

Chapter 5

BUILDING, CONSTRUCTION AND RELATED ACTIVITIES*

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***Cross references**--Floodplain regulations, Ch. 8; historic preservation, Ch. 9; public safety, Ch. 12; subdivisions, Ch. 17; trees and landscaping, Ch. 20; zoning, Ch. 22.

State law references--Governing body may enact standards to determine safety of buildings, Ga. Const., art. 1, sec. 4, par. 1; authority of city or county to provide codes, including building, housing, plumbing, and electrical codes, Ga. Const., art. 9, sec. 2, par. 3(12); providing of fire escapes by building owners, O.C.G.A. § 8-2-50; The Uniform Standards Code for Manufactured Homes Act, O.C.G.A. § 8-2-130 et seq.; The Uniform Act for the Application of Building and Fire Related Codes to Existing Buildings, O.C.G.A. § 8-2-200 et seq.; access to and use of public facilities by physically handicapped persons, O.C.G.A. § 30-3-1 et seq.; authority for municipalities to repair, close or demolish unfit buildings or structures, O.C.G.A. § 41-2-7.

Section 5-310A ARTICLE XII. STORMWATER MANAGEMENT

Section 5-311 Short title.

This article shall be known and may be cited as "The Stormwater Management Article."
(Code 1958, § 7-273; Ord. of 7-14-86(1))

Section 5-312 Intent.

This article is intended to allow owners to develop undeveloped land and redevelop property provided stormwater runoff peak rates after development or redevelopment approximate existing conditions.

(Code 1958, § 7-274; Ord. of 7-14-86(1))

Section 5-313 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:

Detention facility, water detention structure means a facility which provides for storage of stormwater runoff and the controlled release of such runoff during and after a flood or storm. This facility is normally dry, but is designed to fill during runoff events.

Retention facility, water retention structure means a facility which provides for storage of stormwater runoff and will usually contain a substantial volume of water to serve recreational, aesthetic, water supply or other functions. Stormwater will be temporarily stored at above normal stages during runoff events.

(Code 1958, § 7-275; Ord. of 7-14-86(1))

Cross reference--Definitions and rules of construction generally, § 1-2.

Section 5-314 Jurisdiction.

This article shall apply to all areas incorporated within the city limits and to all areas annexed into the city limits in the future.

(Code 1958, § 7-276; Ord. of 7-14-86(1))

Section 5-315 Activities requiring permit.

Any development activity or combination of development activities which would increase the rate of run-off requires a permit. Such activities include, but are not necessarily limited to the following:

- (1) Construction of a structure or addition to an existing structure;
- (2) Paving a portion of land;
- (3) Subdividing land.

(Code 1958, § 2-277; Ord. of 7-14-86(1); Ord. of 9-26-94, § I)

Section 5-316 General requirements.

(a) The discharge hydrograph produced for the developed or redeveloped site shall not exceed by more than ten (10) percent, in terms of peak flow, the hydrograph produced by conditions existing before development or redevelopment for a twenty-five (25) year frequency storm.

(b) Depending upon the contours, one (1) or more detention/retention facilities shall be planned. Where incremental development is allowed the detention/retention facility necessary for that part of the development must be constructed prior to the completion of any development within the same drainage area.

(c) When a proposed detention/retention facility is planned within a floodplain identified in the Flood Insurance Study for the City of Thomasville, the design of the dam and outlet device shall provide for the safe passage of the one-hundred-year flood.

(Code 1958, § 7-279; Ord. of 7-14-86(1))

Section 5-317 Design standards.

(a) Design of the water retention or detention facilities and control flow release device shall be designed according to recognized engineering standards, subject to the approval of the city engineer. The form and content of the plan and design information submitted is subject to the

approval of the city engineer.

(b) The plan and calculations (including the as built plan) for parcels of land in excess of three (3) acres shall be done, sealed and signed by a state registered professional engineer.

(c) If the retention facility is designed for temporary storage of stormwater runoff to a maximum water or undercut depth of more than four (4) feet or a bank slope greater than two (2) (horizontal) to one (1) (vertical), permanent fencing at least four (4) feet in height shall be required around the facility. The fencing shall be designed, installed, and maintained to allow the free flow of runoff into the facility. The fence shall include a gate of sufficient size to permit entrance of equipment necessary to allow periodic maintenance activities. Fencing may be waived by the city engineer in areas other than those zoned residential if the facility is more than five hundred (500) feet from a residential district.

(Code 1958, § 7-279.1; Ord. of 7-14-86(1))

Section 5-318 Alternate procedures.

(a) When developing a parcel of land which does not lie within a drainage basin where a significant drainage problem has been identified by the city engineer (for a twenty-five-year event rain), a developer, in lieu of constructing an on-site detention facility, may elect to pay a stormwater impact fee.

(b) The stormwater impact fee shall be based upon the amount of new impervious area created by the development. If roof or paving is involved, the impact fee will be calculated by multiplying the total new square footage of impervious area by ten cents (\$0.10) per square foot. For other types of surfacing and changes, a weighted factor will be applied based on a recognized engineering standard.

(c) A developer who is allowed to use the alternate procedure of paying an impact fee to the city and whose drainage from the property flows onto any adjacent property other than public right-of-way shall be required to enter into an agreement to indemnify the city in the event any claim or action is brought against the city as a result thereof. Such indemnification agreement shall be in a form satisfactory to the city attorney.

(d) When it is determined by the city engineer that an existing detention facility can be eliminated without adversely affecting downstream drainage networks, the owner thereof may eliminate the existing detention facility, provided the city agrees to accept a stormwater impact fee for the impervious area created by the development based on the formula identified in (b) above.

(Code 1958, § 2-280; Ord. of 7-14-86(1); Ord. of 2-22-93, § I; Ord. of 9-26-94, § II)

Section 5-319 Maintenance.

The installed system required by this article shall be maintained by the owner except that the city may accept certain systems for city maintenance. The selection of critical areas and structures to be maintained by the city shall be recommended to the city council by the city engineer. The city council will make final determination regarding the acceptance of the system recommended. All areas and structures to be maintained by the city must be dedicated to the city by plat or separate instrument and accepted by the city council.

(Code 1958, § 7-283; Ord. of 7-14-86(1))

Section 5-320 Enforcement.

It shall be the responsibility of the chief building official to insure that no permit is issued by that person's office unless the provisions of this article are observed by the applicant/owner. No building permit shall be issued until the city engineer has either determined that the work

involved is exempt from the requirements of this article, or that a complete plan has been filed with the city engineer meeting the requirements of the article. If the permit has not been previously approved, the chief building official may only issue a provisional building permit contingent upon approval of the plan and compliance with the provisions of this article. The owner/applicant shall acknowledge in writing his understanding that the building permit is contingent upon the above. No occupancy permit shall be issued until the provisions of this article have been met by the owner/applicant.

(Code 1958, § 7-285; Ord. of 7-14-86(1))

Section 5-321 Penalties.

Any person who violates or causes to be violated any provision of this article or permits any such violation or fails to comply with any of the requirements hereof shall be punished in accordance with the provisions of section 1-6. Each day upon which such violation occurs shall constitute a separate offense. In addition to any other remedies, whether civil or criminal, the violation of this article may be restrained by injunction, including a mandatory injunction, and otherwise abated in any manner provided by law.

(Code 1958, § 7-286; Ord. of 7-14-86(1))

Section 5-322 Variance procedure.

Upon request by any person required to obtain a permit by this article and where it is proven by engineering study by the owner/applicant's engineer that an increase in the rate or volume of surface runoff shall not be harmful to downstream property owners, the city council, after favorable recommendations by the city engineer, may grant or deny a variance to this article.

(Code 1958, § 7-287; Ord. of 7-14-86(1))

Section 5-323 Conflict with other ordinances and laws.

In case of conflict between this article or any part thereof and the whole or part of any other existing ordinance, resolution or state law, the city ordinance, county resolution, or state law which is the most restrictive shall apply.

(Code 1958, § 7-291; Ord. of 7-14-86(1))

Section 5-324 Emergency exemption.

(a) This article shall not be construed to prevent the doing of any act necessary to prevent material harm to or destruction of real or personal property as a result of a present emergency, including but not limited to fire, infestation by pest, or hazards resulting from violent storms or hurricanes or when the property is in imminent peril and the necessity of obtaining a permit is impractical and would cause undue hardship in the protection of the property.

(b) A report of any such emergency action shall be made to the engineering department by the owner or person in control of the property upon which emergency action was taken as soon as practicable, but not more than ten (10) days following such action. Remedial action may be required by the engineering department subject to appeal to the city council in the event of dispute.

(Code 1958, § 7-288)

Section 5-325 Bond to guarantee compliance.

Before approval of the building permit and issuance of a certificate of occupancy, compliance with this article shall be required. After approval of the permit for compliance, the owner/applicant may tender to the city a surety bond conditional to secure the construction of the improvements required by this article. The bond shall be in an amount equal to one hundred ten (110) percent of the estimated cost of the construction as required by this article. It shall be the responsibility of the owner/applicant to get a quotation for the required work from a reliable contractor qualified to complete the required work within the required time. The city engineer may prepare an estimate in lieu of above and require a bond for an amount based upon his estimate. The surety will be subject to the condition that the improvements required by this article and the approved permit be completed within six (6) months of the date of issuance of the certificate of occupancy. If such improvements are not satisfactorily completed, within six (6) months, the terms of the bond shall specify that the city may proceed with the work and hold the applicant and surety jointly and severally responsible for the costs thereof. Such bond shall be executed by a corporate surety company authorized to do business in the state, holding certificate of authority from the Secretary of Treasury of the United States as acceptable surety on federal bonds and executed and issued by a resident agent licensed and having an office in the state representing such corporation surety. As an alternative, the applicant may deposit a certificate check with, payable to, the city in place of the surety bond or the applicant may deposit a bank letter of credit in a form acceptable to the city attorney.

(Code 1958, § 7-289)

Section 5-326 Vested rights.

This article shall not in any way limit or modify the vested rights of any person to complete any development or improvements to lands based upon prior law where a previous permit or authorization has been granted or applied for and where such previous permit or authorization remains in effect.

(Code 1958, § 7-290)

Section 5-327 5-327--5-350. Reserved.