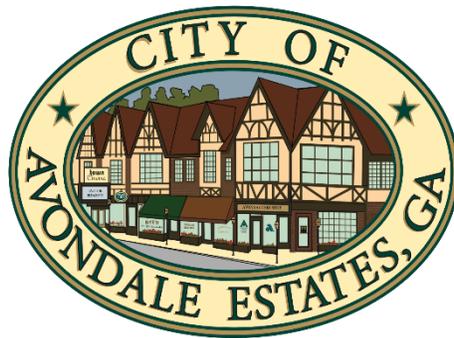


City of Avondale Estates

Enforcement Response Plan



City of Avondale Estates

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INTRODUCTION

As required in the National Pollutant Discharge Elimination System (NPDES) Phase I Municipal Separate Storm Sewer System (MS4) permit effective June 11, 2014, the City of Avondale Estates (City) must develop and implement an Enforcement Response Plan (ERP) that describes the action to be taken for violations associated with this permit and the Storm Water Management Program (SWMP). The ERP will detail the permittee's responses to any noted storm water violations, including escalating enforcement responses to address repeat and continuing violations.

ILLICIT DISCHARGES AND ILLEGAL CONNECTIONS TO STORM SEWERS [CHAPTER 20]

Purpose Sec. 20.9

The City of Avondale Estates, through the Illicit Discharges and Illegal Connections to Storm Sewers ordinance, and through the ERP actions, seeks to protect the public health, safety, environment and general welfare of the citizens of the city through the regulation of non-storm water discharges to the City of Avondale Estates separate storm sewer system to the maximum extent practicable as required by federal law. The objectives of the ordinance are to:

- Regulate the contribution of pollutants to the MS4 by any person;
- Prohibit illicit discharges and illegal connections to the MS4;
- Prevent non-storm water discharges, generated as a result of spills, inappropriate dumping or disposal, to the MS4; and
- To establish legal authority to carry out all inspection, surveillance monitoring and enforcement procedures necessary to ensure compliance with this article.

Responsibility for administration [Sec. 20.9]

The City Code Enforcement Officer, or his or her Designee, of the City of Avondale Estates shall administer, implement, and enforce the provisions of the Illicit Discharges and Illegal Connections to Storm Sewers ordinance.

Notice of Violations and Citations [Sec. 20-20]

The following enforcement mechanisms will be used in the event a person violates the Illicit Discharges and Illegal Connections to Storm Sewers ordinance:

Violations.

- (a) Whenever the city manager determines that a violation of this article or regulations and procedures adopted thereto has occurred, he or she shall serve upon the discharger a notice of violation. The notice of violation shall be in writing, include a description of the property sufficient for identification of where the violation has occurred, list the provisions of this article which have been violated, and state that, if the violation is not remedied within a specified reasonable time to be determined by the city manager, a citation shall be issued for the discharger to appear in the municipal court. The notice of violation shall set forth the potential penalty involved and the fact that each day the violation continues shall constitute a new and separate violation.
- (b) Notwithstanding the foregoing, the city manager may issue a citation to appear in the municipal court without first issuing a notice of violation if, in the judgment of the city manager, the illicit discharge or illicit connection was not an accidental discharge or if the violation constitutes a threat to the public health, safety, general welfare, or the city municipal separate storm sewer system.
- (c) If the violation has not been remedied within the time specified in the notice of violation, the city manager shall issue a citation to the discharger to appear in the municipal court.
- (d) Nothing in this Code chapter shall limit the authority of the city manager to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

Notice of violations.

Whenever the City Code Enforcement Officer, or his or her Designee, finds that a violation of this article has occurred, the City Code Enforcement Officer, or his or her Designee, may order compliance by written notice of violation.

The notice of violation shall contain:

- The name and address of the alleged violator;
- The address when available or a description of the building, structure or land upon which the violation is occurring, or has occurred;
- A statement specifying the nature of the violation;
- A description of the remedial measures necessary to restore compliance with this article and a time schedule for the completion of such remedial action;
- A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed; and
- A statement that the determination of violation may be appealed to the City Code Enforcement Officer, or his or her Designee, by filing a written notice of appeal within thirty (30) days of service of notice of violation.

Response to notice of violation or summons and corrective plan.

Within fifteen (15) days of receipt of the notice of violation, the discharger shall submit to the city manager a written explanation of the nature, quantity and time of occurrence of the illicit discharge or illicit connection resulting in the notice of violation and a plan for the satisfactory correction of the violation, including corrective and preventive procedures and implementation of best management practices, where necessary to prevent recurrence. Submission of this plan in no way relieves the discharger of liability for any violations occurring before or after receipt of the notice of violation. The failure to submit this written explanation and plan as required by this Code shall constitute a separate violation of this article.

Enforcement Tracking

Enforcement of the Illicit Discharges and Illegal Connections to Storm Sewers ordinance is shared between the Department of Public Works and the City Code Enforcement Officer. A list of all identified violations and enforcement actions will be maintained. The list will include pertinent information including:

- Dates
 - Violation reported/discovered
 - Inspections and re-inspections
 - Notice of violation issued
 - Appeals, protests, communications
- Property
 - Address / Location
 - Owner / Operator
- Description of noncompliance
- Type of enforcement action
 - Notice of violation
 - Action by city
- Required timeframe to correct violation
- Final resolution
 - Date
 - Verification

Notice of violations provided to violators as well as any other correspondence will be maintained on file.

Summary of enforcement measures

The Department of Public Works will take primary responsibility for investigating and enforcing the ERP for any Illicit Discharges and Illegal Connections to Storm Sewers violations not related to Soil and Erosion Control. A summary of the enforcement process is contained herein:

SOIL EROSION, SEDIMENTATION AND POLLUTION CONTROL
[CHAPTER 20]

Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities if requirements of the ordinance and the NPDES General Permit are not met. Therefore, plans for those land-disturbing activities which are not exempted by this article shall contain provisions for application of soil erosion, sedimentation and pollution control measures and practices. The provisions shall be incorporated into the erosion, sedimentation and pollution control plans. Soil erosion, sedimentation and pollution control measures and practices shall conform to the minimum requirements of Sections 20-304 (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, sedimentation and pollution during all stages of any land-disturbing activity in accordance with requirements of this article and the NPDES General Permit.

Minimum requirements/BMPs.

Best management practices as set forth in Sections 20-304 (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 storm water issued pursuant to subsection (f) of O.C.G.A. 12-5-30, the "Georgia Water Quality Control Act". As used in this subsection the terms "proper design" and "properly designed" mean designed in accordance with the hydraulic design specifications contained in the "Manual for Erosion and Sediment Control in Georgia" specified in O.C.G.A. 12-7-6 subsection (b).

A discharge of storm water runoff from disturbed areas where best management practices have not been properly designed, installed, and maintained shall constitute a separate violation of any land-disturbing permit issued by a local issuing authority or of any state general permit issued by the division pursuant to subsection (f) of O.C.G.A. 12-5-30, the "Georgia Water Quality Control Act", for each day on which such discharge results in the turbidity of receiving waters being increased by more than twenty-five (25) nephelometric turbidity units for waters supporting warm water fisheries or by more than ten (10) nephelometric turbidity units for waters classified as trout waters. The turbidity of the receiving waters shall be measured in accordance with guidelines to be issued by the director. This paragraph shall not apply to any land disturbance associated with the construction of single family homes which are not part of a larger common plan of development or sale unless the planned disturbance for such construction is equal to or greater than five (5) acres.

Failure to properly design, install, or maintain best management practices shall constitute a violation of any land-disturbing permit issued by a local issuing authority or of any state general permit issued by the Division pursuant to O.C.G.A 12-5-30(f), the "Georgia Water Quality Control Act", for each day on which such failure occurs.

ENFORCEMENT RESPONSE PLAN

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.

The LIA may set more stringent buffer requirements than stated in Section 20-304(c)(15), (16) and (17), in light of O.C.G.A. 12-7-6(c).

Inspection and enforcement.

The City of Avondale Estates will periodically inspect the sites of land-disturbing activities for which permits have been issued to determine if the activities are being conducted in accordance with the plan and if the measures required in the plan are effective in controlling erosion and sedimentation. Also, the local issuing authority shall regulate primary, secondary and tertiary permittees as such terms are defined in the state general permit. Primary permittees shall be responsible for installation and maintenance of best management practices where the primary permittee is conducting land-disturbing activities. Secondary permittees shall be responsible for installation and maintenance of best management practices where the secondary permittee is conducting land-disturbing activities. Tertiary permittees shall be responsible for installation and maintenance where the tertiary permittee is conducting land-disturbing activities. If, through inspection, it is deemed that a person engaged in land-disturbing activities as defined herein has failed to comply with the approved plan, with permit conditions, or with the provisions of this 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.

The local issuing authority must amend its ordinances to the extent appropriate within twelve (12) months of any amendments to the Erosion and Sedimentation Act of 1975.

The City of Avondale Estates shall have the power to conduct such investigations as it 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.

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

The district or the commission or both shall semi-annually review the actions of counties and municipalities which have been certified as local issuing authorities pursuant to O.C.G.A. 12-7-8 (a). The district 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, sedimentation and pollution control program. The district or the commission shall notify the division and request investigation by the division if any deficient or ineffective local program is found.

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). Such review may include, but shall not be limited to, review of the administration and enforcement of a governing authority's ordinance and review of conformance with an agreement, if any, between the district and the governing authority. If such review indicates that the governing authority of any county or municipality certified pursuant to O.C.G.A. 12-7-8(a) has not administered or enforced its ordinances or has not conducted the program in accordance with any agreement entered 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 ninety (90) days within which to take the necessary corrective action to retain certification as a local issuing authority. If the county or municipality does not take necessary corrective action within ninety (90) days after notification by the division, the division shall revoke the certification of the county or municipality as a local issuing authority.

Penalties and incentives. Section 20-307

Failure to obtain a permit for land-disturbing activity. If any person commences any land-disturbing activity requiring a land-disturbing permit as prescribed in this 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 local issuing authority.

Stop-work orders.

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 (5) days to correct the violation. If the violation is not corrected within five (5) days, the director or the local issuing authority shall issue a stop-work order requiring that land-disturbing activities be stopped until necessary corrective action or mitigation has occurred; provided, however, that, if the violation presents an imminent threat to public health or waters of the state or if the land-disturbing activities are conducted without obtaining the necessary permit, the director or the local issuing authority shall issue an immediate stop-work order in lieu of a warning;

ENFORCEMENT RESPONSE PLAN

For a third and each subsequent violation, the director or the local issuing authority shall issue an immediate stop-work order; and;

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

When a violation in the form of taking action without a permit, failure to maintain a stream buffer, or significant amounts of sediment, as determined by the local issuing authority or by the director or his or her designee, have been or are being discharged into state waters and where best management practices have not been properly designed, installed, and maintained, a stop work order shall be issued by the local issuing authority or by the director or his or her designee. All such stop work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has 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.

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 20-305_(b)(6). The local issuing authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance.

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 two thousand five hundred (\$2,500.00) per day. For the purpose of enforcing the provisions of this article, notwithstanding any provisions in any city charter to the contrary, municipal courts shall be authorized to impose penalty not to exceed two thousand five hundred (\$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 two thousand five hundred (\$2,500.00) for each violation. Each day during which violation or failure or refusal to comply continues shall be a separate violation.

Enforcement Tracking

Enforcement of the Soil Erosion, Sedimentation and Pollution Control ordinance is shared between the Department of Public Works and the Planning and Development Department. The Planning and Development Department will maintain a list of all identified violations and enforcement actions. The list will include pertinent information including:

- Dates
 - Inspections and re-inspections
 - Violation reported/discovered
 - Notice of violation issued
 - Stop work orders
- Land disturbance permit
 - Address / location
 - Owner / permit applicant
- Description of noncompliance
- Type of enforcement action
 - Notice of violation
 - First, second, or subsequent
 -
 - Stop work order
- Required timeframe to correct violation
- Final resolution
 - Re-inspection date

Inspection reports and notice of violations provided to violators as well as any other correspondence will be maintained on file by the Planning and Development Department.

Summary of enforcement measures

The Code Enforcement Officer will take primary responsibility for investigating and enforcing the ERP for any Soil Erosion, Sedimentation and Pollution Control violations. A summary of the enforcement process is contained herein:

TABLE 1 SOIL EROSION, SEDIMENTATION AND POLLUTION CONTROL ENFORCEMENT TABLE

Violations	Action Required by Site	Enforcement Mechanisms	Time to Complete Remediation	Ordinance Section
No Level 1A on site	Get a certified person on site as soon as possible	Give a written warning for the 1 st and 2 nd offense. For the 3 rd offense a Stop Work is to be issued	Work may resume once a Level 1A is on site	Section 20
No permit	Stop work	Post a Stop Work order, issue a site inspection form, and log into the E&S list	Work may resume once a permit is granted	Section 20
Silt fence is more than 1/2 full	Remove the built up silt	For the 1 st and 2 nd offense post a Notice of Violation. On the 3 rd and subsequent offense post a stop work order. With each of these actions issue a site inspection form listing all violations with a time and date to complete remediation, and log into the E&S list	This is to be completed by the end of the work day. Special considerations can be made by the inspector, but in no case shall more than 24 hours be given for this repair as the contractor is to inspect E&S on a daily basis	Section 20
Silt fence fabric is falling	Replace silt fence and remove any built up silt	For the 1 st and 2 nd offense post a Notice of Violation. On the 3 rd and subsequent offense post a stop work order. With each of these actions issue a site inspection form listing all violations with a time and date to complete remediation, and log into the E&S list	This is to be completed by the end of the work day. Special considerations can be made by the inspector, but in no case shall more than 24 hours be given for this repair as the contractor is to inspect E&S on a daily basis	Section 20
Construction exit not in place	Immediately stop all site activity until the construction exit is in place. No vehicles should leave the site unless the sediment is removed from their tires	Post a Stop Work order, issue a site inspection form, and log into the E&S list	24 hours at most as this is required maintenance and should be checked weekly by the site	Section 20

ENFORCEMENT RESPONSE PLAN

Violations	Action Required by Site	Enforcement Mechanisms	Time to Complete Remediation	Ordinance Section
An area has gone longer than 14 days without grading	Stabilized site in accordance with site plan	For the 1 st and 2 nd offense post a Notice of Violation. On the 3 rd and subsequent offense post a stop work order. With each of these actions issue a site inspection form listing all violations with a time and date to complete remediation, and log into the E&S list	48 hours	Section 20
Failure to maintain BMPs in accordance with the plans and the Georgia Manual For Erosion and Sediment Control	Perform maintenance as outlined on the plans or the Georgia Manual For Erosion and Sediment Control	For the 1 st and 2 nd offense post a Notice of Violation. On the 3 rd and subsequent offense post a stop work order. With each of these actions issue a site inspection form listing all violations with a time and date to complete remediation, and log into the E&S list	In no case shall more than 24 hours be given for actions requiring daily inspections	Section 20

POST DEVELOPMENT STORM WATER MANAGEMENT FOR NEW DEVELOPMENT AND REDEVELOPMENT

[CHAPTER 20, ARTICLE II]

Purpose [Sec. 20- Article II]

The purpose of this article is to protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased post-development storm water runoff and nonpoint source pollution associated with new development and redevelopment. It has been determined that proper management of post-development storm water runoff will minimize damage to public and private property and infrastructure, safeguard the public health, safety, environment and general welfare of the public, and protect water and aquatic resources. This article seeks to meet that purpose through the following objectives:

Establish decision-making processes surrounding land development activities that protect the integrity of the watershed and preserve the health of water resources;

Require that new development and redevelopment maintain the pre-development hydrologic response in their post-development state as nearly as practicable in order to reduce flooding, streambank erosion, nonpoint source pollution and increases in stream temperature, and maintain the integrity of stream channels and aquatic habitats;

Establish minimum post-development storm water management standards and design criteria for the regulation and control of storm water runoff quantity and quality;

Establish design and application criteria for the construction and use of structural storm water control facilities that can be used to meet the minimum post-development storm water management standards;

Encourage the use of nonstructural storm water management and storm water better site design practices, such as the preservation of greenspace and other conservation areas, to the maximum extent practicable. Coordinate site design plans, which include greenspace, with the county's greenspace protection plan;

Establish provisions for the long-term responsibility for and maintenance of structural storm water control facilities and nonstructural storm water management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public safety; and

Establish administrative procedures for the submission, review, approval and disapproval of storm water management plans, and for the inspection of approved active projects, and long-term follow up.

Applicability Section 20-62

This article shall be applicable to all land development, including, but not limited to, site plan applications, subdivision applications, and grading applications, unless exempt pursuant to subsection (b) below. These standards apply to any new development or redevelopment site that meets one (1) or more of the following criteria:

New development that involves the creation of five thousand (5,000) square feet or more of impervious cover, or that involves other land development activities of one (1) acre or more;

Redevelopment that includes the creation, addition or replacement of five thousand (5,000) square feet or more of impervious cover, or that involves other land development activity of one (1) acre or more;

Any new development or redevelopment, regardless of size, that is defined by the city manager to be a hotspot land use; or

Land development activities that are smaller than the minimum applicability criteria set forth in items (1) and (2) above if such activities are part of a larger common plan of development, even though multiple, separate and distinct land development activities may take place at different times on different schedules.

The following activities are exempt from this article:

Individual single-family or duplex residential lots that are not part of a subdivision or phased development project;

Additions or modifications to existing single-family or duplex residential structures;

Agricultural or silvicultural land management activities within areas zoned for these activities; and by the city manager.

ENFORCEMENT RESPONSE PLAN

Permit application requirements.

No owner or developer shall perform any land development activities without first meeting the requirements of this article prior to commencing the proposed activity.

Unless specifically exempted by this article, any owner or developer proposing a land development activity shall submit to the City of Avondale Estates a permit application on a form provided by the City of Avondale Estates for that purpose.

Unless otherwise exempted by this article, a permit application shall be accompanied by the following items in order to be considered:

Storm water concept plan and consultation meeting certification in accordance with section 20-87

Storm water management plan in accordance with section 20-88;

Inspection and maintenance agreement in accordance with section 20-89 if applicable;

Performance bond in accordance with section 20-89 if applicable; and

Permit application and plan review fees in accordance with section 20-91.

Storm water concept plan and consultation meeting Sec. 20-87

Before any storm water management permit application is submitted, it is recommended that the land owner or developer [shall] meet with the City of Avondale Estates for a consultation meeting on a concept plan for the post-development storm water management system to be utilized in the proposed land development project. This consultation meeting shall take place at the time of the preliminary plan of subdivision or other early step in the development process. The purpose of this meeting is to discuss the post-development storm water management measures necessary for the proposed project, as well as to discuss and assess constraints, opportunities and potential ideas for storm water management designs before the formal site design engineering is commenced.

To accomplish this goal the following information shall be included in the concept plan which shall be submitted in advance of the meeting:

Existing conditions/proposed site plans.

Existing conditions and proposed site layout sketch plans, which illustrate at a minimum: existing and proposed topography; perennial and intermittent streams; mapping of predominant soils from soil surveys (when available); boundaries of existing predominant vegetation and proposed limits of clearing and grading; and location of existing and proposed roads, buildings, parking areas and other impervious surfaces.

ENFORCEMENT RESPONSE PLAN

Natural resources inventory.

A written or graphic inventory of the natural resources at the site and surrounding area as it exists prior to the commencement of the project. This description should include a discussion of soil conditions, forest cover, topography, wetlands, and other native vegetative areas on the site, as well as the location and boundaries of other natural feature protection and conservation areas such as wetlands, lakes, ponds, floodplains, stream buffers and other setbacks (e.g., drinking water well setbacks, septic setbacks, etc.). Particular attention should be paid to environmentally sensitive features that provide particular opportunities or constraints for development.

Storm water management system concept plan.

A written or graphic concept plan of the proposed post-development storm water management system including: preliminary selection and location of proposed structural storm water controls; location of existing and proposed conveyance systems such as grass channels, swales, and storm drains; flow paths; location of floodplain/floodway limits; relationship of site to upstream and downstream properties and drainages; and preliminary location of proposed stream channel modifications, such as bridge or culvert crossings. Local watershed plans, the DeKalb County Greenspace Projection Plan (if applicable), and any relevant resource protection plans will be consulted in the discussion of the concept plan.

Storm water management plan requirements Sec. 20-88

The storm water management plan shall detail how post-development storm water runoff will be controlled or managed and how the proposed project will meet the requirements of this article, including the performance criteria set forth in section division 4.

This plan shall be in accordance with the criteria established in this section and must be submitted with the stamp and signature of a professional engineer (PE) licensed in the State of Georgia, who must verify that the design of all storm water management facilities and practices meet the submittal requirements outlined in the submittal checklist(s) found in the storm water design manual.

The storm water management plan must ensure that the requirements and criteria in this article are being complied with and that opportunities are being taken to minimize adverse post-development storm water runoff impacts from the development. The plan shall consist of maps, narrative, and supporting design calculations (hydrologic and hydraulic) for the proposed storm water management system. The plan shall include all of the information required in the storm water management site plan checklist found in the storm water design manual. This includes:

[Legal description.] Common address and legal description of site;

[Map.] Vicinity map;

Existing conditions hydrologic analysis.

The existing condition hydrologic analysis for storm water runoff rates, volumes, and velocities, which shall include: a topographic map of existing site conditions with the drainage basin boundaries indicated; acreage, soil types and land cover of areas for each sub-basin affected by the project; all perennial and intermittent streams and other surface water features; all existing storm water conveyances and structural control facilities; direction of flow and exits from the site; analysis of runoff provided by off-site areas upstream of the project site; and methodologies, assumptions, site parameters and supporting design calculations used in analyzing the existing conditions site hydrology. For redevelopment sites, predevelopment conditions shall be modeled using the established guidelines for the portion of the site undergoing land development activities.

Post-development hydrologic analysis.

The post-development hydrologic analysis for storm water runoff rates, volumes, and velocities, which shall include: a topographic map of developed site conditions with the post-development drainage basin boundaries indicated; total area of post-development impervious surfaces and other land cover areas for each sub-basin affected by the project; calculations for determining the runoff volumes that need to be addressed for each sub-basin for the development project to meet the post-development storm water management performance criteria in division 4; location and boundaries of proposed natural feature protection and conservation areas; documentation and calculations for any applicable site design credits that are being utilized; methodologies, assumptions, site parameters and supporting design calculations used in analyzing the existing conditions site hydrology. If the land development activity on a redevelopment site constitutes more than fifty (50) percent of the site area for the entire site, then the performance criteria in division 4 must be met for the storm water runoff from the entire site.

Storm water management system.

The description, scaled drawings and design calculations for the proposed post-development storm water management system, which shall include: A map and/or drawing or sketch of the storm water management facilities, including the location of nonstructural site design features and the placement of existing and proposed structural storm water controls, including design water surface elevations, storage volumes available from zero to maximum head, location of inlet and outlets, location of bypass and discharge systems, and all orifice/restrictor sizes; a narrative describing how the selected structural storm water controls will be appropriate and effective; cross-section and profile drawings and design details for each of the structural storm water controls in the system, including supporting calculations to show that the facility is designed according to the applicable design criteria; a hydrologic and hydraulic analysis of the storm water management system for all applicable design storms (including stage-storage or outlet rating curves, and inflow and outflow hydrographs); documentation and supporting calculations to show that the storm water management system adequately meets the post-development storm water management performance criteria in division 4; drawings, design calculations, elevations and hydraulic grade lines for all existing and proposed storm water conveyance elements including storm water drains, pipes, culverts, catch basins, channels, swales and areas of overland flow; and where applicable, a narrative describing how the storm water management system corresponds with any watershed protection plans and/or local greenspace protection plan.

Post-development downstream analysis.

A downstream peak flow analysis which includes the assumptions, results and supporting calculations to show safe passage of post-development design flows downstream. The analysis of downstream conditions in the report shall address each and every point or area along the project site's boundaries at which runoff will exit the property. The analysis shall focus on the portion of the drainage channel or watercourse immediately downstream from the project. This area shall extend downstream from the project to a point in the drainage basin where the project area is ten (10) percent of the total basin area. In calculating runoff volumes and discharge rates, consideration may need to be given to any planned future upstream land use changes. The analysis shall be in accordance with the storm water design manual.

Construction-phase erosion and sedimentation control plan.

An erosion and sedimentation control plan in accordance with the Georgia Erosion and Sedimentation Control Act or NPDES Permit for Construction Activities. The plan shall also include information on the sequence/phasing of construction and temporary stabilization measures and temporary structures that will be converted into permanent storm water controls.

Landscaping and open space plan.

A detailed landscaping and vegetation plan describing the woody and herbaceous vegetation that will be used within and adjacent to storm water management facilities and practices. The landscaping plan must also include: the arrangement of planted areas, natural and greenspace areas and other landscaped features on the site plan; information necessary to construct the landscaping elements shown on the plan drawings; descriptions and standards for the methods, materials and vegetation that are to be used in the construction; density of plantings; descriptions of the stabilization and management techniques used to establish vegetation; and a description of who will be responsible for ongoing maintenance of vegetation for the storm water management facility and what practices will be employed to ensure that adequate vegetative cover is preserved.

Operations and maintenance plan.

Detailed description of ongoing operations and maintenance procedures for storm water management facilities and practices to ensure their continued function as designed and constructed or preserved. These plans will identify the parts or components of a storm water management facility or practice that need to be regularly or periodically inspected and maintained, and the equipment and skills or training necessary. The plan shall include an inspection and maintenance schedule, maintenance tasks, responsible parties for maintenance, funding, access and safety issues. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan.

Maintenance access easements.

The applicant must ensure access from public right-of-way to storm water management facilities and practices requiring regular maintenance at the site for the purpose of inspection and repair by securing all the maintenance access easements needed on a permanent basis. Such access shall be sufficient for all necessary equipment for maintenance activities. Upon final inspection and approval, a plat or document indicating that such easements exist shall be recorded and shall remain in effect even with the transfer of title of the property.

Inspection and maintenance agreements.

Unless an on-site storm water management facility or practice is dedicated to and accepted by the City of Avondale Estates as provided in section 20-89, the applicant must execute an easement and an inspection and maintenance agreement binding on all subsequent owners of land served by an on-site storm water management facility or practice in accordance section 20-89.

Evidence of acquisition of applicable local and non-local permits.

The applicant shall certify and provide documentation to the City of Avondale Estates that all other applicable environmental permits have been acquired for the site prior to approval of the storm water management plan.

Storm Water management inspection and maintenance agreements Sec. 20-89

Prior to the issuance of any permit for a land development activity requiring a storm water management facility or practice hereunder and for which the City of Avondale Estates requires ongoing maintenance, the applicant or owner of the site must, unless an on-site storm water management facility or practice is dedicated to and accepted by the City of Avondale Estates, execute an inspection and maintenance agreement, and/or a conservation easement, if applicable, that shall be binding on all subsequent owners of the site.

The inspection and maintenance agreement, if applicable, must be approved by the City of Avondale Estates prior to plan approval, and recorded in the deed records upon final plat approval.

The inspection and maintenance agreement shall identify by name or official title the person(s) responsible for carrying out the inspection and maintenance. Responsibility for the operation and maintenance of the storm water management facility or practice, unless assumed by a governmental agency, shall remain with the property owner and shall pass to any successor owner. If portions of the land are sold or otherwise transferred, legally binding arrangements shall be made to pass the inspection and maintenance responsibility to the appropriate successors in title. These arrangements shall designate for each portion of the site, the person to be permanently responsible for its inspection and maintenance.

As part of the inspection and maintenance agreement, a schedule shall be developed for when and how often routine inspection and maintenance will occur to ensure proper function of the storm water management facility or practice. The agreement shall also include plans for annual inspections to ensure proper performance of the facility between scheduled maintenance and shall also include remedies for the default thereof.

In addition to enforcing the terms of the inspection and maintenance agreement, the City of Avondale Estates may also enforce all of the provisions for ongoing inspection and maintenance in division 6 of this article.

The City of Avondale Estates, in lieu of an inspection and maintenance agreement, may accept dedication of any existing or future storm water management facility for maintenance, provided such facility meets all the requirements of this article and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

Application procedure Sec. 20-90

Applications for land development permits shall be filed with the City of Avondale Estates

Permit applications shall include the items set forth in Section 20-86 (two (2) copies of the storm water management plan and the inspection maintenance agreement, if applicable, shall be included).

The City of Avondale Estates shall inform the applicant whether the application, storm water management plan and inspection and maintenance agreement are approved or disapproved.

If the permit application, storm water management plan or inspection and maintenance agreement are disapproved, the City of Avondale Estates shall notify the applicant of such fact in writing. The applicant may then revise any item not meeting the requirements hereof and resubmit the same, in which event subparagraph (c) above and this subparagraph shall apply to such re-submittal.

Upon a finding by the City of Avondale Estates that the permit application, storm water management plan and inspection and maintenance agreement, if applicable, meet the requirements of this ordinance, the City of Avondale Estates may issue a permit for the land development project, provided all other legal requirements for the issuance of such permit have been met.

Notwithstanding the issuance of the permit, in conducting the land development project, the applicant or other responsible person shall be subject to the following requirements:

The applicant shall comply with all applicable requirements of the approved plan and this article and shall certify that all land clearing, construction, land development and drainage will be done according to the approved plan;

The land development project shall be conducted only within the area specified in the approved plan;

The City of Avondale Estates shall be allowed to conduct periodic inspections of the project;

No changes may be made to an approved plan without review and written approval by the City of Avondale Estates; and

Upon completion of the project, the applicant or other responsible person shall submit the engineer's report and certificate and as-built plans required by Section 20-122.

Application review fees Sec. 20-91

The fee for review of any storm water management application shall be based on the fee structure established by the City of Avondale Estates and shall be made prior to the issuance of any building permit for the development.

Modifications for off-site facilities Sec. 20-92

The storm water management plan for each land development project shall provide for storm water management measures located on the site of the project, unless provisions are made to manage storm water by an off-site or regional facility. The off-site or regional facility must be located on property legally dedicated for the purpose, must be designed and adequately sized to provide a level of storm water quantity and quality control that is equal to or greater than that which would be afforded by on-site practices and there must be a legally-obligated entity responsible for long-term operation and maintenance of the off-site or regional storm water facility. In addition, on-site measures shall be implemented, where necessary, to protect upstream and downstream properties and drainage channels from the site to the off-site facility.

A storm water management plan must be submitted to the City of Avondale Estates which shows the adequacy of the off-site or regional facility.

To be eligible for a modification, the applicant must demonstrate to the satisfaction of the City of Avondale Estates that the use of an off-site or regional facility will not result in the following impacts to upstream or downstream areas:

- Increased threat of flood damage to public health, life, and property;
- Deterioration of existing culverts, bridges, dams, and other structures;
- Accelerated streambank or streambed erosion or siltration;
- Degradation of in-stream biological functions or habitat; or

Water quality impairment in violation of state water quality standards, and/or violation of any state or federal regulations.

Enforcement Tracking

Enforcement of the Post Development Storm Water Management for New Development and Redevelopment ordinance is shared between the Department of Public Works and the Code Enforcement Department. A list of all identified violations and enforcement actions will be maintained. The list will include pertinent information including:

- Dates
 - Violation reported/discovered
 - Inspections and re-inspections
 - Notice of violation issued
 - Appeals, protests, communications
- Property
 - Address / Location
 - Owner / Permit Applicant
- Description of noncompliance
- Type of enforcement action
 - Notice of violation
 - Action by city
- Required timeframe to correct violation
- Final resolution
 - Date
 - Verification

Notice of violations provided to violators as well as any other correspondence will be maintained on file.

Summary of enforcement measures

The Code Enforcement Officer will take primary responsibility for investigating and enforcing the ERP for any Post Development Storm Water Management for New Development and Redevelopment violations. A summary of the enforcement process is contained herein:

ENFORCEMENT RESPONSE PLAN

TABLE 2 POST DEVELOPMENT STORM WATER MANAGEMENT ENFORCEMENT TABLE

Violations	Action Required by Site	Action Required by Inspector	Time to Complete Remediation	Ordinance Section
Dam, Side Slopes, Pond floor, Outlet Structure, Emergency Spillway, Outfalls into Detention Pond, Sediment and Trash/Debris	Correct the deficiency noted during inspection	If a deficiency exists, the owner of the structure will be issued a Notice of Violation (NOV). If the deficiency remains unresolved, the City may issue a stop work order, refuse certificate of occupancy, suspend/revoke/modify permit, correct the deficiency, or fine the violator \$1,000 per day	Time schedule for completion varies and is specified in the Notice of Violation	20-20

Waste Management

[Chapter 13 Section 13-20, Article II]

Applicability Sec. 13-20

This article applies to the preparation and storage, collection, transportation and disposal of all refuse in the area under jurisdiction of the city as presently or hereafter established. It prescribes rules and regulations therefor, regulates the private collection of garbage and refuse, provides for the licensing and regulation of private garbage and refuse collection, prescribes rules and regulations for hauling garbage, refuse and other waste material within or through the city, and prohibits the deposit of litter within the city.

Administration and enforcement / Responsibility for administration Sec. 13-22

In order to protect the health and safety of the people in the city, the administrative officer shall implement and enforce the provisions of this article to control the storage, collection, and disposal of solid waste on and disposal service and/or establish criteria for evaluation of private collection and disposal services, make recommendations to the governing body regarding contracts for waste collection and/or disposal between it and private collectors and/or disposal site owners and/or operators, and shall regulate the establishment, maintenance and operation of public or private waste collection and/or disposal systems, methods and sites.

Functions of administrative officer.

Collection, transportation and disposal of waste shall be under the supervision and control of the administrative officer. Such officer shall have the authority to establish routes and days of collection, types and locations of waste containers, and such other matters pertaining to collection, transportation and disposal of waste as such officer may find necessary and to change and modify the same after notice as required by law, provided such measures are not contrary to the provisions of this article.

Violations; penalties Sec. 13-23

Upon determining that a violation of this article exists, the administrative officer shall cause a written notice of violation to be issued to the subject owner setting forth the condition existing and a reasonable time within which for the owner to correct the condition.

Upon determining that the owner has failed to correct the subject condition within the time limit prescribed in the notice, the administrative officer shall cause a summons to be issued directing the owner to appear in the municipal court to answer the charge of violation of the appropriate section of this article.

ENFORCEMENT RESPONSE PLAN

Any person violating or failing to comply with any of the provisions of this article shall be summoned to the municipal court for each violation and upon conviction shall be punished by a fine not exceeding one thousand dollars (\$1,000.00), or by imprisonment for a period not to exceed six (6) months, either or both of such fines and imprisonment, or work on the streets,

Enforcement Tracking

Enforcement of the Waste Management ordinances is shared between the Department of Public Works and the Code Enforcement Department. A list of all identified violations and enforcement actions will be maintained. The list will include pertinent information including:

- Dates
 - Violation reported/discovered
 - Inspections and re-inspections
- Property
 - Address / Location
 - Owner
- Description of violation
- Type of punishment
 - Fine
 - Imprisonment
 - Work on city work gang
- Final resolution
 - Date
 - Verification

Inspection reports and citations of violators as well as any other correspondence will be maintained on file.

Summary of enforcement measures

The Code Enforcement Officer will take primary responsibility for investigating and enforcing the ERP for any Litter violations. A summary of the enforcement process is contained herein:

TABLE 3 LITTER ENFORCEMENT TABLE

Violations	Action Required by Site	Enforcement Mechanisms	Time to Complete Remediation	Ordinance Section
Littering, dumping, depositing on or in the premises of another, streets, streams, lakes, including public or private waters	Correct violation	Issue a citation; fine the violator a maximum \$1,000 per day, or imprisonment not exceeding six (6) months or by work on the city work gang not exceeding six (6) months or any combination thereof	Immediately	13-22

HIGHLY VISIBLE POLLUTANT SOURCES (HVPS)

Purpose

The City has an HVPS inventory and is required by the permit to inspect 100% of these facilities over the course of the permit. The City uses an EPD approved site inspection form to complete these inspections. The inspections look for any possible illicit discharges, improper on site storage of liquids or any other poor housekeeping procedures:

Violations, enforcement mechanisms, appropriate responses and time frames

The following enforcement mechanisms will be used in the event a person violates the Illicit Discharges and Illegal Connections to Storm Sewers ordinance at an HVPS site:

Violations.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this article. Any person who has violated or continues to violate the provisions of this article, may be subject to the enforcement actions outlined in this section or may be restrained by injunction or otherwise abated in a manner provided by law.

In the event the violation constitutes an immediate danger to public health or public safety, the City Code Enforcement Officer, or his or her Designee, is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property. The City Code Enforcement Officer, or his or her Designee, is authorized to seek costs of the abatement as outlined in subsection 22-96(e).

Notice of violations.

Whenever the City Code Enforcement Officer, or his or her Designee, finds that a violation of this article has occurred, the City Code Enforcement Officer, or his or her Designee, may order compliance by written notice of violation.

- (1) The notice of violation shall contain:
 - a. The name and address of the alleged violator;
 - b. The address when available or a description of the building, structure or land upon which the violation is occurring, or has occurred;
 - c. A statement specifying the nature of the violation;

ENFORCEMENT RESPONSE PLAN

- d. A description of the remedial measures necessary to restore compliance with this article and a time schedule for the completion of such remedial action;
 - e. A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed; and
 - f. A statement that the determination of violation may be appealed to the City Code Enforcement Officer, or his or her Designee, by filing a written notice of appeal within thirty (30) days of service of notice of violation.
- (2) Such notice may require without limitation:
- a. The performance of monitoring, analyses, and reporting;
 - b. The elimination of illicit discharges and illegal connections;
 - c. That violating discharges, practices, or operations shall cease and desist;
 - d. The abatement or remediation of Storm Water pollution or contamination hazards and the restoration of any affected property;
 - e. Payment of costs to cover administrative and abatement costs; and,
 - f. The implementation of pollution prevention practices.
- (b) *Appeal of notice of violation.* Any person receiving a notice of violation may appeal the determination of the City Code Enforcement Officer, or his or her Designee. The notice of appeal must be received within thirty (30) days from the date of the notice of violation. Hearing on the appeal before the mayor and city council of the City Code Enforcement Officer, or his or her Designee, shall take place within thirty (30) days from the date of receipt of the notice of appeal. The decision of the appropriate authority or their designee shall be final.
- (c) *Enforcement measures after appeal.* If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal within ten (10) days of the decision of the appropriate authority upholding the decision of the City Code Enforcement Officer, or his or her Designee, of the City of Avondale Estates, then representatives of the City Code Enforcement Officer may enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.
- (1) Any person violating any of the provisions of this article shall become liable to the City of Avondale Estates by reason of such violation.
- (d) *Civil penalties.* In the event the alleged violator fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten (10) days, or such greater period as the City Code Enforcement Officer, or his or her Designee, shall deem appropriate, after the City Code Enforcement Officer, or his or her Designee, has taken one (1) or more of the actions described above, the City Code Enforcement Officer, or his or her Designee, may impose a penalty not to exceed one

ENFORCEMENT RESPONSE PLAN

Enforcement Tracking

Enforcement of the Illicit Discharges and Illegal Connections to Storm Sewers ordinance is shared between the Department of Public Works and the Planning and Development Department. A list of all identified violations and enforcement actions will be maintained. The list will include pertinent information including:

- Dates
 - Violation reported/discovered
 - Inspections and re-inspections
 - Notice of violation issued
 - Appeals, protests, communications
- Property
 - Address / Location
 - Owner / Operator
- Description of noncompliance
- Type of enforcement action
 - Notice of violation
 - Action by city
- Required timeframe to correct violation
- Final resolution
 - Date
 - Verification

Notice of violations provided to violators as well as any other correspondence will be maintained on file.

Summary of enforcement measures

The Department of Public Works will take primary responsibility for investigating and enforcing the ERP for any Illicit Discharges and Illegal Connections to Storm Sewers violations at HVPS sites. A summary of the enforcement process is contained herein:

INDUSTRIAL FACILITY STORM WATER DISCHARGE CONTROL

Storm water discharges associated with industrial activity Sec. 20-11

Discharges of storm water associated with industrial activities, as identified in applicable federal regulations, must comply with the permit requirements of the federal national pollution discharge elimination systems program for storm water discharges. Those specific dischargers of storm water associated with industrial activity are responsible for submitting a permit application to the Georgia EPD.

A copy of the permit application shall also be submitted to the city manager for the required record keeping purposes.

Discharges of storm water associated with industrial activity must comply with all provisions of this article for any discharges which are made to the municipal separate storm sewer system. **Currently the City of Avondale Estates has NO industrial businesses.**