



come to tomorrow

MORROW, GEORGIA

# Regular Council Meeting

**January 10, 2017**

## Public Package

CITY OF MORROW, GEORGIA  
MAYOR AND CITY COUNCIL

Mayor Jeffrey DeTar  
Mayor Pro Tem Jeanell Bridges  
Councilwoman Hang Tran  
Councilman Larry Ferguson  
Councilman Christopher Mills

**Please return to  
be viewed by  
others**

**1. Work Session Agenda [Pg. 1-3](#)**

**2. Morrow Road Restriping [Pg. 4-5](#)**

**3. SPLOST Purchase [Pg. 6-9](#)**

**4. Monthly Financial Rpts [Pg. 10-14](#)**

**5. Meeting Agenda [Pg.15-18](#)**

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**9. Ordinance 2017-01 [Pg.36-41](#)**

**10. Ordinance 2017-02 [Pg.42-63](#)**



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MORROW, GEORGIA

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# CITY OF MORROW

# 1

## Work Session Agenda



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**CITY OF MORROW, GEORGIA**  
**MAYOR AND CITY COUNCIL MEMBERS**

**Mayor Jeffrey A. DeTar**  
**Mayor Pro Tem Jeanell Bridges**  
**Councilwoman Hang Tran**  
**Councilman Larry Ferguson**  
**Councilman Christopher Mills**

**January 10, 2017**

**Work Session**

**6:30 pm**

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**General Discussions**

1. Morrow Road Restriping
2. SPLOST Purchases- 15 Chair replacements
  - 7 in Council Chambers
  - 8 in Boardroom
3. Monthly Financial Reports

**Discussion of Agenda Items**

1. Meeting Agenda Items
  - a. Annual Appointments
    - Mayor Pro Tem
    - Clayton County Municipal Association (CCMA) Liaison
    - Downtown Development Authority (DDA)
      1. Jim Duckworth
      2. Open Seat
      3. Mayor Pro Tem Jeanell Bridges
    - Urban Redevelopment Agency (URA)
      1. Dorothy Dean
      2. Bert Watkins
    - Morrow Housing Authority (MHA)
      1. Myron Maxey
  - b. Ordinances/Resolutions
    - Resolution 2017-01 Qualifying
    - Second Reading of Ordinance 2017-01 Acting Judge



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- First Reading of Ordinance 2017-02 Erosion Control

**Attorney Invoice for Review**

1. Attorney Invoice Fincher Denmark & Minnifield FAA invoice# 3266 dated December 7 2016, in the amount of \$1909.92 for the period of November 1-November 30 2016.
2. Attorney Invoice Fincher Denmark & Minnifield invoice #3270 dates December 13, 2016, in the amount of \$14,429.00 for the period of November 1- November 30, 2016.



# **CITY OF MORROW**

# **2**

## **Morrow Road Restriping**

# Morrow Public Works

1500 Morrow RD, Morrow GA 30260

**Anou Sothsavath**  
Public Works Director

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**Phone**  
770.968.5497

**Fax**  
770.968.5498

[www.cityofmorrow.com](http://www.cityofmorrow.com)

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January 5, 2017

Project Name: Morrow Road Striping

Project Description:

Clayton County Transportation & Development will stripe approximately 1.07 miles of raised pavement markers beginning from SR54 to 1053 Morrow RD (City Limits - North).

Cost Estimate: \$14,620

Anticipated Schedule: Estimated completion Spring 2017



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Anou Sothsavath  
Public Works Director



come to morrow

MORROW, GEORGIA

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# **CITY OF MORROW**

# **3**

## **SPLOST Purchase**

### **15 Chair Replacement**

Office Supplies / Office Furniture / Office Chairs & Accessories / Executive Chairs



### Office Star Products Work Smart Jamestown Vinyl Deluxe High Back Traditional Executive Chair

by Office Star Products

★★★★★ 10 Reviews

Today: **\$312.49**

FREE SHIPPING\*

At other retailer: \$625.00

Save \$312.51 (50%)

Quantity: 1

Add to Cart

Club O Gold Members Earn \$15.62 | 5% Rewards\*

Add Gold to Cart for \$19.95/yr. [Learn More](#)

ITEM# 15340130

Delivery Estimate\*\* Standard 3-8 Business Days FREE

Warranty Included Warranty: 15 year Limited Manufacturer

Notifications

Add to Registry

Favorites



Share This Product:



“ Thoroughly enjoy this chair. The chair offers a nice swivel action which makes the chair comfortable for conversations with friends and watching TV for hours.

★★★★★ [See All Reviews](#)



Buy Now, Pay Later

Pay it off in up to 24 months with the Overstock store credit card.

Apply Now

Office Supplies / Office Furniture / Office Chairs & Accessories / Executive Chairs



### Lorell Traditional Executive Swivel Tilt Chair

by Lorell

★★★★★ 2 Reviews

Today: **\$377.99**

FREE SHIPPING\*

MSRP: \$725.00

\$347.01 (48%) off

Quantity: 1

Add to Cart

Club O Gold Members Earn \$18.90 | 5% Rewards\*

Add Gold to Cart for \$19.95/yr. Learn More >

ITEM# 16760977

Delivery Estimate\*\* Standard 1-4 Weeks FREE

Warranty Included Warranty: None

Notifications

Add to Registry

Favorites



Buy Now, Pay Later

Pay it off in up to 24 months with the Overstock store credit card.

Apply Now



Share This Product:



“ The chair build is decent quality and leather seems durable. The cushion has Velcro so can be removed for cleaning. The only downside is the fit is very snug, so squeaks and very noisy if you move a lot.

★★★★★ See All Reviews

See all Lorell / See all Lorell Executive Chairs

Office Supplies / Office Furniture / Office Chairs & Accessories / Executive Chairs



### Boss Traditional High-Back Executive Chair

by Boss

★★★★★ 18 Reviews

Starting at: **\$291.98**

FREE SHIPPING\*

Options

Quantity: 1

Add to Cart

Club O Gold Members Earn \$14.60 | 5% Rewards\*

Add Gold to Cart for \$19.95/yr. [Learn More](#)

ITEM# 10466661

Delivery Estimate\*\*

Notifications



Add to Registry

Favorites

Share This Product:



Buy Now, Pay Later

Pay it off in up to 24 months with the Overstock store credit card.

Apply Now

Very comfortable and we love the style- opted to add 2 of these chairs to our dining set.

★★★★★ [See All Reviews](#)



# **CITY OF MORROW**

# **4**

# **Monthly Finance Reports**

**CITY OF MORROW, GEORGIA**  
**SUMMARY OF BUDGET TO ACTUALS**  
**PERIOD ENDED DECEMBER 31, 2016**

	<u>BUDGETED</u> <u>AMOUNT</u>	<u>ACTIVITY</u> <u>TO DATE</u>	<u>FAVORABLE</u> <u>(UNFAVOR)</u> <u>VARIANCE</u>	<u>PERCENT</u> <u>TO DATE</u>
<b>GENERAL FUND</b>				
<b><u>REVENUES</u></b>				
General Property Taxes	\$ 2,388,618.00	\$ 104,021.35	\$ (2,284,596.65)	4.35%
Franchise Taxes	678,081.00	31,667.95	(646,413.05)	4.67%
General Sales and Use Taxes	1,959,225.00	789,178.17	(1,170,046.83)	40.28%
Alcoholic Beverage Taxes	118,772.00	50,345.25	(68,426.75)	42.39%
Business Taxes	1,272,605.00	478,872.74	(793,732.26)	37.63%
Licenses and Permits	241,353.00	85,742.64	(155,610.36)	35.53%
Intergovernmental Revenues	53,530.00	50,175.53	(3,354.47)	93.73%
Charges for Services	270,080.00	87,682.61	(182,397.39)	32.47%
Fines and Forfeitures	1,193,760.00	420,533.76	(773,226.24)	35.23%
Investment Income	4,103.00	5,741.74	1,638.74	139.94%
Miscellaneous Revenue	33,304.00	15,537.77	(17,766.23)	46.65%
Other Financing Sources	532,733.00	231,541.26	(301,191.74)	43.46%
Total Budgeted Revenues	<u>\$ 8,746,164.00</u>	<u>\$ 2,351,040.77</u>	<u>\$ (6,395,123.23)</u>	<u>26.88%</u>
 <b><u>APPROPRIATIONS</u></b>				
Mayor and Council	\$ 349,016.00	\$ 33,345.70	\$ 315,670.30	9.55%
City Clerk	74,778.00	33,347.21	41,430.79	44.59%
City Manager	170,883.00	68,896.71	101,986.29	40.32%
General Administration	91,965.00	41,255.25	50,709.75	44.86%
Finance	260,665.00	123,732.92	136,932.08	47.47%
Law	180,000.00	51,102.19	128,897.81	28.39%
Information Technology	91,228.00	36,802.88	54,425.12	40.34%
General Buildings	103,463.00	27,950.16	75,512.84	27.01%
Municipal Court	433,633.00	132,759.54	300,873.46	30.62%
Police	2,388,835.00	999,665.92	1,389,169.08	41.85%
Fire	2,322,940.00	1,073,998.68	1,248,941.32	46.23%
E-911 Communications	100,000.00	-	100,000.00	0.00%
Capital Outlay (2008 & 14 SPLOST)	-	-	-	N/A
Public Works	1,089,753.00	449,133.92	640,619.08	41.21%
Planning and Zoning	120,749.00	44,618.62	76,130.38	36.95%
Economic Development	532,987.00	282,169.52	250,817.48	52.94%
Tourism	52,671.00	23,893.00	28,778.00	45.36%
Debt Service	315,664.00	111,755.00	203,909.00	35.40%
Other Financing Uses	136,383.00	97,717.57	38,665.43	71.65%
Total Budgeted Appropriations	<u>\$ 8,815,613.00</u>	<u>\$ 3,632,144.79</u>	<u>\$ 5,183,468.21</u>	<u>41.20%</u>

**CITY OF MORROW, GEORGIA  
SUMMARY OF BUDGET TO ACTUALS  
PERIOD ENDED DECEMBER 31, 2016**

	<u>BUDGETED AMOUNT</u>	<u>ACTIVITY TO DATE</u>	<u>FAVORABLE (UNFAVOR) VARIANCE</u>	<u>PERCENT TO DATE</u>
<b><i>E-911 SPECIAL REVENUE FUND</i></b>				
<b><u>REVENUES</u></b>				
Charges for Services	\$ 47,573.00	\$ 44,019.93	\$ (3,553.07)	92.53%
Other Financing Sources	<u>104,269.00</u>	<u>97,717.57</u>	<u>(6,551.43)</u>	<u>93.72%</u>
Total Budgeted Revenues	<u>\$ 151,842.00</u>	<u>\$ 141,737.50</u>	<u>\$ (10,104.50)</u>	<u>93.35%</u>
 <b><u>APPROPRIATIONS</u></b>				
E-911 Communications	<u>\$ 151,842.00</u>	<u>\$ 141,737.50</u>	<u>\$ 10,104.50</u>	<u>93.35%</u>
 <b><i>HOTEL TAX SPECIAL REVENUE FUND</i></b>				
<b><u>REVENUES</u></b>				
Selective Sales and Use Tax	<u>\$ 925,000.00</u>	<u>\$ 439,757.27</u>	<u>\$ (485,242.73)</u>	<u>47.54%</u>
 <b><u>APPROPRIATIONS</u></b>				
Tourism	\$ 954,688.00	\$ 92,000.00	\$ 862,688.00	9.64%
Other Financing Uses	<u>520,312.00</u>	<u>247,363.47</u>	<u>272,948.53</u>	<u>47.54%</u>
Total Budgeted Appropriations	<u>\$ 1,475,000.00</u>	<u>\$ 339,363.47</u>	<u>\$ 1,135,636.53</u>	<u>23.01%</u>
 <b><i>RENTAL VEHICLE EXCISE TAX SR FUND</i></b>				
<b><u>REVENUES</u></b>				
Selective Sales and Use Tax	<u>\$ 41,500.00</u>	<u>\$ 14,130.03</u>	<u>\$ (27,369.97)</u>	<u>34.05%</u>
 <b><u>APPROPRIATIONS</u></b>				
Other Financing Uses	<u>\$ 41,500.00</u>	<u>\$ 14,130.03</u>	<u>\$ 27,369.97</u>	<u>34.05%</u>
 <b><i>PRODUCT DEVELOPMENT SR FUND</i></b>				
<b><u>REVENUES</u></b>				
Other Financing Sources	<u>\$ 173,437.00</u>	<u>\$ 82,454.49</u>	<u>\$ (90,982.51)</u>	<u>47.54%</u>
 <b><u>APPROPRIATIONS</u></b>				
Tourism	<u>\$ 348,437.00</u>	<u>\$ -</u>	<u>\$ 348,437.00</u>	<u>0.00%</u>

**CITY OF MORROW, GEORGIA  
SUMMARY OF BUDGET TO ACTUALS  
PERIOD ENDED DECEMBER 31, 2016**

	<u>BUDGETED AMOUNT</u>	<u>ACTIVITY TO DATE</u>	<u>FAVORABLE (UNFAVOR) VARIANCE</u>	<u>PERCENT TO DATE</u>
<b><i>SANITATION ENTERPRISE FUND</i></b>				
<b><u>REVENUES</u></b>				
Charges for Services	\$ 1,005,686.00	\$ 476,465.14	\$ (529,220.86)	47.38%
<b><u>APPROPRIATIONS</u></b>				
Sanitation	\$ 896,328.00	\$ 393,271.91	\$ 503,056.09	43.88%
Other Financing Uses	109,358.00	50,000.00	59,358.00	45.72%
Total Budgeted Appropriations	<u>\$ 1,005,686.00</u>	<u>\$ 443,271.91</u>	<u>\$ 562,414.09</u>	<u>44.08%</u>
<b><i>MORROW CENTER ENTERPRISE FUND</i></b>				
<b><u>REVENUES</u></b>				
Charges for Services	\$ 209,000.00	\$ 79,263.03	\$ (129,736.97)	37.92%
Miscellaneous Revenue	5,000.00	368.57	(4,631.43)	7.37%
Other Financing Sources	32,114.00	-	(32,114.00)	0.00%
Total Budgeted Revenues	<u>\$ 246,114.00</u>	<u>\$ 79,631.60</u>	<u>\$ (166,482.40)</u>	<u>32.36%</u>
<b><u>APPROPRIATIONS</u></b>				
Morrow Center	<u>\$ 246,114.00</u>	<u>\$ 87,174.69</u>	<u>\$ 158,939.31</u>	<u>35.42%</u>

**CITY OF MORROW, GEORGIA**  
**DETAIL OF CASH AND CASH LIKE ACCOUNTS BY FUND**  
**AS OF DECEMBER 31, 2016**

	<u>TOTAL</u>	<u>GENERAL FUND</u>	<u>SPECIAL REVENUE FUND</u>				<u>CAPITAL PROJECTS</u>		<u>SANITATION</u>
			<u>E-911</u>	<u>HOTEL MOTEL</u>	<u>PRODUCT DEVELOP</u>	<u>RENTAL CAR EXCISE</u>	<u>2008 SPLOST</u>	<u>2014 SPLOST</u>	
<b>CASH IN BANK:</b>									
111110 PNC Bank - Operating Acct	\$ 939,318.04	\$ (168,705.99)	\$ -	\$ 722,503.47	\$ 302,453.20	\$ -	\$ -	\$ -	\$ 83,067.36
111118 RBC Sanitation Deposits	3,322.17	-	-	-	-	-	-	-	3,322.17
111124 Regions Bank - SPLOST 2008	740,682.11	-	-	-	-	-	740,682.11	-	-
111126 Regions Bank - SPLOST 2014	1,415,923.30	-	-	-	-	-	-	1,415,923.30	-
<b>INVESTMENTS:</b>									
111305 Local Government Invest Pool	2,359,738.86	2,359,738.86	-	-	-	-	-	-	-
<b>INTERFUND CASH BALANCES</b>									
121900 Due To / From	-	132,735.59	-	-	-	-	(3,941.53)	(128,794.06)	-
	<u>\$ 5,458,984.48</u>	<u>\$ 2,323,768.46</u>	<u>\$ -</u>	<u>\$ 722,503.47</u>	<u>\$ 302,453.20</u>	<u>\$ -</u>	<u>\$ 736,740.58</u>	<u>\$ 1,287,129.24</u>	<u>\$ 86,389.53</u>



# **CITY OF MORROW**

# **5**

# **Meeting Agenda**



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**CITY OF MORROW, GEORGIA**  
**MAYOR AND CITY COUNCIL MEMBERS**

**Mayor Jeffrey A. DeTar**  
**Mayor Pro Tem Jeanell Bridges**  
**Councilwoman Hang Tran**  
**Councilman Larry Ferguson**  
**Councilman Christopher Mills**

**Regular Meeting**

**January 10, 2017**

**Agenda**

**7:30 pm**

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**CALL TO ORDER:** Mayor Jeffrey A. DeTar  
**PLEDGE OF ALLEGIANCE:** All  
**MOMENT OF SILENCE:** Mayor Jeffrey A. DeTar

**1. ROLL CALL:**

**2. CONSENT AGENDA:**

1. Approval of December 13, 2016, Regular Meeting Minutes
2. Approval of December 13, 2016, Work Session Minutes
3. Approval of December 13, 2016, Executive Session Minutes
4. Approval of January 3, 2017, Special Called Meeting Minutes

**3. MEETING AGENDA:**

1. Approval of January 10, 2017 Meeting Agenda

**4. PUBLIC COMMENTS ON AGENDA ITEM:**

*Public Comments on Agenda Items are limited to only the discussion of new business items on tonight's Agenda. Please fill out a comment card and turn it into the City Clerk if you wish to make a comment.*

**5. AWARDS & RECOGNITION:**

1. Retirement of Lt. Tommy Bowden 30 years in the Morrow Fire Department

**6. ANNUAL APPOINTMENTS:**



- 
1. Mayor Pro Tem
  2. Clayton County Municipal Association (CCMA) Liaison
  3. Downtown Development Authority (DDA)
    - a. Jim Duckworth
    - b. Open Seat
    - c. Mayor Pro Tem Jeanell Bridges
  4. Urban Redevelopment Agency (URA)
    - a. Dorothy Dean
    - b. Bert Watkins
  5. Morrow Housing Authority (MHA)
    - a. Myron Maxey

**7. ORDINANCES & RESOLUTIONS:**

1. Resolution 2017-01 Qualifying

A RESOLUTION TO SET THE DATE FOR THE CITY OF MORROW GENERAL ELECTION AND RUNOFF; TO SET CANDIDACY QUALIFYING DATES AND FEES; TO SET THE LAST DAY TO REGISTER TO VOTE FOR 2017 GENERAL ELECTION AND RUNOFF; AND TO APPOINT AN ELECTION SUPERINTENDENT.

*(Presented by Steve Fincher, City Attorney)*

2. Second reading of Ordinance 2017-01 Acting Judge

AN ORDINANCE TO AMEND CHAPTER 4 (“MUNICIPAL COURT”) OF TITLE 2 (“GENERAL GOVERNMENT”) OF THE CODE OF ORDINANCES, CITY OF MORROW, GEORGIA, BY AMENDING SECTION 2-4-15 (“ACTING JUDGE”) AND ADDING A NEW SECTION 2-4-15.1; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN ADOPTION DATE; TO PROVIDE AN EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

*(Presented by Steve Fincher, City Attorney)*

3. Second reading of Ordinance 2017-02 Erosion Control

AN ORDINANCE TO AMEND CHAPTER 3 (“SOIL EROSION, SEDIMENTATION AND POLLUTION CONTROL”) IN TITLE 8 (“PLANNING AND DEVELOPMENT”) OF THE CODE OF ORDINANCES, CITY OF MORROW, GEORGIA BY REPEALING THE CURRENT LANGUAGE IN SAID CHAPTER IN ITS ENTIRETY AND ENACTING NEW REGULATIONS IN LIEU



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THEREOF; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER LAWFUL PURPOSES.

*(Presented by Steve Fincher, City Attorney)*

**8. GENERAL COMMENTS:**

*General Comments are any comment that you want to make during Council Meeting. Please fill out a comment card and turn it into the City Clerk if you wish to make a comment.*

**9. EXECUTIVE SESSION:**

To discuss legal and real estate matters

**10. ADJOURNMENT:**



# **CITY OF MORROW**

# **6**

# **Previous Meeting Minutes**




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**CITY OF MORROW, GEORGIA**  
**MAYOR AND CITY COUNCILMEMBERS**

**Mayor Jeffrey DeTar**  
**Mayor Pro Tem Jeanell Bridges**  
**Councilwoman Hang Tran**  
**Councilman Larry Ferguson**  
**Councilman Christopher Mills**

**Regular Meeting**

**December 13, 2016**

**Minutes**

**7:33 pm**

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**Mayor Jeffrey DeTar** called the Regular Council Meeting of the Morrow City Council to order at 7:33pm on December 13, 2016. The meeting took place in the Council Chambers of the Morrow Municipal Complex located at: 1500 Morrow Road, Morrow, GA, 30260.

**Mayor Jeffrey DeTar** asked everyone to stand for the Pledge of Allegiance followed by a moment of silent reflection.

**ROLL CALL:**

**Mayor Jeffrey DeTar** asked **City Clerk Yasmin Julio** to call the roll.

**City Clerk Yasmin Julio** called the roll and those present were **Mayor Jeffrey DeTar, Mayor Pro Tem Jeanell Bridges Councilman Christopher Mills, Councilwoman Hang Tran and Councilman Larry Ferguson**. She stated there was a quorum present.

**CONSENT AGENDA:**

**Mayor Jeffrey DeTar** called for a motion to approve the consent agenda with the amendment of the duplicate item #4 under New business on the Regular Meeting Minutes.

1. Approval of November 22, 2016, Regular Meeting Minutes
2. Approval of November 22, 2016, Work Session Minutes
3. Approval of November 22, 2016, Executive Session Minutes
4. Approval of Attorney Invoice Fincher Denmark & Minnifield FAA invoice# 3221-3225 dated October 31 and November 2, 2016, in the amount of \$2698.71 for the period of September to October 2016.
5. Approval of Attorney Invoice Fincher Denmark & Minnifield invoice #3247 dates November 14, 2016, in the amount of \$13,787.04 for the period of October 3- October 31, 2016.



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**MOTION AND VOTE:** Mayor Pro Tem Jeanell Bridges made the motion to approve the consent agenda with the recommended amendments, seconded by Councilman Christopher Mills. The motion passed unanimously, 4-0.

**MEETING AGENDA:**

Mayor Jeffrey DeTar called for a motion to approve the **December 13, 2016 Meeting Agenda** with the addition of New business items Soil and Sedimentation Control Ordinance and FAA lobbyist proposal.

**MOTION AND VOTE:** Councilman Larry Ferguson made the motion to approve the meeting agenda with the recommended additions seconded by Mayor Pro Tem Jeanell Bridges. The motion passed unanimously, 4-0.

**PUBLIC COMMENTS ON AGENDA ITEMS:**

There were no public comments.

**SWEARING IN CEREMONY:**

1. Fire Chief- Roger Swint

**PRESENTATIONS:**

1. Planning & Zoning Board Meeting Recap  
*(Presented by Zoning Administrator Marti Tracy)*

**Zoning Administrator Marti Tracy** advised that during the last meeting there was only general discussion and that the December 2016 meeting is cancelled due to the lack of agenda items.

**NEW BUSINESS (Actionable Items):**

1. Approval of City Manager's recommendation for RFP selection for Patrol Cars

Mayor Jeffrey DeTar called for a motion to approve this item.

**MOTION AND VOTE:** Councilman Larry Ferguson made the motion to approve the purchase by the Morrow Police Department of the two SUV's as we currently have the RFB's on now recommended by the City Manager in addition for the Morrow Police Department to move forward with an RFB for



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sedans as recommended by the City Manager, seconded by **Councilman Christopher Mills**. The motion passed unanimously, 4-0.

2. Common area maintenance fee lawsuit litigation resolution and related Olde Town Morrow Issues

**Mayor Jeffrey DeTar** called for a motion to approve this item. **Attorney Steve Fincher** stated the motion, "Authorization for the Mayor to approve the easement documents which have not yet been prepared and that the agreement be held in escrow until we have that document approved.

**MOTION AND VOTE: Mayor Pro Tem Jeanell Bridges** made the motion, seconded by **Councilman Christopher Mills**. The motion passed unanimously, 4-0.

3. Approval to authorize Mayor Jeffrey DeTar to execute agreement with Civentum

**Mayor Jeffrey DeTar** called for a motion to approve this item.

**MOTION AND VOTE: Mayor Pro Tem Jeanell Bridges** made the motion to approve the agreement and authorize the Mayor to execute the document, seconded by **Councilman Christopher Mills**. The motion passed unanimously, 4-0.

4. First Reading of Ordinance 2017-02 Soil Erosion and Sedimentation Control

AN ORDINANCE TO AMEND CHAPTER 3 ("SOIL EROSION, SEDIMENTATION AND POLLUTION CONTROL") IN TITLE 8 ("PLANNING AND DEVELOPMENT") OF THE CODE OF ORDINANCES, CITY OF MORROW, GEORGIA BY REPEALING THE CURRENT LANGUAGE IN SAID CHAPTER IN ITS ENTIRETY AND ENACTING NEW REGULATIONS IN LIEU THEREOF; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER LAWFUL PURPOSES.

**Mayor Jeffrey DeTar** advised that this was the first reading and no action would be taken at this time pertaining to this item.

5. FAA Lobbyist Proposal

**Mayor Jeffrey DeTar** called for a motion to approve this item.

**MOTION AND VOTE: Councilman Larry Ferguson** made the motion, seconded by **Mayor Pro Tem Jeanell Bridges**. The motion passed unanimously, 4-0.



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**ORDINANCES & RESOLUTIONS:**

1. Second Reading of Ordinance 2016-09 Meeting Cancellations

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF MORROW, GEORGIA; TO AMEND TITLE 2, CHAPTER 1, SECTION 2-1-1; TO PROVIDE FOR RULES GOVERNING THE CANCELLATION OF REGULAR AND SPECIAL MEETINGS; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

*(Presented by Steve Fincher, City Attorney)*

**Mayor Jeffrey DeTar** called for a motion to approve this item.

**MOTION AND VOTE: Mayor Pro Tem Jeanell Bridges** made the motion, seconded by **Councilman Larry Ferguson**. The motion passed unanimously, 4-0.

2. Resolution 2016-05 Millage Rate

A RESOLUTION TO SET AND DECLARE THE TAX MILLAGE RATE IN THE CITY OF MORROW, GEORGIA FOR CALENDAR YEAR 2016 AND SETTING FORTH CERTAIN INFORMATION REGARDING ROLLED BACK RATES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER LAWFUL PURPOSES.

*(Presented by Steve Fincher, City Attorney)*

**Mayor Jeffrey DeTar** called for a motion to approve this item.

**MOTION AND VOTE: Councilman Larry Ferguson** made the motion, seconded by **Mayor Pro Tem Jeanell Bridges**. The motion passed unanimously, 4-0.

3. First Reading of Ordinance 2017-01 Acting Judge

AN ORDINANCE TO AMEND CHAPTER 4 (“MUNICIPAL COURT”) OF TITLE 2 (“GENERAL GOVERNMENT”) OF THE CODE OF ORDINANCES, CITY OF MORROW, GEORGIA, BY AMENDING SECTION 2-4-15 (“ACTING JUDGE”) AND ADDING A NEW SECTION 2-4-15.1; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN ADOPTION DATE; TO PROVIDE AN EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

*(Presented by Steve Fincher, City Attorney)*

**Mayor Jeffrey DeTar** advised that this was the first reading and no action would be taken at this time pertaining to this item.



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**GENERAL COMMENTS:**

**Staff Comments:**

Sylvia Redic

**Council members Comments:**

Councilwoman Hang Tran

Councilman Christopher Mills

Councilman Larry Ferguson

Mayor Pro Tem Jeanell Bridges

Mayor Jeffrey DeTar

**ADJOURNMENT:**

Mayor Jeffrey DeTar called for a motion to adjourn the **December 13, 2016 Regular Council Meeting**.

**MOTION AND VOTE:** Councilman Larry Ferguson made the motion, seconded by Councilman Christopher Mills the motion passed unanimously, 4-0.

The Regular Council Meeting was adjourned at 8:22pm.

Approved this 10th day of January, 2017.

Attest

\_\_\_\_\_  
Yasmin Julio, City Clerk

**CITY OF MORROW, GEORGIA**

\_\_\_\_\_  
Jeffrey A. DeTar, Mayor

Seal




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**CITY OF MORROW, GEORGIA**  
**MAYOR AND CITY COUNCIL MEMBERS**

**Mayor Jeffrey A. DeTar**  
**Mayor Pro Tem Jeanell Bridges**  
**Councilwoman Hang Tran**  
**Councilman Larry Ferguson**  
**Councilman Christopher Mills**

**December 13, 2016**

**Work Session Minutes**

**5:32 pm**

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**Mayor Jeffrey DeTar** called the Work Session to order at 6:37pm on November 22, 2016. The meeting took place in the Council Chambers of the Morrow Municipal Complex located at: 1500 Morrow Road, Morrow, GA, 30260.

Those present were **Mayor Jeffrey DeTar, Mayor Pro Tem Jeanell Bridges, Councilman Larry Ferguson, and Councilman Christopher Mills.**

**EXECUTIVE SESSION:**

**Mayor Jeffrey DeTar** called for a motion to recess the **December 13, 2016 Work Session** and convene into **Executive Session** to discuss legal and real estate matters.

**MOTION AND VOTE: Councilman Larry Ferguson** made the motion, seconded by **Mayor Pro Tem Jeanell Bridges**, the motion passed unanimously, 3-0.

The Executive Session began at 5:32pm

**Mayor Jeffrey DeTar** called for a motion to reconvene the **December 13, 2016 Work Session** and adjourn the **Executive Session.**

**Councilwoman Hang Tran** joined the work session, **Mayor Pro Tem Jeanell Bridges** was not present.

**MOTION AND VOTE: Councilman Larry Ferguson** made the motion, seconded by **Councilman Christopher Mills**, the motion passed unanimously, 3-0.

The Executive Session ended at 6:43pm.

**Mayor Jeffrey DeTar** stated that no action was taken in Executive Session.

**General Discussions of Items**

**1. FAA Lobbyist Proposal**



- Attorney Steve Fincher recommended hiring this lobbyist for the FAA litigation, cost will be \$2,000 per month for four months shared with the other Clayton County entities, totaling \$75.40 per month for Morrow.

## 2. Upcoming Board Appointments

### -DDA 4 Year Terms (terms set by Resolution 2011-09) - 7 members:

- 1) Jim Duckworth
- 2) Open seat: unoccupied
- 3) Mayor Pro Tem Jeanell Bridges

### -URA (Three Year terms set by Resolution 2009-02):

- 1) Dorothy Dean
- 2) Bert Watkins

### -Morrow Housing Authority - 5 Year Terms Resolution 2016-01:

- 1) Myron Maxey

- Mayor Jeffrey DeTar requested a timeline for every seat to determine if they are staggering.

## 3. State required amendments to Erosion and Sedimentation Control Ordinance

### -Final draft deadline from Fincher's office December 12, 2016

- Attorney Steve Fincher mentioned that these changes were required by the Environmental Protection Agency.
- Mayor Jeffrey DeTar recommended placing this on the agenda of the regular meeting.

Mayor Pro Tem Jeanell Bridges rejoined the work session at 6:54pm.

## 4. Monthly Financial Reports

- City Manager Sylvia Redic advised that the property taxes may seem a bit low because the millage rate resolution has not been approved as of yet but it is on the regular meeting agenda for approval.

## 5. 2017 Upcoming Decisions/Votes

### Discussion of Agenda Items

#### 1. Meeting Agenda Items

##### a. New Business Item

- Approval of City Manager's recommendation for RFP selection for Patrol Cars.



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**- Common area maintenance fee lawsuit litigation resolution and related Olde Town Morrow Issues**

**-Approval to authorize Mayor Jeffrey DeTar to execute agreement with Civentum**

- **Councilman Larry Ferguson stated that the Council should have input on the team room for Senior events. Councilman Ferguson stated that an entry way between the Mall and the Dark space could potentially incur a cost of \$39,000 per year in fees. Also the monthly cost of \$17,000 plus the cost of another DMO needs to be taken into account. He also recommended allowing GVACC to host the Lunar New Year and replace that deliverable with another like billboards for Morrow Center**
- **Mayor Jeffrey DeTar advised that the wall between the Dark Space and the Mall is not ours to move and that Civentum does not get to choose. He also mentioned that this agreement is on a year by year basis. Civentum will also handle events that they create.**

**b. Ordinances/Resolutions**

**-Second Reading of Ordinance 2016-09 Meeting Cancellation**

**- Resolution 2016-05 Millage Rate**

**- First Reading of Ordinance 2017-01 Acting Judge**

The Work Session ended at 7:33pm.

Approved this 10th day of January, 2017.

**Attest**

**CITY OF MORROW, GEORGIA**

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**Yasmin Julio, City Clerk**

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**Jeffrey A. DeTar, Mayor**




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**CITY OF MORROW, GEORGIA**  
**MAYOR AND CITY COUNCILMEMBERS**

**Mayor Jeffrey DeTar**  
**Mayor Pro Tem Jeanell Bridges**  
**Councilwoman Hang Tran**  
**Councilman Larry Ferguson**  
**Councilman Christopher Mills**

**Special Called Meeting**

**January 3, 2017**

**Minutes**

**5:33 pm**

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**Mayor Jeffrey DeTar** called the Special Called Council Meeting of the Morrow City Council to order at 5:33pm on January 3, 2017. The meeting took place in the Council Chambers of the Morrow Municipal Complex located at: 1500 Morrow Road, Morrow, GA, 30260.

**Mayor Jeffrey DeTar** asked everyone to stand for the Pledge of Allegiance followed by a moment of silent reflection.

**ROLL CALL:**

**Mayor Jeffrey DeTar** asked **City Clerk Yasmin Julio** to call the roll.

**City Clerk Yasmin Julio** called the roll and those present were **Mayor Jeffrey DeTar, Mayor Pro Tem Jeanell Bridges and Councilman Larry Ferguson. Councilwoman Hang Tran** had an excused absent, **Councilman Christopher Mills** was not present. She stated there was not a quorum present.

**Councilman Christopher Mills** arrived at 5:35pm, a quorum was present as of this time.

**PRESENTATIONS:**

1. Districting for the City of Morrow

*(Presented by State Representative Valencia Stovall)*

**State Representative Valencia Stovall** advised that she would be making the presentation for **State Representative Mike Glanton** but he would be listening in and commenting over the phone while she made her presentation. **Representative Stovall** stated that this districting would affect the following cities Morrow, Lake City, Riverdale, Lovejoy and Jonesboro. She mentioned that the map was created by the Georgia Reapportionment office, which uses data provided by the US Census Bureau for the purpose of redistricting. She stated that the wards in the map were drawn based on population, race and ages to ensure no discrimination. **Representative Stovall** advised that if this was implemented within this legislative session it will become effective immediately however any seated Councilmember would



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be able to finish serving their term even though there maybe more than one person serving within the same ward. She mentioned a community wide meeting being held on January 24, 2017 with additional information to be provided and that the current map was drawn up in 2016 based on population changes it may change slightly.

A question and answer session followed as part of the presentation.

**MEETING AGENDA:**

**Mayor Jeffrey DeTar** called for a motion to approve the **January 3, 2017 Special Called Meeting Agenda**.

**MOTION AND VOTE: Councilman Christopher Mills** made the motion to approve the meeting agenda, seconded by **Mayor Pro Tem Jeanell Bridges**. The motion passed unanimously, 3-0.

**ADJOURNMENT:**

**Mayor Jeffrey DeTar** called for a motion to adjourn the **January 3, 2017 Special Called Meeting**.

**MOTION AND VOTE: Councilman Larry Ferguson** made the motion, seconded by **Mayor Pro Tem Jeanell Bridges** the motion passed unanimously, 3-0.

The Regular Council Meeting was adjourned at 6:29pm.

Approved this 10th day of January, 2017.

Attest

\_\_\_\_\_  
**Yasmin Julio, City Clerk**

**CITY OF MORROW, GEORGIA**

\_\_\_\_\_  
**Jeffrey A. DeTar, Mayor**

Seal



# **CITY OF MORROW**

# **7**

# **Annual Appointments**



**DDA 4 Year Terms (terms set by Resolution 2011-09) - 7 members:**

Myron Maxey: Appointed 01/27/2015 ends 12/31/2019 needs to be reappointed 1/2020

Terry Mobley: Appointed 01/27/2015 ends 12/31/2019 needs to be reappointed 1/2020

Bob Huie: Appointed 01/27/2015 ends 12/31/2019 needs to be reappointed 1/2020

Pete McQueen: Appointed 01/14/2014 needs to be reappointed 01/2018

Jim Duckworth: Appointed 04/23/2013 needs to be reappointed 01/2017

Open seat: unoccupied: needs to be appointed

Jeanell Bridges: Appointed 01/10/2012, Council Board Member Need to be reappointed 01/12/2017

**Planning & Zoning Board 5 Year Terms (see code below) - 5 members:**

**CHAPTER 1. - PLANNING AND ZONING BOARD**

**Sec. 8-1-2. - Members.**

(a) The planning and zoning board shall be composed of five citizens of the city, who shall hold no other public office in the city. Each appointment shall be for a term of five years, which terms shall be staggered with one seat open for appointment each year. Any vacancy in the membership shall be filled for the unexpired term. Appointments shall be made by the mayor and council who shall have the authority to remove any member of the commission for cause after written notice and a public hearing.

(b) The compensation of the members, if any, shall be determined by the mayor and council.

*(Code 1977, § 1-4012(b), (h))*

*\*\*\*note: Members of P&Z should not serve on other Boards.*

Joyce Bean Appointed 01/22/2013 needs to be reappointed January 2018

Tamara Patridge Appointed 01/27/2015 needs to be reappointed January 2020

Aaron Mauldin Appointed 01/26/2016 needs to be reappointed January 2021

Wayne Collins Appointed 06/28/2016 needs to be reappointed January 2021

Gilda Hutcheson Appointed 06/28/2016 needs to be reappointed January 2021

**URA (Three Year terms set by Resolution 2009-02) - 3 members:**

Dorothy Dean: -Appointed 01/14/2014 needs to be reappointed January 2017

Benjamin Hopkins: - Appointed 03/16/2015 needs to be reappointed January 2018

Bert Watkins: - Appointed 01/14/2014 needs to be reappointed January 2017

**Morrow Housing Authority - 5 Year Terms Resolution 2016-\*01:**

Section 2. Term. Each commissioner for the Authority shall be designated to serve for terms of office as specified above; thereafter, each commissioner position shall be appointed for a full five-year term;

Myron Maxey: needs to be reappointed - 1/2017

Terry Mobley: needs to be reappointed January 2019

Pete McQueen: needs to be reappointed January 2018

Jim Duckworth: needs to be reappointed January 2020

Bob Huie: needs to be reappointed January 2021

Resident Commissioner: Unable to appoint, no one meets requirements

**Mayor and Council (Four year terms set by Charter) - 5 members:**

Mayor Pro Tem- Annually term ends 12/31 of every year



# **CITY OF MORROW**

# **8**

## **Resolution 2017-01**

## **Qualifying**

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**A RESOLUTION TO SET THE DATE FOR THE CITY OF MORROW GENERAL ELECTION AND RUNOFF; TO SET CANDIDACY QUALIFYING DATES AND FEES; TO SET THE LAST DAY TO REGISTER TO VOTE FOR 2017 GENERAL ELECTION AND RUNOFF; AND TO APPOINT AN ELECTION SUPERINTENDENT**

**WHEREAS,** the Mayor and Council of the City of Morrow hereby resolves that, the General Election shall be held on November 07, 2017 and that if a Runoff is required that date will be December 05, 2017 (O.C.G.A. 21-2-9); and

**WHEREAS,** the opening date for announcing candidacy for the General Election is set for August 28, 2017 and the closing date is set for August 30, 2017 for any candidate wishing to qualify for the offices of City Councilmember. The office of two (2) City Councilmember seats will expire at the end of 2017, each office will run at large to serve a four (4) year term; and

**WHEREAS,** any qualified candidate wishing to qualify for any said office should do so during the hours of 8:30 am to 12:00 noon and 1:00 pm to 4:30 pm within said opening and closing dates by submitting a Notice of Candidacy in the office of the City Clerk located at 1500 Morrow Road, Morrow, GA. (O.C.G.A. 21-2-132); and

**WHEREAS,** the qualifying fee for said offices shall be \$270.00 for the office of Councilmember; and

**WHEREAS,** the last day to register to vote in said election and runoff is October 9, 2017 (O.C.G.A. 21-2-244); and

**WHEREAS,** the Mayor and Council of the City of Morrow hereby appoints Essie West, director of administration support, as the Election Superintendent for the General Election and Runoff; and

**WHEREAS,** this Resolution shall become effective upon its adoption.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and City Council of the City of Morrow, Georgia this 10th day of January, 2017.

**CITY OF MORROW, GEORGIA**

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**Jeffrey A. DeTar, Mayor**

Attest:

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**Yasmin Julio, City Clerk  
(Seal)**



# **CITY OF MORROW**

# **9**

## **Ordinance 2017-01**

### **Acting Judge**

**STATE OF GEORGIA**

**CITY OF MORROW**

**ORDINANCE NO. 2017-01**

AN ORDINANCE TO AMEND CHAPTER 4 (“MUNICIPAL COURT”) OF TITLE 2 (“GENERAL GOVERNMENT”) OF THE CODE OF ORDINANCES, CITY OF MORROW, GEORGIA, BY AMENDING SECTION 2-4-15 (“ACTING JUDGE”) AND ADDING A NEW SECTION 2-4-15.1; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN ADOPTION DATE; TO PROVIDE AN EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

**WHEREAS**, the duly elected governing authority of the City of Morrow, Georgia (hereinafter the “City”) is the Mayor and Council thereof; and

**WHEREAS**, House Bill 691 was passed by the State of Georgia in 2016; and

**WHEREAS**, House Bill 691 amends Article I of Chapter 32 of Title 36 of the Official Code of Georgia; and

**WHEREAS**, Article I of said Title and Chapter regulates municipal courts—including but not limited to the appointment and removal of municipal judges; and

**WHEREAS**, prior to the passage of House Bill 691, Section 36-32-2 of said Article, Title and Chapter provided that municipal judges served at the pleasure of the municipality’s governing authority; and

**WHEREAS**, House Bill 691 amends Section 36-32-2 of said Article, Title and Chapter to provide that municipal court judges shall serve definite terms and are removable only for cause; and

**WHEREAS**, the governing authority desires to amend its Code of Ordinances to comply with state law; and

**WHEREAS**, the governing authority of the City determines that compliance with House Bill 691 will provide for the health, safety, and welfare of the inhabitants of the City;

**NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MORROW, GEORGIA THAT:**

**Section One.** Section 2-4-15 (“Acting Judge”), of Chapter 4 (“Municipal Court”), of Title 2 (“General Government”) of the Code of Ordinances, City of Morrow, Georgia is hereby amended by deleting the existing text and inserting the following text, in lieu thereof, to read to and to be codified as follows:

“Sec. 2-4-15. – Chief Judge.

- (a) The mayor and council may appoint an individual to serve as chief judge to preside over the city’s municipal court. The chief judge shall be responsible for the general supervision of the municipal court and shall promulgate all rules necessary for the supervision, conduct, and administration of the court.
- (b) Any individual appointed as a chief judge under this Code section shall possess such qualifications as set forth in O.C.G.A. § 36-32-1.1 and shall receive compensation in the amount of \$408.67 per session worked to be paid monthly.
- (c) The chief judge shall serve a term of no less than one year, which will be established in a written agreement between the mayor and council and such judge.
- (d) Notwithstanding the duration of the term of the chief judge, he or she may be removed from office. Such removal can occur only as provided in O.C.G.A. § 36-32-2.1.
- (e) Notwithstanding the duration of the term of the chief judge, unless the he or she is removed from office, he or she shall serve until his or her successor is appointed.”

**Section Two.** Chapter 4 (“Municipal Court”), of Title 2 (“General Government”) of the Code of Ordinances, City of Morrow, Georgia is hereby amended by adding a new section, Section 2-4-15.1, to be entitled “Acting Judge”, to read to and to be codified as follows:

“Sec. 2-4-15.1. – Municipal Court Judge Pro Tem.

- (a) The mayor and council may appoint a municipal court judge pro tem, who shall be acting municipal court judge in the absence, disability or disqualification of the chief municipal court judge. The acting municipal court judge shall have all the powers and perform all the duties of the chief municipal court judge when necessary.
- (b) The municipal court judge pro tem shall possess such qualifications as set forth in O.C.G.A. § 36-32-1.1 and shall receive compensation in the amount of \$408.67 per session worked to be paid monthly
- (c) The municipal court judge pro tem shall serve a term of no less than one year, which will be established in a written agreement between the mayor and council and such judge.
- (d) Notwithstanding the duration of the term of the municipal court judge pro tem, he or she may be removed from office. Such removal can occur only as provided in O.C.G.A. § 36-32-2.1.
- (e) Notwithstanding the duration of the term of the municipal court judge pro tem, unless the he or she is removed from office, he or she shall serve until his or her successor is appointed.”

**Section Three.** The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

**Section Four.** This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City.

**Section Five.** (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this

Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

**Section Six.** All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

**Section Seven.** The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

**ORDAINED** this 10th day of January, 2017.

**CITY OF MORROW, GEORGIA**

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**Jeffrey A. DeTar, Mayor**

**SIGNATURES CONTINUED TO NEXT PAGE**

**ATTEST:**

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**Yasmin Julio**, City Clerk

**APPROVED BY:**

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**Steven M. Fincher**, City Attorney



# **CITY OF MORROW**

# **10**

## **Ordinance 2017-02**

## **Erosion Control**

**STATE OF GEORGIA**

**CITY OF MORROW**

**ORDINANCE NO. 2017-02**

AN ORDINANCE TO AMEND CHAPTER 3 (“SOIL EROSION, SEDIMENTATION AND POLLUTION CONTROL”) IN TITLE 8 (“PLANNING AND DEVELOPMENT”) OF THE CODE OF ORDINANCES, CITY OF MORROW, GEORGIA BY REPEALING THE CURRENT LANGUAGE IN SAID CHAPTER IN ITS ENTIRETY AND ENACTING NEW REGULATIONS IN LIEU THEREOF; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER LAWFUL PURPOSES

**WHEREAS**, the duly elected governing authority of the City of Morrow, Georgia (the “City”) is the Mayor and Council thereof; and

**WHEREAS**, the City presently regulates soil erosion, sedimentation and pollution control within its municipal limits through the provisions contained in Chapter 3 of Title 8 in the Code of Ordinances, City of Morrow, Georgia (the “Code”); and

**WHEREAS**, the governing authority of the City determines that it is in the best interest of the health, welfare, safety and morals of the citizens of the City that the provisions of said Chapter be revised to ensure that local regulations remain consistent with the City’s comprehensive plan and to adhere to constantly changing state and federal laws concerning soil erosion, sedimentation and pollution control; and

**WHEREAS**, the governing authority desires, for these reasons, to enact the revisions to Chapter 3 of Title 8 in the Code contained in this ordinance.

**IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF MORROW**, and by the authority thereof:

**Section 1.** The Code of Ordinances of the City of Morrow, Georgia is hereby amended by repealing, in its entirety, the provisions presently found in Chapter 3 (“Soil Erosion, Sedimentation and Pollution Control”) of Title 8 (“Planning and Development”) and by inserting in lieu thereof the text set forth in Exhibit “A,” which is attached hereto and made a part hereof by reference.

**Section 2.** The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

**Section 3.** (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or

unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

**Section 4.** All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

**Section 5.** This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City.

**Section 6.** The effective date of this Ordinance shall be the date of adoption unless otherwise specified herein.

**ORDAINED** this 10th day of January, 2017.

**CITY OF MORROW, GEORGIA**

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**Jeffrey A. DeTar**, Mayor

**ATTEST:**

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**Yasmin Julio**, City Clerk

**APPROVED BY:**

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**Steven M. Fincher**, City Attorney

**EXHIBIT A**  
(See attached)

**TITLE 8 – PLANNING AND DEVELOPMENT**  
**CHAPTER 3. – SOIL EROSION, SEDIMENTATION AND POLLUTION CONTROL**

Section 8-3-1. – Title.

This Chapter will be known as “the Soil Erosion, Sedimentation and Pollution Control Ordinance of the City of Morrow.”

Section 8-3-2. – Definitions.

The following definitions shall apply in the interpretation and enforcement of this Chapter, unless otherwise specifically stated:

- (1) Best Management Practices (BMPs): These include sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the ‘Manual for Erosion and Sediment Control in Georgia’ published by the Commission as of January 1 of the year in which the land-disturbing activity was permitted.
- (2) Board: The Board of Natural Resources.
- (3) Buffer: The area of land immediately adjacent to the banks of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.
- (4) Certified Personnel: A person who has successfully completed the appropriate certification course approved by the Georgia Soil and Water Conservation Commission.
- (5) Coastal Marshlands: Shall have the same meaning as in O.C.G.A. § 12-5-282.
- (6) Commission: The Georgia Soil and Water Conservation Commission (GSWCC).
- (7) CPESC: Certified Professional in Erosion and Sediment Control with current certification by EnviroCert, Inc., which is also referred to as CPESC or CPESC, Inc.
- (8) Cut: A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to the excavated surface. Also known as excavation.
- (9) Department: The Georgia Department of Natural Resources (DNR).
- (10) Design Professional: A professional licensed by the State of Georgia in the field of: engineering, architecture, landscape architecture, forestry, geology, or land surveying; or a person that is a Certified Professional in Erosion and Sediment Control (CPESC) with a current certification by EnviroCert, Inc. Design Professionals shall practice in a manner that complies with applicable Georgia law governing professional licensure.
- (11) Director: The Director of the Environmental Protection Division or an authorized representative.
- (12) District: The Clayton County Soil and Water Conservation District.
- (13) Division: The Environmental Protection Division (EPD) of the Department of Natural Resources.
- (14) Drainage Structure: A device composed of a virtually nonerodible material such as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for storm water management, drainage control, or flood control purposes.
- (15) Erosion: The process by which land surface is worn away by the action of wind, water, ice or gravity.

- (16) Erosion, Sedimentation and Pollution Control Plan: A plan required by the Erosion and Sedimentation Act, O.C.G.A. § 12-7-1 et seq., that includes, as a minimum protections at least as stringent as the State General Permit, best management practices, and requirements in section 8-3-4(c) of this Chapter.
- (17) Fill: A portion of land surface to which soil or other solid material has been added; the depth above the original ground surface or an excavation.
- (18) Final Stabilization: All soil disturbing activities at the site have been completed, and that for unpaved areas and areas not covered by permanent structures and areas located outside the waste disposal limits of a landfill cell that has been certified by EPD for waste disposal, 100% of the soil surface is uniformly covered in permanent vegetation with a density of 70% or greater, or equivalent permanent stabilization measures (such as the use of rip rap, gabions, permanent mulches or geotextiles) have been used. Permanent vegetation shall consist of: planted trees, shrubs, perennial vines; a crop of perennial vegetation appropriate for the time of year and region; or a crop of annual vegetation and a seeding of target crop perennials appropriate for the region. Final stabilization applies to each phase of construction.
- (19) Finished Grade: The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.
- (20) Grading: Altering the shape of ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.
- (21) Ground Elevation: The original elevation of the ground surface prior to cutting or filling.
- (22) Land-Disturbing Activity: Any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land but not including agricultural practices as described in section 8-3-3(5) of this Chapter.
- (23) Larger Common Plan of Development or Sale: A contiguous area where multiple separate and distinct construction activities are occurring under one plan of development or sale. For the purposes of this paragraph, “plan” means an announcement; piece of documentation such as a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, or computer design; or physical demarcation such as boundary signs, lot stakes, or surveyor markings, indicating that construction activities may occur on a specific plot.
- (24) Local Issuing Authority (LIA): The governing authority of any county or municipality which is certified pursuant to subsection (a) of O.C.G.A. § 12-7-8. For purposes of this chapter, the LIA is the City of Morrow.
- (25) Metropolitan River Protection Act (MRPA): A state law referenced as O.C.G.A. § 12-5-440 et seq. which addresses environmental and developmental matters in certain metropolitan river corridors and their drainage basins.
- (26) Natural Ground Surface: The ground surface in its original state before any grading, excavation or filling.
- (27) Nephelometric Turbidity Units (NTU): Numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloiddally dispersed or suspended particles are present.
- (28) NOI: A Notice of Intent form provided by EPD for coverage under the State General Permit.

- (29) NOT: A Notice of Termination form provided by EPD to terminate coverage under the State General Permit.
- (30) Operator: The party or parties that have: (A) operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; or (B) day-to-day operational control of those activities that are necessary to ensure compliance with an erosion, sedimentation and pollution control plan for the site or other permit conditions, such as a person authorized to direct workers at a site to carry out activities required by the erosion, sedimentation and pollution control plan or to comply with other permit conditions.
- (31) Outfall: The location where storm water in a discernible, confined and discrete conveyance, leaves a facility or site or, if there is a receiving water on site, becomes a point source discharging into that receiving water.
- (32) Permit: The authorization necessary to conduct a land-disturbing activity under the provisions of this Chapter.
- (33) Person: Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of the State of Georgia, any interstate body or any other legal entity.
- (34) Phase or Phased: Sub-parts or segments of construction projects where the sub-part or segment is constructed and stabilized prior to completing construction activities on the entire construction site.
- (35) Project: The entire proposed development project regardless of the size of the area of land to be disturbed.
- (36) Properly Designed: Designed in accordance with the design requirements and specifications contained in the “Manual for Erosion and Sediment Control in Georgia” (Manual) published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted and amendments to the Manual as approved by the Commission up until the date of NOI submittal.
- (37) Roadway Drainage Structure: A device such as a bridge, culvert, or ditch, composed of a virtually nonerodible material such as concrete, steel, plastic, or other such material that conveys water under a roadway by intercepting the flow on one side of a traveled roadway consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.
- (38) Sediment: Solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by wind, water, ice, or gravity as a product of erosion.
- (39) Sedimentation: The process by which eroded material is transported and deposited by the action of water, wind, ice or gravity.
- (40) Soil and Water Conservation District Approved Plan: An erosion, sedimentation and pollution control plan approved in writing by the Clayton County Soil and Water Conservation District.
- (41) Stabilization: The process of establishing an enduring soil cover of vegetation by the installation of temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.
- (42) State General Permit: The National Pollution Discharge Elimination System (NPDES) general permit or permits for storm water runoff from construction activities as is now in

effect or as may be amended or reissued in the future pursuant to the state's authority to implement the same through federal delegation under the Federal Water Pollution Control Act, as amended, 33 U.S.C. Section 1251, et seq., and subsection (f) of O.C.G.A. § 12-5-30.

- (43) State Waters: Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of Georgia which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.
- (44) Structural Erosion, Sedimentation and Pollution Control Practices: Practices for the stabilization of erodible or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sediment control practices are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures and sediment traps, etc. Such practices can be found in the publication *Manual for Erosion and Sediment Control in Georgia*.
- (45) Trout Streams: All streams or portions of streams within the watershed as designated by the Wildlife Resources Division of the Georgia Department of Natural Resources under the provisions of the Georgia Water Quality Control Act, O.C.G.A. § 12-5-20, in the rules and regulations for Water Quality Control, Chapter 391-3-6 at [www.gaepd.org](http://www.gaepd.org). Streams designated as primary trout waters are defined as water supporting a self-sustaining population of rainbow, brown or brook trout. Streams designated as secondary trout waters are those in which there is no evidence of natural trout reproduction, but are capable of supporting trout throughout the year. First order trout waters are streams into which no other streams flow except springs.
- (46) Vegetative Erosion and Sedimentation Control Measures: Measures for the stabilization of erodible or sediment-producing areas by covering the soil with:
- a. Permanent seeding, sprigging or planting, producing long-term vegetative cover; or
  - b. Temporary seeding, producing short-term vegetative cover; or
  - c. Sodding, covering areas with a turf of perennial sod-forming grass.
- Such measures can be found in the publication *Manual for Erosion and Sediment Control in Georgia*.
- (47) Watercourse: Any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or floodwater.
- (48) Wetlands: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

#### Section 8-3-3. – Exemptions.

This Chapter shall apply to any land-disturbing activity undertaken by any person on any land except for the following:

- (1) Surface mining, as the same is defined in O.C.G.A. § 12-4-72, The Georgia Surface Mining Act of 1968;
- (2) Granite quarrying and land clearing for such quarrying;
- (3) Such minor land-disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, fences, and other related activities which result in minor soil erosion;
- (4) The construction of single-family residences, when such construction disturbs less than one (1) acre and is not a part of a larger common plan of development or sale with a planned disturbance of equal to or greater than one (1) acre and not otherwise exempted under this paragraph; provided, however, that construction of any such residence shall conform to the minimum requirements as set forth in O.C.G.A. § 12-7-6 and this paragraph. For single-family residence construction covered by the provisions of this paragraph, there shall be a buffer zone between the residence and any state waters classified as trout streams pursuant to Article 2 of Chapter 5 of the Georgia Water Quality Control Act. In any such buffer zone, no land-disturbing activity shall be constructed between the residence and the point where vegetation has been wrested by normal stream flow or wave action from the banks of the trout waters. For primary trout waters, the buffer zone shall be at least 50 horizontal feet, and no variance to a smaller buffer shall be granted. For secondary trout waters, the buffer zone shall be at least 50 horizontal feet, but the Director may grant variances to no less than 25 feet. Regardless of whether a trout stream is primary or secondary, for first order trout waters, which are streams into which no other streams flow except for springs, the buffer shall be at least 25 horizontal feet, and no variance to a smaller buffer shall be granted. The minimum requirements of subsection (b) of O.C.G.A. § 12-7-6 and the buffer zones provided by this paragraph shall be enforced by the Local Issuing Authority;
- (5) Agricultural operations as defined in O.C.G.A. § 1-3-3, "Definitions," to include raising, harvesting or storing of products of the field or orchard; feeding, breeding or managing livestock or poultry; producing or storing feed for use in the production of livestock, including but not limited to cattle, calves, swine, hogs, goats, sheep, and rabbits or for use in the production of poultry, including but not limited to chickens, hens and turkeys; producing plants, trees, fowl, or animals; the production of aqua culture, horticultural, dairy, livestock, poultry, eggs and apiarian products; farm buildings and farm ponds;
- (6) Forestry land management practices, including harvesting; provided, however, that when such exempt forestry practices cause or result in land-disturbing or other activities otherwise prohibited in a buffer, as established in section 8-3-4(c)(15) and (16) of this Chapter, no other land-disturbing activities, except for normal forest management practices, shall be allowed on the entire property upon which the forestry practices were conducted for a period of three (3) years after completion of such forestry practices;
- (7) Any project carried out under the technical supervision of the Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture;
- (8) Any project involving less than one (1) acre of disturbed area; provided, however, that this exemption shall not apply to any land-disturbing activity within a larger common plan of development or sale with a planned disturbance of equal to or greater than one (1) acre or within 200 feet of the bank of any state waters, and for purposes of this paragraph, "State Waters" excludes channels and drainage ways which have water in them only during and immediately after rainfall events and intermittent streams which do not have water in them year-round; provided, however, that any person responsible for a project which involves less

than one (1) acre, which involves land-disturbing activity, and which is within 200 feet of any such excluded channel or drainage way, must prevent sediment from moving beyond the boundaries of the property on which such project is located and provided, further, that nothing contained herein shall prevent the Local Issuing Authority from regulating any such project which is not specifically exempted by subsections (1), (2), (3), (4), (5), (6), (7), (9) or (10) of this section;

- (9) Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority; or any road construction or maintenance project, or both, undertaken by any county or municipality; provided, however, that construction or maintenance projects of the Department of Transportation or the State Road and Tollway Authority which disturb one or more contiguous acres of land shall be subject to provisions of O.C.G.A. § 12-7-7.1; except where the Department of Transportation, the Georgia Highway Authority, or the State Road and Tollway Authority is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case a copy of a notice of intent under the state general permit shall be submitted to the Local Issuing Authority, the Local Issuing Authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. § 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders;
- (10) Any land-disturbing activities conducted by any electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. § 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power; except where an electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. § 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case the Local Issuing Authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. § 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders; and
- (11) Any public water system reservoir.

#### Section 8-3-4. – Minimum Requirements for Erosion, Sedimentation, and Pollution Control Using Best Management Practices.

- (a) General provisions. Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities if requirements of this Chapter and the NPDES General Permit are not met. Therefore, plans for those land-disturbing activities which are not exempted by this Chapter shall contain provisions for application of soil erosion, sedimentation and pollution control measures and practices. The provisions shall be incorporated into the erosion, sedimentation and pollution control plans. Soil erosion, sedimentation and pollution control measures and practices shall conform to the minimum requirements of subsections (b) and

(c) of this section. The application of measures and practices shall apply to all features of the site, including street and utility installations, drainage facilities and other temporary and permanent improvements. Measures shall be installed to prevent or control erosion, sedimentation and pollution during all stages of any land-disturbing activity in accordance with requirements of this ordinance and the NPDES General Permit

(b) Minimum requirements/BMPs.

- (1) Best management practices as set forth in subsections (b) and (c) of this section shall be required for all land-disturbing activities. Proper design, installation, and maintenance of best management practices shall constitute a complete defense to any action by the Director or to any other allegation of noncompliance with paragraph (2) of this subsection or any substantially similar terms contained in a permit for the discharge of storm water issued pursuant to subsection (f) of O.C.G.A. § 12-5-30, the "Georgia Water Quality Control Act." As used in this subsection the terms "proper design" and "properly designed" mean designed in accordance with the hydraulic design specifications contained in the "Manual for Erosion and Sediment Control in Georgia" specified in O.C.G.A. § 12-7-6(b).
  - (2) A discharge of storm water runoff from disturbed areas where best management practices have not been properly designed, installed, and maintained shall constitute a separate violation of any land-disturbing permit issued by a local Issuing Authority or of any state general permit issued by the Division pursuant to subsection (f) of ordinance § 12-5-30, the "Georgia Water Quality Control Act," for each day on which such discharge results in the turbidity of receiving waters being increased by more than twenty-five (25) nephelometric turbidity units for waters supporting warm water fisheries or by more than ten (10) nephelometric turbidity units for waters classified as trout waters. The turbidity of the receiving waters shall be measured in accordance with guidelines to be issued by the Director. This paragraph shall not apply to any land disturbance associated with the construction of single family homes which are not part of a larger common plan of development or sale unless the planned disturbance for such construction is equal to or greater than five (5) acres.
  - (3) Failure to properly design, install, or maintain best management practices shall constitute a violation of any land-disturbing permit issued by the Local Issuing Authority or of any state general permit issued by the Division pursuant to subsection (f) of Code Section § 12-5-30, the "Georgia Water Quality Control Act," for each day on which such failure occurs.
  - (4) The Director may require, in accordance with regulations adopted by the Board, reasonable and prudent monitoring of the turbidity level of receiving waters into which discharges from land disturbing activities occur.
  - (5) The Local Issuing Authority may set more stringent buffer requirements than stated in section 8-3-4(c)(15), (16) and (17) in light of O.C.G.A. § 12-7-6(c).
- (c) The rules and regulations, ordinances, or resolutions adopted pursuant to O.C.G.A. § 12-7-1 et. seq. for the purpose of governing land-disturbing activities shall require, as a minimum, protections at least as stringent as the state general permit; and best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the *Manual for Erosion and Sediment Control in Georgia* published by the

Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted, as well as the following:

- (1) Stripping of vegetation, regrading and other development activities shall be conducted in a manner so as to minimize erosion;
- (2) Cut-fill operations must be kept to a minimum;
- (3) Development plans must conform to topography and soil type so as to create the lowest practicable erosion potential;
- (4) Whenever feasible, natural vegetation shall be retained, protected and supplemented;
- (5) The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum;
- (6) Disturbed soil shall be stabilized as quickly as practicable;
- (7) Temporary vegetation or mulching shall be employed to protect exposed critical areas during development;
- (8) Permanent vegetation and structural erosion control practices shall be installed as soon as practicable;
- (9) To the extent necessary, sediment in run-off water must be trapped by the use of debris basins, sediment basins, silt traps, or similar measures until the disturbed area is stabilized. As used in this paragraph, a disturbed area is stabilized when it is brought to a condition of continuous compliance with the requirements of O.C.G.A. § 12-7-1 et seq.;
- (10) Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping of fills;
- (11) Cuts and fills may not endanger adjoining property;
- (12) Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners;
- (13) Grading equipment must cross flowing streams by means of bridges or culverts except when such methods are not feasible, provided, in any case, that such crossings are kept to a minimum;
- (14) Land-disturbing activity plans for erosion, sedimentation and pollution control shall include provisions for treatment or control of any source of sediments and adequate sedimentation control facilities to retain sediments on-site or preclude sedimentation of adjacent waters beyond the levels specified in subsection (b)(2) of this section;
- (15) Except as provided in section 8-3-4(c)(16) and (17), there is established a 25 foot buffer along the banks of all state waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, except where the Director determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the Director pursuant to O.C.G.A. § 12-2-8, where a drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications, and are implemented; or where bulkheads and sea walls are installed to prevent shoreline erosion on Lake Oconee and Lake Sinclair; or along any ephemeral stream. As used in this provision, the term 'ephemeral stream' means a stream: that under normal circumstances has water flowing only during and for a short duration after precipitation events; that has the channel located above the ground-water table year round; for which ground water is not a source of water; and for which runoff from precipitation is the primary source of water flow. Unless exempted as along an

ephemeral stream, the buffers of at least 25 feet established pursuant to part 6 of Article 5, Chapter 5 of Title 12, the "Georgia Water Quality Control Act," shall remain in force unless a variance is granted by the Director as provided in this paragraph. The following requirements shall apply to any such buffer:

- (A) No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and
  - (B) The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented: (i) Stream crossings for water lines; or (ii) Stream crossings for sewer lines; and
- (16) There is established a 50 foot buffer as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, along the banks of any state waters classified as "trout streams" pursuant to Article 2 of Chapter 5 of Title 12, the "Georgia Water Quality Control Act," except where a roadway drainage structure must be constructed; provided, however, that small springs and streams classified as trout streams which discharge an average annual flow of 25 gallons per minute or less shall have a 25 foot buffer or they may be piped, at the discretion of the landowner, pursuant to the terms of a rule providing for a general variance promulgated by the Board, so long as any such pipe stops short of the downstream landowner's property and the landowner complies with the buffer requirement for any adjacent trout streams. The Director may grant a variance from such buffer to allow land-disturbing activity, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented. The following requirements shall apply to such buffer:
- (A) No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed, state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed: provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat

and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and

- (B) The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented: (i) Stream crossings for water lines; or (ii) Stream crossings for sewer lines; and
- (17) There is established a 25 foot buffer along coastal marshlands, as measured horizontally from the coastal marshland-upland interface, as determined in accordance with O.C.G.A. § 12-5-280, et seq., the “Coastal Marshlands Protection Act of 1970.” And the rules and regulations promulgated thereunder, except where the director determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the director pursuant to O.C.G.A. § 12-2-8, where an alteration within the buffer area has been authorized pursuant to O.C.G.A. § 12-5-286, for maintenance of any currently serviceable structure, landscaping, or hardscaping, including bridges, roads, parking lots, golf courses, golf cart paths, retaining walls, bulkheads, and patios; provided, however, that if such maintenance requires any land-disturbing activity, adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented, where a drainage structure or roadway drainage structure is constructed or maintained; provided, however, that if such maintenance requires any land-disturbing activity, adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented, on the landward side of any currently serviceable shoreline stabilization structure, or for the maintenance of any manmade storm-water detention basin, golf course pond, or impoundment that is located entirely within the property of a single individual, partnership, or corporation; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented. For the purposes of this paragraph maintenance shall be defined as actions necessary or appropriate for retaining or restoring a currently serviceable improvement to the specified operable condition to achieve its maximum useful life. Maintenance includes emergency reconstruction of recently damaged parts of a currently serviceable structure so long as it occurs within a reasonable period of time after damage occurs. Maintenance does not include any modification that changes the character, scope or size of the original design and serviceable shall be defined as usable in its current state or with minor maintenance but not so degraded as to essentially require reconstruction.
- (A) No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed, state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as

protective vegetative cover remains to protect water quality and aquatic habitat; and

- (B) The buffer shall not apply to crossings for utility lines that cause a width of disturbance of not more than 50 feet within the buffer, provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented.
  - (C) The buffer shall not apply to any land-disturbing activity conducted pursuant to and in compliance with a valid and effective land-disturbing permit issued subsequent to April 22, 2014, and prior to December 31, 2015; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented or any lot for which the preliminary plat has been approved prior to December 31, 2015 if roadways, bridges, or water and sewer lines have been extended to such lot prior to the effective date of this Act and if the requirement to maintain a 25 foot buffer would consume at least 18 percent of the high ground of the platted lot otherwise available for development; provided, however, that adequate erosion control measures are incorporated into the project plans and specifications and such measures are fully implemented.
  - (D) Activities where the area within the buffer is not more than 500 square feet or that have a “Minor Buffer Impact” as defined in EPD 391-3-7-.01(r), provided that the total area of buffer impacts is less than 5,000 square feet are deemed to have an approved buffer variance by rule. Bank stabilization structures are not eligible for coverage under the variance by rule and notification shall be made to the Division at least 14 days prior to the commencement of land disturbing activities.
- (d) Nothing contained in O.C.G.A. § 12-7-1 et. seq. shall prevent the Local Issuing Authority from adopting rules and regulations, ordinances, or resolutions which contain stream buffer requirements that exceed the minimum requirements in subsections (b) and (c) of this section.
- (e) The fact that land-disturbing activity for a project for which a permit has been issued results in injury to the property of another shall not constitute proof of nor create a presumption of a violation of the standards provided in this ordinance or the terms of the permit.

#### Section 8-3-5. – Application/Permit Process.

- (a) Generally. The property owner, developer and designated planners and engineers shall design and review before submittal the general development plans. The Local Issuing Authority shall review the tract to be developed and the area surrounding it. They shall consult the zoning ordinance, storm water management ordinance, subdivision ordinance, flood damage prevention ordinance, this ordinance, and any other ordinances, rules, regulations or permits, which regulate the development of land within the jurisdictional boundaries of the Local Issuing Authority. However, the owner and/or operator are the only parties who may obtain a permit.
- (b) Application requirements.
  - (1) No person shall conduct any land-disturbing activity within the jurisdictional boundaries of the City of Morrow without first obtaining a permit from the Local Issuing Authority to perform such activity and providing a copy of Notice of Intent submitted to EPD if applicable.

- (2) The application for a permit shall be submitted to the Local Issuing Authority and must include the applicant's erosion, sedimentation and pollution control plan with supporting data, as necessary. Said plans shall include, as a minimum, the data specified in subsection (c) of this section. Erosion, sedimentation and pollution control plans, together with supporting data, must demonstrate affirmatively that the land disturbing activity proposed will be carried out in such a manner that the provisions of section 8-3-4(b) and (c) will be met. Applications for a permit will not be accepted unless accompanied by five (5) copies of the applicant's erosion, sedimentation and pollution control plans. All applications shall contain a certification stating that the plan preparer or the designee thereof visited the site prior to creation of the plan in accordance with EPD Rule 391-3-7-.10.
- (3) In addition to the local permitting fees, fees will also be assessed pursuant to O.C.G.A. § 12-5-23(a)(5), provided that such fees shall not exceed \$80.00 per acre of land-disturbing activity, and these fees shall be calculated and paid by the primary permittee as defined in the state general permit for each acre of land-disturbing activity included in the planned development or each phase of development. All applicable fees shall be paid prior to issuance of the land disturbance permit. In a jurisdiction that is certified pursuant to O.C.G.A. § 12-7-8(a) half of such fees levied shall be submitted to the Division; except that any and all fees due from an entity which is required to give notice pursuant to O.C.G.A. § 12-7-17(9) or (10) shall be submitted in full to the Division, regardless of the existence of a Local Issuing Authority in the jurisdiction.
- (4) Immediately upon receipt of an application and plan for a permit, the Local Issuing Authority shall refer the application and plan to the District for its review and approval or disapproval concerning the adequacy of the erosion, sedimentation and pollution control plan. The District shall approve or disapprove a plan within 35 days of receipt. Failure of the District to act within 35 days shall be considered an approval of the pending plan. The results of the District review shall be forwarded to the Local Issuing Authority. No permit will be issued unless the plan has been approved by the District, and any variances required by section 8-3-4(c)(15), (16) and (17) have been obtained, all fees have been paid, and bonding, if required as per subsection (b)(6) of this section have been obtained. Such review will not be required if the Local Issuing Authority and the District have entered into an agreement which allows the Local Issuing Authority to conduct such review and approval of the plan without referring the application and plan to the District. The Local Issuing Authority with plan review authority shall approve or disapprove a revised Plan submittal within 35 days of receipt. Failure of the Local Issuing Authority with plan review authority to act within 35 days shall be considered an approval of the revised Plan submittal.
- (5) If a permit applicant has had two or more violations of previous permits, this ordinance section, or the Erosion and Sedimentation Act, as amended, within three years prior to the date of filing the application under consideration, the Local Issuing Authority may deny the permit application.
- (6) The Local Issuing Authority may require the permit applicant to post a bond in the form of government security, cash, irrevocable letter of credit, or any combination thereof up to, but not exceeding, \$3,000.00 per acre or fraction thereof of the proposed land-disturbing activity, prior to issuing the permit. If the applicant does not comply with this section or with the conditions of the permit after issuance, the Local Issuing Authority

may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance. These provisions shall not apply unless there is in effect an ordinance or statute specifically providing for hearing and judicial review of any determination or order of the Local Issuing Authority with respect to alleged permit violations.

(c) Plan requirements.

- (1) Plans must be prepared to meet the minimum requirements as contained in section 8-3-4(b) and (c), or through the use of more stringent, alternate design criteria which conform to sound conservation and engineering practices. The *Manual for Erosion and Sediment Control in Georgia* is hereby incorporated by reference into this ordinance. The plan for the land-disturbing activity shall consider the interrelationship of the soil types, geological and hydrological characteristics, topography, watershed, vegetation, proposed permanent structures including roadways, constructed waterways, sediment control and storm water management facilities, local ordinances and State laws. Maps, drawings and supportive computations shall bear the signature and seal of the certified design professional. Persons involved in land development design, review, permitting, construction, monitoring, or inspections or any land disturbing activity shall meet the education and training certification requirements, dependent on his or her level of involvement with the process, as developed by the Commission and in consultation with the Division and the Stakeholder Advisory Board created pursuant to O.C.G.A. § 12-7-20.
- (2) Data Required for Site Plan shall include all the information required from the appropriate Erosion, Sedimentation and Pollution Control Plan Review Checklist established by the Commission as of January 1 of the year in which the land-disturbing activity was permitted.

(d) Permits.

- (1) Permits shall be issued or denied as soon as practicable but in any event not later than forty-five (45) days after receipt by the Local Issuing Authority of a completed application, providing variances and bonding are obtained, where necessary, and all applicable fees have been paid prior to permit issuance. The permit shall include conditions under which the activity may be undertaken.
- (2) No permit shall be issued by the Local Issuing Authority unless the erosion, sedimentation and pollution control plan has been approved by the District and the Local Issuing Authority has affirmatively determined that the plan is in compliance with this ordinance, any variances required by section 8-3-4(c)(15), (16) and (17) are obtained, bonding requirements, if necessary, as per subsection (b)(6) of this section are met and all ordinances and rules and regulations in effect within the jurisdictional boundaries of the Local Issuing Authority are met. If the permit is denied, the reason for denial shall be furnished to the applicant.
- (3) Any land-disturbing activities by a Local Issuing Authority shall be subject to the same requirements of this ordinance, and any other ordinances relating to land development, as are applied to private persons and the division shall enforce such requirements upon the local issuing authority.
- (4) If the tract is to be developed in phases, then a separate permit shall be required for each phase.

- (5) The permit may be suspended, revoked, or modified by the Local Issuing Authority, as to all or any portion of the land affected by the plan, upon finding that the holder or his successor in the title is not in compliance with the approved erosion and sedimentation control plan or that the holder or his successor in title is in violation of this ordinance. A holder of a permit shall notify any successor in title to him as to all or any portion of the land affected by the approved plan of the conditions contained in the permit.
- (6) The LIA may reject a permit application if the applicant has had two or more violations of previous permits or the Erosion and Sedimentation Act permit requirements within three years prior to the date of the application, in light of O.C.G.A. § 12-7-7(f)(1).

#### Section 8-3-6. Inspection and enforcement.

- (a) The Local Issuing Authority will periodically inspect the sites of land-disturbing activities for which permits have been issued to determine if the activities are being conducted in accordance with the plan and if the measures required in the plan are effective in controlling erosion and sedimentation. Also, the Local Issuing Authority shall regulate primary, secondary and tertiary permittees as such terms are defined in the state general permit. Primary permittees shall be responsible for installation and maintenance of best management practices where the primary permittee is conducting land-disturbing activities. Secondary permittees shall be responsible for installation and maintenance of best management practices where the secondary permittee is conducting land-disturbing activities. Tertiary permittees shall be responsible for installation and maintenance where the tertiary permittee is conducting land-disturbing activities. If, through inspection, it is deemed that a person engaged in land-disturbing activities as defined herein has failed to comply with the approved plan, with permit conditions, or with the provisions of this ordinance, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this ordinance.
- (b) The Local Issuing Authority must amend its ordinances to the extent appropriate within twelve (12) months of any amendments to the Erosion and Sedimentation Act of 1975.
- (c) The Local Issuing Authority shall have the power to conduct such investigations as it may reasonably deem necessary to carry out duties as prescribed in this ordinance, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigation and inspecting the sites of land-disturbing activities.
- (d) No person shall refuse entry or access to any authorized representative or agent of the Local Issuing Authority, the Commission, the District, or Division who requests entry for the purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties.
- (e) The District or the Commission or both shall semi-annually review the actions of counties and municipalities which have been certified as Local Issuing Authorities pursuant to O.C.G.A. § 12-7-8 (a). The District or the Commission or both may provide technical assistance to any county or municipality for the purpose of improving the effectiveness of the county's or municipality's erosion, sedimentation and pollution control program. The District or the Commission shall notify the Division and request investigation by the Division if any deficient or ineffective local program is found.

- (f) The Division may periodically review the actions of counties and municipalities which have been certified as Local Issuing Authorities pursuant to O.C.G.A. § 12-7-8(a). Such review may include, but shall not be limited to, review of the administration and enforcement of a governing authority's ordinance and review of conformance with an agreement, if any, between the district and the governing authority. If such review indicates that the governing authority of any county or municipality certified pursuant to O.C.G.A. § 12-7-8(a) has not administered or enforced its ordinances or has not conducted the program in accordance with any agreement entered into pursuant to O.C.G.A. § 12-7-7(e), the Division shall notify the governing authority of the county or municipality in writing. The governing authority of any county or municipality so notified shall have 90 days within which to take the necessary corrective action to retain certification as a Local Issuing Authority. If the county or municipality does not take necessary corrective action within 90 days after notification by the division, the division shall revoke the certification of the county or municipality as a Local Issuing Authority.

Section 8-3-7. Penalties and incentives.

- (a) Failure to obtain permit for land-disturbing activity. If any person commences any land-disturbing activity requiring a land-disturbing permit as prescribed in this ordinance without first obtaining said permit, the person shall be subject to revocation of his business license, work permit or other authorization for the conduct of a business and associated work activities within the jurisdictional boundaries of the Local Issuing Authority.
- (b) Stop work orders.
- (1) For the first and second violations of the provisions of this ordinance, the Director or the Local Issuing Authority shall issue a written warning to the violator. The violator shall have five days to correct the violation. If the violation is not corrected within five days, the Director or the Local Issuing Authority shall issue a stop-work order requiring that land-disturbing activities be stopped until necessary corrective action or mitigation has occurred; provided, however, that, if the violation presents an imminent threat to public health or waters of the state or if the land-disturbing activities are conducted without obtaining the necessary permit, the Director or the Local Issuing Authority shall issue an immediate stop-work order in lieu of a warning;
  - (2) For a third and each subsequent violation, the Director or the Local Issuing Authority shall issue an immediate stop-work order; and;
  - (3) All stop-work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred.
  - (4) When a violation in the form of taking action without a permit, failure to maintain a stream buffer, or significant amounts of sediment, as determined by the Local Issuing Authority or by the Director or his or her Designee, have been or are being discharged into state waters and where best management practices have not been properly designed, installed, and maintained, a stop work order shall be issued by the Local Issuing Authority or by the Director or his or her Designee. All such stop work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred. Such stop work orders shall apply to all land-disturbing activity on the site with the exception of the installation and maintenance of temporary or permanent erosion and sediment controls.

- (c) Bond forfeiture. If, through inspection, it is determined that a person engaged in land-disturbing activities has failed to comply with the approved plan, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance with the plan and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this ordinance and, in addition to other penalties, shall be deemed to have forfeited his performance bond, if required to post one under the provisions of section 8-3-5(b)(6). The Local Issuing Authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance.
- (d) Monetary penalties. Any person who violates a provision of this Chapter, or any permit condition or limitation established pursuant to this Chapter, or who negligently or intentionally fails or refuses to comply with any final or emergency order of the Director issued as provided in this Chapter shall be liable for a civil penalty not to exceed \$2,500.00 per day. For the purpose of enforcing the provisions of this ordinance, notwithstanding any provisions in any City charter to the contrary, municipal courts shall be authorized to impose penalty not to exceed \$2,500.00 for each violation. Notwithstanding any limitation of law as to penalties which can be assessed for violations of county ordinances, any magistrate court or any other court of competent jurisdiction trying cases brought as violations of this ordinance under county ordinances approved under this ordinance shall be authorized to impose penalties for such violations not to exceed \$2,500.00 for each violation. Each day during which violation or failure or refusal to comply continues shall be a separate violation.

Section 8-3-8. – Education and certification.

- (a) Persons involved in land development design, review, permitting, construction, monitoring, or inspection or any land-disturbing activity shall meet the education and training certification requirements, dependent on their level of involvement with the process, as developed by the commission in consultation with the division and the stakeholder advisory board created pursuant to O.C.G.A. § 12-7-20.
- (b) For each site on which land-disturbing activity occurs, each entity or person acting as either a primary, secondary, or tertiary permittee, as defined in the state general permit, shall have as a minimum one person who is in responsible charge of erosion and sedimentation control activities on behalf of said entity or person and meets the applicable education or training certification requirements developed by the Commission present on site whenever land-disturbing activities are conducted on that site. A project site shall herein be defined as any land-disturbance site or multiple sites within a larger common plan of development or sale permitted by an owner or operator for compliance with the state general permit.
- (c) Persons or entities involved in projects not requiring a state general permit but otherwise requiring certified personnel on site may contract with certified persons to meet the requirements of this ordinance.
- (d) If a state general permittee who has operational control of land-disturbing activities for a site has met the certification requirements of O.C.G.A. § 12-7-19(b)(1), then any person or entity involved in land-disturbing activity at that site and operating in a subcontractor capacity for such permittee shall meet those educational requirements specified in O.C.G.A §12-7-19(b)(4) and shall not be required to meet any educational requirements that exceed those specified in said section.

Section 8-3-9. Administrative appeal and judicial review.

- (a) Administrative remedies. The suspension, revocation, modification or grant with condition of a permit by the Local Issuing Authority upon finding that the holder is not in compliance with the approved erosion, sediment and pollution control plan; or that the holder is in violation of permit conditions; or that the holder is in violation of any ordinance; shall entitle the person submitting the plan or holding the permit to a hearing before the Municipal Court of the City of Morrow within thirty (30) days after receipt by the Local Issuing Authority of a written notice of appeal.
- (b) Judicial review. Any person aggrieved by a decision or order of the Municipal Court rendered under this section shall have the right to review by certiorari to the Superior Court of Clayton County.

Section 8-3-10. Effectivity, validity and liability.

- (a) Effectivity. This Chapter shall become effective on the date of its adoption.
- (b) Validity. If any section, paragraph, clause, phrase, or provision of this ordinance shall be adjudged invalid or held unconstitutional, such decisions shall not affect the remaining portions of this ordinance.
- (c) Liability.
  - (1) Neither the approval of a plan under the provisions of this ordinance, nor the compliance with provisions of this ordinance, shall relieve any person from the responsibility for damage to any person or property otherwise imposed by law nor impose any liability upon the Local Issuing Authority or District for damage to any person or property.
  - (2) The fact that a land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this ordinance or the terms of the permit.
  - (3) No provision of this Chapter shall permit any persons to violate the Georgia Erosion and Sedimentation Act of 1975, the Georgia Water Quality Control Act or the rules and regulations promulgated and approved thereunder or pollute any Waters of the State as defined thereby.