

## ORDINANCE

An ordinance to amend Chapter 26, entitled "Environment", of the Code of Ordinances of Grady County, Georgia, so as to meet the standards set by the State of Georgia and to protect the environment of Grady County, Georgia; to establish the effective date of this ordinance; to repeal all ordinances or parts of ordinances in conflict herewith; and for other purposes:

Section 1. Be it ordained by the Grady County Board of Commissioners that all of Chapter 26 entitled "Environment" be deleted in its entirety.

Section 2. Be it ordained by the Grady County Board of Commissioners that Chapter 26 be entitled "Grady County Soil Erosion and Sedimentation Control Ordinance" and be hereby adopted as follows:

### Chapter 26

## Grady County Soil Erosion and Sedimentation Control Ordinance

### Article I. General

Sec. 26-1 -- 26-30. Reserved.

### Article II. Soil Erosion and Sedimentation Control

- Sec. 26-31. Title.
- Sec. 26-32. Definitions.
- Sec. 26-33. Exemptions.
- Sec. 26-34. Minimum requirements for erosion and sedimentation control using best management practices.
- Sec. 26-35. Application/permit process.
- Sec. 26-36. Inspection and enforcement.
- Sec. 26-37. Penalties and incentives.
- Sec. 26-38. Education and certification.
- Sec. 26-39. Administrative appeal, judicial review.
- Sec. 26-40. Effectivity, validity and liability

ORDINANCE

AN ORDINANCE TO AMEND THE GRADY COUNTY SOIL EROSION AND SEDIMENTATION CONTROL ORDINANCE BY ESTABLISHING A MINIMUM PENALTY FOR VIOLATION OF THE ORDINANCE, TO ESTABLISH THE EFFECTIVE DATE OF THIS ORDINANCE AND TO ELIMINATE CONFLICTS WITH PRIOR ORDINANCES.

Be It Ordained by the authority of the Grady County Board of Commissioners and it is hereby ordained that Section VII, entitled "Penalties and Incentives" of the "Grady County Soil Erosion and Sedimentation Control Ordinance", be amended as follows:

Section 1.

Sub-section (B) entitled "Stop-work orders" is amended by adding the following language at the end of the existing sub-section:

"Procedures regarding the issuance and continuation of a Stop-work Order shall conform with the requirements and procedures set forth within the Georgia Erosion and Sedimentation Act of 1975 as amended."

Section 2.

Sub-section (D), entitled "Monetary Penalties", is amended by deleting the existing language and inserting in lieu thereof a new sub-section (D) to read as follows:

**Sub-Sec. D. MONETARY PENALTIES**

(1) Any person violating any provisions of this ordinance, permitting conditions, or stop-work orders shall be liable for monetary penalty not to exceed \$2,500.00 per day, by a sentence of imprisonment not exceeding sixty (60) days in jail or both fine and jail or work alternative. Each day during the violation or failure or refusal to comply continues shall constitute a separate violation.

(2) The penalties that shall apply to land-disturbing activities performed in violation of any provision of this chapter and any rules and regulations adopted pursuant hereto, or any permit, condition or limitation established pursuant to this ordinance are as follows:

(a) Any person in violation of this ordinance shall pay a minimum penalty of \$250.00 per day for each violation involving

the construction of a single-family dwelling by or under contract with the owner or for his or her own occupancy; and

(b) Any person in violation of this ordinance shall pay a minimum penalty of \$1,000.00 per day for each violation involving land-disturbing activities other than as provided in sub-paragraph (a) above.

(c) All violations or refusals to comply with any order or emergency order of the director may, upon written request of the alleged violator, be reviewed in a hearing to be conducted before a hearing officer appointed by the Board. Upon finding that such person has violated any part of this ordinance, rule or regulation in effect, or that the person negligently or intentionally failed or refused to comply with the order of the director, the hearing officer shall issue his decision imposing civil penalties as set forth herein. All decisions shall be reviewed administratively or judicially in accordance with the Georgia Erosion and Sedimentation Act of 1975 as amended.

Section 3. Be It Further Ordained that all Ordinances or parts of Ordinances in conflict with the same are hereby repealed.

Section 4. Be It Further Ordained that this Ordinance shall take effect upon its final passage.

Offer read and adopted and approved in open council meeting this 22nd day of August, 2001.

Grady County Board of Commissioners

By: Chub Parks  
Chairman

Attest:

Ann W. Mobley  
Clerk

