STATE OF GEORGIA
COUNTY OF FULTON

AN ORDINANCE TO AMEND LAND DEVELOPMENT REGULATIONS, CHAPTER 109 NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION, ARTICLE IV POST DEVELOPMENT STORMWATER MANAGEMENT FOR NEW DEVELOPMENT AND REDEVELOPMENT, SECTIONS 181, 182, 184, 187, 188, AND 195-197

WHEREAS, the Mayor and City Council of the City of Sandy Springs find that from time to time it is necessary to amend sections of the Land Development Regulations to correct, clarify, and update the provisions of the Ordinance; and

WHEREAS, the Mayor and City Council of Sandy Springs have determined that an update to the stormwater provisions is required for use of the ordinance by staff, citizens, and the development community.

NOW THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Sandy Springs, Georgia that the City's Code of Ordinances be amended as follows:

SECTION I: Chapter 109, *Natural Resources and Environmental Protections*, Section 109.181, *Stormwater Management*, of the City of Sandy Springs Land Development Regulations is hereby amended and replaced by the following inserted therefor:

Sec. 109-181. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Applicant means a person submitting a postdevelopment stormwater management application and plan for approval.

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

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

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

Detention facility means a detention basin or structure designed for the detention of stormwater runoff and gradual release of stored water at controlled rates.

Developer means a person who undertakes land development activities.

Development means a land development or land development project.

Director means the director of the city community development department.

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

Erosion and sedimentation control plan means a plan that is designed to minimize the accelerated erosion and sediment runoff at a site during land disturbance activities.

Extended detention means the detention of stormwater runoff for an extended period, typically 24 hours or greater.

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

Greenspace or *open space* means permanently protected areas of the site that are preserved in a natural state.

Hotspot means an area where the use of the land has the potential to generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater.

Hydrologic Soil Group (HSG) means a natural resource conservation service classification system in which soils are categorized into four runoff potential groups. The groups range from group A soils, with high permeability and little runoff produced, to group D soils, which have low permeability rates and produce much more runoff.

Impervious cover means a surface composed of any material that significantly impedes or prevents the natural infiltration of water into soil. The term "impervious cover" includes, but is not limited to, rooftops, buildings, streets and roads, and any concrete or asphalt surface.

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

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 and maintenance of stormwater management facilities and practices on a site or with respect to a land development project, which when properly recorded in the deed records constitutes a restriction on the title to a site or other land involved in a land development project.

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

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

Land development activities means those actions or activities that comprise, facilitate or result in land development.

Land development project means a discrete land development undertaking.

National Pollutant Discharge Elimination System (NPDES) means the applicable national pollutant discharge elimination system permit issued by the State Environmental Protection Division and in effect at the time of application for a post-development stormwater plan approval.

New development means a land development activity 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 sewage treatment plant or industrial discharge, but involves the transport of pollutants such as sediment, fertilizers, pesticides, heavy metals, oil, grease, bacteria, organic materials and other contaminants from land to surface water and groundwater via mechanisms such as precipitation, stormwater runoff, and leaching. Nonpoint source pollution is a byproduct of land use practices such as agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

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

Off-site facility means a stormwater management facility located outside the boundaries of the site.

On-site facility means a stormwater management facility located within the boundaries of the site.

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), and that are intended to protect downstream properties from flooding for the two-year through 25-year frequency storm events.

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 in control of the site.

Percolation means the process of absorption of stormwater runoff into the subsoil.

Permit means the permit issued by the city to the applicant that is required for undertaking any land development activity.

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

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

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

Project means a land development project.

Q means the peak rate of discharge.

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

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

Responsible party means the owner or owner's agent.

Runoff means the flow of surface water resulting from rain.

Runoff reduction means the interception, evaporation, evapotranspiration, infiltration or capture and reuse of stormwater runoff.

Single Family Residential development means development or redevelopment of a lot containing a single one or two family dwelling and/or accessory structures.

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

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

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

Stormwater management facility means any infrastructure that controls or conveys stormwater runoff.

Stormwater management measure means any stormwater management facility or nonstructural stormwater practice.

Stormwater management plan means a document describing how existing runoff characteristics will be affected by a land development project and containing measures for complying with the provisions of this article.

Stormwater management site plan means a drawing depicting how and where stormwater management facilities and practices will be installed on the site.

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

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

Stormwater runoff means the flow of surface water resulting from precipitation.

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

Subdivision 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.

SECTION II: Chapter 109, *Natural Resources and Environmental Protections*, Sections 109.182, *Stormwater Management*, of the City of Sandy Springs Land Development Regulations is hereby amended and replaced by the following inserted therefor:

Sec. 109-182. - 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 development stormwater runoff and nonpoint source pollution associated with new development and redevelopment by focusing on the types of frequently occurring storm events that generate the most water quality impacts. Proper management of post development 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. This article seeks to meet that purpose through the following objectives:

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

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

(3) Establish minimum post development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality and to preserve and/or restore natural hydrologic conditions on development sites;

(4) Establish design and application criteria for the construction and use of structural stormwater control facilities that meet the minimum post-development stormwater management standards;

(5) Encourage the use of nonstructural stormwater management and stormwater better site design practices, peak rate and/or runoff reduction, and the preservation of greenspace and other conservation areas, by establishing minimum post-development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality. Coordinate site design plans, which include greenspace, with the City's greenspace protection plan;

(6) Establish provisions for the long-term responsibility for operation, inspection, maintenance and repair of private structural stormwater control facilities and private commitments for nonstructural stormwater management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public safety or the environment; and

(7) Establish administrative procedures for the submission, review, approval and disapproval of stormwater management plans, and for the inspection of approved active projects, and long-term compliance; and

(8) Protect public health and safety by reducing the risk of localized flooding and reducing the amount of runoff entering public rights-of-way.

SECTION III: Chapter 109, *Natural Resources and Environmental Protections*, Sections 109.184, *Stormwater Management*, of the City of Sandy Springs Land Development Regulations is hereby amended and replaced by the following inserted therefor:

Sec. 109-184. - Applicability.

(a) This article is applicable to all land development, including, but not limited to, site plan applications, single family residential applications, subdivision applications, and grading applications, unless exempt pursuant to subsection (b) of this section. These standards apply to any new development or redevelopment site that meets one or more of the following criteria, or as otherwise required by the director:

(1) Any new development, redevelopment, addition or replacement that involves the creation of 1,000 square feet or more of impervious cover, or that involves other land development activities of 5,000 square feet or more;

(2) Any new development or redevelopment, regardless of size, if such activities are part of a larger common plan of development, even though multiple, separate and distinct land development activities may take place at different times on different schedules or that is defined by the director to be a hotspot land use.

(b) The following activities are exempt from this article:

(1) Agricultural or silvicultural land management activities within areas zoned for these activities; and

(2) Repairs to any stormwater management facility or practice deemed necessary by the director.

(3) Minor improvements to public parks involving less than 5,000 square feet of land disturbance and less than 1,000 square feet of impervious surface.

(4) Utility installations, repairs or modifications outside of stream buffers.

(5) Installations or modifications to existing structures to accommodate Americans with Disability Act (ADA) requirements.

(6) Installation of pervious pavement less than 5,000 square feet.

(7) Maintenance, repair and resurfacing of existing paved surfaces.

(8) Addition of sidewalks in or along public rights-of-way.

(9) Stream bank stabilization or restoration.

(10) Land disturbance required for environmental cleanup or remediation.

(11) Residential driveway replacement.

(c) Minimum requirements – Except for repairs to existing stormwater facilities or stormwater facilities in the public right-of-way, all developments and redevelopment activity, including single-family residential and those which are otherwise exempt from this Article, the following minimum requirements shall apply:

(1) Lots and buildings shall be developed in a manner to ensure that stormwater exiting individual parcels or lots under post-development conditions does not adversely impact the adjacent parcels or lots as a result of concentrated flows, flooding, erosion or deposits of silt or sediment;

(2) The stormwater discharge from a downspout, cistern, or any water collection device shall be located no closer to a property line than 10 feet and oriented so direction of flow is away from any downstream improvements. Discharge from any outlet must be dissipated, infiltrated or diverted such that flows will not be concentrated; and

(3) No person shall erect, construct, or otherwise permit any obstruction that prevents the natural or contained flow of water to or from any component of the stormwater system of the City unless such obstruction is allowed as a part of a permit approved pursuant to this Article.

SECTION IV: Chapter 109, *Natural Resources and Environmental Protections*, Sections 109.187, *Stormwater Management*, of the City of Sandy Springs Land Development Regulations is hereby amended and replaced by the following inserted therefor:

Sec. 109-187. - Stormwater design manual.

The city will utilize the policy, criteria and information including technical specifications and standards in the latest edition of the 2016 Georgia Stormwater Management Manual and any relevant city addenda (or equivalent city stormwater management design manual) for the proper implementation of the requirements of this article. The manual may be updated and expanded periodically, based on improvements in science, engineering, monitoring and local maintenance experience.

SECTION V: Chapter 109, *Natural Resources and Environmental Protections*, Sections 109.188, *Stormwater Management*, of the City of Sandy Springs Land Development Regulations is hereby amended and replaced by the following inserted therefor:

Sec. 109-188. - Permit—Required; application requirements.

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

(b) Unless specifically exempted by this article, any owner or developer proposing a land development activity shall submit to the city community development department a permit application on a form provided by the city for that purpose.

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

(1) Stormwater concept plan and consultation meeting certification in accordance with section 109-190

(2) Stormwater management plan in accordance with section 109-191

(3) Inspection and maintenance agreement in accordance with section 109-191(c)(11), if applicable;

(4) Performance bond, if applicable; and

(5) Permit application and plan review fees in accordance with section 109-193

(d) The approved stormwater management plan shall obligate the responsible party to accomplish all land clearing, construction, development and drainage in accordance with the stormwater management plan. Any and all permits for development activities may be revoked at any time if the construction of stormwater management facilities is not conducted in substantial conformity with approved plans.

(e) Applicant or responsible party shall obtain all state and federal permits required for the proposed development activity in addition to the plans and permits required by the City.

(f) Upon completion of the project the applicant or responsible party shall submit the engineer-of-record's certification and as-built plan that includes the Global Positioning System coordinates of the stormwater management facilities. If the as-built plan differs substantially from the approved plan but is still acceptable to the City, then the applicant or responsible party shall update the recorded inspection and maintenance agreement upon approval by the City.

SECTION VI: Chapter 109, *Natural Resources and Environmental Protections*, Sections 109.195, *Stormwater Management*, of the City of Sandy Springs Land Development Regulations is hereby amended and replaced by the following inserted therefor:

Sec. 109-195. - Postdevelopment stormwater management performance criteria.

(a) For new developments, the following performance criteria shall be applied to the area of the site impacted by the proposed work. For redevelopment, the following performance criteria shall be applied

to the area of the site impacted by the proposed work, provided that the impacted area does not exceed 35 percent of the previously developed area. If the impacted area exceeds 35 percent of the previously developed area, the following performance criteria shall be applied to the entire development, including previously developed area:

(1) *Water quality.* All stormwater runoff generated from a site shall be adequately treated before discharge. It will be presumed that a stormwater management system complies with this requirement if it satisfies the stormwater reduction criteria in this section. However if any of the stormwater runoff volume generated by the first 1.2 inches of rainfall cannot be reduced or retained on site due to constraints such as a high water table, rock, low infiltration rates or the presence of a Hotspot, the remaining volume shall be increased by a multiplier of 1.2 and shall be intercepted and treated in one or more stormwater management practices that provide at least an 80 percent reduction in total suspended solids loads in accordance with the following criteria:

a. It is sized to treat the prescribed water quality treatment volume from the site, as defined in the Georgia Stormwater Management Manual;

b. Appropriate structural stormwater controls or nonstructural practices are selected, designed, constructed or preserved, and maintained according to the specific criteria in the Georgia Stormwater Management Manual or constitutes an alternative practice responsibly designed and documented by the design professional to reproduce the intent of the Georgia Stormwater Management Manual; and

c. Runoff from hotspot land uses and activities identified by the city community development department are adequately treated and addressed through the use of appropriate structural stormwater controls, nonstructural practices and pollution prevention practices.

(2) *Stream channel protection.* Protection of stream channels from bank and bed erosion and degradation is provided by using all of the following three approaches:

a. Preservation, restoration and/or reforestation (with native vegetation) of the applicable stream buffer;

b. Twenty-four-hour extended detention storage of the one-year, 24-hour return frequency storm event;

c. Erosion prevention measures such as energy dissipation and velocity control.

For redevelopment projects that create, add, or demolish and replace less than 5,000 square feet of impervious surface and meet the performance criteria of this section, stream channel protection is not required.

(3) *Overbank flooding protection.* Downstream overbank flood and property protection is provided by controlling (attenuating) the postdevelopment peak discharge rate to the predevelopment rate for the 25-year, 24-hour return frequency storm event. If control of the one-year, 24-hour storm under subsection (1) of this section is exempted, then peak discharge rate attenuation of the two-year through the 25-year return frequency storm event must be provided. For redevelopment projects overbank flood and property protection shall be provided by reducing the peak discharge rate up to the 25-year, 24-hour storm event in accordance with the following formula:

%PIC/2 =%PDRR

PIC = Pre-development Impervious Cover

PDRR = Peak Discharge Rate Reduction

For sites where previous demolition has removed impervious surfaces, pre-development peak discharge rate calculations and percentage of impervious coverage shall be calculated based on pre-demolition conditions. For sites that have been demolished and have remained fallow and stabilized with vegetation for a minimum of 5 years, they shall be considered as having pre-development conditions of 20% impervious cover for purposes of calculating peak discharge rate reduction.

For land development permitted after 2005 and served by appropriate stormwater management facilities, subsequent redevelopment of the same area is not required to further reduce the peak discharge rate, provided that the site continues to meet the reduction previously achieved.

For redevelopment projects that create, add, or demolish and replace less than 5,000 square feet of impervious surface and meet the performance criteria of this section, overbank flooding protection is not required.

(4) *Extreme flooding protection.* Extreme flood and public safety protection is provided by controlling and safely conveying the 100-year, 24-hour return frequency storm event such that flooding is not exacerbated.

For redevelopment projects that create, add, or demolish and replace less than 5,000 square feet of impervious surface and meet the performance criteria of this section, extreme flooding protection is not required.

(5) *Structural stormwater controls.* All structural stormwater management facilities are selected and designed using the appropriate criteria from the Georgia Stormwater Management Manual. All structural stormwater controls must be designed appropriately to meet their intended function. For other structural stormwater controls not included in the Georgia Stormwater Management Manual, or for which pollutant removal rates have not been provided, the effectiveness and pollutant removal of the structural control must be documented through prior studies, literature reviews, or other means and receive approval from the city community development department before being included in the design of a stormwater management system. In addition, if hydrologic or topographic conditions, or land use activities warrant greater control than that provided by the minimum control requirements, the city may impose additional requirements deemed necessary to protect upstream and downstream properties and aquatic resources from damage due to increased volume, frequency, and rate of stormwater runoff or increased nonpoint source pollution loads created on the site in question. Applicants shall consult the Georgia Stormwater Management Manual for guidance on the factors that determine site design feasibility when selecting and locating a structural stormwater control.

(6) *Stormwater credits for nonstructural measures.* The use of one or more site design measures by the applicant may allow for a reduction in the water quality treatment volume required under subsection (1) of this section. The applicant may, if approved by the city community development department, take credit for the use of stormwater better site design practices and reduce the water quality volume requirement. For each potential credit, there is a minimum set of criteria and requirements that identify the conditions or circumstances under which the credit may be applied. The site design practices that qualify for this credit and the criteria and procedures for applying and calculating the credits are included in the Georgia Stormwater Management Manual.

(7) *Drainage system guidelines.* Stormwater conveyance facilities, which may include but are not limited to culverts, stormwater drainage pipes, catchbasins, drop inlets, junction boxes, headwalls, gutters, swales, channels, ditches, and energy dissipaters, are provided when necessary for the protection of public right-of-way and private properties adjoining project sites

and/or public rights-of-way. Stormwater conveyance facilities that are designed to carry runoff from more than one parcel, existing or proposed, shall meet the following requirements:

a. Methods to calculate stormwater flows are in accordance with the stormwater design manual;

b. All culverts, pipe systems and open channel flow systems are sized in accordance with the stormwater management plan using the methods included in the Georgia Stormwater Management Manual; and

c. Design and construction of stormwater conveyance facilities are in accordance with the criteria and specifications found in the Georgia Stormwater Management Manual.

(8) *Dam design guidelines.* Any land disturbing activity that involves a site that proposes a dam shall comply with the Georgia Safe Dams Act of 1978 (O.C.G.A. § 12-5-370 et seq.) and Rules for Dam Safety as applicable.

SECTION VII: Chapter 109, *Natural Resources and Environmental Protections*, Sections 109.196, *Stormwater Management*, of the City of Sandy Springs Land Development Regulations is hereby amended and replaced by the following inserted therefor:

Sec. 109-196. - Construction inspections of postdevelopment stormwater management system.

(a) *Inspections to ensure plan compliance during construction.* Periodic inspections of the stormwater management system construction is conducted by the staff of the city community development department or conducted and certified by a professional engineer who has been approved by the city community development department. Construction inspections shall utilize the approved stormwater management plan for establishing compliance. All inspections are documented with written reports that contain the following information:

(1) The date and location of the inspection;

(2) Whether construction is in compliance with the approved stormwater management plan;

(3) Variations from the approved construction specifications; and

(4) Any other variations or violations of the conditions of the approved stormwater management plan.

If any violations are found, the applicant is notified in writing of the nature of the violation and the required corrective actions.

(b) *Final inspection and as-built plans.* Upon completion of a project, and before a certificate of occupancy is granted, the applicant is responsible for certifying that the completed project is in accordance with the approved stormwater management plan including the Global Positioning System coordinates of all stormwater management facilities. All applicants are required to submit actual "as-built" plans for any stormwater management facilities or practices after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and practices and must be certified by a professional engineer. A final inspection by the city community development department is required before the release of any performance securities can occur.

SECTION VIII: Chapter 109, *Natural Resources and Environmental Protections*, Sections 109.197, *Stormwater Management*, of the City of Sandy Springs Land Development Regulations is hereby amended and replaced by the following inserted therefor:

Sec. 109-197. - Ongoing inspection and maintenance of stormwater facilities and practices.

(a) *Long-term maintenance inspection of stormwater facilities and practices.*

(1) The absence of an inspection and maintenance agreement shall not relieve the owner or responsible party from performing proper maintenance and inspection of the stormwater management facility. If the owner or responsible party fails or refuses to meet the requirements of this ordinance, the City may correct the violation at the owner's expense.

(2) For facilities constructed prior to the effective date of this ordinance, the owner or responsible party shall perform proper maintenance of the stormwater maintenance facility as required by the indemnification agreement. If the owner or responsible party fails or refuses to meet the requirements of this ordinance, the City may correct the violation at the owner's expense.

Stormwater management facilities and practices included in a stormwater management plan which are subject to an inspection and maintenance agreement must undergo ongoing inspections to document maintenance and repair needs and ensure compliance with the requirements of the agreement, the plan and this article.

(3) A stormwater management facility or practice is inspected on a periodic basis by the responsible person in accordance with the approved inspection and maintenance agreement or in the absence of an inspection and maintenance agreement, in accordance with the requirements of this article. In the event that the stormwater management facility has not been maintained and/or becomes a danger to public safety or public health, the city community development department shall notify the person responsible for carrying out the maintenance plan by registered or certified mail to the person specified in the inspection and maintenance agreement. The notice shall specify the measures needed to comply with the agreement and the plan and shall specify the time within which such measures are completed. Failure of the City to provide such notice shall not relieve the owner or responsible party from performing proper maintenance and inspection of the stormwater maintenance facility. If the responsible person fails or refuses to meet the requirements of the inspection and maintenance agreement, the city community development department, may correct the violation as provided in subsection 109-197(4) hereof.

(4) An annual inspection shall be performed and attested to by a professional engineer with results reported to the City. Any deficiencies noted in either operation or maintenance of the facility must be included in the report along with the proposed remedies required and a time table for their implementation. If substantial deficiencies are found, a follow-up inspection to confirm correction of said deficiencies shall be performed and reported to the City.

(5) Inspection programs by the city community development department may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in stormwater management facilities; and evaluating the condition of stormwater management facilities and practices.

(b) *Right-of-entry for inspection.* The terms of the inspection and maintenance agreement shall provide for the city to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when it has a reasonable basis to believe that a violation of this article is occurring or has occurred and to enter when necessary for abatement of a public nuisance or correction of a violation of this article.

(c) *Records of maintenance activities.* Parties responsible for the operation and maintenance of a stormwater management facility shall provide records of all maintenance and repairs to the city community development department.

(d) *Failure to maintain.* If a responsible person fails or refuses to meet the requirements of the inspection and maintenance agreement, the city community development department, after 30 days' written notice (except that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice is sufficient), may correct a violation of the design standards or maintenance requirements by performing the necessary work to place the facility or practice in proper working condition. The city community development department may assess the owners of the facility for the cost of repair work that is a lien on the property, and may be placed on the ad valorem tax bill for such property and collected in the ordinary manner for such taxes.

SECTION IX: It is the intention of the City Council and it is hereby ordained by the authority of the City Council that the provisions of this Ordinance shall become and be made a part of The Code of the City of Sandy Springs, Georgia, and the codifier is authorized to make the specified deletions, insertions, additions, and to insert headings, article numbers and section numbers as and where appropriate.

SECTION X: All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION XI: If any section, subsection, provisions, or clause of any part of this Ordinance shall be declared invalid or unconstitutional, or, if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent of the City Council that this Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contained therein.

SECTION XII: This Ordinance shall become effective immediately upon adoption.

APPROVED AND ADOPTED this the 18th day of October, 2016.

Approved:

Russell K. Paul, Mayor

Attest:

Michael D. Casey, City Clerk

(Seal)