

**CITY OF EUHARLEE, GEORGIA  
STORMWATER MANAGEMENT ORDINANCE**

AN ORDINANCE OF THE CITY COUNCIL OF EUHARLEE SITTING FOR CITY PURPOSES, **ADOPTING THE CITY OF EUHARLEE, GEORGIA STORMWATER MANAGEMENT ORDINANCE, ADDRESSING POST-DEVELOPMENT STORMWATER MANAGEMENT REQUIREMENTS FOR NEW DEVELOPMENT AND REDEVELOPMENT IN THE CITY OF EUHARLEE; DEFINING REQUIREMENTS FOR POST-DEVELOPMENT STORMWATER MANAGEMENT PLANS AND APPLICATION PROCEDURES; PRESCRIBING ACCEPTABLE POST-DEVELOPMENT STORMWATER MANAGEMENT FACILITIES; OUTLINING WATER QUANTITY AND QUALITY PERFORMANCE CRITERIA; DEFINING ACCEPTABLE STORMWATER STRUCTURAL AND NONSTRUCTURAL PRACTICES; PROVIDING FOR INSPECTION, MAINTENANCE, MANAGEMENT AND BONDING OF STORMWATER STRUCTURES AND NONSTRUCTURAL PRACTICES; PROVIDING FOR ENFORCEMENT AND ADMINISTRATION; PROVIDING FOR APPEALS AND VARIANCES; AND FOR OTHER PURPOSES,** ADOPTED AT THE REGULAR MEETING OF THE EUHARLEE CITY COUNCIL ON THE 4<sup>TH</sup> DAY OF APRIL, 2006.

**WHEREAS**, the City Council of Euharlee has determined that stormwater management is necessary for protection of the environment and the good of the City, in that it preserves and protects water quality, prevents erosion, prevents flooding and damage to property, aids in the protection of aquatic life, and generally promotes the public health, safety and welfare; and

**WHEREAS**, the Metropolitan North Georgia Water Planning District (MNGWPD) has published a Model Ordinance relating to management of post-development stormwater runoff that defines minimum standards that local governments in the District must adopt to avoid losing state funding and grant eligibility;

**NOW, THEREFORE, BE IT ORDAINED**, and it is hereby ordained, that the City Council of Euharlee, Georgia does adopt this Stormwater Management Ordinance on this 4<sup>th</sup> day of April, 2006, to be effective immediately, the public health, safety and welfare demanding.

Attest:

City of Euharlee, Georgia

Liz H. Dempsey, City Clerk

Kathy S. Foulk, Mayor

# **CITY OF EUHARLEE, GEORGIA STORMWATER MANAGEMENT ORDINANCE**

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## **Introduction and Purposes**

It has been determined by the City of Euharlee that:

Land development projects and other land use conversions, and their associated changes to land cover, permanently alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, which in turn increase flooding, stream channel erosion, and sediment transport and deposition;

Land development projects and other land use conversions also contribute to increased nonpoint source pollution and degradation of receiving waters;

The impacts of post-development stormwater runoff quantity and quality can adversely affect public safety, public and private property, drinking water supplies, recreation, fish and other aquatic life, property values and other uses of lands and waters;

These adverse impacts can be controlled and minimized through the regulation of stormwater runoff quantity and quality from new development and redevelopment, by the use of both structural facilities and nonstructural measures, such as the conservation of open space and greenspace areas. The preservation and protection of natural area and greenspace for stormwater management benefits is encouraged through the use of incentives or “credits.” The Georgia Greenspace Program provides a mechanism for the preservation and coordination of those greenspace areas which provide stormwater management quality and quantity benefits;

Localities in the State of Georgia are required to comply with a number of both State and Federal laws, regulations and permits which require a locality to address the impacts of post-development stormwater runoff quality and nonpoint source pollution;

Therefore, the City of Euharlee has established this set of stormwater management policies to provide reasonable guidance for the regulation of post-development stormwater runoff for the purpose of protecting local water resources from degradation. It has determined that it is in the public interest to regulate post-development stormwater runoff discharges in order to control and minimize increases in stormwater runoff rates and volumes, post-construction soil erosion and sedimentation, stream channel erosion, and nonpoint source pollution associated with post-development stormwater runoff.

## **Section 1. GENERAL PROVISIONS**

### **1.1 Specific Purposes and Intent**

The purpose of this ordinance 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. It has been determined that 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 ordinance seeks to meet that purpose through the following measures:

- (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 pre-development 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;
- (4) Establish design and application criteria for the construction and use of structural stormwater control facilities that can be used to meet the minimum post-development stormwater management standards;
- (5) Encourage the use of nonstructural stormwater management and stormwater better site design practices, such as the preservation of greenspace and other conservation areas, to the maximum extent practicable and coordinate site design plans, which include greenspace, with the county's greenspace protection plan;
- (6) Establish provisions for the long-term responsibility for and maintenance of structural stormwater control facilities and nonstructural stormwater management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public safety; 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 follow up.

## **1.2 Applicability**

- (1) This ordinance shall be applicable to all land development, including, but not limited to, site plan applications, subdivision applications, and grading applications, unless exempt pursuant to Subsection 2 below. These standards apply to any new development or redevelopment site that meets one or more of the following criteria:

- a) New development that involves the creation of 5,000 square feet or more of impervious cover, or that involves other land development activities of 1 acre or more;
  - b) Redevelopment that includes the creation, addition or replacement of 5,000 square feet or more of impervious cover, or that involves other land development activity of one (1) acre or more;
  - c) Any new development or redevelopment, regardless of size, that is defined by the Zoning Administrator to be a hotspot land use; or,
  - d) Land development activities that are smaller than the minimum applicability criteria set forth in items a) and b) above if such activities are part of a larger common plan of development, even though multiple, separate and distinct land development activities may take place at different times on different schedules.
- (2) The following activities are exempt from this ordinance:
- a) Individual single-family or duplex residential lots that are not part of a subdivision or phased development project;
  - b) Additions or modifications to existing single-family or duplex residential structures;
  - c) Agricultural or silvicultural land management activities within areas zoned for these activities; and,
  - d) Repairs to any stormwater management facility or practice deemed necessary by the Zoning Administrator.

### **1.3 Designation of Ordinance Administrator**

The City of Euharlee Code Enforcement Officer, or that officer's designee, is hereby appointed to administer and implement the provisions of this ordinance.

### **1.4 Compatibility with Other Regulations**

This ordinance is not intended to modify or repeal any other ordinance, rule, regulation or other provision of law. The requirements of this ordinance are in addition to the requirements of any other ordinance, rule, regulation or other provision of law, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provision is more

restrictive or imposes higher protective standards for human health or the environment shall control.

### **1.5 Severability**

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

### **1.6 Georgia Stormwater Management Manual**

The City of Euharlee hereby adopts the latest edition of the Georgia Stormwater Management Manual and will utilize the policy, criteria and information including technical specifications and standards contained therein for the proper implementation of this ordinance. The manual can be found at [www.georgiastormwater.com](http://www.georgiastormwater.com). The City may from time to time adopt local addenda to the Manual, based on improvements in science, engineering, monitoring and local experience.

## **Section 2 DEFINITIONS**

Words and phrases used in this Ordinance shall have their common meaning, unless a specific definition is provided below.

“Applicant” means a person submitting a post-development 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 land owner and the City of Euharlee 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.

“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” means permanently protected land and water, including agricultural and forestry land, that is in its undeveloped, natural state or that has been developed only to the extent consistent with, or is restored to be consistent with, one or more of the following goals:

- a) Water quality protection for rivers, streams, and lakes;
- b) Flood protection;
- c) Wetlands protection;
- d) Reduction of erosion through protection of steep slopes, areas with erodible soils, and stream banks;
- e) Protection of riparian buffers and other areas that serve as natural habitat and corridors for native plant and animal species;
- f) Scenic protection;
- g) Protection of archeological and historic resources;
- h) Provision of recreation in the form of boating, hiking, camping, fishing, hunting, running, jogging, biking, walking, and similar outdoor activities; and
- i) Connection of existing or planned areas contributing to (a)-(h) above; and
- j) ‘Community greenspace’ which is permanently protected greenspace in urban and suburban areas which, in addition to the attributes associated with greenspace in general, provides: park, school, playground and other sites for outdoor recreation and exercise; paths for walking, cycling, and other alternative transportation opportunities; usable buffers that contribute to connectivity; and / or neighborhood access.

“Hotspot Land Use” 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. Hotspots may be permanent or temporary. Hotspots include, but are not limited to, fueling stations (including temporary fueling stations during construction) and golf courses.

“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. Impervious surfaces include, but are not limited to, rooftops, buildings, streets and roads, and any concrete or asphalt surface not specifically designed as a porous surface.

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

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

“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 which comprise, facilitate or result in land development.

“Land Development Project” means a discrete land development undertaking.

“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.

“MNGWPD” means the Metropolitan North Georgia Water Planning District.

“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 by-product 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 2-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, firm or corporation in control of the site.

“Permit” means the permit issued by the City of Euharlee to the applicant which 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.

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

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

“Project” means a land development project.

“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 person” means the person on the job-site or development conducting the stormwater related activity, or the person responsible for the job site, or the owner or developer, or all of the above.

“Runoff” means stormwater runoff.

“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. Stormwater better site design includes conserving and protecting natural areas and greenspace, reducing impervious cover and using natural features for stormwater management.

“Georgia Stormwater Management Manual” means the latest edition of the Georgia Stormwater Management Manual, which is adopted herein by reference. See Sec. 1.6.

“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. Examples include, but are not limited to, detention or retention ponds, culverts, stormwater drainage pipes, catch basins, drop inlets, junction boxes,

headwalls, inlet and outlet structures, enhanced swales, channels, ditches, filter strips, bioretention areas, infiltration trenches, drainage easements and so forth.

“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 ordinance.

“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 3 PERMIT PROCEDURES AND REQUIREMENTS**

### **3.1 Permit Application Requirements**

No owner or developer shall perform any land development activities without first meeting the requirements of this ordinance prior to commencing the proposed activity. Unless specifically exempted by this ordinance, any owner or developer proposing a land development activity shall submit a letter to the City of Euharlee requesting a stormwater permit. Unless otherwise exempted by this ordinance, the letter shall be accompanied by the following items in order to be considered:

- a) Stormwater concept plan and consultation meeting certification in accordance with Section 3.2 (optional);

- b) Stormwater management plan in accordance with Section 3.3;
- c) Inspection and maintenance agreement in accordance with Section 3.4;
- d) Performance bond in accordance with Section 3.5; and,
- e) Permit application and plan review fees in accordance with Sections 3.6 and 3.7.

### **3.2 Stormwater Concept Plan and Consultation Meeting**

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

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

- (1) Existing Conditions/ Proposed Site Plans which illustrate at a minimum existing and proposed topography; perennial and intermittent streams; mapping of predominant soils from soil surveys; boundaries of existing predominant vegetation and proposed limits of clearing and grading; and location of existing and proposed roads, buildings, parking areas and other impervious surfaces.
- (2) Natural Resources Inventory including a written or graphic inventory of the natural resources at the site and surrounding area as it exists prior to the commencement of the project. This description should include a discussion of soil conditions, forest cover, topography, wetlands, and other native vegetative areas on the site, as well as the location and boundaries of other natural feature protection and conservation areas such as wetlands, lakes, ponds, floodplains, stream buffers and other setbacks (e.g., drinking water well setbacks, septic setbacks, etc.). Particular attention should be paid to environmentally sensitive features that provide particular opportunities or constraints for development.
- (3) Stormwater Management System Concept Plan consisting of a written or graphic concept plan of the proposed post-development stormwater management system including: preliminary selection and location of proposed structural stormwater controls; location of existing and proposed conveyance systems such as grass channels, swales, and storm drains; flow paths; location of floodplain/floodway

limits; relationship of site to upstream and downstream properties and drainages; and preliminary location of proposed stream channel modifications, such as bridge or culvert crossings.

- (4) Local watershed plans, including the Bartow County greenspace protection plan (if applicable), and any relevant resource protection plans. Any previously existing plans must be addressed and will be consulted in the discussion of the concept plan.

### **3.3 Stormwater Management Plan Requirements**

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

The plan shall be prepared in accordance with the criteria established in this section and must be submitted with the stamp and signature of a Professional Engineer (PE) licensed in the state of Georgia, who must verify that the design of all stormwater management facilities and practices meet the requirements outlined in the Georgia Stormwater Management Manual.

The Stormwater Management Plan must ensure that the requirements of this ordinance are met and that measures are included that will minimize adverse post-development stormwater runoff impacts from the development. The plan shall include maps, narrative, and supporting design calculations (hydrologic and hydraulic) for the proposed stormwater management system. The plan shall include all of the information required by the checklists found in Appendix B, Volume 1 of the Georgia Stormwater Management Manual. This includes:

- (1) Common address, and legal description of site.
- (2) Vicinity Map.
- (3) Existing Conditions Hydrologic Analysis. The existing condition hydrologic analysis for stormwater runoff rates, volumes, and velocities shall include: a topographic map of the existing site with the drainage basin boundaries shown; acreage, soil types and land cover of areas for each sub-basin affected by the project; all perennial and intermittent streams and other surface water features; all existing stormwater conveyances and structural control facilities; direction of flow and exits from the site; analysis of runoff from off-site areas upstream of the project site; and methodologies, assumptions, site parameters and supporting design calculations used in analyzing the existing conditions site hydrology.
- (4) Post-Development Hydrologic Analysis. The post-development hydrologic analysis for stormwater runoff rates, volumes, and velocities shall include: a

- topographic map of developed site with the post-development drainage basin boundaries shown; total area of post-development impervious surfaces and other land cover areas for each sub-basin affected by the project; calculations for determining the runoff volumes that need to be addressed for each sub-basin for the development project to meet the post-development stormwater management performance criteria in Section 4; location and boundaries of proposed natural feature protection and conservation areas; documentation and calculations for any applicable site design credits that are being utilized; methodologies, assumptions, site parameters and supporting design calculations used in analyzing the existing conditions site hydrology. If the land development activity on a redevelopment site constitutes more than 50 percent of the site area for the entire site; then the performance criteria in Section 4 must be met for the stormwater runoff from the entire site. The MNGWPD modeling tool may be used in this analysis.
- (5) Redevelopment sites. Hydraulic analyses of redevelopment sites shall be performed based on existing conditions at the start of the redevelopment.
- (6) Stormwater Management System. The description, scaled drawings and design calculations for the proposed post-development stormwater management system shall include: a map and/or drawing or sketch of the stormwater management facilities including the location of nonstructural site design features and the placement of existing and proposed structural stormwater controls; design water surface elevations, storage volumes available from zero to maximum head, location of inlet and outlets, and location of bypass and discharge systems; all orifice/restrictor sizes; a narrative describing how the selected structural stormwater controls will be appropriate and effective; cross-section and profile drawings and design details for each of the structural stormwater controls in the system including supporting calculations to show that the facility is designed according to the applicable design criteria; a hydrologic and hydraulic analysis of the stormwater management system for all applicable design storms (including stage-storage or outlet rating curves, and inflow and outflow hydrographs); documentation and supporting calculations to show that the stormwater management system adequately meets the post-development stormwater management performance criteria in Section 4; drawings, design calculations, elevations and hydraulic grade lines for all existing and proposed stormwater conveyance elements including stormwater drains, pipes, culverts, catch basins, channels, swales and areas of overland flow; and where applicable, a narrative describing how the stormwater management system corresponds with any watershed protection plans and/or local greenspace protection plan.
- (7) Post-Development Downstream Analysis. A downstream peak flow analysis shall include the assumptions, results and supporting calculations to show safe passage of post-development design flows downstream. The analysis of downstream conditions shall address each and every point or area along the project site's boundaries at which runoff will exit the property. The analysis shall focus on the

portion of the drainage channel or watercourse immediately downstream from the project. This area shall extend downstream from the project to a point in the drainage basin where the project area is 10 percent of the total basin area. In calculating runoff volumes and discharge rates, consideration may need to be given to any planned future upstream land use changes. The analysis shall be in accordance with the Georgia Stormwater Management Manual.

- (8) Construction-Phase Erosion and Sedimentation Control Plan. A complete Erosion and Sedimentation Control Plan in accordance with the Euharlee Soil Erosion and Sedimentation Control Ordinance, the Georgia Erosion and Sedimentation Control Act and NPDES Permit for Construction Activities, as applicable, shall be provided. The plan shall also include information on the sequence/phasing of construction and temporary stabilization measures and temporary structures that will be converted into permanent stormwater controls.
- (9) Landscaping and Open Space Plan. A detailed landscaping and vegetation plan describing the woody and herbaceous vegetation that will be used within and adjacent to stormwater management facilities and practices shall be provided. The landscaping plan must include: the arrangement of planted areas, natural and greenspace areas and other landscaped features on the site plan; information necessary to construct the landscaping elements shown on the plan drawings; descriptions and standards for the methods, materials and vegetation that are to be used in the construction; density of plantings; descriptions of the stabilization and management techniques to be used to establish vegetation; and a description of who will be responsible for ongoing maintenance of vegetation for the stormwater management facility and what practices will be employed to ensure that adequate vegetative cover is preserved.
- (10) Operations and Maintenance Plan. Detailed description of ongoing operations and maintenance procedures for stormwater management facilities and practices to ensure their continued function as designed and constructed or preserved shall be provided. These plans must identify the parts or components of a stormwater management facility or practice that need to be regularly or periodically inspected and maintained, and the equipment and skills or training necessary. The plan shall include an inspection and maintenance schedule, maintenance tasks, responsible parties for maintenance, funding, access and safety issues. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan. The plan shall include all of the information required by the checklists found in Appendix E, Volume 2 of the Georgia Stormwater Management Manual.
- (11) Maintenance Access Easements. The applicant must ensure access from public right-of-way to stormwater management facilities and practices requiring regular maintenance at the site for the purpose of inspection and repair by securing

permanent maintenance access easements for all facilities. Such access shall be sufficient for all necessary equipment for maintenance activities. Upon final inspection and approval, a plat(s) showing such easements shall be recorded by the Owner/ Developer.

- (12) Inspection and Maintenance Agreements. The applicant must execute an easement and an inspection and maintenance agreement binding on all subsequent owners of land served by an on-site stormwater management facility or practice in accordance Section 3.4.
- (13) Evidence of Acquisition of Applicable Local and Non-local Permits. The applicant shall certify and provide documentation to the City of Euharlee that all other applicable environmental permits have been acquired for the site prior to approval of the stormwater management plan.

### **3.4 Stormwater Management Inspection and Maintenance Agreements**

Prior to the issuance of any permit for a land development activity requiring a stormwater management facility or practice hereunder and for which the City of Euharlee requires ongoing maintenance, the applicant or owner of the site must execute an inspection and maintenance agreement that shall be binding on all subsequent owners of the site.

It shall be the requirement of this ordinance that the developer shall place all on-site stormwater management facilities on separate lots or parcels, and that the developer shall maintain ownership of such parcels for a period of three years subsequent to approval of the final plat for residential developments or the certificate of occupancy for non-residential developments. Likewise, stormwater conveyance facilities and drainage easements shall be owned and maintained by the developer for the same period. A performance bond shall be provided for this period, under Sec. 3.5

The inspection and maintenance agreement must be approved by the City of Euharlee prior to plan approval, and recorded in the deed records upon final plat approval. The inspection and maintenance agreement shall be incorporated into any agreement after three years by the developer to sell or otherwise transfer the ownership of the stormwater facilities to any other person or entity, including a homeowner's association.

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

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

In addition to enforcing the terms of the inspection and maintenance agreement, the City of Euharlee may also enforce all of the provisions for ongoing inspection and maintenance in Section 6 of this ordinance.

The City of Euharlee, in lieu of an inspection and maintenance agreement, may, at its sole discretion, accept dedication of any existing or future stormwater management facility for maintenance, provided such facility meets all the requirements of this ordinance and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance. It is not the regular practice of the City to accept dedication of such facilities. Acceptance under this Ordinance of a stormwater management facility may only occur by formal written resolution of the City Council. Periodic or emergency maintenance of a stormwater management facility shall not constitute an indication of acceptance by the City.

### **3.5 Performance Bonds**

An applicant for a permit under this ordinance shall be required to provide a performance bond in a form acceptable to the City. Such bond shall secure performance and completion of all stormwater structural and nonstructural controls as depicted on the Stormwater Management Plan, and shall secure the developer's compliance with the inspection and maintenance agreement for three years subsequent to approval of the final plat for residential developments or the certificate of occupancy for non-residential developments. The bond must be issued by a surety licensed to do business in Georgia. The amount shall be equal to \$3,000 per disturbed acre of land in the development, or in such other amount as determined by the City as adequate to insure completion of the necessary stormwater measures and guarantees of same. A sample bond form is contained in Appendix A.

Failure to complete the stormwater management facilities in accordance with the stormwater management plan, or failure to maintain such facilities under the inspection and maintenance agreement, shall authorize the City to draw on the bond to secure compliance with the Ordinance. The City shall release the bond three years subsequent to approval of the final plat for residential developments or the certificate of occupancy for non-residential developments; provided that the stormwater management facilities are complete; all relevant provisions of this Ordinance and permit issued hereunder have been satisfied; the developer is in full compliance with the inspection and maintenance agreement, and no maintenance is required.

### **3.6 Application Procedure**

- (1) Applications for permits under this Ordinance shall be filed with the City of Euharlee.
- (2) Permit Applications shall include the items set forth in Section 3.1 above. Two copies of the Stormwater Management Plan and the Inspection and Maintenance Agreement(s), if applicable, shall be included.
- (3) The City of Euharlee shall inform the applicant whether the Application, Stormwater Management Plan and Inspection and Maintenance Agreement are approved or disapproved within 45 days.
- (4) If the Permit Application, Stormwater Management Plan or Inspection and Maintenance Agreement are disapproved, the City of Euharlee shall notify the applicant of such fact in writing with an explanation of the reason for the rejection. The applicant may then revise any item not meeting the requirements hereof and resubmit the same, in which event subparagraph 3 above and this subparagraph shall apply to such re-submittal.
- (5) Upon a finding by the City of Euharlee that the Permit Application, Stormwater Management Plan and Inspection and Maintenance Agreement, if applicable, meet the requirements of this ordinance, the City of Euharlee shall issue a permit for the land development project, provided all other legal requirements for the issuance of such permit have been met.
- (6) Upon issuance of the permit, the applicant or other responsible person shall:
  - a) Comply with all applicable requirements of the approved plan and this ordinance and shall certify that all land clearing, construction, land development and drainage will be done according to the approved plan;
  - b) Limit his activity to the area shown on the approved plans.
  - c) Allow representatives of the City of Euharlee to access to the site to conduct inspections of the project as it sees fit;
  - d) Make no changes to an approved plan without review and written approval by the City of Euharlee; and,
  - e) Upon completion of the project, submit the engineer's report and certificate and as-built plans required by Section 5.2.

### **3.7 Application Review Fees**

The fee for review of any stormwater management application shall be based on the fee structure established by the City of Euharlee and shall be paid prior to the issuance of any permit for the development

### **3.8 Use of Off-Site Facilities**

The Stormwater Management Plan for each land development project shall provide for stormwater management measures located on the site of the project unless provisions are made to manage stormwater by an off-site or regional facility.

- (1) The off-site or regional facility must be: located on property legally dedicated for the purpose; designed and adequately sized to provide a level of stormwater quantity and quality control that is equal to or greater than that which would be afforded by on-site practices; and a legally-obligated entity responsible for long-term operation and maintenance of the off-site or regional stormwater facility.
- (2) On-site measures shall be implemented in addition where necessary, to protect upstream and downstream properties and drainage channels from the site to the off-site facility.
- (3) A stormwater management plan must be submitted to the City of Euharlee which shows the adequacy of the off-site or regional facility. In order to use off-site facilities, the applicant must demonstrate to the satisfaction of the City of Euharlee that the use of an off-site or regional facility will not result in the following impacts to upstream or downstream areas:
  - a) Increased threat of flooding;
  - b) Deterioration of existing culverts, bridges, dams, and other structures;
  - c) Accelerated stream bank or streambed erosion or siltation;
  - d) Degradation of in-stream biological functions or habitat; or
  - e) Water quality impairment in violation of State water quality standards, and/or violation of any state or federal regulations.

## **Section 4 POST-DEVELOPMENT STORMWATER MANAGEMENT PERFORMANCE CRITERIA**

The following performance criteria shall be applicable to all stormwater management plans, unless otherwise provided for in this ordinance:

### **4.1 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:

- 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; and,
- c) Runoff from hotspot land uses and activities identified by the City of Euahlee are adequately treated and addressed through the use of appropriate structural stormwater controls, nonstructural practices and pollution prevention practices.

### **4.2 Stream Channel Protection**

Protection of stream channels from bank and bed erosion and degradation shall be provided by using all of the following three approaches:

- (1) Preservation, restoration and/or reforestation (with native vegetation) of the applicable stream buffer;
- (2) 24-hour extended detention storage of the 1-year, 24-hour return frequency storm event except for sites:
  - a) where the post-development downstream analysis shows that uncontrolled post-development conditions will not increase downstream peak flows, or that meeting the requirement will cause greater peak flow downstream impacts than the uncontrolled post-development conditions; or,
  - b) For sites that discharge directly into larger streams, rivers, wetlands, or lakes, or to a man-made channel or conveyance system where the reduction in these flows will not have an impact on upstream or downstream stream bank or channel integrity as determined by the City of Euahlee at its sole discretion.

- (3) Erosion prevention measures such as energy dissipation and velocity control.

### **4.3 Overbank Flooding Protection**

Downstream overbank flood and property protection shall be provided by controlling (attenuating) the post-development peak discharge rate to the pre-development rate for the 2, 10, 25, 50 and 100-year, 24-hour return frequency storm event unless the site is exempted under Section 4.2 (2),

### **4.4 Structural Stormwater Controls**

All structural stormwater management facilities shall be selected and designed using the appropriate criteria from the Georgia Stormwater Management Manual. 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 of Euharlee 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 of Euharlee may impose additional requirements that it deems necessary to protect upstream and downstream properties and aquatic resources from damage resulting from increased volume, frequency, or 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.

### **4.5 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 Section 4.1. The applicant may, if approved by the City of Euharlee, 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 which 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.

### **4.6 Drainage System Guidelines**

Stormwater conveyance facilities, which may include but are not limited to culverts, stormwater drainage pipes, catch basins, drop inlets, junction boxes, headwalls, gutter, swales, channels, ditches, and energy dissipaters shall be provided when necessary for the

protection of public right-of-way and private properties adjoining project sites and/or public right-of-ways. Stormwater conveyance facilities that are designed to carry runoff from more than one parcel, existing or proposed, shall meet the following requirements:

- (1) Methods to calculate stormwater flows shall be in accordance with the Georgia Stormwater Management Manual.
- (2) All culverts, pipe systems and open channel flow systems shall be sized in accordance with the stormwater management plan using the methods included in the Georgia Stormwater Management Manual.; and,
- (3) Design and construction of stormwater conveyance facilities shall be in accordance with the criteria and specifications found in the Georgia Stormwater Management Manual.

#### **4.7 Dam Design Guidelines**

Any land disturbing activity that involves a site which proposes a dam shall comply with the Georgia Safe Dams Act and Rules for Dam Safety as applicable.

### **Section 5 CONSTRUCTION INSPECTIONS OF POST-DEVELOPMENT STORMWATER MANAGEMENT SYSTEM**

#### **5.1 Inspections to Ensure Plan Compliance during Construction**

Periodic inspections of the stormwater management system construction shall be conducted by the Applicant and by the staff of the City of Euclid or its agent.

- (1) The Applicant shall be responsible for having monthly inspections conducted and certified by a professional engineer retained by the applicant. Construction inspections shall utilize the approved Stormwater Management Plan for establishing compliance. Applicant's inspections shall be documented with written reports that contain the following information:
  - a) Date and location of the inspection;
  - b) Whether construction is in compliance with the approved Stormwater Management Plan;
  - c) Variations from the approved construction specifications;
  - d) Any other variations or violations of the conditions of the approved Stormwater Management Plan; and

- e) List of corrective measures to be taken to correct any observed deficiencies.
- (2) If any violations are found by the City in its inspections, the Applicant shall be notified in writing of the nature of the violation, the required corrective actions and specifying a date for completion of corrective measures.

## **5.2 Final Inspection and As Built Plans**

Upon completion of a project, and before a certificate of occupancy shall be granted, the applicant is responsible for certifying that the completed project is in accordance with the approved Stormwater Management Plan. All applicants are required to submit actual “as built” plans for any stormwater management facilities or practices after final construction are 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 of Euharlee is required before the release of any performance securities will occur.

## **Section 6 ONGOING INSPECTION AND MAINTENANCE OF STORMWATER FACILITIES AND PRACTICES**

### **6.1 Long-Term Maintenance Inspection of Stormwater Facilities and Practices**

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 Ordinance.

A stormwater management facility or practice shall be inspected on a periodic basis by the responsible person in accordance with the approved Inspection and Maintenance Agreement. 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 of Euharlee 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 shall be completed. If the responsible person fails or refuses to meet the requirements of the inspection and maintenance agreement, the City of Euharlee, may correct the violation as provided in Subsection 6.4 hereof.

Inspection programs by the City of Euharlee 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.

## **6.2 Right-of-Entry for Inspection**

The terms of the Inspection and Maintenance Agreement shall provide for the City of Euharlee 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 ordinance is occurring or has occurred and to enter when necessary for abatement of a public nuisance or correction of a violation of this ordinance.

## **6.3 Records of Maintenance Activities**

Parties responsible for the operation and maintenance of a stormwater management facility shall maintain and make available to the City of Euharlee records of all maintenance and repairs.

## **6.4 Failure to Maintain**

If a responsible person fails or refuses to meet the requirements of the Inspection and Maintenance Agreement, the City of Euharlee, after thirty (30) days written notice (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be 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 of Euharlee will assess the owner(s) of the facility for the cost of repair work which shall be a lien on the property, and will be placed on the ad valorem tax bill for such property and collected in the ordinary manner for such taxes.

## **Section 7 VIOLATIONS, ENFORCEMENT AND PENALTIES**

Any action or inaction which violates the provisions of this ordinance or the requirements of an approved Stormwater Management Plan or Permit, may be subject to the enforcement actions outlined in this Section. Any such action or inaction which is continuous with respect to time is deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described below shall not prevent such equitable relief. The imposition of any of the penalties described below shall not prevent such equitable relief.

The owner and developer of any property under development are responsible for all violations of this ordinance occurring on their property, and may be cited. In addition, other responsible parties, such as the corporation, person or entity conducting the illegal

or unpermitted activity may also be cited, including individual workers on the development site.

## **7.1 Notice of Violation**

If the City of Euharlee determines that an Applicant or other responsible person has failed to comply with the terms and conditions of a Permit, an approved Stormwater Management Plan or the provisions of this ordinance, it may issue a written Notice of Violation to such Applicant or other responsible person. The City may also proceed to issue stop work orders, citations or other remedies under this ordinance, without first issuing a notice of violation.

If a notice of violation is issued, it shall contain:

- (1) The name and address of the owner, the Applicant or the responsible person;
- (2) The address or other description of the site upon which the violation is occurring;
- (3) A statement specifying the nature of the violation;
- (4) A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the stormwater management plan or this ordinance and **the date for the completion of such remedial action;** and
- (5) A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed.

In the event a notice of violation does not result in compliance by the date specified, the City shall impose one of the penalties listed in Sec. 7.2 below.

## **7.2 Penalties**

In the event there is unpermitted or illegal land disturbing activity or other development or work occurring, or any other violation of this ordinance, in addition to the option of issuing a notice of violation, the City shall have the option of pursuing any and all of the following options.

- (1) Stop Work Order. The City of Euharlee may issue a stop work order which shall be served on the developer, owner, applicant or other responsible person. The stop work order shall remain in effect until the applicant or other responsible person has completed the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, Remedial measures to cure such violation or violations shall be exempt from the stop work order.

- (2) Withhold Certificate of Occupancy. The City of Euharlee may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the Applicant or other responsible person has completed the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.
- (3) Suspension, Revocation or Modification of Permit. The City of Euharlee may suspend, revoke or modify the permit authorizing the land development project. A suspended, revoked or modified permit may be reinstated after the Applicant or other responsible person has completed the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.
- (4) Civil Penalties. In the event the applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten days, or such greater period as the City of Euharlee shall deem appropriate (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient) after the City of Euharlee has taken one or more of the actions described above, the City of Euharlee may impose a penalty not to exceed \$1,000 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.
- (5) Criminal Penalties. In addition to or in lieu of any of the above proceedings, the City of Euharlee may issue a citation to the Applicant or other responsible person, requiring such person to appear in the City of Euharlee Municipal Court to answer charges for such violation. Upon conviction, such person shall be punished by a fine of a minimum of \$250 and a maximum of \$1,000, and/or imprisonment for up to 60 days. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.
- (6) Superior Court Proceedings. In addition to or in lieu of any of the above proceedings, the City of Euharlee may, through its City Attorney, City Solicitor, or other designated attorney, bring an action in superior court seeking injunctive relief, abatement of nuisance, fines, penalties and such other remedies as may be necessary to enforce the purposes and provisions of this Ordinance. Upon successful action brought in superior court for relief of any sort, the City shall be entitled to its attorney's fees.
- (7) Emergency Enforcement. In the event an emergency is of such immediacy and danger that giving a 24 hours notice of violation would threaten the public health, safety and welfare, the City of Euharlee is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and correct the situation. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises

for the purposes set forth above. The City of Euharlee shall be authorized to recover costs of the abatement from the property owner or responsible parties.

## **Section 8 APPEALS AND VARIANCES**

### **8.1 Board of Appeals**

The Board of Appeals, as established by the Euharlee Zoning Ordinance, shall be empowered to hear appeals of interpretations of the Ordinance, and to hear applications for variances from the requirements of this Ordinance. Its proceedings and procedure shall follow the procedure and requirements as stated in the Zoning Ordinance regarding notice, hearing procedure and other matters not covered herein.

### **8.2 Appeals**

The Board of Appeals shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made in the enforcement of this Ordinance. Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer, department, board, or bureau of the City affected by any decision under this Ordinance. Such appeal shall be taken within thirty (30) days of said decision by filing with the City a written notice of appeal specifying the grounds thereof. A hearing on the appeal shall be held at the next Board of Appeals hearing. Decisions on appeals shall be issued in writing within ten days of the hearing. Appeals shall not stay the effect of the decision being appealed. Appeals from that Board shall be to the City Council under the procedures of the Zoning Ordinance.

### **8.3 Variances**

The Board of Appeals has the power to hear requests for variances from the provisions of this Ordinance. Variance requests shall be governed by the procedure of the Euharlee Zoning Ordinance, and variance may be granted only if the Board finds **all** of the standards indicated in such Ordinance to be satisfied. No variance may be granted which would impair the purposes of this Ordinance.

APPENDIX A

CITY OF EUHARLEE, GEORGIA

PROJECT NO. \_\_\_\_\_

Permit No. \_\_\_\_\_

PROJECT NAME: \_\_\_\_\_

LOCATION: \_\_\_\_\_

**PERFORMANCE BOND**

KNOW ALL MEN BY THESE PRESENTS: that we

\_\_\_\_\_  
(Name and Address of Developer or Owner)

a Corporation of the State of \_\_\_\_\_, hereinafter called **Principal**, and

\_\_\_\_\_  
(Name and Address of Surety)

a Corporation of the State of \_\_\_\_\_, and a surety authorized by law to do business in the State of Georgia, hereinafter called **Surety**, are held and firmly bound unto **City of Euharlee, Georgia**, 30 Burges Mill Road, Euharlee, Georgia 30145, hereinafter called **Obligee**, for the purposes of compliance with the Euharlee Stormwater Management Ordinance, in the sum of \_\_\_\_\_ lawful money of the United States of America (the "Bond Amount"), for the payment of which sum, well and truly to be made, Principal and Surety bind themselves, their heirs, administrators, executors, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS said Principal has a Project it desires to complete located at \_\_\_\_\_, and has obtained a Permit dated \_\_\_\_\_ authorizing implementation of a stormwater management plan as approved under the authority and provisions of the Euharlee Stormwater Management Ordinance. The Permit is to authorize certain construction of stormwater management facilities as described therein, and the purpose of this bond is to guaranty the Principal will comply with all stipulations, requirements and specification of said Permit and the Stormwater Management Ordinance.

NOW, THEREFORE THE CONDITION OF THIS OBLIGATION IS SUCH, that if the Principal shall well, truly, fully and faithfully perform said Project according in accordance with the requirements, plans and specifications of the Permit and the Stormwater Management Ordinance, and during the life of any guaranty required under the Permit and Stormwater Management Ordinance, and shall well and truly perform and fulfill all the undertakings, covenants, terms, conditions and agreement of any and all duly authorized modification of or to said Permit that may hereafter be made, the this obligation shall be void, otherwise to remain in full force and effect. Principal must obtain a Written Release from Obligee before this bond may be voided or terminated or allowed to lapse.

PROVIDED FURTHER, that said Surety to this Bond, for value received, hereby stipulates and agrees that no change, extension of time, alterations, or additions to the terms of the Project or Permit shall in any way affect its obligation on this bond, and it does hereby waive notice of any such change, extension of time, alterations, or additions to the terms of the Project or the Permit, and

hereby agrees that this Bond shall be deemed amended automatically and immediately, without formal or separate amendments hereto, upon any amendment to the Permit or to the work to be performed thereunder. However, in no event shall the liability of the Surety under this bond exceed the Bond Amount specified above.

PROVIDED FURTHER, that Principal and Surety agree and represent that this bond is executed pursuant to and in accordance with the application provision of the Euharlee Stormwater Management Ordinance, and is intended to be and shall be construed as a bond in compliance with the requirements thereof. No claim, suit, or action shall be brought hereunder after the expiration of two (2) years following the date upon which the Principal is released from this bond. If this limitation is made void by any law, controlling the construction hereof, such limitation shall be deemed to be amended to equal the minimum period of limitation permitted by such law.

IN WITNESS WHEREOF, the Principal and Surety have hereunto set their hands and seals this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. [NOTE: Date of bond must not be before date of Permit.]

Attest:

PRINCIPAL

\_\_\_\_\_  
(Corp. Secretary)  
(SEAL)

\_\_\_\_\_  
by: \_\_\_\_\_  
its: \_\_\_\_\_

Attest:

SURETY

\_\_\_\_\_  
(SEAL)

\_\_\_\_\_  
by: \_\_\_\_\_  
its: Attorney-in-Fact and Resident Agent  
\_\_\_\_\_  
(address)  
\_\_\_\_\_

(Power of Attorney must accompany bond)

IMPORTANT: Surety Companies executing Bonds must appear on the Treasury Department's most current list (Circular 570 as amended) and be authorized to transact business in Georgia.