

Model Ordinance and Adoption Guidance Document

Overview: Model Ordinance for Post-Construction Stormwater Management for New Development and Redevelopment

This document provides the 2019 Model Ordinance for Post-Construction Stormwater Management for New Development and Redevelopment (Model Ordinance) and supplementary materials to support adoption by local jurisdictions. This material can be found in the appendices and includes mandatory edits, local enhancements, and changes from the 2002 model ordinance.

The Georgia Environmental Protection Division (EPD) requires local jurisdictions with Municipal Separate Storm Sewer System (MS4) permits to adopt ordinances, or update existing ordinances when necessary, for compliance with their MS4 permit, in order to address development and redevelopment, and enforce post-construction controls. Recent updates to the MS4 permit now require the stormwater management system to be designed to retain the first 1.0 inch of rainfall on the site, to the maximum extent practicable, and has prompted an update to existing ordinances.

The Model Ordinance was drafted for use by local jurisdictions in the Metropolitan North Georgia Water Planning District (District) and was adopted by the District Board on December 4, 2019. The Model Ordinance was developed to match the substance and language of the current MS4 permit and the Georgia Stormwater Management Manual (GSMM). The Model Ordinance is provided in *Appendix A*.

Jurisdictions within the District also have requirements to adopt ordinances that “provide for effective storm-water management [and]... shall also include minimum design and development standards for local development as it may affect stormwater runoff quality and stormwater conveyance” as outlined in the District’s enabling legislation. In the District [Water Resource Management Plan](#) (Plan), action items are identified for integrated water resource planning and management. These action items are implemented by local jurisdictions, and implementation is periodically audited by the EPD. Within the Plan, the Watershed-1 action item states, “... that each local government shall adopt the Model Ordinance or an equivalent ordinance at least as effective based on the guidance in the latest GSMM and MS4 permit as applicable.”

The Model Ordinance was developed to be readily usable by most local jurisdictions, but mandatory edits, which are set forth in *Appendix B*, are necessary as part of the local adoption process. Based on local conditions and policy goals, local jurisdictions should also consider making enhancements, which are also set forth in *Appendix C*. Most of the enhancements are optional, with the exception of Enhancement 3: Trout Streams, which is required for local jurisdictions that have designated trout streams as defined by Georgia Water Use Classifications and Water Quality Standards [Rule 391-3-6-.03 (15)].

Local jurisdictions may want to consider procedural changes to match local permitting and enforcement processes and preferences. Some local jurisdictions may also desire to make further substantive changes to the Model Ordinance, or otherwise customize their ordinance for post-construction stormwater management. These further changes and customizations are allowable so long as their substance meets the requirements of a local jurisdiction’s MS4 permit and they are “at least as effective” as the Model Ordinance. However, given that the Model Ordinance was developed to meet

the MS4 permit requirements and establish an effective baseline for the District, care should be used in making further substantive changes and customizations. EPD is responsible for determining MS4 permit and District Plan compliance, which includes determining whether changes and customizations are “at least as effective.”

Mandatory Edits

When preparing the model ordinance for local adoption, the local jurisdiction must make some edits. It is strongly recommended to use the Model Ordinance as the starting point for local customization to take full advantage of improvements in the document related clarity for implementation and use of terms. Mandatory edits are highlighted within the Model Ordinance by mandatory edit prompts shown as bold text with brackets (e.g. **[local jurisdiction]**). If your jurisdiction uses equivalent manuals or standards, please note that there are no prompts for edits to this language. For example, if you use an equivalent manual to the GSMM, then you should use find/replace to include the name of your jurisdiction’s manual. A summary of the mandatory edits, locations within the Model Ordinance, and additional comments can be found in *Appendix B*.

Enhancements

Enhancements are being offered to facilitate customization of the Model Ordinance by local governments to match local policy goals and environment. As stated earlier, most of the enhancements are optional with the exception of Trout Streams, which is required for communities that have designated trout streams as defined by Georgia Water Use Classifications and Water Quality Standards [Rule 391-3-6-.03 (15)].

Appendix C contains the following Model Ordinance enhancements:

1. Construction Sequencing
2. Pre-Development Hydrology
3. Trout Streams
4. Linear Transportation Feasibility Program

Each enhancement will include:

- A purpose statement;
- Specific language that could be added to the Model Ordinance; and
- Edits showing how to modify the Model Ordinance to include the enhancement.

Model Ordinance Supplemental Materials

The District has prepared supplemental materials to support the adoption of the Model Ordinance and outline the differences between the 2002 Model Ordinance and the 2019 Model Ordinance. The Model Ordinance Crosswalk provides an overview of the relationship between the 2002 and 2019 model ordinances. It can be found in *Appendix D*. The Model Ordinance Redline identifies the specific, extensive edits made to the 2002 Model Ordinance during the update. This document can be found in *Appendix E*.

Appendices

Appendix A: 2019 Model Ordinance for Post-Construction Stormwater Management for New Development and Redevelopment

Appendix B: Mandatory Edits

Appendix C: Enhancements

Appendix D: Model Ordinance Crosswalk

Appendix E: Model Ordinance Redline

Appendix A:

2019 Model Ordinance for Post-Construction
Stormwater Management for New
Development and Redevelopment

Model Ordinance for Post-Construction Stormwater Management for New Development and Redevelopment

Article [X]. Post-Construction Stormwater Management for New Development and Redevelopment.

Section [Y]-1. Purpose and Intent. 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-construction stormwater runoff and nonpoint source pollution associated with new development and redevelopment. Proper management of post- construction stormwater 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. Additionally, the **[local jurisdiction]** is required to comply with several State and Federal laws, regulations and permits and the requirements of the Metropolitan North Georgia Water Planning District’s regional water plan related to managing the water quantity, velocity, and quality of post- construction stormwater runoff.

Section [Y]-2. Definitions. For this Article, the terms below shall have the following meanings:

“administrator” means the person appointed to administer and implement this Article on Post-Construction Stormwater Management for New Development and Redevelopment in accordance with Section [Y]-4.

“applicant” means a person submitting a land development application for approval.

“BMP” or “best management practice” means both structural devices to store or treat stormwater runoff and non-structural programs or practices which are designed to prevent or reduce the pollution of the waters of the State of Georgia.

“BMP landscaping plan” means a design for vegetation and landscaping that is critical to the performance and function of the BMP including how the BMP will be stabilized and established with vegetation. It shall include a layout of plants and plant names (local and scientific).

“channel” means a natural or artificial watercourse with a definite bed and banks that conveys continuously or periodically flowing water.

“detention” means the temporary storage of stormwater runoff in a stormwater detention facility for the purpose of controlling the peak discharge.

“detention facility” means a structure designed for the storage and gradual release of stormwater runoff at controlled rates.

“development” means new development or redevelopment.

“extended detention” means the storage of stormwater runoff for an extended period of time.

“extreme flood protection” means measures taken to prevent adverse impacts from large low-frequency storm events with a return frequency of 100 years or more.

“flooding” means a volume of surface water that exceeds the banks or walls of a BMP, or channel; and overflows onto adjacent lands.

“GSMM” means the latest edition of the Georgia Stormwater Management Manual, Volume 2: Technical Handbook, and its Appendices.

“hotspot” means a land use or activity on a site that has the potential to produce higher than normally found levels of pollutants in stormwater runoff. As defined by the administrator, hotspot land use may include gasoline stations, vehicle service and maintenance areas, industrial facilities (both permitted under the Industrial Stormwater General Permit and others), material storage sites, garbage transfer facilities, and commercial parking lots with high-intensity use.

“impervious surface” means a surface composed of any material that significantly impedes or prevents the natural infiltration of water into the soil.

“Industrial Stormwater General Permit” means the National Pollutant Discharge Elimination System (NPDES) permit issued by Georgia Environmental Protection Division to an industry for stormwater discharges associated with industrial activity. The permit regulates pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies based on Standard Industrial Classification (SIC) Code.

“infiltration” means the process of percolating stormwater runoff into the subsoil.

“inspection and maintenance agreement” means a written agreement providing for the long-term inspection, operation, and maintenance of the stormwater management system and its components on a site.

“land development application” means the application for a land development permit on a form provided by **[local jurisdiction]** along with the supporting documentation required in Section [Y]-10(a).

“land development permit” means the authorization necessary to begin construction-related, land-disturbing activity

“land disturbing activity” means any activity which may result in soil erosion from water or wind and the movement of sediments into state water or onto lands within the state, including but not limited to clearing, dredging, grading, excavating, and filling of land. Land disturbing activity does not include agricultural practices as described O.C.G.A. 12-7-17(5) or silvicultural land management activities as described O.C.G.A. 12-7-17(6) within areas zoned for these activities.

“linear feasibility program” means a feasibility program developed by **[local jurisdiction]** and submitted to the Georgia Environmental Protection Division, which sets reasonable criteria for determining when implementation of stormwater management standards for linear transportation projects being constructed by **[local jurisdiction]** is infeasible.

“linear transportation projects” means construction projects on traveled ways including but not limited to roads, sidewalks, multi-use paths and trails, and airport runways and taxiways.

“MS4 Permit” means the NPDES permit issued by Georgia Environmental Protection Division for discharges from the **[local jurisdiction’s]** municipal separate storm sewer system.

“new development” means land disturbing activities, structural development (construction, installation or expansion of a building or other structure), and/or creation of impervious surfaces on a previously undeveloped site.

“nonpoint source pollution” means a form of water pollution that does not originate from a discrete point such as a wastewater treatment facility 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 or 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.

“overbank flood protection” means 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).

“owner” means 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.

“person” means 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.

“post-construction stormwater management” means stormwater best management practices that are used on a permanent basis to control and treat runoff once construction has been completed in accordance with a stormwater management plan.

“post-development” means the conditions anticipated to exist on site immediately after completion of the proposed development.

“practicability policy” means the latest edition of the Metropolitan North Georgia Water Planning District’s Policy on Practicability Analysis for Runoff Reduction.

“pre-development” means the conditions that exist on a site immediately before the implementation of the proposed development. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time before the first item being approved or permitted shall establish pre-development conditions.

“pre-development hydrology” means (a) for new development, the runoff curve number determined using natural conditions hydrologic analysis based on the natural, undisturbed condition of the site immediately before implementation of the proposed development; and (b) for redevelopment, the existing conditions hydrograph may take into account the existing development when defining the runoff curve number and calculating existing runoff, unless the existing development causes a negative impact on downstream property.

“previously developed site” means a site that has been altered by paving, construction, and/or land disturbing activity.

“redevelopment” means structural development (construction, installation, or expansion of a building or other structure), creation or addition of impervious surfaces, replacement of impervious surfaces not as part of routine maintenance, and land disturbing activities associated with structural or impervious development on a previously developed site. Redevelopment does not include such activities as exterior remodeling.

“routine maintenance” means activities to keep an impervious surface as near as possible to its constructed condition. This includes ordinary maintenance activities, resurfacing paved areas, and exterior building changes or improvements which do not materially increase or concentrate stormwater runoff, or cause additional nonpoint source pollution.

“runoff” means stormwater runoff.

“site” means an area of land where development is planned, which may include all or portions of one or more parcels of land. For subdivisions and other common plans of development, the site includes all areas of land covered under an applicable land development permit.

“stormwater concept plan” means an initial plan for post-construction stormwater management at the site that provides the groundwork for the stormwater management plan including the natural resources inventory, site layout concept, initial runoff characterization, and first round stormwater management system design.

“stormwater management plan” means a plan for post-construction stormwater management at the site that meets the requirements of Section [Y]-8(d) and is included as part of the land development application.

“stormwater management standards” means those standards set forth in Section [Y]-7.

“stormwater management system” means the entire set of non-structural site design features and structural BMPs for collection, conveyance, storage, infiltration, treatment, and

disposal of stormwater runoff in a manner designed 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 runoff” means flow on the surface of the ground, resulting from precipitation.

“subdivision” means 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.

Other terms used but not defined in this Article shall be interpreted based on how such terms are defined and used in the GSMM and the **[local jurisdiction’s]** MS4 permit.

Section [Y]-3. Adoption and Implementation of the GSMM; Conflicts and Inconsistencies.

(a) In implementing this Article, the **[local jurisdiction]** shall use and require compliance with all relevant design standards, calculations, formulas, methods, and other guidance from the GSMM as well as all related appendices.

(b) This Article is not intended to modify or repeal any other Article, ordinance, rule, regulation or other provision of law, including but not limited to any applicable stream buffers under state and local laws, and the Georgia Safe Dams Act and Rules for Dam Safety. In the event of any conflict or inconsistency between any provision in the **[local jurisdiction’s]** MS4 permit and this Article, the provision from the MS4 permit shall control. In the event of any conflict or inconsistency between any provision of this Article and the GSMM, the provision from this Article shall control. In the event of any other conflict or inconsistency between any provision of this Article and any other ordinance, rule, regulation or other provision of law, the provision that is more restrictive or imposes higher protective standards for human health or the environment shall control.

(c) If any provision of this Article is invalidated by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of this Article.

Section [Y]-4. Designation of Administrator. The **[INSERT AS APPROPRIATE - county administrator / county chief executive officer / mayor / city manager]** may from time to time appoint someone to administer and implement this Article.

Section [Y]-5. Applicability Criteria for Stormwater Management Standards. This Article applies to the following activities:

(a) New development that creates or adds 5,000 square feet or greater of new impervious surface area or that involves land disturbing activity of 1 acre of land or greater;

- (b) Redevelopment (excluding routine maintenance and exterior remodeling) that creates, adds, or replaces 5,000 square feet or greater of new impervious surface area or that involves land disturbing activity of 1 acre or more;
- (c) New development and redevelopment if
 - (i) such new development or redevelopment is part of a subdivision or other common plan of development, and
 - (ii) the sum of all associated impervious surface area or land disturbing activities that are being developed as part of such subdivision or other common plan of development meets or exceeds the threshold in (a) and (b) above;
- (d) Any commercial or industrial new development or redevelopment, regardless of size, that is a hotspot land use as defined in this Article; and
- (e) Linear transportation projects that exceed the threshold in (a) or (b) above.

Section [Y]-6. Exemptions from Stormwater Management Standards. This Article does not apply to the following activities:

- (a) Land disturbing activity conducted by local, state, authority, or federal agencies, solely to respond to an emergency need to protect life, limb, or property or conduct emergency repairs;
- (b) Land disturbing activity that consists solely of cutting a trench for utility work and related pavement replacement;
- (c) Land disturbing activity conducted by local, state, authority, or federal agencies, whose sole purpose is to implement stormwater management or environmental restoration;
- (d) Repairs to any stormwater management system deemed necessary by the administrator;
- (e) Agricultural practices as described O.C.G.A. 12-7-17(5) within areas zoned for these activities with the exception of buildings or permanent structures that exceed the threshold in [Y]-5 (a) or (b);
- (f) Silvicultural land management activities as described O.C.G.A. 12-7-17(6) within areas zoned for these activities with the exception of buildings or permanent structures that exceed the threshold in [Y]-5 (a) or (b);
- (g) Installations or modifications to existing structures solely to implement Americans with Disabilities Act (ADA) requirements, including but not limited to elevator shafts, handicapped access ramps and parking, and enlarged entrances or exits; and

(h) Linear transportation projects being constructed by **[local jurisdiction]** to the extent the administrator determines that the stormwater management standards may be infeasible to apply, all or in part, for any portion of the linear transportation project. For this exemption to apply, an infeasibility report that is compliant with the **[local jurisdiction]** linear feasibility program shall first be submitted to the administrator that contains adequate documentation to support the evaluation for the applicable portion(s) and any resulting infeasibility determination, if any, by the administrator.

Section [Y]-7. Stormwater Management Standards. Subject to the applicability criteria in Section [Y]-5 and exemptions in Section [Y]-6, the following stormwater management standards apply. Additional details for each standard can be found in the GSMM Section 2.2.2.2:

(a) Design of Stormwater Management System: The design of the stormwater management system shall be in accordance with the applicable sections of the GSMM as directed by the administrator. Any design which proposes a dam shall comply with the Georgia Safe Dams Act and Rules for Dam Safety as applicable.

(b) Natural Resources Inventory: Site reconnaissance and surveying techniques shall be used to complete a thorough assessment of existing natural resources, both terrestrial and aquatic, found on the site. Resources to be identified, mapped, and shown on the Stormwater Management Plan, shall include, at a minimum (as applicable):

- (i) Topography (minimum of 2-foot contours) and Steep Slopes (i.e., Areas with Slopes Greater Than 15%),
- (ii) Natural Drainage Divides and Patterns,
- (iii) Natural Drainage Features (e.g., swales, basins, depressional areas),
- (iv) Natural feature protection and conservation areas such as wetlands, lakes, ponds, floodplains, stream buffers, drinking water wellhead protection areas and river corridors,
- (v) Predominant soils (including erodible soils and karst areas), and
- (vi) Existing predominant vegetation including trees, high quality habitat and other existing vegetation.

(c) Better Site Design Practices for Stormwater Management: Stormwater management plans shall preserve the natural drainage and natural treatment systems and reduce the generation of additional stormwater runoff and pollutants to the maximum extent practicable. Additional details can be found in the GSMM Section 2.3.

(d) Stormwater Runoff Quality/Reduction: Stormwater Runoff Quality/Reduction shall be provided by using the following:

- (i) For development with a stormwater management plan submitted before **[insert applicable date]**, the applicant may choose either (A) Runoff Reduction or (B) Water Quality.
- (ii) For development with a stormwater management plan submitted on or after **[insert applicable date]**, the applicant shall choose (A) Runoff Reduction and

additional water quality shall not be required. To the extent (A) Runoff Reduction has been determined to be infeasible for all or a portion of the site using the Practicability Policy, then (B) Water Quality shall apply for the remaining runoff from a 1.2 inch rainfall event and must be treated to remove at least 80% of the calculated average annual post-development total suspended solids (TSS) load or equivalent as defined in the GSMM.

(A) Runoff Reduction - The stormwater management system shall be designed to retain the first 1.0 inch of rainfall on the site using runoff reduction methods, to the maximum extent practicable.

(B) Water Quality – The stormwater management system shall be designed to remove at least 80% of the calculated average annual post-development total suspended solids (TSS) load or equivalent as defined in the GSMM for runoff from a 1.2 inch rainfall event.

(iii) If a site is determined to be a hotspot as detailed in Section [Y]-5, the **[local jurisdiction]** may require the use of specific or additional components for the stormwater management system to address pollutants of concern generated by that site.

(e) Stream Channel Protection: Stream channel protection shall be provided by using all of the following three approaches:

(i) 24-hour extended detention storage of the 1-year, 24-hour return frequency storm event;

(ii) Erosion prevention measures, such as energy dissipation and velocity control; and

(iii) Preservation of any applicable stream buffer.

(f) Overbank Flood Protection: Downstream overbank flood protection shall be provided by controlling the post-development peak discharge rate to the pre-development rate for the 25-year, 24-hour storm event.

(g) Extreme Flood Protection: Extreme flood protection shall be provided by controlling the 100-year, 24-hour storm event such that flooding is not exacerbated.

(h) Downstream Analysis: Due to peak flow timing and runoff volume effects, some structural components of the stormwater management system fail to reduce discharge peaks to pre-development levels downstream from the site. A downstream peak flow analysis shall be provided to the point in the watershed downstream of the site or the stormwater management system where the area of the site comprises 10% of the total drainage area in accordance with Section 3.1.9 of the GSMM. This is to help ensure that there are minimal

downstream impacts from development on the site. The downstream analysis may result in the need to resize structural components of the stormwater management system.

(i) Stormwater Management System Inspection and Maintenance: The components of the stormwater management system that will not be dedicated to and accepted by the **[local jurisdiction]**, including all drainage facilities, best management practices, credited conservation spaces, and conveyance systems, shall have an inspection and maintenance agreement to ensure that they continue to function as designed. All new development and redevelopment sites are to prepare a comprehensive inspection and maintenance agreement for the on-site stormwater management system. This plan shall be written in accordance with the requirements in Section [Y]-16.

Section [Y]-8. Pre-Submittal Meeting, Stormwater Concept Plan, and Stormwater Management Plan Requirements.

(a) Before a land development permit application is submitted, an applicant may request a pre-submittal meeting with the **[local jurisdiction]**. The pre-submittal meeting should take place based on an early step in the development process such as before site analysis and inventory (GSMM Section 2.4.2.4) or the stormwater concept plan (GSMM Section 2.4.2.5). The purpose of the pre-submittal meeting is to discuss opportunities, constraints, and ideas for the stormwater management system before formal site design engineering. To the extent applicable, local and regional watershed plans, greenspace plans, trails and greenway plans, and other resource protection plans should be consulted in the pre-submittal meeting. Applicants must request a pre-submittal meeting with the **[local jurisdiction]** when applying for a Determination of Infeasibility through the Practicability Policy.

(b) The stormwater concept plan shall be prepared using the minimum following steps:

(i) Develop the site layout using better site design techniques, as applicable (GSMM Section 2.3).

(ii) Calculate preliminary estimates of the unified stormwater sizing criteria requirements for stormwater runoff quality/reduction, channel protection, overbank flooding protection and extreme flood protection (GSMM Section 2.2).

(iii) Perform screening and preliminary selection of appropriate best management practices and identification of potential siting locations (GSMM Section 4.1).

(c) The stormwater concept plan shall contain:

(i) Common address and legal description of the site,

(ii) Vicinity map, and

(iii) Existing conditions and proposed site layout mapping and plans (recommended scale of 1" = 50'), which illustrate at a minimum:

(A) Existing and proposed topography (minimum of 2-foot contours),

(B) Perennial and intermittent streams,

(C) Mapping of predominant soils from USDA soil surveys,

(D) Boundaries of existing predominant vegetation and proposed limits of clearing and grading,

(E) 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.),

(F) Location of existing and proposed roads, buildings, parking areas and other impervious surfaces,

(G) Existing and proposed utilities (e.g., water, sewer, gas, electric) and easements,

(H) Preliminary estimates of unified stormwater sizing criteria requirements,

(I) Preliminary selection and location, size, and limits of disturbance of proposed BMPs,

(J) Location of existing and proposed conveyance systems such as grass channels, swales, and storm drains,

(K) Flow paths,

(L) Location of the boundaries of the base flood floodplain, future-conditions floodplain, and the floodway (as applicable) and relationship of site to upstream and downstream properties and drainage, and

(M) Preliminary location and dimensions of proposed channel modifications, such as bridge or culvert crossings.

(d) The stormwater management plan shall contain the items listed in this part and be prepared under the direct supervisory control of either a registered Professional Engineer or a registered Landscape Architect licensed in the state of Georgia. Items (iii), (iv), (v), and (vi) shall be sealed and signed by a registered Professional Engineer licensed in the

state of Georgia. The overall site plan must be stamped by a design professional licensed in the State of Georgia for such purpose. (GSMM Section 2.4.2.7)

- (i) Natural Resources Inventory
- (ii) Stormwater Concept Plan
- (iii) Existing Conditions Hydrologic Analysis
- (iv) Post-Development Hydrologic Analysis
- (v) Stormwater Management System
- (vi) Downstream Analysis
- (vii) Erosion and Sedimentation Control Plan
- (viii) BMP Landscaping Plan
- (ix) Inspection and Maintenance Agreement
- (x) Evidence of Acquisition of Applicable Local and Non-Local Permits
- (xi) Determination of Infeasibility (if applicable)

(e) For redevelopment and to the extent existing stormwater management structures are being used to meet stormwater management standards the following must also be included in the stormwater management plan for existing stormwater management structures

- (i) As-built Drawings
- (ii) Hydrology Reports
- (iii) Current inspection of existing stormwater management structures with deficiencies noted
- (iv) BMP Landscaping Plans

Section [Y]-9. Application Fee. The fee for review of any land development application shall be based on the fee structure established by the **[local jurisdiction]**, and payment shall be made before the issuance of any land disturbance permit or building permit for the development.

Section [Y]-10. Application Procedures. Land development applications are handled as part of the process to obtain the land disturbance permit pursuant to **[insert local ordinance reference]** or building permit **[insert local ordinance reference]**, as applicable. Before any person begins development on a site, the owner of the site shall first obtain approval in accordance with the following procedure:

- (a) File a land development application with the **[local jurisdiction]** on the **[local jurisdiction's]** form of application with the following supporting materials:

- (i) the stormwater management plan prepared in accordance with Section [Y]-8
- (d),
- (ii) a certification that the development will be performed in accordance with the stormwater management plan once approved,
- (iii) a **[Preliminary Determination of Infeasibility, as applicable, prepared in accordance with the practicability policy]**, and
- (iv) an acknowledgement that applicant has reviewed the **[local jurisdiction's]** form of inspection and maintenance agreement and that applicant agrees to sign and record such inspection and maintenance agreement before the final inspection.

(b) The administrator shall inform the applicant whether the application and supporting materials are approved or disapproved.

(c) If the application or supporting materials are disapproved, the administrator 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 for the administrator to again consider and either approve or disapprove.

(d) If the application and supporting materials are approved, the **[local jurisdiction]** may issue the associated land disturbance permit or building permit, provided all other legal requirements for the issuance of such permits have been met. The stormwater management plan included in such applications becomes the approved stormwater management plan.

Section [Y]-11. Compliance with the Approved Stormwater Management Plan. All development shall be:

- (a) consistent with the approved stormwater management plan and all applicable land disturbance and building permits, and
- (b) conducted only within the area specified in the approved stormwater management plan.

No changes may be made to an approved stormwater management plan without review and advanced written approval by the administrator.

Section [Y]-12. Inspections to Ensure Plan Compliance During Construction. Periodic inspections of the stormwater management system during construction shall be conducted by the staff of the **[local jurisdiction]** or conducted and certified by a professional engineer who has been approved by the **[local jurisdiction]**. Inspections shall use the approved stormwater management plan for

establishing compliance. All inspections shall be documented with written reports that contain the following information:

- (a) The date and location of the inspection;
- (b) Whether the stormwater management system is in compliance with the approved stormwater management plan;
- (c) Variations from the approved stormwater management plan; and
- (d) Any other variations or violations of the conditions of the approved stormwater management plan.

Section [Y]-13. Final Inspection; As-Built Drawings; Delivery of Inspection and Maintenance Agreement. Upon completion of the development, the applicant is responsible for:

- (a) Certifying that the stormwater management system is functioning properly and was constructed in conformance with the approved stormwater management plan and associated hydrologic analysis,
- (b) Submitting as-built drawings showing the final design specifications for all components of the stormwater management system as certified by a professional engineer,
- (c) Certifying that the landscaping is established and installed in conformance with the BMP landscaping plan, and
- (d) Delivering to **[local jurisdiction]** a signed inspection and maintenance agreement that has been recorded by the owner in the property record for all parcel(s) that make up the site.

The required certification under part (a) shall include a certification of volume, or other performance test applicable to the type of stormwater management system component, to ensure each component is functioning as designed and built according to the design specifications in the approved stormwater management plan. This certification and the required performance tests shall be performed by a qualified person and submitted to the **[local jurisdiction]** with the request for a final inspection. The **[local jurisdiction]** shall perform a final inspection with applicant to confirm applicant has fulfilled these responsibilities.

Section [Y]-14. Violations and Enforcement. Any violation of the approved stormwater management plan during construction, failure to submit as-built drawings, failure to submit a final BMP landscaping plan, or failure of the final inspection shall constitute and be addressed as violations of, or failures to comply with, the underlying land disturbance permit pursuant to **[insert local ordinance reference]** or the underlying building permit pursuant to **[insert local ordinance reference]**. To address a violation of this Article, the **[local jurisdiction]** shall have all the powers and remedies that are available to it for other violations of building and land disturbance permits,

including without limitation the right to issue notices and orders to ensure compliance, stop work orders, and penalties as set forth in the applicable ordinances for such permits.

Section [Y]-15. Maintenance by Owner of Stormwater Management Systems Predating Current GSMM. For any stormwater management systems approved and built based on requirements predating the current GSMM and that is not otherwise subject to an inspection and maintenance agreement, such stormwater management systems shall be maintained by the owner so that the stormwater management systems perform as they were originally designed.

Section [Y]-16. Inspection and Maintenance Agreements.

- (a) The owner shall execute an inspection and maintenance agreement with the **[local jurisdiction]** obligating the owner to inspect, clean, maintain, and repair the stormwater management system; including vegetation in the final BMP landscaping plan. The form of the inspection and maintenance agreement shall be the form provided by the **[local jurisdiction]**. After the inspection and maintenance agreement has been signed by the owner and the **[local jurisdiction]**, the owner shall promptly record such agreement at the owner's cost in the property record for all parcel(s) that make up the site.
- (b) The inspection and maintenance agreement shall identify by name or official title the person(s) serving as the point of contact for carrying out the owner's obligations under the inspection and maintenance agreement. The owner shall update the point of contact from time to time as needed and upon request by the **[local jurisdiction]**. Upon any sale or transfer of the site, the new owner shall notify the **[local jurisdiction]** in writing within 30 days of the name or official title of new person(s) serving as the point of contact for the new owner. Any failure of an owner to keep the point of contact up to date shall, following 30 days' notice, constitute a failure to maintain the stormwater management system.
- (c) The inspection and maintenance agreement shall run with the land and bind all future successors-in-title of the site. If there is a future sale or transfer of only a portion of the site, then:
 - (i) The parties to such sale or transfer may enter into and record an assignment agreement designating the owner responsible for each portion of the site and associated obligations under the inspection and maintenance agreement. The parties shall record and provide written notice and a copy of such assignment agreement to the **[local jurisdiction]**.
 - (ii) In the absence of a recorded assignment agreement, all owners of the site shall be jointly and severally liable for all obligations under the inspection and maintenance agreement regardless of what portion of the site they own.

Section [Y]-17. Right of Entry for Maintenance Inspections. The terms of the inspection and maintenance agreement shall provide for the **[local jurisdiction's]** right of entry for maintenance inspections and other specified purposes. If a site was developed before the requirement to have

an inspection and maintenance agreement or an inspection and maintenance agreement was for any reason not entered into, recorded, or has otherwise been invalidated or deemed insufficient, then the **[local jurisdiction]** shall have the right to enter and make inspections pursuant to the **[local jurisdiction's]** general provisions for property maintenance inspections pursuant to **[insert reference to existing local ordinance providing for right of entry and inspections for general property maintenance obligations, whether under the local administration procedures for the Georgia Statewide Minimum Construction Codes or other local property maintenance ordinance]**.

Section [Y]-18. Owner's Failure to Maintain the Stormwater Management System. The terms of the inspection and maintenance agreement shall provide for what constitutes a failure to maintain a stormwater management system and the enforcement options available to **[local jurisdiction]**. If a site was developed before the requirement to have an inspection and maintenance agreement or an inspection and maintenance agreement was for any reason not entered into, recorded, or has otherwise been invalidated or deemed insufficient, then:

- (a) An owner's failure to maintain the stormwater management system so that it performs as it was originally designed shall constitute and be addressed as a violation of, or failure to comply with, owner's property maintenance obligations pursuant to **[insert reference to existing local ordinance on violations of general property maintenance obligations, whether under the local administration procedures for the Georgia Statewide Minimum Construction Codes or other local property maintenance ordinance]** and
- (b) To address such a failure to maintain the stormwater management system, the **[local jurisdiction]** shall have all the powers and remedies that are available to it for other violations of an owner's property maintenance obligations, including without limitation prosecution, penalties, abatement, and emergency measures.

Appendix B:

Mandatory Edits

Overview of Mandatory Edits

MANDATORY EDIT PROMPT	LANGUAGE	LOCATION IN MODEL ORDINANCE	NOTES
Local jurisdiction	The name of your jurisdiction	<i>36 Instances</i> Section [Y]-1 has one; Section [Y]-2 has five; Section [Y]-3 has two; Section [Y]-6 has two; Section [Y]-7 has two; Section [Y]-8 has two; Section [Y]-9 has one; Section [Y]-10 has four; Section [Y]-12 has two; Section [Y]-13 has three; Section [Y]-14 has one; Section [Y]-16 has six; Section [Y]-17 has three; Section [Y]-18 has two.	
INSERT AS APPROPRIATE - county administrator / county chief executive officer / mayor / city manager	The title of the person appointed to administer and implement this Article on Post-Construction Stormwater Management for New Development and Redevelopment in accordance with Section [Y]-4	<i>One Instance</i> Section [Y]-4	This person could also be a departmental director with similar decision-making authority.
Insert local ordinance reference	No recommended language	<i>Four Instances</i> Section [Y]-10 has two; Section [Y]-14 has two.	The local jurisdiction must reference the code section (land disturbance permit and building permit) for each applicable prompt.

MANDATORY EDIT PROMPT	LANGUAGE	LOCATION IN MODEL ORDINANCE	NOTES
Insert applicable date	Choose a date based on description: December 6, 2020 – for Phase II MS4 Permittees December 10, 2020 - for Phase I MS4 Permittees and local jurisdictions without an MS4 Permit	<i>Two Instances</i> Section [Y]-7(d)(i) and (ii)	This prompt supports the Municipal Separate Storm Sewer System (MS4) Permit requirement for adoption of the Stormwater Management Standard for Stormwater Runoff Quality/Reduction.
Preliminary Determination of Infeasibility, as applicable, prepared in accordance with the practicability policy	Insert the name of the documentation that an owner should submit to show that it is infeasible to apply the stormwater runoff quality/ reduction standard. In 2020, the District will publish a Policy on Practicability Analysis for Runoff Reduction that may be used by the local jurisdiction for this prompt. If a jurisdiction chooses to adopt the District Guide, no update to this language is needed.	<i>One Instance</i> Section [Y]-10(a)(iii)	Language from the Municipal Separate Storm Sewer Permit requiring this documentation, “The determination by the [local jurisdiction] that it is infeasible to apply the stormwater runoff quality/reduction standard, on part or all of a project, must be documented with the site plan review documents.”
Insert reference to existing local ordinance providing for right of entry and inspections for general property maintenance obligations, whether under the local administration procedures for the Georgia Statewide Minimum Construction Codes or other local property maintenance ordinance	No recommended language	<i>One Instance</i> Section [Y]-17	The local jurisdiction must reference their code regarding right of entry and inspections. Incorporating by reference existing administrative procedures of the local jurisdiction is intended to simplify implementation and enforcement.

MANDATORY EDIT PROMPT	LANGUAGE	LOCATION IN MODEL ORDINANCE	NOTES
<p>Insert reference to existing local ordinance on violations of general property maintenance obligations, whether under the local administration procedures for the Georgia Statewide Minimum Construction Codes or other local property maintenance ordinance</p>	<p>No recommended language</p>	<p><i>One Instance</i> Section [Y]-18(a)</p>	<p>The local jurisdiction must reference their code regarding existing local ordinance on violations of general property maintenance obligations. Incorporating by reference existing administrative procedures of the local jurisdiction is intended to simplify implementation and enforcement</p>

Appendix C: Enhancements

Enhancement 1: Construction Sequencing

Purpose

Stormwater best management practices (BMPs) in the Georgia Stormwater Management Manual must be installed correctly to be effective. For example, sites for infiltration practices must be protected from compaction and sedimentation. A construction sequencing plan provides the local jurisdiction an opportunity to emphasize the different needs for these BMPs during construction and enforce proper construction practices.

Language

Definition

“construction sequencing plan” means a document noting the sequence of construction and identification of infiltration zones for protection during staged installation of permanent post-construction BMPs to ensure suitable site conditions such as avoiding soil compaction by heavy equipment in areas designated for infiltration BMPs.

Edits to Model Ordinance to include this enhancement

- Add the construction sequencing plan definition (provided in *Language* above) to Section [Y]-2. Definitions. Definitions are listed in alphabetical order.
- Require the construction sequencing plan to be part of the Stormwater Management Plan by adding it to the list in Section [Y]-8 (d) as a new (xii).
- Incorporate the construction sequencing plan into construction inspections by adding this bolded and italicized language to Section [Y]-12 as follows, “Inspections shall use the approved stormwater management plan and the ***construction sequencing plan*** for establishing compliance.”

Enhancement 2: Pre-Development Hydrology

Purpose

Local jurisdictions that would like to require stormwater management design to be based on original pre-developed conditions, regardless of project type (redevelopment or new development), can make the following edits to the Model Ordinance.

Language

Definition

“pre-development hydrology” means ~~(a) for new development,~~ the runoff curve number determined using natural conditions hydrologic analysis based on the natural, undisturbed condition of the site ~~immediately prior to the implementation of the proposed development; and~~ ~~(b) for redevelopment, the existing conditions hydrograph may take into account the existing development when defining the runoff curve number and calculating existing runoff, unless the existing development causes a negative impact on downstream property.~~

Edits to Model Ordinance to include this enhancement

- Edit the pre-development hydrology definition as shown in *Language* above in Section [Y]-2. Definitions.

Enhancement 3: Trout Streams

Purpose

This enhancement supports the MS4 Permit requirement for trout stream protection. The Permit states, “For receiving waters with a trout stream designation, which contain outfalls from the permittee’s MS4, the permittee’s Stormwater Management Program (SWMP) must address the protection of trout waters from impacts from the MS4 outfalls due to elevated temperature.”

As of December 2019 (the date of publication for this document), this enhancement would apply to the following counties: **Bartow, Cherokee, Cobb, Forsyth, Fulton, Gwinnett, and Paulding.**

Language

Definition

“trout stream” means waters designated by the Wildlife Resources Division of the Georgia Department of Natural Resources as Primary Trout Waters or Secondary Trout Streams. Primary Trout Waters are waters supporting a self-sustaining population of Rainbow, Brown or Brook Trout. Secondary Trout Streams are those with no evidence of natural trout reproduction but are capable of supporting trout throughout the year.

Stormwater Management Standard

Trout Stream Protection: Trout stream protection shall be provided by controlling temperature for receiving waters with trout stream designation. In streams designated as primary trout waters by the Wildlife Resources Division, there shall be no elevation of natural stream temperatures. In streams designated as secondary trout waters, there shall be no elevation exceeding 2°F of natural stream temperatures.

Edits to Model Ordinance to include this enhancement

- Add the trout stream definition (provided in *Language* above) to Section [Y]-2. Definitions. Definitions are listed in alphabetical order.
- Add the *Stormwater Management Standard* above as (h) in Section [Y]-7. Stormwater Management Standards. Edit remaining letters in the section so that “j” is the last letter.

Enhancement 4: Linear Transportation Feasibility Program

Purpose

A Linear Transportation Feasibility Program is a feasibility program that identifies the criteria and administrative process for determining when implementation of stormwater management standards are infeasible for linear transportation projects being constructed by the local jurisdiction. The Linear Transportation Feasibility Program is not required, and the Metropolitan North Georgia Water Planning District has not developed a template for local jurisdictions to adopt for implementation of this program.

The Model Ordinance is written for local jurisdictions that will have a Linear Transportation Feasibility Program, which will require program development and submittal to the Georgia Environmental Protection Division. Local jurisdictions that are not going to have a Linear Transportation Feasibility Program must make the following edits to the Model Ordinance.

Language

Section [Y]-2. Definitions

~~“linear feasibility program” means a feasibility program developed by [local jurisdiction] and submitted to the Georgia Environmental Protection Division, which sets reasonable criteria for determining when implementation of stormwater management standards for linear transportation projects being constructed by [local jurisdiction] is infeasible.~~

Section [Y]-6. Exemptions

~~(h) — Linear transportation projects being constructed by [local jurisdiction] to the extent the administrator determines that the stormwater management standards may be infeasible to apply, all or in part, for any portion of the linear transportation project. For this exemption to apply, an infeasibility report that is compliant with the [local jurisdiction] linear feasibility program shall first be submitted to the administrator that contains adequate documentation to support the evaluation for the applicable portion(s) and any resulting infeasibility determination, if any, by the administrator.~~

Edits to Model Ordinance to remove this program

- Delete the “linear feasibility program” definition in Section [Y]-2. Definitions as shown in *Language* above.
- Delete Section [Y]-6.h as shown in *Language* above.

Appendix D:
Model Ordinance Crosswalk

Crosswalk for 2002 and 2019 Model Ordinance for Post-Construction Stormwater Management for New Development and Redevelopment

2002 MODEL ORDINANCE	2019 MODEL ORDINANCE	DISCUSSION
Description	N/A	Introductory language is typically not codified, and the 2019 Draft was formatted for adoption and submittal to MuniCode. Introductory information can be found in the Draft Model User Guide and Memo
Table of Contents	N/A	
Introduction	N/A	
Section 1. General Provisions		
1.1. Purpose and intent	[Y]-1 Purpose and Intent	None
1.2. Applicability	[Y]-5. Applicability Criteria for Stormwater Management Standards [Y]-6. Exemptions from Stormwater Management Standards	Certain exemptions were deleted from the ordinance to match the MS4 permit exemptions
1.3. Designation of Ordinance Administrator	[Y]-4. Designation of Administrator	None
1.4. Compatibility with Other Regulations	[Y]-3. Adoption and Implementation of the GSMM; Conflicts and Inconsistencies	None
1.5. Severability		
1.6. Stormwater Design Manual		
Section 2. Definitions		
Section 3. Permit Procedures and Requirements		
3.1 Permit Application Requirements	[Y]-10. Application Procedures.	None
3.2 Stormwater Concept Plan and Consultation Meeting	[Y]-8. Pre-Consultation Meeting, Stormwater Concept Plan, and Stormwater Management Plan Requirements.	None
3.3 Stormwater Management Plan Requirements		
3.4 Stormwater Management Inspection and Maintenance Agreements	[Y]-13 (c) Delivering to [local jurisdiction] a signed inspection and maintenance agreement.	None

3.5 Performance and Maintenance Bonds	N/A	Performance and maintenance bonds may be added and customized for communities that use them but is not applied in enough of the District to be included in the Model
3.6 Application Procedure	[Y]-10. Application Procedures	None
3.7 Application Review Fees	[Y]-9. Application Fee	None
3.8 Modification for Off-Site Facilities	N/A	Off-Site Facilities may be added and customized for communities that use them but is not applied in enough of the District to be included in the Model.
Section 4 Post-Development Stormwater Management Performance Criteria	Section [Y]-7. Stormwater Management Standards.	
4.1 Water Quality	[Y]-7 (d) Stormwater Runoff Quality/Reduction	Runoff reduction has been added to this standard in the 2019 Draft
4.2 Stream Channel Protection	[Y]-7 (e) Stream Channel Protection	2019 Draft matches MS4 Permit
4.3 Overbank Flooding Protection	[Y]-7 (f) Overbank Flood Protection	2019 Draft matches MS4 Permit
4.4 Extreme Flooding Protection	[Y]-7 (g) Extreme Flood Protection	2019 Draft matches MS4 Permit
4.5. Structural Stormwater Controls	[Y]-7 (a) Design of Stormwater Management System	None
4.6 Stormwater Credits for Nonstructural Measures	[Y]-7 (c) Better Site Design Practices for Stormwater Management	This is not a 1:1 conversion, but the better site design element remains in the 2019 Draft; replacing the term “may” for “shall.” The methodology for providing credits related to conservation easements was unclear and was removed.
4.7 Drainage System Guidelines	[Y]-7 (a) Design of Stormwater Management System OR Refer to Georgia Stormwater Management Manual	Compressed or moved to GSMM reference to reduce redundancy

4.8 Dam Design Guidelines	[Y]-3. Adoption and Implementation of the GSMM; Conflicts and Inconsistencies	2019 Draft points to Georgia Safe Dams Act and Rules for Dam Safety
Section 5. Construction Inspections of Post-Development Stormwater Management System		
5.1 Inspections to Ensure Plan Compliance During Construction	[Y]-12. Inspections to Ensure Plan Compliance During Construction	None
5.2 Final Inspection and As Built Plans	[Y]-13. Final Inspection; As-Built Drawings; Delivery of Inspection and Maintenance Agreement	None
Section 6. Ongoing Inspection and Maintenance of Stormwater Facilities and Practices		
6.1 Long-Term Maintenance Inspection of Stormwater Facilities and Practices	[Y]-15. Maintenance by Owner of Stormwater Management Systems Predating Current GSMM [Y]-16. Inspection and Maintenance Agreements	None
6.2 Right-of-Entry for Inspection	[Y]-17. Right of Entry for Maintenance Inspections	Right of Entry grants the local jurisdiction access for inspection, which is generally sufficient for privately owned BMPs. A BMP that has been dedicated to the local government should have an easement that grants an ownership interest, not just a license for temporary access. Dedication is not addressed in this model ordinance given the range of local practices.
6.3 Records of Maintenance Activities	N/A	Should be part of the local jurisdiction's maintenance agreement template.
6.4 Failure to Maintain	[Y]-18. Owner's Failure to Maintain the Stormwater Management System	None

Section 7. Violations, Enforcement and Penalties		
7.1 Notice of Violation	[Y]-14. Violations and Enforcement	None
7.2 Penalties		

Appendix E:
Model Ordinance Redline

Document Comparison for 2002 and 2019 Model Ordinance for Post-Construction Stormwater Management for New Development and Redevelopment

DOCUMENT COMPARISON KEY	
Text Sample	Text that is the same for both documents
Text Sample	Text that was deleted from the Current Model Ordinance
Text Sample	Text that was added in the 2019 Draft Model Ordinance

Model Ordinance for Post-Construction Stormwater Management for New Development and Redevelopment

Article [X]. Post-Construction Stormwater Management for New Development and Redevelopment.

Section [Y]-1. Purpose and Intent. 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-construction stormwater runoff and nonpoint source pollution associated with new development and redevelopment. Proper management of post- construction stormwater 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. Additionally, the **[local jurisdiction]** is required to comply with several State and Federal laws, regulations and permits and the requirements of the Metropolitan North Georgia Water Planning District’s regional water plan related to managing the water quantity, velocity, and quality of post- construction stormwater runoff.

Section [Y]-2. Definitions. For this Article, the terms below shall have the following meanings:

“administrator” means the person appointed to administer and implement this Article on Post-Construction Stormwater Management for New Development and Redevelopment in accordance with Section [Y]-4.

“applicant” means a person submitting a land development application for approval.

“BMP” or “best management practice” means both structural devices to store or treat stormwater runoff and non-structural programs or practices which are designed to prevent or reduce the pollution of the waters of the State of Georgia.

“BMP landscaping plan” means a design for vegetation and landscaping that is critical to the performance and function of the BMP including how the BMP will be stabilized and established with vegetation. It shall include a layout of plants and plant names (local and scientific).

“channel” means a natural or artificial watercourse with a definite bed and banks that conveys continuously or periodically flowing water.

“detention” means the temporary storage of stormwater runoff in a stormwater detention facility for the purpose of controlling the peak discharge.

“detention facility” means a structure designed for the storage and gradual release of stormwater runoff at controlled rates.

“development” means new development or redevelopment.

“extended detention” means the storage of stormwater runoff for an extended period of time.

“extreme flood protection” means measures taken to prevent adverse impacts from large low-frequency storm events with a return frequency of 100 years or more.

“flooding” means a volume of surface water that exceeds the banks or walls of a BMP, or channel; and overflows onto adjacent lands.

“GSMM” means the latest edition of the Georgia Stormwater Management Manual, Volume 2: Technical Handbook, and its Appendices.

“hotspot” means a land use or activity on a site that has the potential to produce higher than normally found levels of pollutants in stormwater runoff. As defined by the administrator, hotspot land use may include gasoline stations, vehicle service and maintenance areas, industrial facilities (both permitted under the Industrial Stormwater General Permit and others), material storage sites, garbage transfer facilities, and commercial parking lots with high-intensity use.

“impervious surface” means a surface composed of any material that significantly impedes or prevents the natural infiltration of water into the soil.

“Industrial Stormwater General Permit” means the National Pollutant Discharge Elimination System (NPDES) permit issued by Georgia Environmental Protection Division to an

industry for stormwater discharges associated with industrial activity. The permit regulates pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies based on Standard Industrial Classification (SIC) Code.

“infiltration” means the process of percolating stormwater runoff into the subsoil.

“inspection and maintenance agreement” means a written agreement providing for the long-term inspection, operation, and maintenance of the stormwater management system and its components on a site.

“land development application” means the application for a land development permit on a form provided by **[local jurisdiction]** along with the supporting documentation required in Section [Y]-10(a).

“land development permit” means the authorization necessary to begin construction-related, land-disturbing activity

“land disturbing activity” means any activity which may result in soil erosion from water or wind and the movement of sediments into state water or onto lands within the state, including but not limited to clearing, dredging, grading, excavating, and filling of land. Land disturbing activity does not include agricultural practices as described O.C.G.A. 12-7-17(5) or silvicultural land management activities as described O.C.G.A. 12-7-17(6) within areas zoned for these activities.

“linear feasibility program” means a feasibility program developed by **[local jurisdiction]** and submitted to the Georgia Environmental Protection Division, which sets reasonable criteria for determining when implementation of stormwater management standards for linear transportation projects being constructed by **[local jurisdiction]** is infeasible.

“linear transportation projects” means construction projects on traveled ways including but not limited to roads, sidewalks, multi-use paths and trails, and airport runways and taxiways.

“MS4 Permit” means the NPDES permit issued by Georgia Environmental Protection Division for discharges from the **[local jurisdiction’s]** municipal separate storm sewer system.

“new development” means land disturbing activities, structural development (construction, installation or expansion of a building or other structure), and/or creation of impervious surfaces on a previously undeveloped site.

“nonpoint source pollution” means a form of water pollution that does not originate from a discrete point such as a wastewater treatment facility 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 or 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.

“overbank flood protection” means 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).

“owner” means 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.

“person” means 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.

“post-construction stormwater management” means stormwater best management practices that are used on a permanent basis to control and treat runoff once construction has been completed in accordance with a stormwater management plan.

“post-development” means the conditions anticipated to exist on site immediately after completion of the proposed development.

“practicability policy” means the latest edition of the Metropolitan North Georgia Water Planning District’s Policy on Practicability Analysis for Runoff Reduction.

“pre-development” means the conditions that exist on a site immediately before the implementation of the proposed development. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time before the first item being approved or permitted shall establish pre-development conditions.

“pre-development hydrology” means (a) for new development, the runoff curve number determined using natural conditions hydrologic analysis based on the natural, undisturbed condition of the site immediately before implementation of the proposed development; and (b) for redevelopment, the existing conditions hydrograph may take into account the existing development when defining the runoff curve number and calculating existing runoff, unless the existing development causes a negative impact on downstream property.

“previously developed site” means a site that has been altered by paving, construction, and/or land disturbing activity.

“redevelopment” means structural development (construction, installation, or expansion of a building or other structure), creation or addition of impervious surfaces, replacement of impervious surfaces not as part of routine maintenance, and land disturbing activities associated with structural or impervious development on a previously developed site. Redevelopment does not include such activities as exterior remodeling.

“routine maintenance” means activities to keep an impervious surface as near as possible to its constructed condition. This includes ordinary maintenance activities, resurfacing paved areas, and exterior building changes or improvements which do not materially increase or concentrate stormwater runoff, or cause additional nonpoint source pollution.

“runoff” means stormwater runoff.

“site” means an area of land where development is planned, which may include all or portions of one or more parcels of land. For subdivisions and other common plans of development, the site includes all areas of land covered under an applicable land development permit.

“stormwater concept plan” means an initial plan for post-construction stormwater management at the site that provides the groundwork for the stormwater management plan including the natural resources inventory, site layout concept, initial runoff characterization, and first round stormwater management system design.

“stormwater management plan” means a plan for post-construction stormwater management at the site that meets the requirements of Section [Y]-8(d) and is included as part of the land development application.

“stormwater management standards” means those standards set forth in Section [Y]-7.

“stormwater management system” means the entire set of non-structural site design features and structural BMPs for collection, conveyance, storage, infiltration, treatment, and disposal of stormwater runoff in a manner designed 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 runoff” means flow on the surface of the ground, resulting from precipitation.

“subdivision” means 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.

Other terms used but not defined in this Article shall be interpreted based on how such terms are defined and used in the GSMM and the **[local jurisdiction's]** MS4 permit.

Section [Y]-3. Adoption and Implementation of the GSMM; Conflicts and Inconsistencies.

- (a) In implementing this Article, the **[local jurisdiction]** shall use and require compliance with all relevant design standards, calculations, formulas, methods, and other guidance from the GSMM as well as all related appendices.
- (b) This Article is not intended to modify or repeal any other Article, ordinance, rule, regulation or other provision of law, including but not limited to any applicable stream buffers under state and local laws, and the Georgia Safe Dams Act and Rules for Dam Safety. In the event of any conflict or inconsistency between any provision in the **[local jurisdiction's]** MS4 permit and this Article, the provision from the MS4 permit shall control. In the event of any conflict or inconsistency between any provision of this Article and the GSMM, the provision from this Article shall control. In the event of any other conflict or inconsistency between any provision of this Article and any other ordinance, rule, regulation or other provision of law, the provision that is more restrictive or imposes higher protective standards for human health or the environment shall control.
- (c) If any provision of this Article is invalidated by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of this Article.

Section [Y]-4. Designation of Administrator. The **[INSERT AS APPROPRIATE - county administrator / county chief executive officer / mayor / city manager]** may from time to time appoint someone to administer and implement this Article.

Section [Y]-5. Applicability Criteria for Stormwater Management Standards. This Article applies to the following activities:

- (a) New development that creates or adds 5,000 square feet or greater of new impervious surface area or that involves land disturbing activity of 1 acre of land or greater;
- (b) Redevelopment (excluding routine maintenance and exterior remodeling) that creates, adds, or replaces 5,000 square feet or greater of new impervious surface area or that involves land disturbing activity of 1 acre or more;
- (c) New development and redevelopment if
 - (i) such new development or redevelopment is part of a subdivision or other common plan of development, and

- (ii) the sum of all associated impervious surface area or land disturbing activities that are being developed as part of such subdivision or other common plan of development meets or exceeds the threshold in (a) and (b) above;
- (d) Any commercial or industrial new development or redevelopment, regardless of size, that is a hotspot land use as defined in this Article; and
- (e) Linear transportation projects that exceed the threshold in (a) or (b) above.

Section [Y]-6. Exemptions from Stormwater Management Standards. This Article does not apply to the following activities:

- (a) Land disturbing activity conducted by local, state, authority, or federal agencies, solely to respond to an emergency need to protect life, limb, or property or conduct emergency repairs;
- (b) Land disturbing activity that consists solely of cutting a trench for utility work and related pavement replacement;
- (c) Land disturbing activity conducted by local, state, authority, or federal agencies, whose sole purpose is to implement stormwater management or environmental restoration;
- (d) Repairs to any stormwater management system deemed necessary by the administrator;
- (e) Agricultural practices as described O.C.G.A. 12-7-17(5) within areas zoned for these activities with the exception of buildings or permanent structures that exceed the threshold in [Y]-5 (a) or (b);
- (f) Silvicultural land management activities as described O.C.G.A. 12-7-17(6) within areas zoned for these activities with the exception of buildings or permanent structures that exceed the threshold in [Y]-5 (a) or (b);
- (g) Installations or modifications to existing structures solely to implement Americans with Disabilities Act (ADA) requirements, including but not limited to elevator shafts, handicapped access ramps and parking, and enlarged entrances or exits; and
- (h) Linear transportation projects being constructed by **[local jurisdiction]** to the extent the administrator determines that the stormwater management standards may be infeasible to apply, all or in part, for any portion of the linear transportation project. For this exemption to apply, an infeasibility report that is compliant with the **[local jurisdiction]** linear feasibility program shall first be submitted to the administrator that contains adequate documentation to support the evaluation for the applicable portion(s) and any resulting infeasibility determination, if any, by the administrator.

Section [Y]-7. Stormwater Management Standards. Subject to the applicability criteria in Section [Y]-5 and exemptions in Section [Y]-6, the following stormwater management standards apply. Additional details for each standard can be found in the GSMM Section 2.2.2.2:

(a) Design of Stormwater Management System: The design of the stormwater management system shall be in accordance with the applicable sections of the GSMM as directed by the administrator. Any design which proposes a dam shall comply with the Georgia Safe Dams Act and Rules for Dam Safety as applicable.

(b) Natural Resources Inventory: Site reconnaissance and surveying techniques shall be used to complete a thorough assessment of existing natural resources, both terrestrial and aquatic, found on the site. Resources to be identified, mapped, and shown on the Stormwater Management Plan, shall include, at a minimum (as applicable):

- (vii) Topography (minimum of 2-foot contours) and Steep Slopes (i.e., Areas with Slopes Greater Than 15%),
- (viii) Natural Drainage Divides and Patterns,
- (ix) Natural Drainage Features (e.g., swales, basins, depressional areas),
- (x) Natural feature protection and conservation areas such as wetlands, lakes, ponds, floodplains, stream buffers, drinking water wellhead protection areas and river corridors,
- (xi) Predominant soils (including erodible soils and karst areas), and
- (xii) Existing predominant vegetation including trees, high quality habitat and other existing vegetation.

(c) Better Site Design Practices for Stormwater Management: Stormwater management plans shall preserve the natural drainage and natural treatment systems and reduce the generation of additional stormwater runoff and pollutants to the maximum extent practicable. Additional details can be found in the GSMM Section 2.3.

(d) Stormwater Runoff Quality/Reduction: Stormwater Runoff Quality/Reduction shall be provided by using the following:

(i) For development with a stormwater management plan submitted before **[insert applicable date]**, the applicant may choose either (A) Runoff Reduction or (B) Water Quality.

(ii) For development with a stormwater management plan submitted on or after **[insert applicable date]**, the applicant shall choose (A) Runoff Reduction and additional water quality shall not be required. To the extent (A) Runoff Reduction has been determined to be infeasible for all or a portion of the site using the Practicability Policy, then (B) Water Quality shall apply for the remaining runoff from a 1.2 inch rainfall event and must be treated to remove at least 80% of the

calculated average annual post-development total suspended solids (TSS) load or equivalent as defined in the GSMM.

(A) **Runoff Reduction** - The stormwater management system shall be designed to retain the first 1.0 inch of rainfall on the site using runoff reduction methods, to the maximum extent practicable.

(B) **Water Quality** – The stormwater management system shall be designed to remove at least 80% of the calculated average annual post-development total suspended solids (TSS) load or equivalent as defined in the GSMM for runoff from a 1.2 inch rainfall event.

(iii) If a site is determined to be a hotspot as detailed in Section [Y]-5, the **[local jurisdiction]** may require the use of specific or additional components for the stormwater management system to address pollutants of concern generated by that site.

(e) **Stream Channel Protection**: Stream channel protection shall be provided by using all of the following three approaches:

(i) 24-hour extended detention storage of the 1-year, 24-hour return frequency storm event;

(ii) Erosion prevention measures, such as energy dissipation and velocity control; and

(iii) Preservation of any applicable stream buffer.

(f) **Overbank Flood Protection**: Downstream overbank flood protection shall be provided by controlling the post-development peak discharge rate to the pre-development rate for the 25-year, 24-hour storm event.

(g) **Extreme Flood Protection**: Extreme flood protection shall be provided by controlling the 100-year, 24-hour storm event such that flooding is not exacerbated.

(h) **Downstream Analysis**: Due to peak flow timing and runoff volume effects, some structural components of the stormwater management system fail to reduce discharge peaks to pre-development levels downstream from the site. A downstream peak flow analysis shall be provided to the point in the watershed downstream of the site or the stormwater management system where the area of the site comprises 10% of the total drainage area in accordance with Section 3.1.9 of the GSMM. This is to help ensure that there are minimal downstream impacts from development on the site. The downstream analysis may result in the need to resize structural components of the stormwater management system.

- (i) Stormwater Management System Inspection and Maintenance: The components of the stormwater management system that will not be dedicated to and accepted by the **[local jurisdiction]**, including all drainage facilities, best management practices, credited conservation spaces, and conveyance systems, shall have an inspection and maintenance agreement to ensure that they continue to function as designed. All new development and redevelopment sites are to prepare a comprehensive inspection and maintenance agreement for the on-site stormwater management system. This plan shall be written in accordance with the requirements in Section [Y]-16.

Section [Y]-8. Pre-Submittal Meeting, Stormwater Concept Plan, and Stormwater Management Plan Requirements.

- (a) Before a land development permit application is submitted, an applicant may request a pre-submittal meeting with the **[local jurisdiction]**. The pre-submittal meeting should take place based on an early step in the development process such as before site analysis and inventory (GSMM Section 2.4.2.4) or the stormwater concept plan (GSMM Section 2.4.2.5). The purpose of the pre-submittal meeting is to discuss opportunities, constraints, and ideas for the stormwater management system before formal site design engineering. To the extent applicable, local and regional watershed plans, greenspace plans, trails and greenway plans, and other resource protection plans should be consulted in the pre-submittal meeting. Applicants must request a pre-submittal meeting with the **[local jurisdiction]** when applying for a Determination of Infeasibility through the Practicability Policy.
- (b) The stormwater concept plan shall be prepared using the minimum following steps:
 - (i) Develop the site layout using better site design techniques, as applicable (GSMM Section 2.3).
 - (ii) Calculate preliminary estimates of the unified stormwater sizing criteria requirements for stormwater runoff quality/reduction, channel protection, overbank flooding protection and extreme flood protection (GSMM Section 2.2).
 - (iii) Perform screening and preliminary selection of appropriate best management practices and identification of potential siting locations (GSMM Section 4.1).
- (c) The stormwater concept plan shall contain:
 - (i) Common address and legal description of the site,
 - (ii) Vicinity map, and

(iii) Existing conditions and proposed site layout mapping and plans (recommended scale of 1" = 50'), which illustrate at a minimum:

(A) Existing and proposed topography (minimum of 2-foot contours),

(B) Perennial and intermittent streams,

(C) Mapping of predominant soils from USDA soil surveys,

(D) Boundaries of existing predominant vegetation and proposed limits of clearing and grading,

(E) 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.),

(F) Location of existing and proposed roads, buildings, parking areas and other impervious surfaces,

(G) Existing and proposed utilities (e.g., water, sewer, gas, electric) and easements,

(H) Preliminary estimates of unified stormwater sizing criteria requirements,

(I) Preliminary selection and location, size, and limits of disturbance of proposed BMPs,

(J) Location of existing and proposed conveyance systems such as grass channels, swales, and storm drains,

(K) Flow paths,

(L) Location of the boundaries of the base flood floodplain, future-conditions floodplain, and the floodway (as applicable) and relationship of site to upstream and downstream properties and drainage, and

(M) Preliminary location and dimensions of proposed channel modifications, such as bridge or culvert crossings.

(d) The stormwater management plan shall contain the items listed in this part and be prepared under the direct supervisory control of either a registered Professional Engineer

or a registered Landscape Architect licensed in the state of Georgia. Items (iii), (iv), (v), and (vi) shall be sealed and signed by a registered Professional Engineer licensed in the state of Georgia. The overall site plan must be stamped by a design professional licensed in the State of Georgia for such purpose. (GSMM Section 2.4.2.7)

- (i) Natural Resources Inventory
- (ii) Stormwater Concept Plan
- (iii) Existing Conditions Hydrologic Analysis
- (iv) Post-Development Hydrologic Analysis
- (v) Stormwater Management System
- (vi) Downstream Analysis
- (vii) Erosion and Sedimentation Control Plan
- (viii) BMP Landscaping Plan
- (ix) Inspection and Maintenance Agreement
- (x) Evidence of Acquisition of Applicable Local and Non-Local Permits
- (xi) Determination of Infeasibility (if applicable)

(e) For redevelopment and to the extent existing stormwater management structures are being used to meet stormwater management standards the following must also be included in the stormwater management plan for existing stormwater management structures

- (i) As-built Drawings
- (ii) Hydrology Reports
- (iii) Current inspection of existing stormwater management structures with deficiencies noted
- (iv) BMP Landscaping Plans

Section [Y]-9. Application Fee. The fee for review of any land development application shall be based on the fee structure established by the **[local jurisdiction]**, and payment shall be made before the issuance of any land disturbance permit or building permit for the development.

Section [Y]-10. Application Procedures. Land development applications are handled as part of the process to obtain the land disturbance permit pursuant to **[insert local ordinance reference]** or building permit **[insert local ordinance reference]**, as applicable. Before any person begins

development on a site, the owner of the site shall first obtain approval in accordance with the following procedure:

- (a) File a land development application with the **[local jurisdiction]** on the **[local jurisdiction's]** form of application along the following supporting materials:
 - (i) the stormwater management plan prepared in accordance with Section [Y]-8 (d),
 - (ii) a certification that the development will be performed in accordance with the stormwater management plan once approved,
 - (iii) a **[Preliminary Determination of Infeasibility, as applicable, prepared in accordance with the practicability policy]**, and
 - (iv) an acknowledgement that applicant has reviewed the **[local jurisdiction's]** form of inspection and maintenance agreement and that applicant agrees to sign and record such inspection and maintenance agreement before the final inspection.
- (b) The administrator shall inform the applicant whether the application and supporting materials are approved or disapproved.
- (c) If the application or supporting materials are disapproved, the administrator 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 for the administrator to again consider and either approve or disapprove.
- (d) If the application and supporting materials are approved, the **[local jurisdiction]** may issue the associated land disturbance permit or building permit, provided all other legal requirements for the issuance of such permits have been met. The stormwater management plan included in such applications becomes the approved stormwater management plan.

Section [Y]-11. Compliance with the Approved Stormwater Management Plan. All development shall be:

- (a) consistent with the approved stormwater management plan and all applicable land disturbance and building permits, and
- (b) conducted only within the area specified in the approved stormwater management plan.

No changes may be made to an approved stormwater management plan without review and advanced written approval by the administrator.

Section [Y]-12. Inspections to Ensure Plan Compliance During Construction. Periodic inspections of the stormwater management system during construction shall be conducted by the staff of the **[local jurisdiction]** or conducted and certified by a professional engineer who has been approved by the **[local jurisdiction]**. Inspections shall use the approved stormwater management plan for establishing compliance. All inspections shall be documented with written reports that contain the following information:

- (a) The date and location of the inspection;
- (b) Whether the stormwater management system is in compliance with the approved stormwater management plan;
- (c) Variations from the approved stormwater management plan; and
- (d) Any other variations or violations of the conditions of the approved stormwater management plan.

Section [Y]-13. [Final Inspection](#); As-Built Drawings; Delivery of Inspection and Maintenance Agreement. Upon completion of the development, the applicant is responsible for:

- (a) Certifying that the stormwater management system is functioning properly and was constructed in conformance with the approved stormwater management plan and associated hydrologic analysis,
- (b) Submitting as-built drawings showing the final design specifications for all components of the stormwater management system as certified by a professional engineer,
- (c) Certifying that the landscaping is established and installed in conformance with the BMP landscaping plan, and
- (d) Delivering to **[local jurisdiction]** a signed inspection and maintenance agreement that has been recorded by the owner in the property record for all parcel(s) that make up the site.

The required certification under part (a) shall include a certification of volume, or other performance test applicable to the type of stormwater management system component, to ensure each component is functioning as designed and built according to the design specifications in the approved stormwater management plan. This certification and the required performance tests shall

be performed by a qualified person and submitted to the **[local jurisdiction]** with the request for a final inspection. The **[local jurisdiction]** shall perform a final inspection with applicant to confirm applicant has fulfilled these responsibilities.

Section [Y]-14. Violations and Enforcement. Any violation of the approved stormwater management plan during construction, failure to submit as-built drawings, failure to submit a final BMP landscaping plan, or failure of the final inspection shall constitute and be addressed as violations of, or failures to comply with, the underlying land disturbance permit pursuant to **[insert local ordinance reference]** or the underlying building permit pursuant to **[insert local ordinance reference]**. To address a violation of this Article, the **[local jurisdiction]** shall have all the powers and remedies that are available to it for other violations of building and land disturbance permits, including without limitation the right to issue notices and orders to ensure compliance, stop work orders, and penalties as set forth in the applicable ordinances for such permits.

Section [Y]-15. Maintenance by Owner of Stormwater Management Systems Predating Current GSMM. For any stormwater management systems approved and built based on requirements predating the current GSMM and that is not otherwise subject to an inspection and maintenance agreement, such stormwater management systems shall be maintained by the owner so that the stormwater management systems perform as they were originally designed.

Section [Y]-16. Inspection and Maintenance Agreements.

- (a) The owner shall execute an inspection and maintenance agreement with the **[local jurisdiction]** obligating the owner to inspect, clean, maintain, and repair the stormwater management system; including vegetation in the final BMP landscaping plan. The form of the inspection and maintenance agreement shall be the form provided by the **[local jurisdiction]**. After the inspection and maintenance agreement has been signed by the owner and the **[local jurisdiction]**, the owner shall promptly record such agreement at the owner's cost in the property record for all parcel(s) that make up the site.
- (b) The inspection and maintenance agreement shall identify by name or official title the person(s) serving as the point of contact for carrying out the owner's obligations under the inspection and maintenance agreement. The owner shall update the point of contact from time to time as needed and upon request by the **[local jurisdiction]**. Upon any sale or transfer of the site, the new owner shall notify the **[local jurisdiction]** in writing within 30 days of the name or official title of new person(s) serving as the point of contact for the new owner. Any failure of an owner to keep the point of contact up to date shall, following 30 days' notice, constitute a failure to maintain the stormwater management system.
- (c) The inspection and maintenance agreement shall run with the land and bind all future successors-in-title of the site. If there is a future sale or transfer of only a portion of the site, then:

- (i) The parties to such sale or transfer may enter into and record an assignment agreement designating the owner responsible for each portion of the site and associated obligations under the inspection and maintenance agreement. The parties shall record and provide written notice and a copy of such assignment agreement to the **[local jurisdiction]**.
- (ii) In the absence of a recorded assignment agreement, all owners of the site shall be jointly and severally liable for all obligations under the inspection and maintenance agreement regardless of what portion of the site they own.

Section [Y]-17. Right of Entry for Maintenance Inspections. The terms of the inspection and maintenance agreement shall provide for the **[local jurisdiction's]** right of entry for maintenance inspections and other specified purposes. If a site was developed before the requirement to have an inspection and maintenance agreement or an inspection and maintenance agreement was for any reason not entered into, recorded, or has otherwise been invalidated or deemed insufficient, then the **[local jurisdiction]** shall have the right to enter and make inspections pursuant to the **[local jurisdiction's]** general provisions for property maintenance inspections pursuant to **[insert reference to existing local ordinance providing for right of entry and inspections for general property maintenance obligations, whether under the local administration procedures for the Georgia Statewide Minimum Construction Codes or other local property maintenance ordinance]**.

Section [Y]-18. Owner's Failure to Maintain the Stormwater Management System. The terms of the inspection and maintenance agreement shall provide for what constitutes a failure to maintain a stormwater management system and the enforcement options available to **[local jurisdiction]**. If a site was developed before the requirement to have an inspection and maintenance agreement or an inspection and maintenance agreement was for any reason not entered into, recorded, or has otherwise been invalidated or deemed insufficient, then:

- (a) An owner's failure to maintain the stormwater management system so that it performs as it was originally designed shall constitute and be addressed as a violation of, or failure to comply with, owner's property maintenance obligations pursuant to **[insert reference to existing local ordinance on violations of general property maintenance obligations, whether under the local administration procedures for the Georgia Statewide Minimum Construction Codes or other local property maintenance ordinance]** and
- (b) To address such a failure to maintain the stormwater management system, the **[local jurisdiction]** shall have all the powers and remedies that are available to it for other violations of an owner's property maintenance obligations, including without limitation prosecution, penalties, abatement, and emergency measures.

