

Chapter 5

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Chapter 5.

BUILDING INSPECTIONS

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 State 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, 2018 Edition, with Georgia Amendments.
2. International Residential Code for One- and Two- Family Dwellings, 2018 Edition, with Georgia Amendments.
3. International Fire Code, 2018 Edition, with Georgia Amendments.
4. International Plumbing Code, 2018 Edition, with Georgia Amendments.
5. International Mechanical Code, 2015 Edition, with Georgia Amendments.
6. International Fuel Gas Code, 2018 Edition, with Georgia Amendments.
7. National Electrical Code, 2020 Edition.
8. International Energy Conservation Code, 2018 Edition with Georgia Supplements and Georgia Amendments.
9. International Swimming Pool and Spa Code, 2018 Edition, with Georgia Amendments.

b. The City of Coolidge shall appoint appropriate employees and individuals to conduct necessary inspections, review plans and issue necessary permits or certificates as necessary to carry forth this article.

c. 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.

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 unless and until all utility installations, entrances and exits to and from the proposed construction have been approved by the city's superintendent of utilities 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.

Section 5-6 **Setting of Fees.**

The Council shall, from time to time, set fees for building services and permits. The initial fees shall be set pursuant to Attachment B to this ordinance, and shall be amended from time to time upon council resolution and as recommended by the Building Official and city personnel.

Sections 5-7 through 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;
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 **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 5.15 - 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 Chief of Police 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 AND SEDIMENTATION CONTROL.

Section 5.41 **Title.**

This article will be known as the “City of Coolidge Soil Erosion and Sedimentation Control Ordinance.”

Section 5.42 **Definitions.**

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

Best management practices (BMP’s) means a collection of structural practices when vegetative measures which, when properly designed, installed and maintained, will provide effective erosion and sedimentation control for all rainfall events up to and including a 25-year, 24-hour rainfall event.

Board means the board of natural resources.

Buffer means 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.

Commission means the state soil and water conservation commission.

Cut means a portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to excavated surface. Also known as excavation.

Department means the department of natural resources.

Director means the director of the environmental protection division of the department of natural resources.

District means the Flint Soil and Water Conservation District.

Division means the environmental protection division of the department of natural resources.

Drainage structure means 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 means the process by which land surface is worn away by the action of wind, water, ice or gravity.

Erosion and sedimentation control plan means a plan for the control of soil erosion and sedimentation resulting from a land-disturbing activity. Also known as the “plan.”

Fill means a portion of land surface to which soil or other solid material has been added; the depth above the original ground.

Finished grade means the final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

Grading means altering the shape of ground surfaces to a predetermined condition; this includes stripping, cutting, fillings, stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.

Ground elevation means the original elevation of the ground surface prior to cutting or filling.

Issuing authority means the governing authority of any county or municipality which has been certified by the director of the environmental protection division of the department of natural resources as an issuing authority, pursuant to the Erosion and Sedimentation Act of 1975, as amended, or the division in those instances where an application for a permit is submitted to the division.

Land-disturbing activity means 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, cleaning, dredging, grading, excavating, transporting, and filling of land but not including agricultural practices as described in section 5.43(a)(5).

Metropolitan River Protection Act (MRPA) means 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 means the ground surface in its original state before any grading, excavation or filling.

Nephelometric turbidity units (NTU) means numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloiddally dispersed particles are present.

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

Person means any individual, partnership firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility cooperative, state agency, municipality or other political subdivision of this state, any interstate body or any other legal entity.

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

Qualified personnel means any person who meets or exceeds the education and training requirements of O.C.G.A. § 12-7-19.

Roadway drainage structure means a device such as a bridge, culvert, or ditch, composed of a virtually nonerodible material such as concrete, steel, plastic, or other such material that conveys water under a roadway by intercepting the flow on one side of a traveled way consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

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

Sedimentation means 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 means an erosion and sedimentation control plan approved in writing by the Flint Soil and Water Conservation District.

Stabilization means 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 means the national pollution discharge elimination system general permit or permits for storm-water runoff from construction activities as is now in effect or as may be amended or reissued in the future pursuant to the state's authority to implement the same through federal delegation under the Federal Water Pollution Control Act, as amended, 33 U.S.C. Section 1251, et seq., and O. C. G. A. § 12-5-30(f).

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

Structural erosion and sedimentation control practices means practices for the stabilization of erodible or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sediment control practices are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversion, grade stabilization structures, sediment traps and land grading, etc. such practices can be found in the publication Manual for Erosion and Sediment Control in Georgia.

Trout streams means all streams or portions of streams within the watershed as designated by the Game and Fish Division of the Georgia Department of Natural Resources under the provisions of the Georgia Water Quality Control Act, O. C. G. A. § 12-5-20, et seq. 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 throughout the year. First order trout waters are streams into which no other streams flow except springs.

Vegetative erosion and sedimentation control measures means measures for the stabilization of erodible or sediment-producing areas by covering the soil with:

1. Permanent seeding, sprigging or planting, producing long-term vegetative cover; or
2. Temporary seeding, producing short-term vegetative cover; or
3. 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 means any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or flood water.

Wetlands means 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 article 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, "Mineral resources and Caves Act";
2. Granite quarrying and land cleaning 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 acres and is not a part of a larger common plan of development or sale with a planned disturbance of equal to or greater than one acre and not otherwise exempted under his paragraph; provided, however, that construction of any such residence shall conform to the minimum requirements as set forth in section 5.44 of this article 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-feet 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 section 5.44 of this article and the buffer zones provided by this section shall be enforced by the 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 the field or orchard; feeding, breeding or managing livestock or poultry; producing or storing feed for use in the production of livestock, including but not limited to cattle, calves, swine, hogs, goats, sheep, and rabbits or for use in the production of poultry, including but not limited to chickens, hens and turkeys; producing plants, trees, fowl, or animals; the production of aquaculture, 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 otherwise prohibited in a buffer, as established in paragraphs (15) and (16) of section 5.44(c) of this article, no other land-disturbing activities, except for normal forest management practices, shall be allowed in the entire property upon which the forestry practices were conducted for a period of three years after completion of such forestry practices;
7. Any project carried out under the technical supervision of the Natural Resources Conservation Service of the United States Department of Agriculture;
8. Any project involving less than one 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 of equal to or greater than one acre or within 200 feet of the bank of any state waters, and for purposes of the paragraph, "state waters" excludes channels and drainageways which have water in them only during and immediately after rainfall events and intermittent streams which do not have water in them year-round; provided, however, that any person responsible for a project which involves less than one acre, which involves land-disturbing activity, and which is within 200 feet of any such excluded hannel or drainageway, must prevent sediment from moving from 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 tollway authority; or any road construction or maintenance project, or both, undertaken by any county or municipality; provided, however, that construction or maintenance projects of department of transportation or state tollway authority which disturb one or more contiguous acres of land shall be subject to provisions of 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. § 12-7-9 as if a permit has 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 power; except where an electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the public service commission, any utility under the regulatory jurisdiction of the federal energy regulatory commission, any cable television system as defined in O. C. G. A. § 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power 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. § 12-7-6 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 and Sedimentation Control Using Best Management Practices.**

a. General provisions. Excess soil erosion and resulting sedimentation can take place during land-disturbing activities. Therefore, plans for those land-disturbing activities which are not excluded by this article shall contain provisions for application of soil erosion and sedimentation control measures and practices. The provisions shall be incorporated into the erosion and sedimentation control plans. Soil erosion and sedimentation control measures and practices shall conform to the minimum requirements of section 5.44(b) and (c) of this article. 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 and sedimentation pollution during all states of any land-disturbing activity.

b. Minimum requirements/BMP's.

1. Best management practices as set forth in section 5.44(b) and (c) of this

article 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 stormwater issued pursuant to O. C. G. A. § 12-5-30(f), 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(b).

2. A discharge of stormwater runoff from disturbed areas where best management practices have not been properly designed, installed, and maintained shall constitute a separate violation of any land-disturbing permit issued by a local issuing authority or of any state general permit issued by the division pursuant to O. C. G. A. § 12-5-30(f), the “Georgia Water Quality Control Act,” for each day on which such discharge results in the 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 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 any state general permit issued by the division pursuant to O. C. G. A. § 12-5-30(f), 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.

c. The rules and regulations, ordinances, or resolutions adopted pursuant to this chapter for the purpose of governing land-disturbing activities shall require, as a minimum, protections 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 practical erosion potential;
4. Whenever feasible, natural vegetation shall be retained, protected, and supplemented;
5. The disturbed area and the duration of exposure to erosive elements 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 and structural erosion control practices shall be installed as soon as practicable;
9. To the extent necessary, sediment in runoff 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 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 and sedimentation control shall include provisions for treatment or control of any source of sediments and adequate sedimentation control facilities to retain sediments on-site or preclude sedimentation of adjacent waters beyond the levels specified in section 5.44(b)(2) of this article;
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, or 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 implemented; provided, however the buffers of at least 25 feet established pursuant to part 6 of article 5, chapter 5 of title 12, the "Georgia Water Quality Control Act," shall remain in force unless a variance is granted by the director as provided in this paragraph. The following requirements shall apply to any such buffer:

- (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 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 resident, 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; 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 requirements 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 long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and
- (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; and

d. Nothing contained in this chapter 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 5.44(b) and (c) of this article.

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 article or the terms of the permit.

Section 5.45 **Application/Permit Process.**

a. *General.* The property owner, developer, and designated planners and engineers shall review the general development plans and detailed plans of the local issuing authority that affect the tract to be developed and the area surrounding it. They shall review the zoning ordinance, stormwater management ordinance, subdivision ordinance, flood damage prevention ordinance, this ordinance, and other ordinances which regulate the development of land within the jurisdictional boundaries of the local issuing authority. However the operator is the only party 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 Coolidge without first obtaining a permit from the building inspector to perform such activity.

2. The application for a permit shall be submitted to the building inspector and must include the applicant's erosion and sedimentation control plan with supporting data, as necessary. Said plans shall include as a minimum, the data specified in section 5.45(c) of this article. Soil erosion and sedimentation control plans shall conform to the provisions of section 5.44(b) and (c) of this article. Applications for a permit will not be accepted unless accompanied by three copies of the applicant's soil erosion and sedimentation 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 or that such a visit was not required in accordance with rules and regulations established by the board.
3. A fee, in the amount of \$25.00 shall be charged for each acre or fraction thereof in the project area.
4. In addition to the local permitting fees, fees will also be assessed pursuant to O. C. G. A. § 12-5-23(a)(5), 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 O. C. G. A. § 12-7-8(a) half of such fees levied shall be submitted to the division; except that any and all fees due from any entity which is required to give notice pursuant to O. C. G. A. § 12-7-17(9) or (10) shall be submitted in full to the division, regardless of the existence of a local issuing authority in the jurisdiction.
5. 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 and sedimentation control plan. A district shall approve or disapprove a plan within 35 days of receipt. Failure of a 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 issuing authority. No permit will be issued unless the plan has been approved by the district, and any variances required by section 5.59(c)(15) and (16) and bonding, if required as per section 5.45(b)(5)b., have been obtained. Such review will not be required if the issuing authority and the district have entered into an agreement which allows the issuing authority to conduct such review and approval of the plan without referring the application and plan to the district.
6. If a permit applicant has had two or more violations of previous permits, this article section, or the Erosion and Sedimentation Act, as amended, within three years prior to the date of filing of the application under consideration, the local issuing authority may deny the permit application.

7. The local issuing authority may require the permit applicant to post a bond in the form of government security, case, irrevocable letter of credit, or any combination thereof up to but not exceeding, \$3,000.00 per acre or fraction hereof of the proposed land-disturbing activity, prior to issuing the permit. If the applicant does not comply with this article 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 process to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance. These provisions shall not apply unless there is in effect an ordinance or statute specifically providing for hearing and judicial review of any determination or order of 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 section 5.44(b) and (c) of this article. Conformance with the minimum requirements may be attained through the use of design criteria in the current issue of the Manual for Erosion and sediment Control in Georgia, published by the state soil and water conservation commission as a guide; or through the use of more stringent, alternate design criteria which conform to sound conservation and engineering practices. The Manual for Erosion and Sediment Control in Georgia is hereby incorporated by reference into this article. The plan for the land-disturbing activity shall consider the interrelationship of the soil types, geological, and hydrological characteristics, topography, watershed, vegetation, proposed permanent structures including roadways, constructed waterways, sediment control and storm water management facilities, local ordinances and state laws.
2. Data required for site plan.
 - (a) Narrative or notes, and other information: Notes or narrative to be located on the site plan in general notes or in erosion and sediment control notes.
 - (b) Description of existing land use at project site and description of proposed project.
 - (c) Name, address, and phone number of the property owner.
 - (d) Name and phone number of 24-hour local contract who is responsible for erosion and sedimentation controls.
 - (e) Size or project, or phase under construction, in areas.
 - (f) Activity schedule showing anticipated starting and completion dates for the project. Include the statement in bold letters, that “the installation of erosion and sedimentation control measures and practices shall occur prior to or concurrent with land-disturbing activities.”

- (g) Stormwater and sedimentation management systems-storage capacity, hydro-logic study, and calculations, including off-site drainage areas.
 - (h) Vegetative plan for all temporary and permanent vegetative measures, including species, planting dates, and seeding, fertilizer, lime, and mulching rates. The vegetative plan should show options for year-round seeding.
 - (i) Detail drawings for all structural practices. Specifications may follow guidelines set forth in the Manual for Erosion and Sediment Control in Georgia.
 - (j) Maintenance statement: "Erosion and sediment control measures will be maintained at all times. If full implantation of the approved plan does not provide from effective erosion and sediment control, additional erosion and sediment control measures shall be implemented to control or treat the sediment source."
3. Maps, drawings, and supportive computations shall bear the signature/seal of a registered or certified professional in engineering, architecture, landscape architecture, land surveying, or erosion and sedimentation control. After December 31, 2006, all 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 as developed by the commission pursuant to O. C. G. A. § 12-7-20. The certified plans shall contain:
- (a) Graphic scale and north point or arrow indicating magnetic north.
 - (b) Vicinity maps showing location of project and existing streets.
 - (c) Boundary line survey.
 - (d) Delineation of disturbed areas within project boundary.
 - (e) Existing and planned contours, with an interval in accordance with the following:

<i>Map Scale</i>	<i>Ground Slope</i>	<i>Contour Interval, ft.</i>
1 inch = 100 ft. or larger scale	Flat 1-2%	0.5 to 1
	Rolling 2-8%	1 or 2
	Steep 8%	+2, 5, or 10

- (f) Adjacent areas and features area such as streams, lakes, residential areas, etc. which might be affected should be indicated on the plan.
 - (g) Proposed structures or additions to existing structures and paved areas.
 - (h) Delineate the 25-foot horizontal buffer adjacent to state waters and the specified width in MRPA areas.
 - (i) Delineate the specified horizontal buffer along designated trout streams, where applicable.
 - (j) Location of erosion and sedimentation control measures and practices using coding symbols from the Manual for Erosion and Sediment Control in Georgia, chapter 6.
4. Maintenance of all soil erosion and sedimentation control practices, whether temporary or permanent, shall be at all times the responsibility of the property owner.
- d. *Permits.*
- 1. Permits shall be issued or denied as soon as practicable but in any event not later than 45 days after receipt by the local issuing authority of a completed application, providing variances and bonding are obtained, where necessary.
 - 2. No permit shall be issued by the local issuing authority unless the erosion and sedimentation control plan has been approved by the district and the local issuing authority has affirmatively determined that the plan is in compliance with this article, any variances required by section 5.34(c)(15) and (16), are obtained, bonding requirements, if necessary, as per section 5.45(b)(5)b. 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. If the tract is to be developed in phases, then a separate permit shall be required for each phase.
 - 4. 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 article. 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.

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 both primary and secondary permittees as such terms are defined in the state general permit. Primary permittees shall be responsible for installation and maintenance of best management practices where the secondary 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 article, 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 article.

b. The building inspector shall have the power to conduct such investigations as he may reasonably deem necessary to carry out duties as prescribed in this article, 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.

c. No person shall refuse entry or access to any authorized representative or agent of the issuing authority, the commission, the district, or division who requests entry for the purposes of inspection, and who presents appropriate credential, nor shall any person obstruct, hamper, or interfere with any such representative while in the process of carrying out his official duties.

d. The districts or the commission or both shall periodically review the actions of the counties and municipalities which have been certified as local issuing authorities pursuant to O. C. G. A. § 12-7-8(a). The districts or the commission or both may provide technical assistance to any county or municipality for the purpose of improving the effectiveness of the county's or municipality's erosion and sedimentation control program. The districts or the commission shall notify the division and request investigation by the division if any deficient or ineffective local program is found.

e. The board, on or before December 31, 2003, shall promulgate rules and regulations setting forth the requirements and standards for certification and the procedures for decertification of a local issuing authority. The division may periodically review the actions of counties and municipalities which have been certified as local issuing authorities 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 into 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 30 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 30 days after notification by the division, the division may 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 a land-disturbing activity requiring a land-disturbing permit as prescribed in this article 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 issuing authority.

b. Stop-work orders.

1. For the first and second violations of the provisions of this article, 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 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 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 design, 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 occurred. Such stop-work orders shall apply to all land-disturbing activity on the site with the exception of the installation and maintenance of temporary or permanent erosion and sediment controls.

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 article 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 5.45(b)(5)b. The issuing authority may call the bond or any part thereof to be forfeited and may

use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance.

d. Monetary penalties. Any person who violates any provisions of this article, or any permit condition or limitation established pursuant to this article, or who negligently or intentionally fails or refuses to comply with any final or emergency order of the director issued as provided in this article shall be liable for a civil penalty not to exceed \$2,500.00 per day. For the purposes of enforcing the provisions of this article, notwithstanding any provisions in any City Charter to the contrary, municipal courts shall be authorized to impose a 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 article under county ordinances approved under this article shall be authorized to impose penalties for such violations not to exceed \$2,500.00 for each violation. Each day during which violation or failure or refusal to comply continues shall be a separate violation.

Section 5.48 **Education and Certification.**

After December 31, 2006, all 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.

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 erosions and sediment 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 45 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 de novo to the Superior Court of Thomas County.

Section 5.50 **Effectivity, Validity, and Liability.**

a. *Effectivity.* This article shall become effective on the ___ day of _____, 20__.

b. *Validity.* If any section, paragraph, clause, phrase, or provision of this article shall be adjudged invalid or held unconstitutional, such decision shall not effect the remaining portions of this article.

c. *Liability.*

1. Neither the approval of a plan under the provisions of this article nor the compliance with provisions of this article 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 of nor create a presumption of a violation of the standards provided for in this article or the terms of the permit.
3. No provision of this article shall permit any persons to violate the Georgia Erosion and Sedimentation Act of 1975 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 Coolidge, 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 Coolidge, 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 Coolidge, 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 Coolidge 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 Coolidge 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 Coolidge 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 (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 area; 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 Coolidge 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 Thomas 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 if 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 in 5.57(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.