Chapter 5

BUILDING, CONSTRUCTION AND RELATED ACTIVITIES

Article I. In General.
- Section 5.1 Inspection of Premises.
- Section 5.2 Codes Adopted.
  - Attachment A.
- Section 5.3 Licensed Contractor Required for New Construction.
- Section 5.4 Location of Utility Installations-approval by Superintendent Prerequisite to Building Permit.
- Section 5.5 Same-replacement; Changes in Existing; Cost of Relocating.
- Section 5.6 - 5.10 Reserved.

Article II. Flow Rate Restrictions for Plumbing Fixtures.
- Section 5.11 Definitions.
- Section 5.12 Enforcement.
- Section 5.13 Prohibited Fixtures.
- Section 5.14 When Effective.
- Section 5.15 Exemptions.
- Sections 5.16 - 20 Reserved.

Article III. Relocation of Structures.
- Section 5.21 Compliance.
- Section 5.22 Provisions Cumulative.
- Section 5.23 Permit Required.
- Section 5.24 Application for Permit.
- Section 5.25 Releases Required.
- Section 5.26 Permit Fee.
- Section 5.27 Bond Required.
- Section 5.28 Zoning Compliance.
- Section 5.29 Compliance with Technical Provisions.
- Section 5.30 Building Permit, Utility Connections Required.
- Section 5.31 Maximum Dimensions of Structure to Be Moved.
- Section 5.32 Time of Moving Restricted.
- Section 5.33 Police Escort.
- Section 5.34 Operations to Be Attended.
- Section 5.35 Warning Lights.
- Section 5.36 Adequacy of Equipment.
- Sections 5.37 -5.40 Reserved.

Article IV. Soil Erosion, Sedimentation and Pollution Control Ordinance.
- Section 5.41 Title.
- Section 5.42 Definitions.
- Section 5.43 Exemptions.

Section 5.44 Minimum Requirements for Erosion and Sedimentation Control Using Best Management Practices.
Section 5.45 Application/Permit Process.
Section 5.46 Inspection and Enforcement.
Section 5.47 Penalties and Incentives.
Section 5.48 Education and Certification.
Section 5.49 Administrative Appeal; Judicial Review.
Section 5.50 Effectivity, Validity, and Liability.
Sections 5.51 - 5.55 Reserved.
Article V. Flood Damage Prevention Ordinance.
Section 5.56 Statutory Authorization, Findings of Fact, Purpose and Objectives.
Section 5.57 General Provisions.
Section 5.58 Administration.
Section 5.59 Provisions for Flood Hazard Reduction.
Section 5.60 Variance Procedures.
Section 5.61 Definitions
Sections 5.62 - 5.70 Reserved.

ARTICLE I. IN GENERAL.

Section 5.1 Inspection of Premises.

It shall be a violation of this Code for any person to refuse access to his premises or any part thereto to any authorized building official upon his demand to enter thereon or therein for the purpose of performing a building inspection. If it becomes necessary, the building official may in the discharge of his duties of inspection force admittance to private premises and for that purpose may command the assistance of the city police.

Section 5.2 Codes Adopted.

a. The following Georgia Sate minimum standard codes, the latest editions as adopted and amended by the Georgia Department of Community Affairs, shall be enforced by the city:

1. International Building Code, 2006 Edition, with Georgia Amendments.
2. International Mechanical Code, 2006 Edition, with Georgia Amendments.
3. International Fuel Gas Code, 2006 Edition, with Georgia Amendments.
4. International Plumbing Code, 2006 Edition, with Georgia Amendments.
5. National Electrical Code, 2005 Edition, with Georgia Amendments.
6. International Energy Conservation Code, 2006 Edition, with Georgia Amendments.
7. International Residential Code, 2006 Edition, with Georgia Amendments.

(a) The City of Blakely appoints the Chief of the Blakely Fire Department as the enforcement authority, authorized to conduct necessary inspections, review plans ans issue necessary permits or certificates.

b. The procedures set out in * "Attachment A, Administration and Enforcement" shall be the procedures that govern the administration and enforcement process for the Georgia State Minimum Standard Codes. The procedures shall remain on file with the city. A copy of said procedures is attached hereto.

ADMINISTRATION AND ENFORCEMENT

Division 1. Purpose and Scope.

Purpose.

The purpose of this Section is to provide for the administration and enforcement of the Georgia State Minimum Standard Codes as allowed heretofore adopted. Herein after all of the Codes heretofore adopted shall be referred to as the "technical codes," as may be adopted by the state or local jurisdiction.

Code Remedial.

a. GENERAL. These codes are hereby declared to be remedial, and shall be construed to secure the beneficial interests and purposes thereof - which are public safety, health, and general welfare - through structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards attributed to the built environment including alteration, repair, removal, demolition, use and occupancy of buildings, structures, or premises, and by regulating the installation and maintenance of all electrical, gas, mechanical and plumbing systems, which may be referred to as service systems.

b. QUALITY CONTROL. Quality control of materials and workmanship is not within the purview of this Code except as it relates to the purposes stated herein.

c. PERMITTING AND INSPECTION. The inspection or permitting of any building, system or plan, under the requirements of this Code shall not be construed in any court as a warranty of the physical condition of such building, system or plan or their adequacy. (The City of/The County of), nor any employee thereof, shall be liable in tort for damages for any defect or hazardous or illegal condition or inadequacy in such building, system or plan, nor for any failure of any component of such, which may occur subsequent to such inspection or permitting.

Scope.

a. APPLICABILITY:

GENERAL. Where, in any specific case, different sections of these codes specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

BUILDING. The provisions of the Standard Building Code, as amended, shall apply to the construction, alteration, repair, equipment, use and occupancy, location, maintenance, removal and demolition, of every building or structure or any appurtenances connected or attached to such

buildings or structures. Except in one and two family dwellings.

ELECTRICAL. The provisions of the National Electrical Code, as amended, shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

GAS. The provisions of the Standard Gas Code, as amended, shall apply to the installation of consumer's gas piping, gas appliances and related accessories as covered in this Code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories, except in one and two family dwellings.

MECHANICAL. The provisions of the Standard Mechanical Code, as amended, shall apply to the installation of mechanical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air conditioning and refrigeration systems, incinerators, and other energy-related systems. Except in one and two family dwellings.

PLUMBING. The provisions of the Standard Plumbing Code, as amended, shall apply to every plumbing installation, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances, and when connected to a water or sewerage system.

FIRE PREVENTION. The provisions of the Standard Fire Prevention Code, as amended, shall apply to the construction, alteration, repair, equipment, use and occupancy, location, maintenance, of every building or structure or any appurtenances connected or attached to such buildings or structures.

ENERGY. The provisions of the CABO Model Energy Code, as amended, shall regulate the design of building envelopes for adequate thermal resistance and low air leakage and the design and selection of mechanical, electrical, service water heating and illumination systems and equipment that will enable the effective use of energy in new building construction.

CABO ONE AND TWO FAMILY DWELLING. The provisions of the CABO One and Two Family Dwelling Code, as amended, shall apply to the construction, alteration, repair, equipment, use and occupancy, location, maintenance, of every one or two family dwelling or any appurtenances connected or attached to such buildings or structures.

THE UNSAFE BUILDING ABATEMENT CODE. The provisions of this code provide code enforcement personnel with the necessary tools to have dangerous and unsafe buildings repaired or demolished.

b. FEDERAL AND STATE AUTHORITY. The provisions of this Code shall not be held to deprive any Federal or State agency, or any applicable governing authority having jurisdiction, of any power or authority which it had on the effective date of the adoption of this Code or of any remedy then existing for the enforcement of its orders, nor shall it deprive any individual or corporation of its legal rights as provided by law.

c. APPENDICES. Appendices referenced in the code text of the technical codes shall be considered an integral part of the codes.

d. REFERENCED STANDARDS. Standards referenced in the text of the technical codes shall be considered an integral part of the codes. If specific portions of a standard are denoted by code text, only those portions of the standard shall be enforced. Where code provisions conflict with a standard, the code provisions shall be enforced. Permissive and advisory provisions in a standard shall not be construed as mandatory.

e. MAINTENANCE. All buildings, structures, electrical, gas, mechanical and plumbing systems, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards, which are required by the technical codes when constructed, altered, or repaired, shall be maintained in good working order. The owner, or his designated agent, shall be responsible for the maintenance of buildings, structures, electrical, gas, mechanical and plumbing systems.

Building Department.

There is hereby established a department to be called the Building Department and the person in charge shall be known as the Building Official. The qualifications for the Building Official and other Code enforcement personnel to be established by the Governing Body.

a. RESTRICTIONS ON EMPLOYEES. An officer or employee connected with the department, except one whose only connection is as a member of the board established by this Code, shall not be financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of a building, structure, service, system, or in the making of plans or of specifications thereof, unless he is the owner of such. This officer or employee shall not engage in any other work, which is inconsistent with his duties or conflict with the interests of the department.

b. RECORDS. The Building Official shall keep, or cause to be kept, a record of the business of the department. The records of the department shall be open to public inspection.

c. LIABILITY. Any officer or employee, or member of the Board of Adjustments and Appeals, charged with the enforcement of this Code, acting for the applicable governing authority in the discharge of his duties, shall not thereby render himself personally liable, and is hereby relieved from all personal liability, for any damage that may occur to persons or property as a result of any act required or permitted in the discharge of his duties. Any suit brought against any officer or employee or member because of such act performed by him in the enforcement of any provision of this Code shall be defended by the Department of Law until the final termination of the proceedings.

d. REPORTS. The Building Official shall submit annually a report covering the work of the building department during the preceding year. He may incorporate in said report a summary of the decisions of the Board of Adjustments and Appeals during said year.

Existing Buildings.

a. GENERAL. Alterations, repairs or rehabilitation work may be made to any existing structure, building, electrical, gas, mechanical or plumbing system without requiring the building, structure, plumbing, electrical, mechanical or gas system to comply with all the requirements of the technical codes provided that the alteration, repair or rehabilitation work conforms to the requirements of the technical codes for new construction. The Building Official shall determine the extent to which the existing system shall be made to conform to the requirements of the technical codes for new construction.

b. CHANGE OF OCCUPANCY. If the occupancy classification of any existing building or structure is changed, the building, electrical, gas, mechanical and plumbing systems shall be made to conform to the intent of the technical codes as required by the Building Official.

Special Historic Buildings.

The provisions of the technical codes relating to the construction, alteration, repair, enlargement, restoration, relocation or moving of buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as Historic Buildings when such buildings or structures are judged by the Building Official to be safe and in the public interest of health, safety and welfare regarding any proposed construction, alteration, repair, enlargement, restoration, relocation or moving of buildings within fire districts.

Division 2. Powers and Duties of the Building Official.

General.

The Building Official is hereby authorized and directed to enforce the provisions of the technical codes. The Building Official is further authorized to render interpretations of the technical codes, which are consistent with its intent and purpose.

Right of Entry.

a. Whenever necessary to make an inspection to enforce any of the provisions of this Code, or whenever the Building Official has reasonable cause to believe that there exists in any building or upon any premises any condition or code violation which makes such building, structure, premises, electrical, gas, mechanical or plumbing systems unsafe, dangerous or hazardous, the Building Official may enter such building, structure or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Building Official by these technical codes, provided that if such building or premises is occupied, he shall first present proper credentials and request entry. If such building, structure, or premises is unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of such and request entry. If entry is refused, the Building Official shall have recourse to every remedy provided by law to secure entry.

b. When the Building Official shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building, structure, or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the Building Official for the purpose of inspection and examination pursuant to this Code.

Stop Work Orders.

Upon notice from the Building Official, work on any building, structure, electrical, gas, mechanical or plumbing system that is being done contrary to the provisions of the technical Codes or in a dangerous or unsafe manner, shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed. Where an emergency exists, the Building Official shall not be required to give a written notice prior to stopping the work.

Revocation of Permits.

a. MISREPRESENTATION OF APPLICATION. The Building Official may revoke a permit or approval, issued under the provisions of this Code, in case there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.

b. VIOLATION OF CODE PROVISIONS. The Building Official may revoke a permit upon determination by the Building Official that the construction erection, alteration, repair, moving, demolition, installation or replacement of the building, structure, electrical, gas, mechanical or plumbing systems for which the permit was issued is in violation of, or not in conformity with, the provisions of this Code.

Unsafe Buildings or Systems.

All buildings, structures, electrical, gas, mechanical or plumbing systems which are unsafe, unsanitary, or do not provide adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use, constitute a hazard to safety or health, are considered unsafe buildings or service systems. All such unsafe buildings, structures or service systems are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the provisions of the Standard Unsafe Building Abatement Code.

Requirements Not Covered by Code.

Any requirements necessary for the strength, stability or proper operation of an existing or proposed building, structure, electrical, gas, mechanical or plumbing system, or for the public safety, health and general welfare, not specifically covered by this of the other technical codes, shall be determined by the Building Official.

Alternate Materials and Methods.

The provisions of the technical codes are not intended to prevent the use of any material or method of construction not specifically prescribed by them, provided any such alternate has been reviewed by the Building Official. The Building Official shall approve any such alternate, provided the Building Official finds that the alternate for the purpose intended is at least the equivalent of that prescribed in the technical codes, in quality, strength, effectiveness, fire resistance, durability and safety. The Building Official shall require that sufficient evidence or proof be submitted to substantiate any claim made regarding the alternate.

Division 3. Permits.

Permit Application.

a. WHEN REQUIRED Any owner, authorized agent, or contractor who desires to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical, or plumbing system, the installation of which is regulated by the technical codes, or to cause any such work to be done, shall first make application to the Building Official and obtain the required permit for the work.

EXCEPTION: Permits shall not be required for the following mechanical work:

1. any portable heating appliance;
2. any portable ventilation equipment;
3. any portable cooling unit;
4. any steam, hot or chilled water piping within any heating or cooling equipment regulated by this Code;
5. replacements of any part which does not alter its approval or make it unsafe;
6. any portable evaporative cooler;
7. any self-contained refrigeration system containing 10 lb. (4.54 kg.) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.

b. WORK AUTHORIZED. A building, electrical, gas, mechanical or plumbing permit shall carry with it the right to construct or install the work, provided the same are shown on the drawings and set forth in the specifications filed with the application for the permit. Where these are not shown on the drawings and covered by the specifications submitted with the application, separate permits shall be required.

c. MINOR REPAIRS. Ordinary minor repairs may be made with the approval of the Building Official without a permit, provided that such repairs shall not violate any of the provisions of the technical codes.

d. INFORMATION REQUIRED. Each application for a permit, with the required fee, shall be filed with the Building Official on a form furnished for that purpose, and shall contain a general description of the proposed work and its location. The application shall be signed by the owner, or his authorized agent. The building permit application shall indicate the proposed occupancy of all parts of the building and of that portion of the site or lot, if any, not covered by the building or structure, and shall contain such other information as may be required by the Building

Official

e. TIME LIMITATIONS. An application for a permit for any proposed work shall be deemed to have been abandoned 6 months after the date of filing for the permit, unless before then a permit has been issued. One or more extensions of time for periods of not more than 90 days each may be allowed by the Building Official for the application, provided the extension is requested in writing and justifiable cause is demonstrated.

Drawings and Specifications.

a. REQUIREMENTS. When required by the Building Official, two or more copies of specifications, and of drawings drawn to scale with sufficient clarity and detail to indicate the nature and character of the work, shall accompany the application for a permit. Such drawings and specifications shall contain information, in the form of notes or otherwise, as to the quality of materials, where quality is essential to conformity with the technical codes. Such information shall be specific, and the technical codes shall not be cited as a whole or in part, nor shall the term "legal" or its equivalent be used, as a substitute for specific information. All information, drawings, specifications and accompanying data shall bear the name and signature of the person responsible for the design.

b. ADDITIONAL DATA. The Building Official may require details, computations, stress diagrams, and other data necessary to describe the construction or installation and the basis of calculations. All drawings, specifications and accompanying data required by the Building Official to be prepared by an architect or engineer shall be affixed with their official seal.

c. DESIGN PROFESSIONAL. The design professional shall be an architect or engineer legally registered under the laws of this state regulating the practice of architecture or engineering and shall affix his official seal to said drawings, specifications and accompanying data, for the following:

1. All Group A, E, and I occupancies.
2. Buildings and structures three stories or more high.
3. Buildings and structures 5000 sq. ft. (465 m^2) or more in area.

For all other buildings and structures, the submittal shall bear the certification of the applicant that some specific state law exception permits its preparation by a person not so registered.

EXCEPTION: Single family dwellings, regardless of size, shall require neither a registered architect nor engineer, nor a certification that an architect or engineer is not required.

d. STRUCTURAL AND FIRE RESISTANCE INTEGRITY. Plans for all buildings shall indicate how required structural and fire resistance integrity will be maintained where a penetration of a required fire resistance wall, floor or partition will be made for electrical, gas, mechanical, plumbing, signal and communication conduits, pipes and systems and also indicate in sufficient detail how the fire integrity will be maintained where required fire resistance floors intersect the exterior walls.

e. SITE DRAWINGS. Drawings shall show the location of the proposed building or structure and of every existing building or structure on the site or lot. The Building Official may require a boundary line survey prepared by a qualified surveyor.

f. HAZARDOUS OCCUPANCIES. The Building Official may require the following:

1. GENERAL SITE PLAN. A general site plan drawn at a legible scale which shall include, but not be limited to, the location of all buildings, exterior storage facilities, permanent access ways, evacuation routes, parking lots, internal roads, chemical loading areas, equipment cleaning areas, storm and sanitary sewer accesses, emergency equipment and adjacent property uses. The exterior storage areas shall be identified with the hazard classes and the maximum quantities per hazard class of hazardous materials stored.

2. BUILDING FLOOR PLAN. A building floor plan drawn to a legible scale, which shall include, but not be limited to, all hazardous materials storage facilities within the building and shall indicate rooms, doorways, corridors, exits, fire rated assemblies with their hourly rating, location of liquid tight rooms, and evacuation routes. Each hazardous materials storage facility shall be identified on the plan with the hazard classes and quantity range per hazard class or the hazardous materials stored.

Examination of Documents.

a. PLAN REVIEW. The Building Official shall examine or cause to be examined each application for a permit and the accompanying documents, consisting of drawings, specifications, computations, and additional data, and shall ascertain by such examinations whether the construction indicted and described is in accordance with the requirements of the technical codes and all other pertinent laws or ordinances.

b. AFFIDAVITS. The Building Official may accept a sworn affidavit from a Registered Architect or Engineer stating that the plans submitted conform to the technical codes. For buildings and structures the affidavit shall state that the plans conform to the laws as to egress, type of construction and general arrangement and if accompanied by drawings showing the structural design, and by a statement that the plans and design conform to the requirements of the technical codes as to strength, stresses, strains, loads and stability. The Building Official may without any examination or inspection accept such affidavit, provided the architect or engineer who made such affidavit agrees to submit to the Building Official, copies of inspection reports as inspections are performed and upon completion of the structure, electrical, gas, mechanical or plumbing systems a certification that the structure, electrical, gas, mechanical or plumbing system has been erected in accordance with the requirements of the technical codes. Where the Building Official relies upon such affidavit, the architect or engineer shall assume lull responsibility for the compliance with all provisions of the technical codes and other pertinent laws or ordinances.

Issuing Permits.

a. ACTION ON PERMITS. The Building Official shall act upon an application for a permit without unreasonable or unnecessary delay. If the Building Official is satisfied that the work described in an application for a permit and the contract documents filed therewith conform to the requirements of the technical codes and other pertinent laws and ordinances, he shall issue a permit to the applicant.

b. REFUSAL TO ISSUE PERMIT. If the application for a permit and the accompanying contract documents describing the work do not conform to the requirements of the technical codes or other pertinent laws or ordinances, the Building Official shall not issue a permit, but shall return the contract documents to the applicant with his refusal to issue such permit. Such refusal shall, when requested, be in writing and shall contain the reason for refusal.

c. SPECIAL FOUNDATION PERMIT. When application for permit to erect or enlarge a building has been filed and pending issuance of such permit, the Building Official may, at his discretion, issue a special permit for the foundation only. The holder of such a special permit is proceeding at his own risk and without assurance that a permit for the remainder of the work will be granted nor that corrections will not be required in order to meet provisions of the technical codes.

d. PUBLIC RIGHT OF WAY. A permit shall not be given by the Building Official for the construction of any building, or for the alteration of any building where said building is to be changed and such change will affect the exterior walls, bays, balconies, or other appendages or projections fronting on any street, alley or public lane, or for the placing on any lot or premises of any building or structure removed from another lot or premises, unless the applicant has made application at the office of the Director of Public Works for the lines of the public street on which he proposes to build, erect or locate said building; and it shall be the duty of the Building Official to see that the street lines are not encroached upon except as provided for in Chapter 22 of the Standard Building Code.

Contractors Responsibilities.

It shall be the duty of every contractor who shall make contracts for the installation or repairs of building, structure, electrical, gas, mechanical, sprinkler or plumbing systems, for which a permit is required, to comply with state or local rules and regulations concerning licensing which the applicable governing authority may have adopted. In such case that the state requires a contractor to have obtained a state license before they are permitted to perform work, the contractor shall supply the local government with their license number before receiving a permit for work to be performed.

Conditions of the Permit.

a. PERMIT INTENT. A permit issued shall be construed to be a license to proceed with the work and not as authority to violate, cancel, alter, or set aside any of the provisions of the technical codes, nor shall issuance of a permit prevent the Building Official from thereafter requiring a correction of errors in plans, construction, or violations of this Code. Every permit issued shall become invalid unless the work authorized by such permit is commenced within 6

months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 6 months after the time the worked is commenced. One or more extensions of time, for periods not more than 90 days each, may be allowed for the permit. The extension shall be requested in writing and justifiable cause demonstrated. Extensions shall be in writing by the Building Official.

b. PERMIT ISSUED ON BASIS OF AN AFFIDAVIT. Whenever a permit is issued in reliance upon an affidavit or whenever the work to be covered by a permit involves installation under conditions which, in the opinion of the Building Official, are hazardous or complex, the Building Official shall require that computations shall supervise such work. In addition, they shall be responsible for conformity with the permit, provide copies of inspection reports as inspections are performed, and upon completion make and file with the Building Official written affidavit that the work has been done in conformity with the reviewed plans and with the structural provisions of the technical codes. In the event such architect or engineer is not available, the owner shall employ in his stead a competent person or agency whose qualifications are reviewed by the Building Official.

c. PLANS. When the Building Official issues a permit, he shall enforce, in writing or by stamp, both sets of plans "Reviewed for Code Compliance." One set of drawings so reviewed shall be retained by the Building Official and the other set shall be returned to the applicant. The permitted drawings shall be kept at the site of work and shall be open to inspection by the Building Official or his authorized representative.

Fees.

a. PRESCRIBED FEES. A permit shall not be issued until the fees prescribed by the governing body have been paid. Nor shall an amendment to a permit be released until the additional fee, if any, due to an increase in the estimated cost of the building, structure, electrical, plumbing, mechanical or gas systems, etc. has been paid.

b. WORK COMMENCING BEFORE PERMIT ISSUANCE. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing, etc. system before obtaining the necessary permits, shall be subject to a penalty of 100% of the usual permit fee in addition to the required permit fees.

c. ACCOUNTING. The Building Official shall keep a permanent and accurate accounting of all permit fees and other money collected, the names of all persons upon whose account the same was paid, along with the date and amount thereof.

d. SCHEDULE OF PERMIT FEES. On all buildings, structures, electrical, plumbing, mechanical and gas systems or alterations requiring a permit, a fee for each permit shall be paid as required at the time of filing application, in accordance with the fee schedules as set by the governing body.

e. BUILDING PERMIT VALUATIONS. If, in the opinion of the Building Official, the valuation of building, alteration, structure, electrical, gas, mechanical or plumbing systems

appears to be underestimated on the application, permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the Building Official. Permit valuations shall include total cost, such as electrical, gas, mechanical, plumbing equipment and other systems, including materials and labor.

Inspections.

a. EXISTING BUILDING INSPECTIONS. Before issuing a permit the Building Official may examine or cause to be examined any building, electrical, gas, mechanical or plumbing systems for which an application has been received for a permit to enlarge, alter, repair, move, demolish, install, or change the occupancy. He shall inspect all buildings, structures, electrical, gas, mechanical and plumbing systems, from time to time, during and upon completion of the work for which a permit was issued. He shall make a record of every such examination and inspection and of all violations of the technical codes.

b. MANUFACTURERS AND FABRICATORS. When deemed necessary by the Building Official he shall make, or cause to be made, an inspection of materials or assemblies at the point of manufacture or fabrication. A record shall be made of every such examination and inspection and of all violations of the technical codes.

c. INSPECTION SERVICE. The Building Official may make, or cause to be made, the inspections required by 3.8.6 He may accept reports of inspectors of recognized inspection services provided that after investigation he is satisfied as to their qualifications and reliability. A certificate called for by any provision of the technical codes shall not be based on such reports unless the same are in writing and certified by a responsible officer of such service.

d. INSPECTIONS PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY OR COMPLETION. The Building Official shall inspect or cause to be inspected at various intervals all construction or work for which a permit is required, and a final inspection shall be made of every building, structure, electrical, gas, mechanical or plumbing system upon completion, prior to the issuance of the Certificate of Occupancy or Completion.

e. POSTING OF PERMIT. Work requiring a permit shall not commence until the permit holder or his agent posts the permit card in a conspicuous place on the premises. The permit shall be protected from the weather and located in such position as to permit the Building Official or representative to conveniently make the required entries thereon. This permit card shall be maintained in such position by the permit holder until the Certificate of Occupancy or Completion is issued by the Building Official.

f. REQUIRED INSPECTIONS. The Building Official upon notification from the permit holder or his agent shall make the following inspections and such other inspections as necessary, and shall either release that portion of the construction or shall notify the permit holder or his agent of any violations which must be corrected in order to comply with the technical code:

BUILDING

1. Foundation Inspection: To be made after trenches are excavated and forms

erected.

2. Frame Inspection: To be made after the roof, all framing, fireblocking and bracing are in place, all concealing wiring, all pipes, chimneys, ducts and vents are complete.

3. Final Inspection: To be made after the building is completed and ready for occupancy.

ELECTRICAL

1. Underground Inspection: To be made after trenches or ditches are excavated, conduit or cable installed, and before any backfill is put in place.

2. Rough-In Inspection: To be made after the roof, framing, fireblocking and bracing is in place and prior to the installation of wall or ceiling membranes.

3. Final Inspection: To be made after the building is complete, all required electrical fixtures are in place and properly connected or protected, and the structure is ready for occupancy.

PLUMBING

1. Underground Inspection: To be made after trenches or ditches are excavated, piping installed, and before any backfill is put in place.

2. Rough-In Inspection: To be made after the roof, framing, fireblocking and bracing is in place and all soil, waste and vent piping is complete, and prior to this installation of wall or ceiling membranes.

3. Final Inspection: To be made after the building is complete, all plumbing fixtures are in place and properly connected, and the structure is ready for occupancy.

4. Note: See Section 311 of the Standard Plumbing Code for required tests.

MECHANICAL

1. Underground Inspection: To be made after trenches or ditches are excavated, underground duct and fuel piping installed, and before any backfill is put in place.

2. Rough-In Inspection: To be made after the roof, framing, fire blocking and bracing are in place and all ducting, and other concealed components are complete, and prior to the installation of wall or ceiling membranes.

3. Final Inspection: To be made after the building is complete, the mechanical system is in place and properly connected, and the structure is ready for occupancy.

GAS

1. Rough Piping Inspection: To be made after all new piping authorized by the permit has been installed, and before any such piping has been covered or concealed or any fixtures or gas appliances have been connected.

2. Final Piping Inspection: To be made after all piping authorized by the permit has been installed and after all portions which are to be concealed by plastering or otherwise have been so concealed, and before any fixtures or gas appliances have been connected. This inspection shall include a pressure test.

3. Final Inspection: To be made on all new gas work authorized by the permit and such portions of existing systems as may be affected by new work or any changes in order to insure compliance with all the requirements of this Code and to assure that the installation and construction of the gas system is in accordance with reviewed plans.

ENERGY

1. Foundation Inspection: To be made before slab concrete is poured in place. To verify that perimeter insulation has been installed correctly on any slab on grade foundations, if required.

2. Frame Inspection: To be made before exterior wall insulation is concealed by wall board to check installation of exterior walls insulation and to inspect that all holes and cracks through the structure envelope have been sealed in an appropriate manner appropriate manner as to restrict air passage.

3. Final Inspection: To be made after the building is completed and ready for occupancy. To verify installation and R-value of ceiling and floor insulation. To verify correct SEER ratings on appliances.

g. WRITTEN RELEASE. Work shall not be done on any part of a building, structure, electrical, gas, mechanical or plumbing system beyond the point indicated in each successive inspection without first obtaining a written release from the Building Official. Such written release shall be given only after an inspection has been made of each successive step in the construction or installation as indicated by each of the foregoing three inspections.

h. REINFORCING STEEL, STRUCTURAL FRAMES, INSULATION, PLUMBING, MECHANICAL, OR ELECTRICAL SYSTEMS. Reinforcing steel, structural frame, insulation, plumbing, work of any part of any building or structure shall not be covered or

concealed without first obtaining a release from the Building Official.

i. PLASTER FIRE PROTECTION. In all buildings where plaster is used for fire protection purposes, the permit holder or his agent shall notify the Building Official after all lathing and backing is in place. Plaster shall not be applied until the release from the Building Official has been received.

Certificates.

a. CERTIFICATE OF OCCUPANCY.

1. Building Occupancy. A new building shall not be occupied or a change made in the occupancy, nature or use of a building or part of a building until after the Building Official has issued a Certificate of Occupancy. Said Certificate shall not be issued until all required electrical, gas, mechanical, plumbing and fire protection systems have been inspected for compliance with the technical codes and other applicable laws and ordinances and released by the Building Official.

2. Issuing Certificate of Occupancy. Upon satisfactory completion of construction of a building or structure and installation of electrical, gas, mechanical and plumbing systems in accordance with the technical codes, reviewed plans and specifications, and after the final inspection, the Building

Official shall issue a Certificate of Occupancy stating the nature of the occupancy permitted, the number of persons for each floor when limited by law, and the allowable load per square foot for each floor in accordance with the provisions of the technical codes.

3. Temporary/Partial Occupancy. A temporary/partial certificate of occupancy may be issued for a portion of a building, which may safely be occupied prior to final completion of the building.

4. Existing Building Certificate of Occupancy. A Certificate of Occupancy for any existing building may be obtained by applying to the Building Official and supplying the information and data necessary to determine compliance with the technical codes for the occupancy intended. Where necessary, in the opinion of the Building Official, two sets of detailed drawings, or a general inspection, or both, may be required. When, upon examination and inspection, it is found that the building conforms to the provisions of the technical codes and other applicable laws and ordinances for such occupancy, a Certificate of Occupancy shall be issued.

b. CERTIFICATE OF COMPLETION. Upon satisfactory completion of a building, structure,

electrical, gas, mechanical or plumbing system, a Certificate of completion may be issued. This Certificate is proof that a structure or system is complete and for certain types of permits is released for use and may be connected to a utility system. This Certificate does not grant authority to occupy or connect a building, such as a shell building, prior to the issuance of a Certificate of Occupancy.

c. SERVICE UTILITIES.

1. Connection of Service Utilities. No person shall make connections from a utility, source of energy, fuel or power to any building or system which is regulated by the technical codes for which a permit is required, until released by the Building Official and a Certificate of Occupancy or Completion is issued.

2. Temporary Connection. The Building Official may authorize the temporary connection of the building or system to the utility source of energy, fuel or power for the purpose of testing building service systems or for use under a temporary Certificate of Occupancy.

3. Authority to Disconnect Service Utilities. The Building Official shall have the power to authorized disconnection of utility service to the building, structure of system regulated by the technical codes, in case of emergency to eliminate an immediate hazard to life or property. The Building Official shall notify the serving utility, and whenever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

Posting Floor Loads.

a. OCCUPANCY. An existing or new building shall not be occupied for any purpose, which will cause the floors thereof to be loaded beyond their safe capacity. The Building Official may permit occupancy of a building for mercantile, commercial or industrial purposes, by a specific business, when he is satisfied that such capacity will not thereby be exceeded.

b. STORAGE AND FACTORY-INDUSTRIAL OCCUPANCIES. It shall be the responsibility of the owner, agent, proprietor or occupant of Group S and Group F occupancies, or any occupancy where excessive floor loading is likely to occur, to employ a competent architect or engineer in computing the safe load capacity. All such computations shall be accompanied by an affidavit from the architect or engineer stating the safe allowable floor load on each floor in pounds per square foot uniformly distributed. The computations and affidavit shall be filed as a permanent record of the Building Department.

c. SIGNS REQUIRED. In every building or part of a building used for storage,

industrial or hazardous purposes, the safe floor loads, as reviewed by the Building Official on the plan, shall be marked on plates or approved design which shall be supplied and securely affixed by the owner of the building in a conspicuous place in each story to which they relate. Such plates shall not be removed or defaced, and if lost, removed or defaced, shall be replaced by the owner of the building.

Division 4. Tests.

Tests.

The Building Official may require tests or test reports as proof of compliance. Required tests are to be made at the expense of the owner, or his agent, by an approved testing laboratory or other approved agency.

Division 5. Construction Board of Adjustment and Appeals.

Appointment.

There is hereby established a Board to be called the Construction Board of Adjustment and Appeals, which shall consist of seven members and two alternates. The Governing Body shall appoint the Board.

Membership and Terms.

a. MEMBERSHIP. The Construction Board of Adjustment and Appeals should consist of seven members. Such Board members should be composed of individuals serving on the board of commissioners with knowledge and experience in the technical codes, such as design professionals, contractors or building industry representatives. In addition to the regular members, there should be two alternate members, one member at large from the building industry and one member at large from the public. A Board member shall not act in a case in which he has a personal or financial interest.

b. TERMS. The terms of office of the Board member shall be staggered so no more than 1/3 of the Board is appointed or replaced in any 12 month period. The two alternates, if appointed, shall serve one-year terms. Vacancies shall be filed for an unexpired term in the manner in which original appointments are required to be made. Continued absence of any member from required meetings of the Board shall, at the discretion of the applicable governing body, render any such member subject to immediate removal from office.

c. QUORUM AND VOTING. A simple majority of the Board shall constitute a quorum. In varying any provision of this Code, the affirmative votes of the majority present shall be required. In modifying a decision of the Building Official, not less than two affirmative votes shall be required, hi the event that regular members are unable to attend a meeting, the alternate members, if appointed, shall vote.

d. SECRETARY OF BOARD. The Building Official shall act as Secretary of the Board and shall make a detailed record of all its proceedings, which shall set forth the reasons for

its decision, the vote of each member, the absence of a member and any failure of a member to vote.

Powers.

The Construction Board of Adjustments and Appeals shall have the power, as further defined in 5.4, to hear the appeals of decisions and interpretations of the Building Official and consider variances of the technical codes.

Appeals.

a. DECISION OF THE BUILDING OFFICIAL. The owner of a building, structure or service system, or his duly authorized agent, may appeal a decision of the Building Official to the Construction Board of Adjustment and Appeals whenever any one of the following conditions are claimed to exist:

1. The Building Official rejected or refused to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of a building, structure or service system.

2. The provisions of this Code do not apply to this specific case.

3. That an equally good or more desirable form of installation can be employed in any specific case.

4. The true intent and meaning of this Code or any of the regulations thereunder have been misconstrued or incorrectly interpreted.

b. VARIANCES. The Construction Board of Adjustments and Appeals, when so appealed to and after a hearing, may vary the application of any provision of this Code to any particular case when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this or this technical codes or public interest, and also finds all of the following:

1. That special conditions and circumstances exist which are peculiar to the building, structure or service system involved and which are not applicable to others.

2. That the special conditions and circumstances do not result from the action or inaction of the applicant.

3. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Code to other buildings, structures or service system.

4. That the variance granted is the minimum variance that will made possible

the reasonable use of the building, structure or service system.

5. That the grant of the variance will be in harmony with the general intent and purpose of this Code and will not be detrimental to the public health, safety and general welfare.

(a) Condition of Variances. In granting the variance, the Board may prescribe a reasonable time limit within which the action for which the variance is required shall be commenced or completed or both, in addition, the Board may prescribe appropriate conditions and safeguards in conformity with this Code. Violation of the conditions of a variance shall be deemed a violation of this Code.

c. NOTICE OF APPEAL. Notice of appeal shall be in writing and filed within 30 calendar days after the Building Official renders the decision. Appeals shall be in a form acceptable to the Building Official.

d. UNSAFE OR DANGEROUS BUILDINGS OR SERVICE SYSTEMS. In the case of a building, structure, or service system, which, in the opinion of the Building Officials, is unsafe, unsanitary or dangerous, the Building Official may, in his order, limit the time for such notice of appeals to a shorter period.

Rules and Regulations.

The Board shall establish rules and regulations for its own procedure not inconsistent with the provisions of these procedures. The Board shall meet on call of the Chairman. The Board shall meet within 30 calendar days after notice of appeal has been received.

a. DECISIONS. The Construction Board of Adjustment and Appeals shall, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the Board shall also include the reasons for the decision. If a decision of the Board reverses or modifies a refusal, order, or disallowance of the Building Official or varies the application of any provision of this Code, the Building Official shall immediately take action in accordance with such decision. Every decision shall be promptly filed in writing in the office of the Building Official and shall be open to public inspection. A certified copy of the decision shall be sent by mail or otherwise to the appellant and a copy shall be kept publicly posted in the office of the Building Official for two weeks after filing. Every decision of the Board shall be final, subject however to such remedy as any aggrieved party might have at law or in equity.

Division 6. Severability.

If any section, subsection, sentence, clause or phrase of this Code is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Code.

Division 7. Violations, Enforcement, and Penalties.

The Building Official shall enforce the provisions of Chapter 5 of the City Code of ordinances and is vested with the police power necessary for the purpose of issuing charges and prosecuting persons charged with violating Chapter 5 of the Technical Codes specified in Section 5.2, as amended (herein referred to as the "Technical Codes").

It is hereby declared to be a public nuisance to construct or maintain any dwelling, building, structure, or property in violation of Chapter 5 or the Technical Codes. The Building Official may enforce the provisions of this Chapter 5 or the Technical Codes by any manner set forth in Chapter 5 or, additionally, by any manner set forth in Article II of Chapter 21 of the City Code of Ordinances regarding enforcement of the City's Property Maintenance Ordinance.

Any person, firm, corporation or agent who shall violate a provision of the Technical Codes, or fail to comply therewith, or with any of the requirements thereof, or who shall erect, construct, alter, install, demolish or move any structure, electrical, gas, mechanical or plumbing system, or has erected, constructed, altered, repaired, moved or demolished a building, electrical, gas, mechanical or plumbing system, in violation of a detailed statement or drawing submitted and permitted thereunder, shall be guilty of a misdemeanor. Each such person shall be considered guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed or continued, and upon violation of any such violation such person shall be punished within the limits as provided by state laws.

Section 5.3 Licensed Contractor Required for New Construction.

No permit for construction of any building shall be issued unless some person engaged in such construction, or connected therewith, shall be a licensed contractor.

Section 5.4 Location of Utility Installations-Approval by Superintendent Prerequisite to Building Permit.

No building permit shall be granted or is unless and until all utility installations, entrances and exits to and from the proposed construction have been approved by the city's superintendent of electric department in respect of public health and safety and in respect of maximum economy to the city as contemplated in this article.

Section 5.5 Same-Replacement; Changes in Existing; Cost of Relocating.

Where service poles and other unusual or complicated means are now in use on any existing construction, and the interest of the public health, safety or welfare requires replacement due to deterioration, obsolescence or other cause rendering the same unsanitary, unsafe or detrimental to the public welfare, the replacement of such service poles or lines shall be as may be determined by the superintendent of electric department to be most economical to the city, or else the owner of the premises concerned shall agree to pay for otherwise locating the same according to his own wishes, up to the excess of the cost of so doing over the cost estimated in the more economical manner suggested by the superintendent.

Sections 5.6 - 5.10 Reserved.

ARTICLE II. FLOW RATE RESTRICTIONS FOR PLUMBING FIXTURES.

Section 5.11 Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commercial means any type of building other than residential.

Construction means the erection of a new building or the alteration of an existing building in connection with its repair or renovation or in connection with making an addition to an existing building and shall include the replacement of a malfunctioning, unserviceable or obsolete faucet, showerhead, toilet or urinal in an existing building.

Residential means any building or unit of a building intended for occupancy as a dwelling, but shall not include a hotel or motel.

Section 5.12 Enforcement.

a. This article shall be enforced by the office of the building official. Citations for violations may be issued by the building official of the city.

b. Any person, corporation, partnership or other entity violating this article shall be tried before the municipal court of the city. Upon conviction, a violation of this article may be punished as provided in section 1.7.

Section 5.13 Prohibited Fixtures.

No construction may be initiated within the city for any building of any type which:

1. Employs a gravity tank-type, flushometer-valve, or flushometer-tank toilet that uses more than an average of 1.6 gallons of water per flush; provided, however, this subsection shall not be applicable to one-piece toilets until July 1, 1992.

2. Employs a shower head that allows a flow of more than an average of 2.5 gallons of water per minute at 60 pounds per square inch of pressure;

3. Employs a urinal that uses more than an average of 1.0 gallons of water per flush;

4. Employs a lavatory faucet or lavatory replacement aerator that allows a flow of more than 2.0 gallons of water per minute; or

5. Employs a kitchen faucet or kitchen replacement aerator that allows a flow of more than 2.5 gallons of water per minute.

Section 5.14 When Effective.

The requirements of section 5.13 shall apply to any construction initiated after July 1, 1991, which involves the repair or renovation of or addition to any existing building when such repair or renovation of or addition to such existing building includes replacement of toilets or showers or both.

Section 5.15 Exemptions.

a. New construction and the repair or renovation of an existing building shall be exempt from the requirements of this article when:

1. The repair or renovation of the existing building does not include the replacement of the plumbing or sewage system servicing toilets, faucets or showerheads within such existing buildings;

2. When such plumbing or sewage system within such existing building, because of its capacity, design or installation, would not function properly if the toilets, faucets or showerheads required by this article were installed;

3. Such system is a well or gravity flow from a spring and is owned privately by an individual for use in such individual's personal residence; or

4. Units to be installed are:

   (a) Specifically designed for use by the handicapped;
   (b) Specifically designed to withstand unusual abuse or installation in a penal institution; or
   (c) Toilets for juveniles in schools, institutions, etc., not residential.

b. The owner, or his agent, of a building undergoing new construction or repair or renovation who is entitled to an exemption as specified in subsections (a)(2), (3) or (4) of this section shall apply for such exemption at the office of the building official. A fee as established by the city council from time to time shall be charges for the inspection and issuance of such exemption.

Sections 5.16 - 5.20 Reserved.

ARTICLE III. RELOCATION OF STRUCTURES.

Section 5.21 Compliance.

It shall be unlawful for any house, building or structure to be moved in, on, along or across any public street, alley, lane, road or way in the city except in strict compliance with the provisions of this article and the housing and building codes adopted by the city. Any violation hereof shall be punished as a misdemeanor under this Code.

Section 5.22 Provisions Cumulative.

This article is in addition to and does not subtract from or eliminate any of the provisions for moving of buildings under the housing and building codes adopted by the city.

Section 5.23 Permit Required.

A permit shall be obtained from the building official for the moving of any building, house or structure, on, over or across the streets and sidewalks, alleys, lanes, roads or ways of the city.

Section 5.24 Application for Permit.

Application for a permit required by this article shall be made on forms furnished by the building official. The correct name, post office, street address and telephone number of such mover shall be included.

Section 5.25 Releases Required.

In addition to the form for an application for a permit required by this article, a release from all utilities and the fire department shall be obtained on blanks furnished by the city.

Section 5.26 Permit Fee.

A fee as established by the city council from time to time and on file in the office of the Clerk-Treasurer shall be charged for each permit issued under this article.

Section 5.27 Bond Required.

The person desiring to move the building or structure shall execute a bond with surety satisfactory to the city. The bond shall be made payable to the city in the amount of $10,000.00, and is to go towards property damages, if any, to property damaged in the city in the moving operation, to city, county or private property. Such movers must exhibit to the city proper personal and private liability insurance required by the state.

Section 5.28 Zoning Compliance.

Any building to be relocated in the city shall be on an approved lot in compliance with the city zoning ordinance.

Section 5.29 Compliance With Technical Provisions.

Electrical wiring and plumbing for any building or structure moved under this article shall be installed to meet the minimum standards set forth in this chapter and other applicable provisions of this Code and city ordinances.

Section 5.30 Building Permit, Utility Connections Required.

A building permit must be applied for if relocated in the city limits. Plans and specifications must show the intended use of the building, house or structure, and all phases of reconstruction must be submitted. Water and sewer tap must be applied for at the same time. If no sewer is available, a septic tank and drain field approved by the county health department must be filed with the application.

Section 5.31 Maximum Dimensions of Structure to be Moved.

A permit shall not be granted for the moving of any building or structure that is over 16 feet high when loaded or more than 25 feet wide. Maximum length is not to exceed 35 feet.

Section 5.32 Time of Moving Restricted.

Moving of buildings or structures shall be permitted only at times authorized by the Sheriff or his designated agent and/or state permit, and the date and time of such moving must be set out.

Section 5.33 Police Escort.

A Sheriff's escort shall be required at all times moving operations are carried on in the city limits.

Section 5.34 Operations to be Attended.

No house, building or structure shall be left unattended on or partly on or across any public street, lane, alley, road or way within the city at any time of the day or night.

Section 5.35 Warning Lights.

All moving operations conducted under this article must be adequately lighted with red warning lights as dictated by the Sheriff or his designated agent.

Section 5.36 Adequacy of Equipment.

No housemover shall commence or undertake to move any building or structure within the city without adequate equipment in good working order.

Sections 5.37 - 5.40 Reserved.

ARTICLE IV. SOIL EROSION, SEDIMENTATION AND POLLUTION CONTROL ORDINANCE.

Section 5.41 Title.

This ordinance will be know as the City of Blakely Soil Erosion, Sedimentation and Pollution Control Ordinance.

Section 5.42 Definitions.

The following definitions shall apply in the interpretation and enforcement of this ordinance, unless otherwise specifically stated:

Best Management Practices (BMPs): These include sound conversation 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.

Board: The Board of Natural Resources.

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.

Certified Personnel: A person who has successfully completed the appropriate certification course approved by the Georgia Soil and Water Conservation Commission.

Commission: The Georgia Soil and Water Conservation Commission (GSWCC).

CPESC: Certified Professional in Erosion and Sediment Control with current certification by Certified Profession in Erosion and Sediment Control Inc., a corporation registered in North Carolina, which is also referred to CPESC or CPESC, Inc.

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 the excavated surface. Also known as excavation.

Department: The Georgia Department of Natural Resources (DNR).

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 Erosions and Sediment Control (CPESC) with a current certification by Certified Professional in Erosion and Sediment Control Inc.

Director: The Director of the Environmental Protection Division or an authorized representative.

District: The Flint River Soil and Water Conservation District.

Division: The Environmental Protection Division (EPD) of the Department of Natural Resources.

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 control purposes.

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

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 IV.C of this ordinance.

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.

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 geotexitles) 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.

Finished Grade: The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

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.

Ground Elevation: The original elevation of the ground surface prior to cutting or filling.

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 Section 5.43, Paragraph 5.

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.

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.

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.

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

Nephelometric Turbidity Units (NTU): Numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloidally dispersed or suspended particles are present.

NOI: A Notice of Intent form provided by EPD for coverage under the State General Permit.

NOT: A Notice of Termination form provided by EPD to terminate coverage under the State General Permit.

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 an erosion, sedimentation and pollution control 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 erosion, sedimentation and pollution control plan or to comply with other permit conditions.

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.

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

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 the State of Georgia, any interstate body or any other legal entity.

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.

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

Property 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 this year in which the land-disturbing activity was permitted and amendments to the Manual as approved by the Commissions up until the date of NOI submittal.

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 roadway consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

Sediment: Solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by wind, water, ice, or gravity as a product of erosion.

Sedimentation: The process by which eroded material is transported and deposited by the action of water, wind, ice or gravity.

Soil and Water Conservation District Approved Plan: An erosion, sedimentation and pollution control plan approved in writing by the Flint River Soil and Water Conservation District.

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.

State General Permit: The National Pollution discharge Elimination System (NPDES) general permit or permits for storm water runoff from construction activities as is now in effect or as by 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.

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 Georgia which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.

Structural Erosion, Sedimentation and Pollution 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 or runoff to prevent excessive sediment loss. Examples of structural erosion and sediment control practices are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures and sediment traps, etc. Such practices can be found in the publication *Manual for Erosion and Sediment Control in Georgia.*

Trout Streams: All streams or portions of streams within the watershed as designated by the Wildlife Resources Division of the Georgia Department of Natural Resources under the provisions of the Georgia Water Quality Act, O.C.G.A. 12-5-20, in the rules and regulations for Water Quality Control, Chapter 391-3-6 at www.gaepd.org. Streams designated as primary trout waters are defined as water supporting a self-sustaining population of rainbow, brown or brook trout. Streams designated as secondary trout waters are those in which there is no evidence of natural trout reproduction, but are capable of supporting trout waters are streams into which no other streams flow except springs.

Vegetative Erosion and Sedimentation Control Measures: Measures for the stabilization of erodible or sediment producing areas 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.*

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 floodwater.

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.

Section 5.43 Exemptions.

This ordinance shall apply to any land-disturbing activity undertaken by any person on any land except for the following:

1. Surface mining, as the same is defined in O.C.G.A. 12-4-72, "The Georgia Surface Mining Act of 1968".

2. Granite quarrying and land clearing for such quarrying;

3. 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;

4. The construction of single-family residences, when such construction disturbs less than one (1) 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 (1) 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 O.C.G.A. 12-7-6 and this paragraph. For single-family residence construction covered by the provisions of this paragraph, there shall be a buffer zone between the residence and any state waters classified as trout streams pursuant to Article 2 of Chapter 5 of the Georgia Water Quality Control Act. In any such buffer zone, no land-disturbing activity shall be constructed between the residence and the point where vegetation has been wrested by normal stream flow or wave action from the banks of the trout waters. For primary trout waters, the buffer zone shall be at least 50 horizontal feet, and no variance to a smaller buffer shall be granted. For secondary trout waters, the buffer zone shall be at least 50 horizontal feet, but the Director may grant variances to no less than 25 feet. Regardless of whether a trout stream is primary or secondary, for first order trout waters, which are streams into which no other streams flow except for springs, the buffer shall be at least 25 horizontal feet, and no variance to a smaller buffer shall be granted. The minimum requirements of subsection (b) of O.C.G.A. 12-7-6 and the buffer zones provided by this paragraph shall be enforced by the Local Issuing Authority;

5. Agricultural operations as defined in O.C.G.A. 1-3-3, "definitions", to include raising, harvesting or storing of products of a 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 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;

6. Forestry land management practices, including harvesting; provided, however, that when such exempt forestry practices cause or result in land-disturbing or other 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 (3) years after completion of such forestry practices;

7. Any project carried out under the technical supervision of the natural Resources Conservation Service (NRCS) of the United States Department of Agriculture;

8. Any project involving less than one (1) acre of disturbed area; 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 or equal to or greater than one (1) 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 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 the Local Issuing Authority from regulating any such project which is not specifically exempted by paragraphs 1, 2, 3, 4, 5, 6, 7, 9 or 10 of this section;

9. 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 State Road and 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 the Department of Transportation or the State Road and Tollway Authority which disturb one or more contiguous acres of land shall be subject to provisions of O.C.G.A. 12-7-7.1; 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 the Local Issuing Authority, the Local Issuing Authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. 12–6 as if a permit had been issued, and violation shall be subject to the same penalties as violations by permit holders;

10. 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 powers; except where an electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service 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 the Local Issuing Authority shall enforce compliance with the

minimum requirements set forth in O.C.G.A. 12-7-9 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders; and

11. Any public water system reservoir.

Section 5.44 **Minimum Requirements for Erosion, Sedimentation and Pollution Control Using Best Management Practices.**

a. 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 exempted 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 Section IV B. and C. 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.

b. MINIMUM REQUIREMENTS/BMPs.

1. Best management practices as set forth in Section IV B & C 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 (2) of this subsection or any substantially similar terms contained in a permit for the discharge of storm water issued pursuant to subsection (f) of O.C.G.A. 12-5-30, the "Georgia Water Quality Control 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).

2. A discharge of storm water runoff from disturbed areas where best management practices have not ben properly designed, installed, and maintained shall constitute a separate violation of any land-disturbing permit issued by a Local Issuing Authority or of any state general permit issued by the Division pursuant to subsection (f) of O.C.G.A. 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 twenty-five (25) nephelometric turbidity units for waters supporting warm

water fisheries or by mor than ten (10) nephelometric turbidity units for waters classified as trout waters. 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 (5) acres.

3. Failure to properly design, install, or maintain best management practices shall constitute a violation of any land-disturbing permit issued by a Local Issuing Authority 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 failure occurs.

4. The Director may require, in accordance with regulations adopted by the Board, reasonable and prudent monitoring of the turbidity level of receiving waters into which discharges from land-disturbing activities occur.

5. The LIA may set more stringent buffer requirements than stated in C.15 and 16, in light of O.C.G.A. § 12-7-6 (c).

c. The rules and regulations, ordinances, or resolutions adopted pursuant to O.C.G.A. 12-7-1 et seq. for the purpose of governing land-disturbing activities shall require, as a minimum, protections at least as stringent as the state general permit; and 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:

1. Stripping of vegetation, regrading and other development activities shall be conducted in a manner so as to minimize erosion;

2. Cut-fill operations must be kept to a minimum;

3. Development plans must conform to topography and soil type so as to create the lowest practicable erosion potential;

4. Whenever feasible, natural vegetation shall be retained, protected and supplemented;

5. The disturbed area and the duration of exposure to erosive element shall be kept to a practicable minimum;

6. Disturbed soil shall be stabilized as quickly as practicable;

7. Temporary vegetation or mulching shall be employed to protect exposed critical areas during development;

8. Permanent vegetation or mulching shall be employed to protect exposed critical areas during development;

9. 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 area is stabilized. As used in this paragraph, a disturbed area 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.;

10. Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping of fills;

11. Cuts and fills may not endanger adjoining property;

12. Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners;

13. 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;

14. Land-disturbing activity plans for erosion, sedimentation and pollution control shall include provisions for the treatment or control of any source of sediments and adequate sedimentation control facilities to retain sediments on-sire or preclude sedimentation of adjacent waters beyond the levels specified in Section IV B 2 of this ordinance;

15. Except as provided in paragraph (16) of this subsection, 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, where a drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications, and are implements; or along any ephemeral stream. As used in this provision, the term 'ephemeral stream' means 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 ground-water table year round; for which ground water is not a source of water; and for which runoff from precipitation is the primary source of water flow, unless exempted as along an ephemeral

stream, 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:

(a) 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 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

(b) 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 tot he 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

16. There is established a 50 foot buffer as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, along the banks of any state waters classified as "trout streams" pursuant to Article 2 of Chapter 5 of Title 12, the "Georgia Water Quality Control Act', except where a roadway drainage structure must be constructed; provided, however, that small springs and streams classified as trout streams which discharge an average annual flow of 25 gallons per minute or less shall have a 25 foot buffer or they may be piped, at the discretion of the landowner, pursuant to the terms of a rule providing for a general variance promulgated by the Board, so long as any such pipe stops short of the downstream landowner's property and the landowner complies with the buffer requirement for any adjacent trout streams. The Director may grant a variance from such buffer to allow land-disturbing activity, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented. The following requirement shall apply to such buffer:

(a) 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 longs 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

(b) 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.

d. Nothing contained in O.C.G.A. 12-7-1 et seq. shall prevent any Local Issuing Authority from adopting rules and regulations, ordinances, or resolutions which contain stream buffer requirements that exceed the minimum requirements in Section IV, B & C of this ordinance.

e. 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.

Section 5.45 Application/Permit Process.

a. GENERAL.

The property owner, developer and designated planners and engineers shall design and review before submittal the general development plans. The Local Issuing Authority shall review the tract to be developed and the area surrounding it. They shall consult the zoning ordinance, storm water management ordinance, subdivision ordinance, flood damage prevention ordinance, this ordinance, and any other ordinances, rules, regulations or permits, which regulate the development of land within the jurisdictional boundaries of the Local Issuing Authority. However, the owner and/or operator are the only parties who may obtain a permit.

b. APPLICATION REQUIREMENTS.

1. No person shall conduct any land-disturbing activity within the jurisdictional boundaries of the City of Blakely without first obtaining a

permit from the Building Inspector to perform such activity and providing a copy of Notice of Intent submitted to EPD if applicable.

2. The application for a permit shall be submitted to the Building Inspector, 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 Section V C. of this ordinance. Erosion, sedimentation ad pollution control plans, together with supporting data, must demonstrate affirmatively that the land disturbing activity proposed will be carried out in such a manner that the provisions of Section IV, B & C of this ordinance will be met. Applications for a permit will not be accepted unless accompanied by 1 copy of the applicant's erosion, sedimentation and pollution control plans. 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.

3. In addition to the local permitting fees, fees will also 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 or each phase of development. All applicable fees shall be paid prior to issuance of the land disturbance permit. In a jurisdiction that is certified pursuant to subsection (a) of O.C.G.A. 12-7-8 half of the such fees levied 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, regardless of the existence of a Local Issuing Authority in the jurisdiction.

4. Immediately upon receipt of an application and plan for a permit, the Local Issuing Authority shall refer the application and plan to the District for its review and approval or disapproval concerning the adequacy of the erosion, sedimentation and pollution 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 the Local Issuing Authority. No permit will be issued unless the plan has been approved by the District, and any variances required by Article IV, C, 15 & 16 has been obtained, all fees have been paid, and bonding, if required as per Article IV, B, 6, have been obtained. Such review will not be required if the Local Issuing Authority and the District have entered into an agreement which allows the Local Issuing Authority to conduct such review and approval of the plan without referring the application and plan to the District. The Local Issuing Authority with plan review authority shall approve or disapprove a revised Plan submittal within 35 days of receipt. Failure of the Local Issuing

Authority with plan review authority to act within 35 days shall be considered an approval of the revised Plan submittal.

5. 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 the application under consideration, the Local Issuing Authority may deny the permit application.

6. The Local Issuing Authority 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, $3,000.00 per acre or fraction thereof of the proposed land-distributing activity, prior to issuing the permit. If the applicant does not comply with this section or with the conditions of the permit after issuance, the Local 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. These provisions shall not apply unless there is in effect an ordinance or statue specifically providing for hearing and judicial review of any determination or order of the Local Issuing Authority with respect to alleged permit violations.

c. PLAN REQUIREMENTS.

1. Plans must be prepared to meet the minimum requirements as contained in Article IV, B & C, of this ordinance, or through the use of more stringent, alternate design criteria which conform to sound conversation and engineering practices. The Manual for Erosion and Sediment Control in Georgia is hereby incorporated by reference into this ordinance. The plan for the land-distributing 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. Maps, drawings and supportive computations shall bear the signature and seal of the certified design professional. Persons involved in land development design, review, permitting, construction, monitoring, or inspections or any land disturbing activity shall meet the education and training certification requirements, dependent on his or her level of involvement with 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.

2. 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.

d. PERMITS.

1. Permits shall be issued or denied as soon as practicable but in any event not later than forty-five (45) days after receipt by the Local Issuing Authority of a completed application, providing variances and bonding are obtained, where necessary and all applicable fees have been paid prior to permit issuance. The permit shall include conditions under which the activity may be undertaken.

2. No permit shall be issued by the Local Issuing Authority unless the erosion, sedimentation and pollution control plan has been approved by the District and the Local Issuing authority has affirmatively determined that the plan is in compliance with this ordinance, any variances required by Article IV, C, 15 & 6, are obtained, bonding requirements, if necessary, as per Article V, B. 6 are met and all ordinances and rules and regulations in effect within the jurisdictional boundaries of the Local Issuing Authority are met. If the permit is denied, the reason for denial shall be furnished to the applicant.

3. Any land-disturbing activities by a local issuing authority shall be subject to the same requirements of this ordinance, and any other ordinances relating to land development, as are applied to private persons and the division shall enforce such requirements upon the Local Issuing Authority.

4. If the tract is to be developed in phases, then a separate permit shall be required for each phase.

5. The permit may be suspended, revoked, or modified by the Local Issuing Authority, 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 that 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.

6. The LIA 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).

Section 5.46 Inspection and Enforcement.

a. The Building Inspector 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, the Local Issuing Authority shall regulate primary, secondary and tertiary permittee 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. 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.

b. The Local Issuing Authority must amend its ordinances to the extent appropriate within twelve (12) months of any amendments to the Erosion and Sedimentation Act of 1975.

c. The Building Inspector 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.

d. No person shall refuse entry or access to any authorized representative or agent of the Local Issuing Authority, the Commission, the District, or Division who requests entry for the purposes 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.

e. The District of the Commission or both shall semi-annually review the actions of counties and municipalities which have been certified as Local Issuing Authorities pursuant to O.C.G.A. 12-7-8 (1). The District or the Commission shall notify the Division and request investigation by the Division if any deficient or ineffective local program is found.

f. The Division may periodically review the actions of counties and municipalities which have been certified as Local Issuing Authorities pursuant to Code Section 12-7-8 (a). Such review may include, but shall not be limited to, review of the administration and enforcement of a governing authority's ordinance and review of conformance with an agreement, if any, between the district and the governing authority. If such review indicates that the governing authority of any county or municipality certified pursuant to O.C.G.A. 12-7-8 (a) has not administered or enforced its ordinances or has not conducted the program in accordance with any agreement entered int pursuant to O.C.G.A. 12-7-7 (e), the Division shall notify the governing authority of the county or municipality in writing. The governing authority of any county or municipality so notified shall have 90 days within which to take the necessary corrective action to retain certification as a Local issuing Authority. If the county or municipality does not take necessary corrective action within 90 days after notification by the division, the division shall revoke the certification of the county or municipality as a Local Issuing Authority.

Section 5-47 Penalties and Incentives.

a. 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 the Local Issuing Authority.

b. STOP-WORK ORDERS.

1. For the first and second violations of the provisions of this ordinance, the Director or the Local Issuing Authority shall issue a written warning to the violator. The violator shall have five days to correct the violation. If the violation is not corrected within five days, the Director or the Local Issuing Authority 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 the Local Issuing Authority shall issue an immediate stop-work order in lieu of a warning;

2. For a third and each subsequent violation, the Director or the Local Issuing Authority shall issue an immediate stop-work order; and

3. All stop-work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred.

4. 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 the Local Issuing Authority 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 the Local Issuing Authority 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 occured. 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.

c. 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 Section V B 6. The Local 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.

d. MONETARY PENALTIES

1. Any person who violates any provisions 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 any final or emergency order of the Director issued as provided in this ordinance shall be liable for a civil penalty not to exceed $2,500.00 per day. For the purpose of enforcing the provisions of this ordinance, notwithstanding any provisions in any City charter to the contrary, municipal courts shall be authorized to impose penalty not to exceed $2,500.00 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 authorised to impose penalties for such violations not to exceed $2,500.00 for each violation or failure or refusal to comply continues shall be a separate violation.

Section 5.48 Education and Certification.

a. 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.

b. 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 represent on site whenever land-disturbing activities are conducted on that site. A project site shall herein be defined as any land-disturbing 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.

c. Persons or entities involved in projects nor requiring a state general permit but otherwise requiring certified personnel on site may contract with certified persons to meet the requirements of this ordinance.

d. If a state general permittee who has operational control of land-disturbing activities for a site has met the certification requirements of paragraph (a) of subsection (b) of O.C.G.A. 12-7-19, then any person or entity involved in land-disturbing activity at that sire 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.

Section 5.49 Administrative Appeal; Judicial Review.

a. ADMINISTRATIVE REMEDIES

The suspension, revocation, modification or grant with condition of a permit by the Local Issuing Authority 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 City Council within 20 days after receipt by the Local Issuing Authority of written notice of appeal.

b. JUDICIAL REVIEW.

Any person, aggrieved by a decision or order of the Local Issuing Authority, after exhausting his administrative remedies, shall have the right to appeal denovo to the Superior Court of Early County.

Section 5.50 Effectivity, Validity and Liability.

a. EFFECTIVITY

This ordinance shall become effective on the 9th day of November, 2009.

b. VALIDITY

If any section, paragraph, clause, phrase, or provision of this ordinance shall be adjudged invalid or held unconstitutional, such decisions shall not affect the remaining portions of this ordinance.

c. LIABILITY

1. 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 the Local Issuing Authority or District for damage to any person or property.

2. 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 or nor create a presumption of a violation of the standards provided for in this ordinance or the terms of the permit.

3. No provision of this ordinance shall permit any persons to violate the Georgia Erosion and Sedimentation 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.

Sections 5.51 - 5.55 **Reserved.**

ARTICLE V. FLOOD DAMAGE PREVENTION ORDINANCE.

Section 5.56 Statutory Authorization, Findings of Fact, Purpose and Objectives.

a. *Authorization.* Article IX, Section II of the Constitution of the State of Georgia and O. C. G. A. § 36-1-20(a) have delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare.

b. *Findings of fact.*

1. The flood hazard areas of Blakely, Georgia are subject to periodic inundation which results in 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 the 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 increase in flood heights and velocities.

c. *Statement of purpose.* It is the purpose of this article to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

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

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

3. Control filling, grading, dredging and other development which may increase flood damage or erosion, and;

4. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands;

5. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters.

d. *Objectives.* The objectives of this article are:

1. To protect human life and health;

2. To 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. To 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 blight areas,

4. To minimize expenditure of public money for costly flood control projects;

5. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

6. To minimize prolonged business interruptions, and;

7. To insure that potential homebuyers are notified that property is in a flood area.

Section 5.57 General Provisions.

a. Lands to which this article applies. This article shall apply to all areas of special flood hazard within the jurisdiction of Blakely, Georgia.

b. *Basis for area of special flood hazard.* The areas of special flood hazard identified by the federal emergency management agency in its flood insurance study (FIS), dated December 5, 2006, with accompanying maps and other supporting data and any revision thereto, are adopted by reference and declared a part of this article.

For those land areas acquired by a municipality through annexation, the current effective FIS dated December 5, 2006, with accompanying maps and other supporting data and any revision thereto, for the City of Blakely, Georgia are hereby adopted by reference.

Areas of special flood hazard 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. See attached list.*

The repository for public inspection of the flood insurance study (FIS), accompanying maps and other supporting data is located: City Hall.

c. *Establishment of development permit.* A development permit shall be required in conformance with the provisions of this article prior to the commencement of any development activities.

d. *Compliance.* No structure or land shall hereafter be located, extended, converted or altered without full compliance with the terms of this article and other applicable regulations.

e. *Abrogation and greater restrictions.* This article is not intended to repeal, abrogate, or impair any existing ordinance, easements, covenants, or deed restrictions. However, where this article and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

f. *Interpretation.* In the interpretation and application of this article 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.

g. *Warning and disclaimer of liability.* The degree of flood protection required by this article 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 article does not imply that land outside the areas of special flood hazard or used permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of the City of Blakely or by any officer or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made hereunder.

h. *Penalties for violation.* Failure to comply with the provisions of this article or with any of its requirements, including conditions and safeguards established in connection with grants of variance or special exceptions shall constitute a violation. Any person who violates this article or fails to comply with any of the requirements shall, upon conviction thereof, be fined not more than $1,000.00 or imprisoned for not more than 180 days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Blakely from taking such other lawful actions as is necessary to prevent or remedy any violation.

Section 5.58 Administration.

a. *Designation of article administrator.* The City of Blakely Building Inspector is hereby appointed to administer and implement the provisions of this article.

b. *Permit procedures.* Application for a development permit shall be made to the building inspector on forms furnished by the community prior to any development activities, and may include, but not be limited to the following: Plans in duplicate drawn to scale showing the elevations of the area in question and the nature, location, dimensions, of existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities.

Specifically, the following information is required:

1. *Application stage*:

   (a) Elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all proposed structures;

(b) Elevation in relation to mean sea level to which any non-residential structure will be flood-proofed;

(c) Design certification from a registered professional engineer or architect that any proposed non-residential flood-proofed structure will meet the flood-proofing criteria of section 5.59(b)(2);

(d) Description of the extent to which any watercourse will be altered or relocated as a result of a proposed development, and;

2. Construction stage: For all new construction and substantial improvements, the permit holder shall provide to the administrator an as-built certification of the regulatory floor elevation or flood-proofing level immediately after the lowest floor or flood proofing is completed. Any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood proofing is utilized for non-residential structures, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.

Any work undertaken prior to submission of these certifications shall be at the permit holder's risk.

The building inspector shall review the above referenced certification data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being allowed to proceed. Failure to submit certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

c. Duties and responsibilities of the administrator. Duties of the building inspector shall include, but shall not be limited to:

1. Review proposed development to assure that the permit requirements of this article 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. Require that copies of such permits be provided and maintained on file.

3. Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding.

4. When base flood elevation data or floodway data have not been provided in

accordance with section 5.57(b), then the building inspector shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other sources in order to administer the provisions of section 5.59.

5. Review and record the actual elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all new or substantially improved structures in accordance with section 5.57 b 2.

6. Review and record the actual elevation, in relation to mean sea level to which any new or substantially improved structures have been flood-proofed, in accordance with section 5.58 b 2.

7. When flood-proofing is utilized for a structure, the building inspector shall obtain certification of design criteria from a registered professional engineer or architect in accordance with section 5.58 b 1(c) and section 5.59 b 2 or 5.59 d 2.

8. Make substantial damage determinations following a flood event or any other event that causes damage to structures in flood hazard areas.

9. Notify adjacent communities and the Georgia Department of Natural Resources prior to any alteration or relocation of a watercourse and submit evidence of such notification to the federal emergency management agency (FEMA).

10. For any altered or relocated watercourse, submit engineering data/analysis within six months to the FEMA to ensure accuracy of community flood maps through the letter of map revision process. Assure flood carrying capacity of any altered or relocated watercourse is maintained.

11. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the building inspector shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this article.

12. All records pertaining to the provisions of this article shall be maintained in the office of the building inspector and shall be open for public inspection.

Section 5.59 Provision for Flood Hazard Reduction.

a. *General standards*. In all areas of special flood hazard the following provisions are required:

1. New construction and substantial improvements of existing structures shall be anchored to prevent flotation, collapse or lateral movement of the structure;

2. New construction and substantial improvements of existing structures shall be constructed with materials and utility equipment resistant to flood damage;

3. New construction or substantial improvements of existing structures shall be constructed by methods and practices that minimize flood damages.

4. Elevated buildings. All new construction or substantial improvements of existing structures that include any fully enclosed area located below the lowest floor formed by foundation and other exterior walls shall be designed so as to be unfinished or flood-resistant enclosure. The enclosure shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater.

   (a) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

      (1) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

      (2) The bottom of all openings shall be no higher than one foot above grade; and,

      (3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both directions.

   (b) So as not to violate the "lowest floor" criteria of this article, the unfinished or flood-resistant enclosure shall only be used for parking of vehicles, limited storage of maintenance equipment used in connection with the premises, or entry to the elevated are; and

   (c) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

5. All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

6. Manufactured homes 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;

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

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

9. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding, and;

10. Any alteration, repair, reconstruction or improvement to a structure, which is not compliant with the provisions of this article, shall be undertaken only if the nonconformity is not furthered, extended or replaced.

b. *Specific standards.* In all areas of special flood hazard the following provisions are required:

1. New construction and/or substantial improvements. Where base flood elevation data area available, new construction and/or substantial improvement of any structure or manufactured home shall have the lowest floor, including basement, elevated no lower than one foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with standards of section 5.59(a)(4), "Elevated buildings".

   (a) All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be elevated at or above one foot above the base flood elevation.

2. *Non-residential construction.* New construction and/or the substantial improvement of any structure located in A1-30, AE or AH zones, may be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be watertight to one foot above the base flood elevation, 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 registered professional engineer or 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 and in section 5.58(c) (6).

3. *Standards for manufactured homes and recreational vehicles*. Where base flood elevation data are available:

(a) All manufactured homes placed and/or substantially improved on:

(1) Individual lots or parcels, (2) in new and/or 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 no lower than one foot above the base flood elevation; or

(b) Manufactured homes placed and/or substantially improved in an existing manufactured home park or subdivision may be elevated so that either:

(1) The lowest floor of the manufactured home is elevated no lower than one foot above the level of the base flood elevation; or

(2) The manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least an equivalent strength) of no less than 36 inches in height above grade.

(c) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. (Reference section 5.59(a)(6), above).

(d) All recreational vehicles placed on sites must either:

(1) Be on site for fewer than 180 consecutive days;

(2) 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

(3) The recreation vehicle must meet all the requirements for "New construction", including the anchoring and elevation requirements of section 5.59 b 3 (a).,(c)., above;

4. *Floodway*. Located within areas of special flood hazard established in section 5.57(b), are areas designated as floodway. A floodway may be an extremely hazardous area due to velocity floodwaters, debris or erosion potential. In addition, the area 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 however, provided it is demonstrated 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 registered professional engineer must provide supporting technical data and certification thereof.

(b) Only if section 5.62(b)(4)a. above is satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of section 5.59.

c. Building standards for streams without established base flood elevations and/or floodway (A-zones). Located within the areas of special flood hazard established in section 5.57(b), where streams exist but no base flood data have been provided (A-zones), or where base flood data have been provided by a floodway has not been delineated, the following provisions apply:

1. When base flood elevation data or floodway data have not been provided in accordance with section 5.57(b), then the building inspector shall obtain, review, and reasonably utilize any scientific or historic base flood elevation and floodway data available from a federal, state, or other source, in order to administer the provision of section 5.59. Only if data are not available from these sources, then the following provisions (2) and (3) shall apply:

2. No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or 20 feet, whichever is greater, measured from the top of the stream bank, unless certification by a registered professional engineer is provided demonstrating that such encroachment shall not result in more than a one foot increase in flood levels during the occurrence of the base flood discharge.

3. In special flood hazard areas without base flood elevation data, new construction and substantial improvements of existing structures shall have the lowest enclosed area (including basement) elevated no less than three

feet above the highest adjacent grade at the building site. (Note: Require the lowest floor to be elevated one foot above the estimated base flood elevation in A-zone areas where a limited detail study has been completed). Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of section 5.59(a)(4) "Elevated buildings".

(a) All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be elevated no less than three feet above the highest adjacent grade at the building site.

d. *Standards for areas of shallow flooding (AO zones).* Areas of special flood hazard established in section 5.59(b), may include designated "AO" shallow flooding areas. These areas have base flood depths of one to three feet above ground, with no clearly defined channel. 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 the flood depth number specified 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 5.59(a)(4), "Elevated buildings".

   The building inspector shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.

2. New construction or the substantial improvement of a non-residential structure may be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to the specified FIRM flood level plus one foot, above highest adjacent grade, 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 buoyance. A registered professional engineer or 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 and as required in sections 5.58(b)(1)c. and (3)b.2.

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

e. *Standards for subdivisions.*

1. All subdivision and/or development proposals shall be consistent with the need to minimize flood damage.

2. All subdivision and/or development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

3. All subdivision and/or development proposals shall have adequate drainage provided to reduce exposure to flood hazards; and

4. For subdivisions and/or developments greater than 50 lots or five acres, whichever is less, base flood elevation data shall be provided for subdivision and all other proposed development, including manufacture home parks and subdivisions. Any change or revisions to the flood data adopted herein and shown on the FIRM shall be submitted to FEMA for review as a conditional letter of map revision (CLOMR) or conditional letter of map amendment (CLOMA), whichever is applicable. Upon completion of the project, the developer is responsible for submitting the "as-built" data to FEMA in order to obtain the final LOMR.

f. *Standards for critical facilities.*

1. Critical facilities shall not be located in the 100-year floodplain or the 500-year floodplain.

2. All ingress and egress from any critical facility must be protected to the 500-year flood elevation.

Section 5.60 Variance Procedures.

a. The Blakely City Council shall hear and decide requests for appeals or variance from the requirements of this article.

b. The board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the building inspector in the enforcement or administration of this article.

c. Any person aggrieved by the decision of the city council may appeal such decision to the Superior Court of Early County, as provided in O. C. G. A. § 5-4-1.

d. Variance 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.

e. 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.

f. Variances shall not be issued within any designated floodway is any increase in flood levels during the base flood discharge would result.

g. In reviewing such requests, the city council shall consider all technical evaluations, relevant factors, and all standards specified in this and other sections of this article.

h. Conditions for variances:

1. A variance shall be issued only when there is:

(a) A finding of good and sufficient cause;

(b) A determination that failure to grant the variance would result in exceptional hardship; and

(c) 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 ordinance.

2. The provisions of this article 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; and, in the instance of an historic structure, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of
the building.

3. Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation of the proposed lowest floor and stating that the cost of flood insurance will be commensurate with the increased risk to life and property resulting from the reduced lowest floor elevation.

4. The building inspector shall maintain the records of all appeal actions and report any variances to the federal emergency management agency upon request.

i. Upon consideration of the factors listed above and the purposes of this article, the city council may attach such conditions to the granting of variances as it deems necessary to further

the purposes of this article.

Section 5.61 Definitions.

Unless specifically defined below, words or phrases used in this article shall be interpreted so as to give them the meaning they have in common usage and to give this article its most reasonable application.

Accessory structure means a structure having minimal value and used for parking, storage and other non-habitable uses, such as garages, carports, storage sheds, pole barns, hay sheds and the like.

Addition (to an existing building) means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by an independent perimeter load-bearing wall, shall be considered "New construction".

Appeal means a request for a review of the building inspector's interpretation of any provision of this article.

Area of shallow flooding means a designated AO 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 exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of special flood hazard is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. In the absence of official designation by the federal emergency management agency, areas of special flood hazard shall be those designated by the local community and referenced in5.57(b).

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year.

Basement means that portion of a building having its floor subgrade (below ground level) on all sides.

Building means any structure built for support, shelter, or enclosure for any occupancy or storage.

Critical facility means any public or private facility, which, if flooded, would create an added dimension to the disaster or would increase the hazard to life and health. Critical facilities include:

1. Structures or facilities that produce, use, or store highly volatile, flammable, explosive, toxic, or water-reactive materials.

2. Hospitals and nursing homes, and housing for the elderly, which are likely to contain occupants who may not be sufficiently mobile to avoid the loss of life or injury during flood and storm events;

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

4. Generating plants, and other principal points of utility lines.

Development means 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, and permanent storage of materials of equipment.

Elevated building means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

Existing construction means any structure for which the "start of construction" commenced before December 5, 2006 [i.e., the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the national flood insurance program (NFIP)].

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pad) is completed before December 5, 2006. [i.e., the effective date of the first floodplain management regulations adopted by a community].

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of street, and either final site grading or the pouring of concrete pads.

Flood or *flooding* means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters; or

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

Flood hazard boundary map (FHBM) means an official map of a community, issued by the federal insurance administration, where the boundaries of areas of special flood hazard have been

defined as Zone A.

Flood insurance rate map (FIRM) means an official map of a community, issued by the federal insurance administration, delineating the areas of special flood hazard and/or risk premium zones applicable to the community.

Flood insurance study means the official report by the federal insurance administration evaluating flood hazards and containing flood profiles and water surface elevations of the base flood.

Floodplain means any land area susceptible to flooding.

Flood proofing means any combination of structural and non-structural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway means 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.

Freeboard means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that

could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

Highest adjacent grade means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed foundation of a building.

Historic structure means any structure that is:

1. Listed individually in the national register of historic places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the national register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;

3. Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or

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

   (a) By an approved state program as determined by the Secretary of the Interior, or

   (b) Directly by the Secretary of the Interior in states without approved programs.

Lowest floor means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of other provisions of this Code.

Manufactured home means a building, transportable in one or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 18 consecutive days or longer and intended to be improved property.

Mean sea level means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this article, the term is synonymous with national geodetic vertical datum (NGVD).

National geodetic vertical datum (NGVD) as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

New construction means any structure (see definition) for which the "start of construction" commenced on or after December 5, 2006 and includes any subsequent improvements to the structure. [i.e., the effective date of the first floodplain management ordinance adopted by the community as a basis for community participation in the (NFIP)].

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured 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 December 5, 2006 [i.e., the effective date of the first floodplain management regulations adopted by a community].

North American vertical datum (NAVD) as corrected in 1988 is a vertical control used as a reference for establishing varying elevations within the flood plain.

Recreational vehicle means a vehicle, which is:

1. Built on a single chassis;

2. Four hundred square feet or less when measured at the largest horizontal

projection;

3. Designed to be self-propelled or permanently towable by a light duty truck; and

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

Repetitive loss means flood-related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

Start of construction means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means 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, and includes the placement of a manufactured home on a foundation. (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 buildings appurtenant to the permitted structure, such as garages or sheds not occupied as dwelling units or part of the main structure. (Note: Accessory structures are not exempt from any article requirements) for a substantial improvement, the actual start of construction means 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.

Structure means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures, which have occurred "repetitive loss" or "substantial damage", regardless of the actual repair work performed.

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 the alteration affects the external dimensions of the building. The term does not, however, include: (1) Those improvements of a structure required to comply with existing violations of state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions and which have been identified

by the code enforcement official, and not solely triggered by an improvement or repair project, or (2) any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure".

Substantially improved existing manufactured home parks or *subdivisions* is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

Variance is a grant of relief from the requirements of this article, which permits construction in a manner otherwise prohibited by this article.

Violation means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, or other certifications, or other evidence of compliance required by this article is presumed to be in violation until such time as that documentation is provided.

Sections 5.62 - 5.70 **Reserved.**