

**NEWTON COUNTY  
WATER RESOURCES MANAGEMENT ORDINANCE**

**TABLE OF CONTENTS**

<b>Article 1</b>	<b>General Provisions</b>
<b>Article 2</b>	<b>Definitions</b>
<b>Article 3</b>	<b>Administration</b>
<b>Article 4</b>	<b>Post-Construction Stormwater Management</b>
<b>Article 5</b>	<b>Illicit Discharge Detection and Elimination</b>
<b>Article 6</b>	<b>Floodplain Management</b>
<b>Article 7</b>	<b>Erosion and Sedimentation Control</b>

**Adopted September 5, 2006  
Effective October 2, 2006**

**AN ORDINANCE TO REGULATE  
POST-CONSTRUCTION STORMWATER MANAGEMENT; ILLICIT  
DISCHARGE DETECTION AND ELIMINATION; FLOODPLAIN  
MANAGEMENT; AND EROSION AND SEDIMENTATION CONTROL; TO  
PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES**

**BE IT ORDAINED** by the Board of Commissioners, Newton County, Georgia, and by the authority of the same as follows:

**ARTICLE 1 – GENERAL PROVISIONS**

Sec. 100-010 SHORT TITLE

This Ordinance shall be known as the “Newton County Water Resources Management Ordinance”

Sec. 100-020 COMPATIBILITY WITH OTHER REGULATIONS

This Ordinance is not intended to modify or repeal any other ordinance, rule, regulation or other provision of law. The requirements of this Ordinance are in addition to the requirements of any other ordinance, rule, regulation or other provision of law, and where any provision of this Ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

Sec. 100-030 SEVERABILITY

If the provisions of any section, subsection, paragraph, subdivision or clause of this Ordinance shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this Ordinance.

Sec. 100-040 ADOPTION AND EFFECTIVE DATE

This Ordinance shall take effect October 2, 2006.

## ARTICLE 2 – DEFINITIONS

### Sec. 200-010 INTERPRETATION OF CERTAIN TERMS AND WORDS

For the purpose of this Ordinance, certain words or terms used herein are interpreted as follows:

- A. Words used in the present tense include the future tense. Words used in the singular include the plural; and words in the plural include the singular.
- B. The word “shall” is always mandatory, and the word “may” is permissive.
- C. The word “person” includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual.
- D. The word “lot” includes the words “plot” or “parcel”.
- E. The word “used” or “occupied”, as applied to any land or building, shall be construed to include the words “intended”, “arranged”, or “designed to be used or occupied”.

### Sec. 200-020 DEFINITIONS

#### **Access**

A way or means of approach or entrance by which pedestrians, vehicles, or both shall have safe, adequate, and usable ingress/egress to a property or use. A private access is an access not in public ownership and controlled by means of deed, dedication, or easement.

#### **Accidental Discharge**

A discharge prohibited by this Ordinance which occurs by chance and without planning or thought prior to occurrence.

#### **Addition**

Any walled or roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled or roofed addition that is connected by a firewall or is separated by independent perimeter load-bearing walls is new construction.

#### **Administrative Variance/Approval**

A variance or administrative approval that is routine or too insignificant to require Board of Commissioner approval. Decisions of the staff maybe appealed as per this Ordinance.

#### **Appeal**

A request for a review of an administrative official’s interpretation of any provision of this Ordinance or a request for an exception.

**Applicant**

A person submitting a post-development stormwater management application and plan for approval.

**Area of Shallow Flooding**

A designated AO or VO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

**Area of Special Flood Hazard**

The land in the flood plain within a community subject to a one (1) percent or greater chance of flooding in any given year.

**Base Flood (100-Year Flood)**

A flood having a one (1) percent chance of being equaled or exceeded in any given year.

**Basement**

That portion of the building having its floor sub-grade (below ground level).

**Best Management Practices (BMP)**

A collection of structural measures and vegetative practices which, when properly designed, installed, and maintained, mitigate the adverse effects of development activity on the environment. The term "properly designed" means 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).

**Buffer**

That portion of a lot set aside with adequate natural or planted vegetation to accomplish visual and sound screening to separate residential zoning districts from other zoning districts, or to protect environmentally sensitive areas. In the event that insufficient existing vegetation or trees exist in the buffer zone, planting, fencing, or other supplemental screening shall be required, with a density or opacity to accomplish buffering as required by all approved ordinances. Roads, parking areas, above ground stormwater retention facilities, recreational facilities, or other above ground construction shall not be permitted within the required buffer area. Public rights-of-way and utility easements shall not be considered part of the buffer area. Required buffer areas are in addition to required yard areas.

**Building, Elevated**

A non-basement built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (post and piers), shear walls or break away walls.

**Building Official**

The person or persons designated by the Director to be responsible for the administrative functions required in connection with the enforcement of this Ordinance.

**Building**

Any structure attached to the ground which has a roof and which is designed for the shelter, housing, or enclosure of persons, animals, or property of any kind.

**Channel**

A natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

**Clean Water Act**

The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

**Comprehensive Plan**

Any part or element of the overall plan for development adopted by the Planning Commission and the Board of Commissioners.

**Concept Plan**

A drawing which shows the overall concept (e.g., a concept plan) of a proposed development, and which may include lots and streets in a subdivision or the general location of buildings and improvements for a multi-family or non-residential project.

**Conservation Easement**

An agreement between a land owner and the County or other government agency or land trust that permanently protects open space or greenspace on the owner's land by limiting the amount and type of development that can take place, but continues to leave the remainder of the fee interest in private ownership.

**Construction Activity**

Activities subject to the Georgia Erosion and Sedimentation Control Act or NPDES General Construction Permits. These include construction projects resulting in land disturbance. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

**Construction, New**

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

**County**

Newton County, Georgia.

**County Separate Storm Sewer System**

Any facility designed or used for collecting and/or conveying stormwater, including but not limited to any roads with drainage systems, highways, County streets, curbs, gutters, inlets, catch basins, piped storm drains, pumping facilities, structural stormwater controls, ditches, swales, natural and man-made or altered drainage channels, reservoirs, and other drainage structures, and which is: a) Owned or maintained by the County; b) Not a combined sewer; and c) Not part of a publicly-owned treatment works.

**Cut**

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

**Dedication**

A gift, by the owner, of a right to use land for a specified purpose(s). Because a transfer of property rights is entailed, dedication must be made by written instrument and is completed with an acceptance.

**Department**

The Planning and Development Department of Newton County.

**Design Standards**

The specifications to landowners or developers for the preparation of plats, both preliminary and final, indicating among other things, the optimum, minimum or maximum dimensions of such items as rights-of-way, blocks, easements, and lots.

**Detention**

The temporary storage of stormwater runoff in a stormwater management facility for the purpose of controlling the peak discharge.

**Detention Facility**

A detention basin or structure designed for the detention of stormwater runoff and gradual release of stored water at controlled rates.

**Developer**

A person who undertakes land development activities.

**Development**

A land development or land development project.

**Development Permit**

An official authorization issued by the Building Official allowing grading or other alteration of the site that entails land disturbance related to construction activities.

**Director**

Director of Planning and Development of Newton County or his/her designee.

**Disturbed Area**

Disturbed area is defined as the entire limits of the site project activity, outside of the buffer area.

**Drainage Area**

That area contributing runoff to a single point; measured in a horizontal plane which is enclosed by a ridgeline.

**Drainage Easement**

An easement appurtenant or attached to a tract or parcel of land allowing the owner of adjacent tracts or other persons to discharge stormwater runoff onto the tract or parcel of land subject to the drainage easement.

**Drainage Structure**

A device composed of a virtually nonerodible material such as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for stormwater management, drainage control or flood control purposes.

**Drainage Structure, Roadway**

A device such as a bridge, culvert or ditch composed of virtually nonerodible material such as concrete, steel, plastic or other such material that conveys water under a roadway by interception of 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.

**Driveway**

A vehicular access, other than a private street way, which is in private ownership and provides access primarily to one property.

**Easement**

A grant by a property owner for the use of a strip of land for the specified purpose of constructing and maintaining utilities; including, but not limited to sanitary sewers, water mains, electric lines, telephone lines, storm sewer or storm drainage ways and gas lines.

**Erosion**

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

**Erosion and Sedimentation Control Measures, Structural**

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

### **Erosion and Sedimentation Control Measures, Vegetative**

Practices 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.

### **Erosion and Sedimentation Control Plan**

A plan for the control of soil erosion and sedimentation resulting from a land-disturbing activity.

### **Extended Detention**

The detention of stormwater runoff for an extended period, typically 24 hours or greater.

### **Extreme Flood Protection**

Measures taken to prevent adverse impacts from large low-frequency storm events with a return frequency of 100 years or more.

### **Fill**

A portion of land surface to which soil or other solid materials have been added; the depth above the original ground.

### **Final Plat**

A finished drawing or map of a subdivision or development, meeting all of the requirements of this Ordinance and showing, completely and accurately, all legal design and engineering information, and certified as necessary for recording.

### **Finished Grade**

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

### **Flooding**

A volume of surface water that is too great to be confined within the banks or walls of a conveyance or stream channel and that overflows onto adjacent lands.

### **Flood Hazard Boundary Map (FHBM)**

An official map of a community issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as Zone A.

**Flood Insurance Rate Map (FIRM)**

An official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

**Flood Insurance Study**

Official report provided by the Federal Emergency Management Agency containing flood profiles, as well as the Flood Boundary-Floodway Map and the water surface elevation of the base flood.

**Flood Way**

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 one foot.

**Floor**

The top surface of an enclosed area in a building (including basement), i.e. top of slab in concrete slab construction or top of wood flooring in wood frame construction. Floor,

**Floor, Lowest**

The lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.

**Grading**

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

**Greenspace or Open Space**

Permanently protected areas of the site that are preserved in a natural state.

**Ground Elevation**

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

**Highest Adjacent Grade**

The highest natural elevation of the ground surface, prior to construction, next to proposed walls of a structure.

**Historic Structure**

Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the

Secretary of the Interior as meeting the requirements for individual listing in the National Register;

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic 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 in states with historic preservation programs that have been approved by the Secretary of the Interior;

4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

### **Hotspot**

An area where the use of the land has the potential to generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater. Examples of hotspots include auto salvage operations, landfills or as may be listed in the Newton County Stormwater Local Design Manual.

### **Hydrologic Soil Group (HSG)**

A Natural Resource Conservation Service classification system in which soils are categorized into four runoff potential groups. The groups range from group A soils, with high permeability and little runoff produced, to group D soils, which have low permeability rates and produce much more runoff.

### **Illegal Connection**

Either of the following:

1. Any pipe, open channel, drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm drain system including but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system, regardless of whether such pipe, open channel, drain or conveyance has been previously allowed, permitted, or approved by an authorized enforcement agency; or

2. Any pipe, open channel, drain or conveyance connected to the county separate storm sewer system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

### **Illicit Discharge**

Any direct or indirect non-stormwater discharge to the county separate storm sewer system, except as exempted in Article 5, Section 500-020 of this Ordinance.

**Impervious Cover**

A surface composed of any material that significantly impedes or prevents the natural infiltration of water into soil. Impervious surfaces include, but are not limited to, rooftops, buildings, streets and roads, and any concrete or asphalt surface.

**Impervious Surface**

Areas which do not permit natural infiltration of rainfall, including, but not limited to rooftops, paved parking lots, driveways, paved roads and streets, patios, paved sidewalks, swimming pools, paved tennis courts and basketball courts, and any other exposed area surfaced in concrete or asphalt, except for gravel and pervious or porous paving materials.

**Industrial Activity**

Activities subject to NPDES Industrial Permits as defined in 40 CFR Section 122.26 (b)(14).

**Industrial Stormwater Permit**

A National Pollutant Discharge Elimination System (NPDES) permit issued to an industry or group of industries which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

**Infiltration**

The process of percolating stormwater runoff into the subsoil.

**Inspection and Maintenance Agreement**

A written agreement providing for the long-term inspection and maintenance of stormwater management facilities and practices on a site or with respect to a land development project, which when properly recorded in the deed records constitutes a restriction on the title to a site or other land involved in a land development project.

**Jurisdictional Wetland**

An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

**Land Development**

Any land change, including, but not limited to, clearing, digging, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, construction, paving, and any other installation of impervious cover.

**Land Development Activities**

Those actions or activities which comprise, facilitate or result in land development.

**Land Development Project**

A discrete land development undertaking.

**Land-Disturbing Activity**

Any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land unless otherwise stated herein. For the purposes of Article 7 of this Ordinance, “Land Disturbing Activity” shall not include agricultural practices as described in Section 700-020 E.

**Land Disturbance Permit**

A permit issued to authorize clearing, dredging, grading, excavating, transporting and filling of land.

**Larger Common Plan of Development or Sale**

A contiguous area where multiple separate and distinct construction activities are occurring under one plan of development or sale. For the purposes of this paragraph, “plan” means an announcement; piece of documentation such as a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, or computer design; or physical demarcation such as boundary signs, lot stakes, or surveyor markings, indicating that construction activities may occur on a specific plot.

**Local Issuing Authority**

The governing authority of any county or municipality which is certified pursuant to subsection (a) O.C.G.A. § 12-7-8.

**Lot**

A portion, plot, or parcel of land separated from other portions, plots, or parcels by description as on a subdivision plat or record or survey map or as described by metes and bounds, and intended for transfer of ownership or for building development.

**Mean Sea Level**

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 Ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD).

**Metropolitan River Protection Act (MRPA)**

A state law referenced as O.C.G.A. § 12-5-440 *et seq.*, which addresses environmental and development matters in certain metropolitan river corridors and their drainage basins.

**National Geodetic Vertical Datum (NGVD)**

Vertical control used as a reference for establishing varying elevations within the floodplain (as corrected in 1929).

**National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit**

A permit issued by the Georgia EPD under authority delegated pursuant to 33 USC § 1342(b) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

**Natural Ground Surface**

The ground surface in its original state before any grading, excavation or filling.

**Nephelometric Turbidity Units (NTU)**

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

**New Development**

A land development activity on a previously undeveloped site.

**Nonpoint Source Pollution**

A form of water pollution that does not originate from a discrete point such as a sewage treatment plant or industrial discharge, but involves the transport of pollutants such as sediment, fertilizers, pesticides, heavy metals, oil, grease, bacteria, organic materials and other contaminants from land to surface water and groundwater via mechanisms such as precipitation, stormwater runoff, and leaching. Nonpoint source pollution is a by-product of land use practices such as agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

**Non-Stormwater Discharge**

Any discharge to the storm drain system that is not composed entirely of stormwater.

**Nonstructural Stormwater Management Practice or Nonstructural Practice**

Any natural or planted vegetation or other nonstructural component of the stormwater management plan that provides for or enhances stormwater quantity and/or quality control or other stormwater management benefits, and includes, but is not limited to, riparian buffers, open and greenspace areas, overland flow filtration areas, natural depressions, and vegetated channels.

**Off-Site Facility**

A stormwater management facility located outside the boundaries of the site.

**On-Site Facility**

A stormwater management facility located within the boundaries of the site.

**Operator**

The party or parties that have: (A) operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; or (B) day-to-day operational control of those activities that are necessary to ensure compliance with a storm-water pollution prevention plan for the site or other permit conditions, such as a person authorized to direct workers at a site to carry out activities required by the storm-water pollution prevention plan or to comply with other permit conditions.

**Overbank Flood Protection**

Measures taken to prevent an increase in the frequency and magnitude of out-of-bank flooding (i.e. flow events that exceed the capacity of the channel and enter the floodplain), and that are intended to protect downstream properties from flooding for the 2-year through 25-year frequency storm events.

**Owner**

The legal or beneficial owner of a site, including but not limited to, a mortgagee or vendee in possession, receiver, executor, trustee, lessee or other person, firm or corporation in control of the site.

**Permit**

The permit issued by the County to the applicant which is required for undertaking any land development activity.

**Person**

Except to the extent exempted from this Ordinance, any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, city, county or other political subdivision of the State, any interstate body or any other legal entity.

**Planning Commission**

The Newton County Planning Commission.

**Pollutant**

Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; petroleum hydrocarbons; automotive fluids; cooking grease; detergents (biodegradable or otherwise); degreasers; cleaning chemicals; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; liquid and solid wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; concrete and cement; and noxious or offensive matter of any kind.

**Pollution**

The contamination or other alteration of any water's physical, chemical or biological properties by the addition of any constituent and includes but is not limited to, a change in temperature, taste, color, turbidity, or odor of such waters, or the discharge of any liquid, gaseous, solid, radioactive, or other substance into any such waters as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety, welfare, or environment, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

**Post-development**

Refers to the time period, or the conditions that may reasonably be expected or anticipated to exist, after completion of the land development activity on a site as the context may require.

**Pre-development**

Refers to the time period, or the conditions that exist, on a site prior to the commencement of a land development project and at the time that plans for the land development of a site are approved by the plan approving authority. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time prior to the first item being approved or permitted shall establish pre-development conditions.

**Preliminary Plat**

A tentative drawing or map of a proposed subdivision or development meeting the specified requirements of this Ordinance and showing the layout in sufficient detail to allow an evaluation of the proposed project.

**Premises**

Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

**Project**

A land development project.

**Qualified Personnel**

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

**Recreational Vehicle (Travel Trailer)**

A vehicular portable structure designed as a temporary dwelling for travel, recreational and vacation uses not more than eight feet in body width and of any weight provided its body length does not exceed 27 feet.

**Redevelopment**

A land development project on a previously developed site, but excludes ordinary maintenance activities, remodeling of existing buildings, resurfacing of paved areas, and exterior changes or improvements which do not materially increase or concentrate stormwater runoff, or cause additional nonpoint source pollution.

**Regional Stormwater Management Facility** or **Regional Facility** means stormwater management facilities designed to control stormwater runoff from multiple properties, where the owners or developers of the individual properties may assist in the financing of the facility, and the requirement for on-site controls is either eliminated or reduced.

**Retention Facility**

A permanent facility that provides for the storage of runoff and is designed to maintain a permanent pool of water referred to as the normal pool.

**Right-of-Way**

A strip of land designated, reserved, dedicated, or purchased for the purpose of pedestrian or vehicular access or utility line installation.

**Roadway Drainage Structure**

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

**Runoff**

Stormwater runoff.

**Sediment**

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

**Sedimentation**

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

**Site**

The parcel of land being developed, or the portion thereof on which the land development project is located.

**Soil and Water Conservation District Approved Plan**

An erosion and sedimentation control plan approved in writing by the Upper Ocmulgee River Soil and Water Conservation District.

**Special Exception**

The modification of the minimum requirements of this Ordinance when strict adherence to such requirements would result in unnecessary hardship.

**Stabilization**

The process of establishing an enduring soil cover of vegetation by the installation of temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.

**State General Permit**

The National Pollution Discharge Elimination System 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. § 1251, et seq., and subsection (f) of O.C.G.A. § 12-5-30.

**State Waters**

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

**Stormwater Better Site Design**

Nonstructural site design approaches and techniques that can reduce a site's impact on the watershed and can provide for nonstructural stormwater management. Stormwater better site design includes conserving and protecting natural areas and greenspace, reducing impervious cover and using natural features for stormwater management.

**Stormwater Management**

The collection, conveyance, storage, treatment and disposal of stormwater runoff in a manner intended to prevent increased flood damage, streambank channel erosion, habitat degradation and water quality degradation, and to enhance and promote the public health, safety and general welfare.

**Stormwater Management Facility**

Any infrastructure that controls or conveys stormwater runoff.

**Stormwater Management Facility, Off-Site**

Any facility outside the project boundary that is or will be used for transporting and managing of stormwater runoff, including, but not limited to, culverts, detention ponds, storm drains, flumes, and headwater pools.

**Stormwater Management, On-Site**

The design and construction of a facility necessary to control stormwater runoff within and for a single development.

**Stormwater Management Facility, On-Site**

Any facility within the project boundary used for the purpose of transporting or managing stormwater runoff, including, but not limited to, culverts, detention ponds, storm drains, flumes, and headwater pools.

**Stormwater Management Measure**

Any stormwater management facility or nonstructural stormwater practice.

**Stormwater Management Plan**

A document describing how existing runoff characteristics will be affected by a land development project and containing measures for complying with the provisions of this Ordinance.

**Stormwater Management, Regional**

The design and construction of a facility necessary to control stormwater runoff; whether within or outside of a development, and serving one or more developments.

**Stormwater Management System**

The entire set of structural and nonstructural stormwater management facilities and practices that are used to capture, convey and control the quantity and quality of the stormwater runoff from a site.

**Stormwater Retrofit**

A stormwater management practice designed for a currently developed site that previously had either no stormwater management practice in place or a practice inadequate to meet the stormwater management requirements of the site.

**Stormwater Runoff or Stormwater**

Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

**Street, Public**

A right-of-way purchased or dedicated to and accepted by Newton County for vehicular traffic or over which Newton County may hold a prescriptive easement for public access, including designated and numbered U.S. and State highways.

**Structure**

Anything constructed or erected on the ground or attached to something on the ground, including, but not limited to, walled or roofed buildings such as manufactured homes or infrastructure such as storage tanks.

**Structural Erosion and Sedimentation Control Practices**

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

**Structural Stormwater Control**

A structural stormwater management facility or device that controls stormwater runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release or the velocity of flow of such runoff.

**Subdivision**

The division of a tract or parcel of land resulting in one or more new lots or building sites for the purpose, whether immediately or in the future, of sale, other transfer of ownership

or land development, and includes divisions of land resulting from or made in connection with the layout or development of a new street or roadway or a change in an existing street or roadway.

### **Substantially Improved Existing Manufactured Home Parks or Subdivisions**

Repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equaling or exceeding 50 percent of the value of the streets, utilities and pads before repair, reconstruction or improvement commenced.

### **Trout Streams**

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.

### **Variance**

A relaxation of the terms of this Ordinance that will not be contrary to the public interest and where, owing to conditions peculiar to the property (and not the applicant), a literal enforcement of the regulations would result in unnecessary and undue hardship.

### **Vegetative Erosion and Sedimentation Control Measures**

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;
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**

Any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or washing in which water flows either continuously or intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.

**Watershed**

That area contributing runoff to a single surface watercourse or waterbody.

**Wetlands**

Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. In case of conflict, wetlands are determined under the laws, rules and regulations promulgated by the federal government and administered by the United States Army Corps of Engineers and United States Environmental Protection Agency.