstream at each tributary junction to the point(s) in the conveyance system where the area of the portion of the site draining into the system is less than or equal to 10% of the total drainage area above that point or to a point identified by the Director.

g. Groundwater Recharge. Annual groundwater recharge rates shall be maintained to the fullest practical extent through the use of nonstructural methods as described in Volume 2, Section 1.4 of the Manual.

i. The annual recharge from the post-development site shall approximate the annual recharge from the pre-development, based on soil types.

ii. Storm water runoff from a hotspot site or land use shall not be infiltrated without effective pretreatment.

h. Storm Water Management System Operation and Maintenance. The storm water management system, including all structural storm water controls and conveyances, shall have an operation and maintenance plan to ensure that it continues to function as designed. The operation and maintenance plan must provide:

i. A clear assignment of storm water system inspection, maintenance, and financial responsibilities;

ii. The routine and non-routine maintenance tasks to be undertaken;

iii. A schedule for inspection and maintenance. All records of inspection and maintenance must be maintained for each control for a period of three (3) years. These records must be available for review by the Department at all times. Failure to maintain the records will be a violation of this Ordinance; and

iv. Any necessary legally binding maintenance agreements. If the development or redevelopment includes a subdivision, there must be clear and

concise note(s) referring to the operation and maintenance plan on the plat. All agreements and plats must clearly specify that all property owners within the subdivision are responsible.

v. Estimated annual inspection, maintenance, and operating costs.

vi. If at any time the Director determines that the plan is not effective, then the Director may require changes as necessary to guarantee adequate operation of the storm water management system.

2. Drainage structures internal to the proposed land development activity will be designed for no less than the 10 year, 24 hour storm event.

3. The SWMP shall include a Hydrologic/Hydraulic Report prepared and certified by a Registered Professional Engineer licensed to practice Engineering in the State of Georgia. The report shall be prepared in accordance with the minimum standards of the Chatham County Engineering Policy using methodology provided in the Manual.

4. A Land Disturbing Activities Grading or Development Permit cannot be issued until the provisions of this ordinance have been met.

5. Record Drawings of the Storm Water Management Facilities by a registered professional engineer are required prior to issuance of a certificate for occupancy from the County. Record Drawings shall be prepared in accordance with Chatham County's Engineering Policy.

6. For development of a project in phases, a storm water master plan is required to indicate how the requirements of this ordinance will be met. This does not preclude the requirement of a SWMP for each phase as it is being developed. The master plan of multi-phased developments shall consolidate storm water management facilities to as much as practical.

§24-708 Prohibition.

1. It shall be unlawful to dump, deposit, or otherwise cause any trash, landscape debris, or other material to be placed in any stream, channel, ditch, or any portion of the storm water management facilities.

2. The Director may exempt the following from the prohibition provision above.

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

b. Unpolluted pumped ground water.

c. Discharge from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, flows from riparian habitats and wetlands, and street wash water.

d. Discharge or flows for firefighting.

e. Other unpolluted water.

3. In the event of an accidental discharge or an unavoidable loss to the MS4 of any material or substance other than storm water runoff, the person concerned shall inform the Department and all other impacted entities immediately but no longer than two (2) hours of the nature, quantity and time of occurrence of the discharge. The person concerned shall take immediate steps to contain, treat, or take other actions to minimize effects of the discharge on the MS4 and receiving streams. The person shall also take immediate steps to ensure no recurrence of the discharge.

4. It shall be unlawful for any person to maliciously, willfully, or negligently break, damage, destroy, uncover, deface, modify, or tamper with any storm water structure, appurtenance, or equipment.

5. It shall be unlawful, without prior written authorization of the Director, to alter in any way any part of the storm water system including, but not limited to, rerouting, removing, deepening, widening, enlarging, filling or obstructing any part of the storm water system including fencing over or across lands encumbered by drainage easements and rights-of-way which render the system unaccessible to equipment necessary to perform maintenance and repairs.

6. It shall be unlawful to enter Chatham County drainage rights-of-way without first obtaining approval from the Director of Public Works and Park Services in accordance with Chatham County's Right-of-Way Encroachment Ordinance.

§24-709 Illicit Connections.

1. It is unlawful for any person, company, corporation, etc., 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 §24-708.2 above, to the MS4.

2. Improper connections in violation of this code must be disconnected and redirected, if necessary, to the nearest sanitary sewer system upon approval by the Director.

§24-710 Maintenance and Inspection.

1. Any storm water management facility or BMP which services a single residential lot, commercial development, or industrial development shall be privately owned and maintained by the property owner. In no case can alterations be made to the storm water management facilities that may impact perpetual access for maintenance.

2. The Director may require dedication of privately owned storm water facilities which discharge to the MS4.

3. The Director shall determine inspection schedules necessary to enforce the provisions of this ordinance.

4. The Director or his/her designee, bearing proper credentials and identification, shall be permitted to enter, in accordance with state and federal law, all properties for regular inspections, periodic investigations, observation, measurement, enforcement, sampling and testing, in accordance with provisions of this ordinance. The Director or his/her designee shall duly notify the owner of said property or the representative on site, except in the case of an emergency.

5. The Director or his/her designee, bearing proper credentials and identification, shall be permitted to enter, in accordance with state and federal law, all properties for which the Chatham County holds a negotiated easement for inspection, repairs, maintenance and other purposes related to any portion of the storm water management facilities lying within said easement.

6. Measurements, tests and analyses performed by the Department or required of any discharger to the MS4 shall be in accordance with 40 CFR Part 136, unless another method is approved by the Director.

7. after inspection, the condition of a private storm water management facility presents an immediate danger to the public health or because of unsafe conditions or improper maintenance, the Director shall have the right to take action as may be necessary to protect the public and make the storm water management facility safe at the expense of the owner of the storm water management facility.

8. If, after inspection, the condition of the private storm water management facility results in a violation of this ordinance, the owner and of the storm water management facility will be notified of the violation.

§24-711 Administrative Enforcement; Remediation Plan.

1. Whenever the Director finds that any person has violated or is violating this ordinance, the Director shall serve upon such person a written notice stating the nature of the violation, notice to cease all activities in violation of this ordinance, and the potential penalty involved.

2. Upon receipt of Notice of Violation, the person shall submit a remediation plan and a remediation schedule to the Director within five (5) business days. The remediation plan shall include immediate correction where requested, otherwise, all corrective and preventive measures shall be completed within thirty (30) days of the initial notice of violation.

§24-712 Appeals.

1. 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 ordinance) may appeal same by filing a written notice of appeal with the Director within five (5) days of the issuance of said decision by the Director. A notice of appeal shall state specific reasons.

2. The Director shall prepare and send to the Chatham County Board of Commissioners and appellant a written response to said notice of appeal within ten (10) days of the receipt of the notice of appeal.

3. All appeals shall be heard by the Chatham County Board of Commissioners in accord with its bylaws. The hearing shall be held within thirty (30) days after the receipt of notice of appeal or a date mutually agreed upon in writing by the appellant and the chairperson of the Chatham County Board of Commissioners. The Chatham County Board of Commissioners shall then make its findings within ten (10) days of the appeal hearing.

4. If the appellant is dissatisfied with the Chatham County Board of Commissioners decision, he or she can appeal said decision to the Superior Court.

§24-713 Penalties.

1. Any person who is found by the Director to have willingly and negligently failed to comply with any provision of this

ordinance, and the orders, rules, and regulations, issued hereunder, shall be subject to a financial penalty or imprisonment or both. Each day in which a violation occurs shall be deemed a separate and distinct offense. Financial penalty shall be five hundred ($500) dollars per day.

2. In addition, any person who does willingly and negligently fail to comply with any provisions of this ordinance shall be subject to a civil penalty initiated by the Chairman of the Chatham County Board of Commissioners seeking monetary penalties for damages caused to publicly owned storm water facilities.

3. The civil penalty shall be assessed in the following manner:

   a. the Director may issue an assessment against any person or permittee responsible for the violation;

   b. any person against whom an assessment has been issued may secure a review of such assessment by filing with the Director written petition setting forth the grounds and reasons for his objections and asking for a hearing in the matter involved;

   c. Whenever any assessment has become final because of a person's failure to appeal the Director's assessment, the Chairman of the Commissioners may apply to the appropriate court for a judgement and seek execution of such judgement and the court, in such proceedings, shall treat a failure to appeal such assessment as a confession of judgement in the amount of the assessment;

   d. In assessing the civil penalty the Director may consider the following factor:

      i. damages to the County, including compensation for the damage or destruction to the MS4, and also including any penalties, costs, and attorney fees incurred by the County as the result of the illegal activity, as well as the cause of the discharge or violation;
      ii. the severity of the discharge and its effects upon the MS4 and upon the quality and quantity of the receiving waters;
      iii. effectiveness of action taken by the violator to cease the violation;
      iv. the technical and economic reasonableness of reducing or eliminating the discharge; and
      v. the economic benefit gained by the violator.

§24-714 Variances from Requirements.

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

2. The Director may grant a variance from requirements of this ordinance if the proposed development activity:

   a. will not increase the rate, volume, or concentration of runoff to the existing downstream storm sewer system;

   b. will not impact base flood elevation upstream and/or downstream;

   c. will not have a negative impact on any wetland, watercourse, or water body; and

   d. will not contribute to degradation of water quality.

3. 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.

4. The Director will conduct a review of the request for a variance within ten (10) working days of receiving the request.

§24-715 Cooperation with Other Governments. Chatham County may enter into agreements with other local governments to carry out the purpose of this ordinance. These agreements may include, but are not limited to, cooperative monitoring of water quality and cooperative management and inspection of storm water system and management programs.

§24-716 Effective Date.

1. The ordinance shall take effect after adoption by the Board of Commissioners of Chatham County and be in force on July 20, 2007.

2. All future phases of development that have had a Master Plan approved by both the Director and the Savannah/Chatham County Metropolitan Planning Commission prior to the adoption date shall be exempt from the provisions of this revised ordinance, unless the Director determines that the result of the exemption will adversely affect public safety and welfare.

3. Furthermore, those developments that submit complete Land Disturbing Activities Ordinance grading and/or development permit application to the Director by July 27, 2007, shall be exempt from the provisions of this revised ordinance, unless the Director determines that the result of the exemption will adversely affect public safety and welfare. Incomplete applications shall mean those that do not include all the required fees and information required by the Land Disturbing Activities Ordinance and Engineering Policy for that type permit. In the event that the permittee has not begun the permitted work within twelve months, the permit shall lapse and a new permit must be obtained before work can begin. Once work is begun under a valid permit, the permittee may continue the permitted work until the work is completed. Any permit will automatically lapse after twelve months of inactivity, unless the developer obtained an extension from the Director. Lapsed permits shall no longer be exempt from the provisions of this ordinance.

§24-717 Severability. If any term, requirement or provision of this ordinance or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this ordinance 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 ordinance shall be valid and be enforced to the fullest extent permitted by law. (Amended July 20, 2007.)

ARTICLE VIII

Soil Erosion and Sedimentation Control Ordinance

§24-801 Title. This ordinance will be known as "Chatham County Soil Erosion and Sedimentation Control Ordinance."

§24-802 Definitions. The following definitions shall apply in the interpretation and enforcement of this ordinance, unless otherwise specifically stated.

1. Best Management Practices (BMPs): These include sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the "Manual for Erosion and Sediment Control in Georgia" published by the Commission as of January 1 of the year in which the land-disturbing activity was permitted.

2. Board: The Board of Natural Resources.

3. Buffer: The area of land immediately adjacent to the banks of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.

4. Certified Personnel: A person who has successfully completed the appropriate certification course approved by the Georgia Soil and Water Conservation Commission.
5. Commission: The State Soil & Water Conservation Commission.

6. 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.

7. Department: The Georgia Department of Natural Resources (DNR).

8. Design Professional: A professional licensed by the State of Georgia in the field of: engineering, architecture, landscape architecture, forestry, geology, or land surveying; or a person that is a Certified Professional in Erosion and Sediment Control (CPESC) with a current certification by Certified Professional in Erosion and Sediment Control Inc.

9. Director: The Director of the Environmental Protection Division of the Department of Natural Resources or an authorized representative.

10. District: The Coastal Soil and Water Conservation District.

11. Division: The Environmental Protection Division of the Department of Natural Resources.

12. Drainage Structure: A device composed of a virtually nonerodible material such as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for storm-water management, drainage control, or flood purposes.

13. Ephemeral Stream: a stream that under normal circumstances has water flowing only during and for a short duration after precipitation events, that has the channel located above the groundwater table year round, for which groundwater is not a source of water and for which runoff from precipitation is the primary source of water flow. (Amended December 2, 2016)

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

15. Erosion, Sedimentation and Pollution Control Plan: A plan required by the Erosion and Sedimentation Act, O.C.G.A. Chapter 12-7, that includes, as a minimum protections at least as stringent as the State General Permit, best management practices, and requirements in section §24-804(3) of this ordinance.

16. Ground Elevation: The original elevation of the ground surface prior to cutting and filling.

17. Fill: A portion of land surface to which soil or other solid material has been added; the depth above the original ground surface or an excavation.

18. Final Stabilization: All soil disturbing activities at the site have been completed, and that for unpaved areas and areas not covered by permanent structures and areas located outside the waste disposal limits of a landfill cell that has been certified by EPD for waste disposal, 100% of the soil surface is uniformly covered in permanent vegetation with a density of 70% or greater, or equivalent permanent stabilization measures (such as the use of rip rap, gabions, permanent mulches or geotextiles) have been used. Permanent vegetation shall consist of: planted trees, shrubs, perennial vines; a crop of perennial vegetation appropriate for the time of year and region; or a crop of annual vegetation and a seeding of target crop perennials appropriate for the region. Final stabilization applies to each phase of construction.

19. Finished Grade: The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

20. Grading: Altering the shape of ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.

21. Ground Elevation: The original elevation of the ground surface prior to cutting or filling.

22. Land-Disturbing Activity: Any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land but not including agricultural practices as described in §24-803(1)(e).

23. Larger Common Plan of Development or Sale: A contiguous area where multiple separate and distinct construction activities are occurring under one plan of development or sale. For the purposes of this paragraph, "plan" means an announcement; piece of documentation such as a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, or computer design; or physical demarcation such as boundary signs, lot stakes, or surveyor markings, indicating that construction activities may occur on a specific plot.

24. Local Issuing Authority: The governing authority of any county or municipality which is certified pursuant to subsection (a) O.C.G.A. 12-7-8.

25. Metropolitan River Protection Act (MRPA): A state law referenced as O.C.G.A. 12-5-440 et.seq., which addresses environmental and developmental matters in certain metropolitan river corridors and their drainage basins.

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

27. 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 colloidally dispersed particles are present.

28. NOI: A Notice of Intent form provided by the EPD for coverage under the State General Permit.

29. NOT: A Notice of Termination form provided by the EPD to terminate coverage under the State General Permit.

30. Operator: The party or parties that have: (A) operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; or (B) day-to-day operational control of those activities that are necessary to ensure compliance with a storm-water pollution prevention plan for the site or other permit conditions, such as a person authorized to direct workers at a site to carry out activities required by the storm-water pollution prevention plan or to comply with other permit conditions.

31. Outfall: The location where storm water in a discernible, confined and discrete conveyance, leaves a facility or site or, if there is a receiving water on site, becomes a point source discharging into that receiving water.

32. Permit: The authorization necessary to conduct a land-disturbing activity under the provisions of this ordinance. This includes land-disturbing activity permits for clearing, grading, or development.

33. 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.

34. Phase or Phased: Sub-parts or segments of construction projects where the sub-part or segment is constructed and stabilized prior to completing construction activities on the entire construction site.

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

36. Properly Designed: Designed in accordance with the design requirements and specifications contained in the "Manual for Erosion and Sediment Control in Georgia" (Manual) published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted and amendments to the Manual as approved by the Commission up until the date of NOI submittal.

37. Roadway Drainage Structure: A device such as a bridge, culvert, or ditch, composed of a virtually nonerodible material such as concrete, steel, plastic, or other such material that conveys water under a roadway by intercepting the flow on one side of a traveled way consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

38. 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.

39. Sedimentation: The process by which eroded material is transported and deposited by the action of water, wind, ice or gravity.

40. Soil and Water Conservation District Approved Plan: An erosion, sedimentation and pollution control plan approved in writing by the Coastal Soil and Water Conservation District.

41. Stabilization: The process of establishing an enduring soil cover of vegetation by the installation of temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.

42. State General Permit: The National Pollutant Discharge Elimination System general permit or permits for storm-water runoff from construction activities as is now in effect or as may be amended or reissued in the future pursuant to the state's authority to implement the same through federal delegation under the Federal Water Pollution Control Act, as amended, 33 U.S.C. Section 1251, et seq., and subsection (f) of Code Section 12-5-30.

43. State Waters: Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the State which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.

44. Structural Erosion and Sedimentation Control Practices: Practices for the stabilization of erodible or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sediment control practices are rip-rap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures, sediment traps and land grading, etc. Such practices can be found in the publication Manual for Erosion and Sediment Control in Georgia.

45. Vegetative Erosion and Sedimentation Control Measures: Measures for the stabilization of erodible or sediment-producing area by covering the soil with:

a. Permanent seeding, sprigging or planting, producing long-term vegetative cover; or
b. Temporary seeding, producing short-term vegetative cover; or
c. Sodding, covering areas with a turf of perennial sod-forming grass. Such measures can be found in the publication Manual for Erosion and Sediment Control in Georgia.

46. Watercourse: Any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or flood water.

47. Wetlands: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

§24-803 Exemptions

1. This ordinance shall apply to any land-disturbing activity undertaken by any person on any land except for the following:

a. Surface mining, as the same is defined in O.C.G.A. 12-4-72 "Mineral Resources and Caves Act";

b. Granite quarrying and land clearing for such quarrying;

c. Such minor land-disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, fences and other related activities which result in minor soil erosion;

d. The construction of single-family residences, when such construction disturbs less than one acre and is not a part of a larger common plan of development or sale with a planned disturbance of equal to or greater than one acre and not otherwise exempted under this paragraph; provided, however, that construction of any such residence shall conform to the minimum requirements as set forth in §24-804 of this ordinance and this paragraph. The minimum requirements of §24-804 of this ordinance and the buffer zones provided by this section shall be enforced by Chatham County.

e. Agricultural operations as defined in O.C.G.A. 1-3-3, "definitions", to include raising, harvesting or storing of products of the field or orchard; feeding, breeding or managing livestock or poultry; producing or storing feed for use in the production of livestock, including but not limited to cattle, calves, swine, hogs, goats, sheep, and rabbits or for use in the production of poultry, including but not limited to chickens, hens and turkeys; producing plants, trees, fowl, or animals; the production of aqua culture, horticultural, dairy, livestock, poultry, eggs and apiarian products; farm buildings and farm ponds.

f. Forestry land management practices, including harvesting; provided however that when such exemption for forestry practices is claimed no other land disturbing activities, except for normal forest management practices, shall be allowed on the entire property upon which the forestry practices were conducted for a period of three years after completion of such forestry practices.

g. Any project carried out under the technical supervision of the Natural Resources Conservation Service of the United States Department of Agriculture;

h. Any project involving less than one acre of disturbed land; provided, however, that this exemption shall not apply to any land-disturbing activity within a larger common plan of development or sale with a planned disturbance of equal to or greater than one acre or within 200 feet of the bank of any state waters, and for purposes of this paragraph, "State Waters" excludes channels and drainage ways which have water in them only during and immediately after rainfall events and intermittent streams which do not have water in them year-round; provided, however, that any person responsible for a project which involves less than one acre, which involves land-disturbing activity, and which is within 200 feet of any such excluded channel or drainage way, must prevent sediment from moving beyond the boundaries of the property on which such project is located and provided, further, that nothing contained herein shall prevent Chatham County from regulating any such project which is not specifically exempted by paragraphs a. thru i. of this section;

i. Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the Department of Transportation, the Georgia Highway Authority, or the Georgia Tollway Authority; or any road construction or maintenance project, or both, undertaken

by any county or municipality; provided, however, that construction or maintenance projects of Department of Transportation or State Tollway Authority which disturb one or more contiguous acres of land shall be subject to provisions of Code Section 12-7-7.1; and; except where the Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case a copy of a notice of intent under the state general permit shall be submitted to Chatham County, Chatham County shall enforce compliance with the minimum requirements set forth in O.C.G.A. 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders;

j. Any land-disturbing activities conducted by any electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power; except where an electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case Chatham County shall enforce compliance with the minimum requirements set forth in O.C.G.A 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders; and

k. Any public water system reservoir.

§24-804 Minimum Requirements for Erosion and Sedimentation Control Using Best Management Practices

1. General Provisions. Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities if requirements of the ordinance and the NPDES General Permit are not met. Therefore, plans for those land-disturbing activities which are not excluded by this ordinance shall contain provisions for application of soil erosion,

sedimentation and pollution control measures and practices. The provisions shall be incorporated into the erosion, sedimentation and pollution control plans. Soil erosion, sedimentation and pollution control measures and practices shall conform to the minimum requirements of §24-804(2) and §24-804(3) of this ordinance. The application of measures and practices shall apply to all features of the site, including street and utility installations, drainage facilities and other temporary and permanent improvements. Measures shall be installed to prevent or control erosion, sedimentation and pollution during all stages of any land-disturbing activity in accordance with requirements of this ordinance and the NPDES General Permit.

2. Minimum Requirements

a. Best management practices as set forth in §24-804(2) and §24-804(3) of this ordinance shall be required for all land disturbing activities. Proper design, installation, and maintenance of best management practices shall constitute a complete defense to any action by the Director or to any other allegation of noncompliance with paragraph (b) of this subsection or any substantially similar terms contained in a permit for the discharge of storm water issued pursuant to subsection (f) of Code Section 12-5-30, the Georgia Water Quality Act. As used in this subsection, the terms "proper design" and "properly designed" mean designed in accordance with the hydraulic design specifications contained in the "Manual for Erosion and Sediment Control in Georgia" specified in O.C.G.A 12-7-6 subsection (b).

b. A discharge of storm water runoff from disturbed areas where best management practices have not been properly designed, installed, and maintained shall constitute a separate violation of any land-disturbing permit issued by Chatham County or of any state general permit issued by the Division pursuant to subsection (f) of Code Section 12-5-30, the Georgia Water Quality Control Act, for each day on which such discharge results in the turbidity of receiving waters being increased by more than 25 nephelometric turbidity units for waters supporting warm water fisheries. The turbidity of the receiving waters shall be measured in accordance with guidelines to be issued by the Director. This paragraph shall not apply to any land disturbance associated with the construction of single family homes which are not part of a larger common plan of development or sale unless the planned disturbance for such construction is equal to or greater than five acres.

c. Failure to properly design, install or maintain best management practices shall constitute a violation of any land-disturbing permit issued by Chatham County or any state general permit issued by the Division pursuant to subsection (f) of Code Section 12-5-30, the Georgia Water Quality Control Act, for each day on which such failure occurs.

d. The Director may require, in accordance with regulations adopted by the Board, reasonable and prudent monitoring of turbidity level of receiving waters into which discharges from land-disturbing activities occur.

3. The rules and regulations, ordinances, or resolutions adopted pursuant to this chapter for the purpose of governing land-disturbing activities shall require, as a minimum, protections as least as stringent as the state general permit best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the Manual for Erosion and Sediment Control in Georgia published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted, as well as the following:

a. Stripping of vegetation, regrading and other development activities shall be conducted in a manner so as to minimize erosion;

b. Cut-fill operations must be kept to a minimum;

c. Development plans must conform to topography and soil type so as to create the lowest practical erosion potential;

d. Whenever feasible, natural vegetation shall be retained, protected and supplemented;

e. The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum;

f. Disturbed soil shall be stabilized as quickly as practicable;

g. Temporary vegetation or mulching shall be employed to protect exposed critical areas during development;

h. Permanent vegetation and structural erosion control practices shall be installed as soon as practicable;

i. To the extent necessary, sediment in run-off water must be trapped by the use of debris basins, sediment basins, silt traps, or similar measures until the disturbed is stabilized. As used in this paragraph, a disturbed area is stabilized when it is brought to a condition of continuous compliance with the requirements of O.C.G.A. 12-7-1 et. seq.;

j. Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping surface of fills;

k. Cuts and fills may not endanger adjoining property;

l. Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners;

m. Grading equipment must cross flowing streams by means of bridges or culverts except when such methods are not feasible, provided, in any case, that such crossings are kept to a minimum;

n. Land-disturbing activity plans for erosion and sedimentation control shall include provisions for treatment or control of any source of sediments and adequate sedimentation control facilities to retain sediments on-site or preclude sedimentation of adjacent waters beyond the levels specified in §24-804(2)(b) of this ordinance;

o. There is established a 25 foot buffer along the banks of all state waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, except where the Director determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the Director pursuant to O.C.G.A. 12-2-8, or where a drainage structure or a roadway drainage structure must be constructed, or along any ephemeral stream, provided that adequate erosion control measures are incorporated in the project plans and specifications, and are implemented; provided, however, the buffers of at least 25 feet established pursuant to part 6 of Article 5, Chapter 5 of Title 12, the Georgia Water Quality Control Act, shall remain in force unless a variance is granted by the Director as provided in this paragraph. The following requirements shall apply to any such buffer: (Amended December 2, 2016)

i. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and

ii. The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented: (i) Stream crossings for water lines; or (ii) Stream crossings for sewer lines; and

p. There is established a 25 foot buffer along coastal marshlands, as measured horizontally from the coastal marshland-upland interface, as determined in accordance with Chapter 5 of Title 12 of this title, the "Coastal Marshlands Protection Act of 1970." And the rules and regulations promulgated thereunder, except where the director determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the director pursuant to Code Section 12-2-8, where an alteration within the buffer area has been authorized pursuant to Code Section 12-5-286, for maintenance of any currently serviceable structure, landscaping, or hardscaping, including bridges, roads, parking lots, golf courses, golf cart paths, retaining walls, bulkheads, and patios; provided, however, that if such maintenance requires any land-disturbing activity, adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented, where a drainage structure or roadway drainage structure

is constructed or maintained; provided, however, that if such maintenance requires any land-disturbing activity, adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented, on the landward side of any currently serviceable shoreline stabilization structure, or for the maintenance of any manmade storm-water detention basin, golf course pond, or impoundment that is located entirely within the property of a single individual, partnership, or corporation; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented. For the purposes of this paragraph maintenance shall be defined as actions necessary or appropriate for retaining or restoring a currently serviceable improvement to the specified operable condition to achieve its maximum useful life. Maintenance includes emergency reconstruction of recently damaged parts of a currently serviceable structure so long as it occurs within a reasonable period of time after damage occurs. Maintenance does not include any modification that changes the character, scope or size of the original design and serviceable shall be defined as usable in its current state or with minor maintenance but not so degraded as to essentially require reconstruction.

i. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed, state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat; and

ii. The buffer shall not apply to crossings for utility lines that cause a width of disturbance of not more than 50 feet within the buffer, provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented.

iii. The buffer shall not apply to any land-disturbing activity conducted pursuant to and in compliance with a valid and effective land-disturbing permit issued subsequent to April 22, 2014, and prior to December 31, 2015; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented or any lot for which the preliminary plat has been approved prior to December 31, 2015 if roadways, bridges, or water and sewer lines have been extended to such lot prior to the effective date of this Act and if the requirement to maintain a 25 foot buffer would consume at least 18 percent of the high ground of the platted lot otherwise available for development; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented.

iv. Activities where the area within the buffer is not more than 500 square feet or that have a "Minor Buffer Impact" as defined in EPD Rule 391-3-7-.01(r), provided that the total area of buffer impacts is less than 5,000 square feet are deemed to have an approved buffer variance by rule. Bank stabilization structures are not eligible for coverage under the variance by rule and notification shall be made to the Division at least 14 days prior to the commencement of land disturbing activities.

(Amended December 2, 2016)

q. All residential, multi-family, and commercial structures for which a building permit is required under the County Zoning Ordinance on properties that abut the marshes of the State of Georgia shall demonstrate compliance with the marsh buffer protection requirements of the Erosion and Sedimentation Control Act (O.C.G.A. 12-7-1 et. seq.). Compliance shall be demonstrated by a Marsh Buffer Compliance Survey by a Land Surveyor registered in the State of Georgia confirming that the proposed construction is as shown on the approved construction plans. The survey must show at a minimum the location of the proposed structural supports (e.g. excavated footings and foundations, pilings) and the Department of Natural Resources approved marsh line, property lines nearest to the structure and the horizontal distance between the structural supports and the marsh line. The survey shall be submitted to the Department of Building Safety and Regulatory Services prior to a footing inspection. If the

survey confirms compliance with the marsh buffer protection requirements, then the footing inspection may proceed.

4. Nothing contained in this chapter shall prevent Chatham County from adopting rules and regulations, ordinances, or resolutions which contain stream buffer requirements that exceed the minimum requirements in §24-804(2) and §24-804(3) of this ordinance.

5. The fact that land disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this ordinance or the terms of the permit.

§24-805 Application/Permit Process

1. General. The property owner, developer and designated planners and engineers shall review the general development plans and detailed plans of Chatham County that affect the tract to be developed and the area surrounding it. They shall review the Zoning Ordinance, Storm Water Management Ordinance, Subdivision Regulations, Flood Damage Prevention Ordinance, this ordinance, and any other ordinances which regulate the development of land within the jurisdictional boundaries of Chatham County. However, the Owner and/or Operator are the only parties who may obtain a permit. (Amended December 2, 2016)

2. Application Requirement

   a. No person shall conduct any land-disturbing activity within the jurisdictional boundaries of Chatham County without first obtaining a permit from the Chatham County Department of Engineering to perform such activity and providing a copy of the Notice of Intent submitted to EPD, if applicable.

   b. The application for a permit shall be submitted to the Chatham County Department of Engineering and must include the applicant's Erosion, Sedimentation and Pollution Control Plan with supporting data, as necessary. Said plans shall include, as a minimum, the data specified in §24-805(3) of this ordinance. Erosion, Sedimentation and Pollution Control Plans, together with supporting data, must demonstrate affirmatively that the land disturbing activity proposed will be carried out in a manner that the provisions of §24-804(2) and §24-804(3) of this ordinance will be met. Applications will not be accepted unless accompanied by two copies of the applicant's

Erosion, Sedimentation and Pollution Control Plan. All applications shall contain a certification stating that the plan preparer, or the designee thereof, visited the site prior to creation of the plan in accordance with EPD Rule 391-3-7-10. (Amended December 2, 2016)

c. In addition to fees required by Chatham County's Land Disturbing Activities Ordinance, fees will be assessed pursuant to paragraph (5) subsection (a) of O.C.G.A. 12-5-23, provided that such fees shall not exceed $80.00 per acre of land disturbing activity, and these fees shall be calculated and paid by the primary permittee as defined in the state general permit for each acre of land disturbing activity included in the planned development. All applicable fees shall be paid prior to issuance of the land disturbing activities permit. Half of such fees shall be submitted to the division; except that any and all fees due from an entity which is required to give notice pursuant to paragraph (9) or (10) of O.C.G.A. 12-7-17 shall be submitted in full to the division.

d. All erosion, sedimentation and pollution control plans, along with required supporting data, must be submitted to the District for review and approval prior to issuance of a Land Disturbing Activities Permit. Immediately upon receipt of an application and plan by the District, it will be reviewed and approved or disapproved concerning the adequacy of the soil erosion and sedimentation control plan. The District shall approve or disapprove a plan within 35 days of receipt. Failure of the District to act within 35 days shall be considered an approval of the pending plan. The results of the District review shall be forwarded to Chatham County. The County will not issue a land disturbing activities permit unless the plan has been approved by the District, and any variances required by §24-804(3)(o) and (p) and bonding, if required, as per §24-805(2)(d)(ii) have been obtained.

e. i. If a permit applicant has had two or more violations of previous permits, this ordinance section, or the Erosion and Sedimentation Act, as amended, within three years prior to the date of filing of the application under consideration, Chatham County may deny the permit application.

ii. Chatham County may require the permit applicant to post a bond in the form of government security, cash, irrevocable letter of credit, or any combination thereof up to, but not exceeding, $3,000 per acre or fraction thereof of the proposed land-disturbing activity, prior to issuing a

permit. If the applicant does not comply with this ordinance or with the conditions of the permit after issuance, Chatham County may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance. These provisions shall not apply unless there is in effect an ordinance or statute specifically providing for hearing and judicial review of any determination or order of Chatham County with respect to alleged permit violations.

3. Plan Requirements

a. Plans must be prepared to meet the minimum requirements as contained in §24-804(2)and §24-804(3) of this ordinance, or through the use of more stringent, alternate design criteria which conform to sound conservation and engineering practices. Conformance with the minimum requirements may be attained through the use of design criteria in the current issue of the Manual for Erosion and Sediment Control in Georgia The Manual for Erosion and Sediment Control in Georgia is hereby incorporated by reference into this ordinance. The plan for the land-disturbing activity shall consider the interrelationship of the soil types, geological and hydrological characteristics, topography, watershed, vegetation, proposed permanent structures including roadways, constructed waterways, sediment control and storm water management facilities, local ordinances and State laws.

b. Data Required for Site Plan: shall include all the information required from the appropriate Erosion, Sedimentation and Pollution Control Plan Review Checklist established by the Commission as of January 1 of the year in which the land disturbing activity was permitted.

c. Maps, drawings, and supportive computations shall bear the signature/seal of a registered or certified design professional. Persons involved in land development design, review, permitting, construction, monitoring, or inspection of any land disturbing activity shall meet the education and training certification requirements, dependent on his or her level of involvement in the process, as developed by the Commission and in consultation with the Division and the Stakeholder Advisory Board created pursuant to O.C.G.A. 12-7-20

4. Permits

a. Permits shall be issued or denied as soon as practicable but in any event not later than forty-five (45) days after receipt by Chatham County of a completed application, providing variances and bonding are obtained, where necessary, and all applicable fees paid prior to permit application. The permit shall include conditions under which the activity may be undertaken. (Amended December 2, 2016)

b. No permit shall be issued by Chatham County unless the erosion, sedimentation and pollution control plan has been approved by the District and Chatham County has affirmatively determined that the plan is in compliance with this ordinance, any variances required by §24-804(3)(o) and (p) are obtained, bonding requirements, if necessary, as per §24-805(2)(d)(ii) are met and all ordinances and rules and regulations in effect within the jurisdictional boundaries of Chatham County are met. If the permit is denied, the reason for denial shall be furnished to the applicant.

c. Any land disturbing activities by a local issuing authority or local school Board shall be subject to the same requirements of this ordinance, and any other ordinances relating to land development, as applied to private persons.

d. If the tract is to be developed in phases, then a separate permit shall be required for each phase.

e. The permit may be suspended, revoked or modified by Chatham County, as to all or any portion of the land affected by the plan, upon finding that the holder or his successor in the title is not in compliance with the approved erosion and sedimentation control plan or if the holder or his successor in title is in violation of this ordinance. A holder of a permit shall notify any successor in title to him as to all or any portion of the land affected by the approved plan of the conditions contained in the permit.

f. Chatham County may reject a permit application if the applicant has had two or more violations of previous permits or the Erosion and Sedimentation Act permit requirements within three years prior to the date of the application, in light of O.C.G.A. 12-7-7 (f)(1). (Amended December 2, 2016)

§24-805.1 Issuance of notice of violation. (Adopted July 8, 2022)

(a) Notice of violation. Whenever the County Engineer determines that development activity or inactivity on a property does not comply with the approved development and construction plans, or that any other activities violate the provisions of this article, the County Engineer shall issue a notice of violation in accordance with Sec. 24-711 Administrative Enforcement; Remediation Plan. Whenever the County Engineer determines that there has been a violation of the Soil Erosion and Sedimentation Control Ordinance, the County Engineer shall issue a notice of violation, a court summons, or a citation. The provisions of this section shall be in addition to any other penalty provisions applicable to this article. The notice of violation, of the provisions of this article or of any rule or regulation adopted pursuant hereto shall be addressed to the owner of the property or the owner's agent and to the person, tenant, firm, corporation, property owner or property owner's agent found to be violating the provisions of this article and shall:

(1) Be in writing;

(2) Include a description of the property sufficient for identification of where the violation has occurred;

(3) List the specific provisions of this article which have been violated;

(4) List the required corrective actions to be implemented within a given time frame;

(5) State that, if these repairs, construction or alterations are not completed within a reasonable time period specified by the inspector, summons or citation shall be issued for the person, firm, corporation, owner, or owner's agent to appear in court of competent jurisdiction.

(6) Should the County Engineer, find that the violation is willful, in wanton disregard of the provisions of this article or constitutes an immediate public health and safety hazard or endangers the ecosystem, the County Engineer may issue a court summons or citation in lieu of a notice of violation.

§24-806 Inspection and Enforcement

1. The Chatham County Department of Engineering will periodically inspect the sites of land-disturbing activities for which permits have been issued to determine if the activities are being conducted in accordance with the plan and if the measures required in the plan are effective in controlling

erosion and sedimentation. Also, Chatham County shall regulate both primary, secondary and tertiary permittees as such terms are defined in the state general permit. Primary permittees shall be responsible for installation and maintenance of best management practices where the primary permittee is conducting land disturbing activities. Secondary permittees shall be responsible for installation and maintenance of best management practices where the secondary permittee is conducting land disturbing activities. Tertiary permittees shall be responsible for installation and maintenance where the tertiary permittee is conducting land disturbing activities. If, through inspection, it is deemed that a person engaged in land-disturbing activities, as defined herein, has failed to comply with the approved plan, with permit conditions, or with the provisions of this ordinance, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this ordinance. (Amended December 2, 2016)

2. The Chatham County Department of Engineering shall have the power to conduct such investigations as it may reasonably deem necessary to carry out duties as prescribed in this ordinance, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigation and inspecting the sites of land-disturbing activities.

3. No person shall refuse entry or access to any authorized representative or agent of Chatham County, the Commission, the District, or Division who requests entry for the purpose of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties.

4. The District or the Commission or both shall semi-annually review the actions of Chatham County. The District, the Commission or both may provide technical assistance to Chatham County for the purpose of improving the effectiveness of the County's erosion, sedimentation and pollution control program. The District or the Commission shall notify the Division and request investigation by the Division if any deficient or ineffective local program is found.

5. The Division may periodically review the actions of Chatham County. Such review may include, but shall not be limited to, review of administration and enforcement of Chatham County's ordinance and review of conformance with an agreement, if any,

between the district and Chatham County. If such review indicates that Chatham County has not administered or enforced its ordinances or has not conducted the program in accordance with any agreement entered into pursuant to O.C.G.A. 12-7-7 (d), the Division shall notify the governing authority of Chatham County in writing. The governing authority, so notified, shall have 90 days within which to take the necessary corrective action to retain certification as an Issuing Authority. If the county does not take necessary corrective action within 90 days after notification by the division, the division may revoke the certification of Chatham County as an Issuing Authority.

§24-807 Penalties and Incentives

1. Failure to Obtain a Permit for Land-disturbing Activity. If any person commences any land-disturbing activity requiring a land-disturbing permit as prescribed in this ordinance without first obtaining said permit, the person shall be subject to revocation of his business license, work permit or other authorization for the conduct of a business and associated work activities within the jurisdictional boundaries of Chatham County.

2. Stop Work Orders

   a. For the first and second violations of the provisions of this ordinance, the Director or Chatham County shall issue a written warning to the violator. The violator shall have 5 days to correct the violation. If the violation is not corrected within 5 days, the Director or Chatham County shall issue a stop-work order requiring that land-disturbing activities be stopped until necessary corrective action or mitigation has occurred; provided, however, that if the violation presents an imminent threat to public health or waters of the state or if the land-disturbing activities are conducted without obtaining the necessary permit, the Director or Chatham County shall issue an immediate stop-work order in lieu of a warning;

   b. For a third and each subsequent violation, the Director or Chatham County shall issue an immediate stop-work order; and

   c. All stop-work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred.

   d. When a violation in the form of taking action without a permit, failure to maintain a stream buffer, or

significant amounts of sediment, as determined by Chatham County or by the director or his or her designee, have been or are being discharged into state waters and where best management practices have not been properly designed, installed, and maintained, a stop work order shall be issued by Chatham County or by the director or his or her designee. All such stop work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred. Such stop work orders shall apply to all land disturbing activity on the site with the exception of the installation and maintenance of temporary or permanent erosion and sediment controls.

3. Bond Forfeiture. If, through inspection, it is determined that a person engaged in land-disturbing activities has failed to comply with the approved plan, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance with the plan and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this ordinance and, in addition to other penalties, shall be deemed to have forfeited his performance bond, if required to post one under the provisions of §24-805(2)(d)(ii) Chatham County may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance.

4. Monetary Penalties

   a. Any person who violates any provision of this ordinance, or any permit condition or limitation established pursuant to this ordinance or who negligently or intentionally fails or refuses to comply with final or emergency order of the Director issued as provided in this ordinance shall be liable for a sentence of imprisonment not to exceed 60 days in jail or monetary penalty of $2,500 per day or both. For the purpose of enforcing the provisions of this ordinance, notwithstanding any provisions in any County charter to the contrary, municipal courts shall be authorized to impose a penalty not to exceed $2,500 for each violation. Notwithstanding any limitation of law as to penalties which can be assessed for violations of county ordinances, any magistrate court or any other court of competent jurisdiction trying cases brought as violations of this ordinance under county ordinances approved under this ordinance shall be authorized to impose penalties for such violations not to exceed $2,500 for each

violation. Each day during which violation or failure or refusal to comply continues shall be a separate violation.

§24-808 Education and Certification

1. Persons involved in land development design, review, permitting, construction monitoring, or inspection or any land disturbing activity shall meet the education and training certification requirements, dependent on their level of involvement with the process, as developed by the Commission in consultation with the Division and the stakeholder advisory board created pursuant to O.C.G.A. 12-7-20.

2. For each site on which land-disturbing activity occurs, each entity or person acting as either a primary, secondary, or tertiary permittee, as defined in the state general permit, shall have as a minimum one person who is in responsible charge of erosion and sedimentation control activities on behalf of said entity or person and meets the applicable education or training certification requirements developed by the Commission present on site whenever land-disturbing activities are conducted on that site. A project site shall herein be defined as any land-disturbance site or multiple sites within a larger common plan of development or sale permitted by an owner or operator for compliance with the state general permit.

3. Persons or entities involved in projects not requiring a state general permit but otherwise requiring certified personnel on site may contract with certified persons to meet the requirements of this ordinance.

4. If a state general permittee who has operational control of land-disturbing activities for a site has met the certification requirements of paragraph (1) of subsection (b) of O.C.G.A. 12-7-19, then any person or entity involved in land-disturbing activity at that site and operating in a subcontractor capacity for such permittee shall meet those educational requirements specified in paragraph (4) of subsection (b) of O.C.G.A 12-7-19 and shall not be required to meet any educational requirements that exceed those specified in said paragraph.

§24-809 Administrative Appeal/Judicial Review

1. Administrative Remedies. The suspension, revocation, modification or grant with condition of a permit by Chatham County upon finding that the holder is not in compliance with the approved erosion, sediment and pollution control plan; or

that the holder is in violation of permit conditions; or that the holder is in violation of any ordinance; shall entitle the person submitting the plan or holding the permit to a hearing before the Board of Commissioners within 21 days of receipt by the Issuing Authority of written notice of appeal.

2. Judicial Review. Any person, aggrieved by the decision or order of the Issuing Authority, after exhausting his administrative remedies, shall have the right to appeal de novo to the Superior Court of Chatham County.

§24-810 Effectivity, Validity and Liability

1. Effectivity. This ordinance shall become effective on the 1st day of July 2010.

2. Validity. If any section, paragraph, clause, phrase, or provision of this ordinance shall be adjudged invalid or held unconstitutional, such decisions shall not effect the remaining portions of this ordinance.

3. Liability.

   a. Neither the approval of a plan under the provisions of this ordinance, nor the compliance with provisions of this ordinance shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon Chatham County or District for damage to any person or property.

   b. The fact that a land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this ordinance of the terms of the permit.

   c. No provisions of this ordinance shall permit any persons to violate the Georgia Erosion and Sedimentation Control Act of 1975, the Georgia Water Quality Control Act or the rules and regulations promulgated and approved thereunder or pollute any waters of the State as defined thereby.

(Editor's Note: The "Soil Erosion and Sedimentation Control Ordinance" was adopted in its entirety on June 25, 2004, and amended on June 11, 2010, and December 2, 2016.)

Article IX

Dig Once Policy

§24-901 (Blank)

§24-902 Definitions. For the purposes of this Chapter, the following definitions apply:

1. "Telecommunications" refers to data, voice, video or other information provided by wire, fiber optic cable or other technology.

2. "Facilities" and "Infrastructure" refers to wires, cables, conduit, switches, transmission equipment or other equipment for use in transmitting or processing telecommunications services or for providing support or connection to such equipment.

3. "Rights-of-way" refers to the area upon or adjacent to any County-owned road, highway or rail line or along or across any of the waters or lands owned or controlled by the County.

4. "Service providers" refers to any person, company, corporation or other entity providing data, voice, cable, video or other information services by wire, fiber optic cable or other technology.

5. "Excavation" refers to any process which removes material from the ground through digging, drilling, boring or other activity for the purpose of installing utilities, infrastructure or other structures or equipment.

6. "Conduit" refers to a tube, duct or other device or structure designed for enclosing telecommunication wires or cables.

7. "Reconstruction" refers to any project which repairs or replaces fifty percent or more of an existing road, highway or rail line.

8. "Development" means any activity that enhances real property, whether public or private, drainage, roads, water lines, or other similar construction across any fee simple, easement or right of way located within Chatham County.

§24-903 County and Private Parties Must Install Telecommunications Conduit. In recognition of the need to provide local residents and businesses within the community with the infrastructure required to meet their telecommunications needs, all construction, reconstruction or repaving of a County right-of-way shall include provisions for the

installation of telecommunications cable, conduit and other related equipment. Where appropriate as outlined herein, telecommunications infrastructure shall be installed in or adjacent to County rights-of-way in conformance with current County standards. If development includes excavation in or adjacent to a County right-of-way, installation of or upgrades to telecommunications cable, conduit or other infrastructure shall be included as needed. All installations shall conform to the size, shape, location and other specifications as determined by the County Engineer. The County shall bear the cost for installation of conduit as outlined here.

§24-904 Exemptions.

1. The County Engineer and Director of ICS jointly, or their designee, may exempt projects from the requirements of this chapter where compliance is found to be not practical or feasible.

2. Requests for an exemption shall be in writing, and the County Engineer or his designee's. The County Engineer shall consult with the Director of ICS and issue a joint decision.

3. All decision shall be final. This decision may not be appealed to the Board of Commissioners.

4. An exemption application shall include all information necessary for consideration including:

    a. Permit from the County allowing the development to occur; and,

    b. Documentation showing factual support for the requested exemption; and,

    c. Any other relevant considerations including but not limited to environmental impacts and regulations, water impacts, and locality.

    d. The County Engineer and Director of ICS may approve the exemption application in whole or in part, with or without conditions.

§24-905 Completion of Projection and Verification.

1. Full documentation of conduit installation will be retained and submitted to County Engineer once completed. This documentation must include, at a minimum:

    a. Depth

b. Maps describing each individual conduit run as accurately as technically feasible (preferably GPS coordinates of route, with markers at every 10 yards or more frequent)

c. Conduit manufacturer specifications

2. All permit holders for development are to notify the County Engineer in writing more than 5 business days in advance of when the County will be permitted to lay the conduit in the least intrusive manner to the project. The County is not responsible for any damages for delaying the project because of this ordinance. Once notified, the County will have 3 business days to complete laying the conduit.

§24-906 Maintenance. Once installed and accepted by the County, the conduit shall become the property of Chatham County. The County, in its sole discretion, is responsible for the maintenance and upkeep of the conduit as well as the use of said conduit to the fullest extent allowed bylaw.

§24-907 Enforcement. Enforcement of this ordinance shall be as follows:

1. The County Engineer, or designee, shall have primary responsibility for enforcement of this ordinance and shall have authority to issue citations for violation of this chapter. The County Engineer, or designee, is authorized to establish regulations or administrative procedures to ensure compliance with this chapter.

2. A person or entity violating or failing to comply with any of the requirements of this chapter shall be guilty of a code violation.

3. Any violation of this Code section is punishable by a $500 per day fine for failure to comply.

4. In addition to any other punishment, Chatham County reserves the right to seek legal, injunctive, or any other relief to enforce the provisions of this chapter and any regulation or administrative procedure authorized by it.

5. The County Engineer shall ensure that any county employee who inspects the premises of any construction, reconstruction, repaving, excavation or development project to verify compliance with this ordinance.