

ARTICLE III

AMENDMENT TO DRAINAGE REGULATIONS OF 1989

AN ORDINANCE – TO AMEND THE CITY OF LAWRENCEVILLE DRAINAGE REGULATIONS OF 1989

THE PURPOSE OF THIS ORDINANCE IS TO AMEND THE CITY OF LAWRENCEVILLE DRAINAGE REGULATIONS OF 1989 AND SAID AMENDMENT SHALL BE KNOWN AS THE “CITY OF LAWRENCEVILLE STORMWATER MANAGEMENT ORDINANCE”. THE STORMWATER MANAGEMENT ORDINANCE WILL ESTABLISH STORMWATER MANAGEMENT POLICY FOR THE CITY OF LAWRENCEVILLE, GEORGIA; ALLOWING THE REGULATION OF ACTIVITIES THAT THREATEN WATER QUALITY DUE TO STORMWATER RUNOFF AND PROVIDING THE CITY OF LAWRENCEVILLE WITH THE LEGAL AUTHORITY TO EFFICIENTLY AND EFFECTIVELY MONITOR AND ENFORCE SAID POLICIES AS RELATE TO THE QUALITY AND QUANTITY OF STORMWATER RUNOFF.

WHEREAS, The Environmental Protection Agency’s (EPA’s) National Pollutant Discharge Elimination System (NPDES) stormwater rules require permit applications from specific categories of stormwater discharges, including municipalities with populations of 100,000 or greater; and

WHEREAS, The permit application must include a description of programs designed to address water quality problems related to stormwater runoff; and

WHEREAS, The authority for this ordinance is based on home rule provisions of the Georgia Constitution, Article IX Section II, Chapter 2-49, providing cities and counties the legislative power to adopt ordinances relating to their property, which are not provided for in general law and which are consistent with both the State Constitution and other local laws; and

WHEREAS, it is in the public’s best interest that the quality and quantity of produced stormwater runoff be regulated and monitored

NOW THEREFORE, BE IT ORDNATED BY THE CITY COUNCIL OF THE CITY OF LAWRENCEVILLE, GEORGIA AS FOLLOWS:

3.1 Definitions

For the purposes of this ordinance, unless specifically defined below, words or phrases shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most effective application. Words in the singular shall include the

plural, and word in the plural shall include the singular. Words used in the present tense shall include the future tense. The word “shall” connotes mandatory and not discretionary; the word “may” is permissive.

Unless otherwise specified, or it is apparent from the context, definitions herein will be the same as those in other City of Lawrenceville codes.

For purposes of this ordinance, the following terms, phrases and words, and their derivatives, shall have the meaning given herein:

- 3.1.1 **Accidental Discharge** shall be defined as a discharge prohibited by this ordinance into the municipal/county separate storm sewer system, which occurs by chance and without planning or consideration prior to occurrence.
- 3.1.2 **Appeals Authority** shall mean the board, one of whose purpose is to review appeals to this ordinance and render decisions and variances.
- 3.1.3 **Best Management Practices (BMPs)** shall mean a wide range of management procedures, activities, and prohibitions or practices which control the quality and/or quantity of stormwater runoff and which are compatible with the planned land use.
- 3.1.4 **Clean Water Act** shall mean the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq.).
- 3.1.5 **Cooling Water** shall mean water used exclusively as a cooling medium in an appliance, device or apparatus.
- 3.1.6 **Conveyance** shall mean stormwater features designed for the movement of stormwater through the drainage system, such as concrete or metal pipes, ditches, depressions, swales, etc.
- 3.1.7 **Department** shall mean the City of Lawrenceville Department of Planning and Zoning. This Department is currently referred to by the City of Lawrenceville as the Planning and Zoning Department. This Department is responsible for all stormwater management activities and implementation of the provisions of this ordinance.
- 3.1.8 **Director** shall mean the Director of the City of Lawrenceville Planning and Zoning Department.
- 3.1.9 **Discharge** shall mean the release of treated or untreated water to the municipal separate storm sewer system.
- 3.1.10 **Easement** shall mean an acquired legal right for the specific use of land owned by others.

- 3.1.11 **Governing Body** shall mean the elected officials of the City of Lawrenceville, Georgia.
- 3.1.12 **Illicit Connection** shall mean a connection to the municipal separate storm sewer system which results in discharge that is not composed entirely of stormwater runoff except discharge pursuant to the NPDES permit.
- 3.1.13 **Maintenance** shall mean any action necessary to preserve the stormwater management facilities in proper working condition, in order to serve the intended purposes set forth in this ordinance or to prevent structural failure of such facilities.
- 3.1.14 **Municipal Separate Storm Sewer System** shall mean a conveyance or system of conveyances (including roads with drainage systems, highway, rights-of-way, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, storm drains, detention ponds, other stormwater facilities) which is:
- (1) Owned or maintained by the City of Lawrenceville
 - (2) Designed or used for collecting or conveying stormwater;
 - (3) Not a combined sewer;
 - (4) Not part of a Publicly Owned Treatment Works (POTW).
- 3.1.15 **Person** shall mean any and all persons, natural or artificial and includes any individual, firm, corporation, government agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity.
- 3.1.16 **Pollution** shall mean the contamination or other alteration of any water's physical, chemical or biological properties, including change in temperature, taste, color, turbidity or odor of such waters or the discharge of any liquid, gaseous, solid, radioactive, or other substance into any such waters as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety or welfare or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.
- 3.1.17 **Private** shall mean property or facilities owned by individuals, corporations, and other organizations and not by city, state, or federal government.
- 3.1.18 **Procedure** shall mean a procedure adopted by the utility, by and through the director, to implement a regulation or regulations adopted under this ordinance, or

- to carry out other responsibilities as may be required by this code or other codes, ordinances or resolutions of City of Lawrenceville or other agencies.
- 3.1.19 **Regulation** shall mean any regulation, rule or requirement prepared by the Department and adopted by the City of Lawrenceville pursuant to the requirements of this ordinance.
- 3.1.20 **Sanitary Sewer System** shall mean the complete sanitary sewer system of Gwinnett County, Georgia which discharges sewage directly or indirectly into the sewage treatment plan, including sanitary sewer pipelines, manholes and flushing inlets and appurtenances to the foregoing, but shall exclude any portion or facilities of the sewage treatment plant.
- 3.1.21 **Site** shall mean any lot, plot, parcel or tract of land.
- 3.1.22 **Stormwater** shall mean stormwater runoff, snowmelt runoff, and surface runoff and drainage.
- 3.1.23 **Stormwater Management** shall mean the collection, conveyance, storage, treatment and disposal of stormwater runoff in a manner to meet the objectives of this ordinance and which shall include a system of vegetative or structural measures, or both, that control the increased volume and rate of stormwater runoff and water quality impacts caused by manmade changes to the land.
- 3.1.24 **Stormwater Management Facilities** shall mean constructed or natural components of a stormwater drainage system, designed to perform a particular function, or multiple functions, including, but not limited to, pipes, swales, ditches, culverts, street gutters, detention basins, retention basins, constructed wetlands, infiltration devices, catch basins, oil/water separator, sediment basins, natural systems and modular pavement.
- 3.1.25 **Stormwater Runoff** shall mean the direct response of a land surface to precipitation and includes the surface and subsurface runoff that enters a ditch, stream, storm drain or other concentrated flow during and following the precipitation.
- 3.1.26 **Variance** shall mean the modification of the minimum stormwater management requirements for specific circumstances where strict adherence of the requirements would result in unnecessary hardship and not fulfill the intent of this ordinance.
- 3.1.27 **Water Quality** shall mean those characteristics of stormwater runoff that relate to the physical, chemical, biological or radiological integrity of water.
- 3.1.28 **Water Quantity** shall mean those characteristics of stormwater runoff that relate to the rate and volume of the stormwater runoff.

3.1.29 **Board** shall mean Zoning Board of Appeals.

3.2 Findings

- 3.2.1 Uncontrolled stormwater drainage discharge may have a significant, adverse impact on the health, safety, the welfare of and the quality of life of the citizens of the City of Lawrenceville. More specifically, surface water runoff can carry pollutants and nutrients in the receiving water.
- 3.2.2 Uncontrolled stormwater drainage can increase the incidence of flooding and the level of floods that occur, endangering roads, other public and private property and human life.
- 3.2.3 Altered land surfaces can change the rate and volume of runoff.
- 3.2.4 Adverse water quality and quantity consequences described above could result in substantial economic losses. Potential losses include, but are not limited to, increased water treatment costs, as well as State and Federal fined associated with water quality violations.
- 3.2.5 Many future problems can be avoided through proper stormwater management.
- 3.2.6 Every parcel of real property, both public and private, either uses or benefits from the maintenance of the municipal/county separate storm sewer system.
- 3.2.7 Current and anticipated growth will contribute to and increase the need for improvement and maintenance of the municipal/county separate storm sewer system.

3.3 Objectives

The objectives of this ordinance include the following:

- 3.3.1 Protect, maintain, and enhance the short-term and long-term public health, safety, and general welfare. This objective will be achieved by providing for regulation and management of the municipal storm sewer system, including public facilities in City of Lawrenceville's service area.
- 3.3.2 Comply with State (DNR) and Federal (EPA) stormwater regulations developed pursuant to the Clean Water Act. These requirements include:
 - (1) Control the contribution of pollutants to the municipal storm sewer system by stormwater discharges associated with commercial and industrial activity and the quality of stormwater discharged from sites of commercial and industrial activity.

- (2) Prohibit illicit connections to municipal storm sewers.
- (3) control discharge to municipal storm sewers of spills, dumping or disposal of materials other than stormwater.
- (4) Control, through intergovernmental agreements, contribution of pollutants from one municipal system to another.

3.4 Scope of Responsibility

- 3.4.1 The provisions of this ordinance shall apply throughout the entire City of Lawrenceville, Georgia.
- 3.4.2 The Director shall be responsible for the coordination and enforcement of the provisions of this ordinance.
- 3.4.3 The Department shall be responsible for the conservation, management, maintenance (where applicable), extension and improvement of the municipal separate storm sewer system, including activities necessary to control stormwater runoff and activities necessary to carry out stormwater management programs included in the City of Lawrenceville NPDES stormwater permit. The City is currently under contract with Gwinnett County for providing services relative to this function.
- 3.4.4 The application of this ordinance and the provisions expressed herein shall be the minimum stormwater management requirements and shall not be deemed a limitation or repeal of any other local requirements authorized by State statute. Other stormwater project improvements, as defined under Georgia Law, may be required.

3.5 Powers of the Department

- 3.5.1 The Department shall have the power to administer and enforce all regulations and procedures adopted to implement this ordinance, including the right to maintain an action or procedure in any court of competent jurisdiction to compel compliance with or restrain and violation of this ordinance.
- 3.5.2 The Department may:
 - (1) Administer, coordinate and oversee acquisition, design, construction, and O&M of municipal stormwater facilities and conveyance;

- (2) Establish or oversee establishment of development standards and guidelines for controlling stormwater runoff;
- (3) Determine the manner in which stormwater facilities should be operated;
- (4) Inspect private systems which discharge to the municipal separate storm sewer system;
- (5) Advise the City of Lawrenceville's Mayor and Council, and other City departments on issues related to stormwater;
- (6) Protect facilities and properties and prescribe how they are used by others;
- (7) Require new, increased, or significantly changed stormwater contributions to comply with the terms of this ordinance;
- (8) Develop programs or procedures to control the discharge of pollutants into the municipal storm sewer system; and,
- (9) Adopt and implement the stormwater management program for the City of Lawrenceville.

3.6 Stormwater Runoff Quality Controls

- 3.6.1 Water quantity controls will be provided as a part of all development pursuant to the provisions of the City of Lawrenceville's Soil Erosion and Sedimentation Ordinance, the City of Lawrenceville's Subdivision Ordinance and City of Lawrenceville Drainage Regulations.
- 3.6.2 The Director may allow stormwater runoff that otherwise is of unacceptable quantity or which would be discharged in volumes or at rates in excess of those otherwise allowed by Soil Erosion and Sedimentation and Subdivision and Drainage Ordinances, to be discharged into drainage facilities off site of the development, provided the following conditions are met:
 - 3.6.3 Off-site drainage facilities and channels leading to them are designed, constructed and maintained in accordance with requirements of those ordinances; and,
 - 3.6.4 Adequate provision is made for sharing of construction, maintenance and operating costs of facilities; and

- 3.6.5 It is not feasible to completely manage runoff on site in a manner that meets the design and performance standards found in the City of Lawrenceville's Soil Erosion and Sedimentation Ordinance, Subdivision Ordinance and Drainage Regulations.

3.7 Prohibition

- 3.7.1 It is unlawful for any person to throw, drain, run, or otherwise discharge to any component of the municipal storm sewer system or to cause, permit or suffer to be thrown, drained, run, or allow to seep or otherwise discharge into such system all matter of any nature excepting only such storm or surface water as herein authorized.
- 3.7.2 The Director may exempt the following from the prohibition provision above:
- (1) Water line flushing performed by a government agency, diverted stream flows, rising ground waters, and unpolluted ground water infiltration.
 - (2) Unpolluted pumped ground water.
 - (3) Discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, and street wash water.
 - (4) Discharges or flows from fire fighting.
 - (5) Other unpolluted water.
- 3.7.3 In the event of an accidental discharge or an unavoidable loss to the municipal storm sewer system of any material or substance other than stormwater runoff, the person concerned shall inform the Department within five (5) days of the nature, quantity and time of occurrence of the discharge. The person concerned shall take immediate steps to contain, treat, or take other actions to minimize effects of the discharge on the municipal separate storm sewer and receiving streams. The person shall also take immediate steps to ensure no recurrence of the discharge.

3.8 Illicit Connections

- 3.8.1 It is unlawful for any person, company, corporation, etc., to connect any pipe, open channel, any other conveyance system that discharges anything except stormwater or unpolluted water into the municipal storm sewer

system except for connections which are approved by the Director, based on the exemptions listed in Section 3.7 of this ordinance.

- 3.8.2 Improper connections in violation of this code must be disconnected and redirected, if necessary, to the Gwinnett County sanitary sewer system upon approval by the Gwinnett County Sewer Systems.

3.9 Maintenance and Inspection

- 3.9.1 Any stormwater management facility or BMP that services a single lot or commercial and industrial development shall be privately owned and maintained. The owner shall maintain a perpetual, non-exclusive easement, which allows for access for maintenance.
- 3.9.2 All other stormwater management control facilities and BMPs shall be dedicated to the public under the terms of the City of Lawrenceville Zoning Ordinance. In the event of a dedication of stormwater management control facilities and BMPs to the public, the City of Lawrenceville shall have the right to elect to accept the dedication as City property. In the event the City elects to accept the dedication either by express written acceptance or by actually asserting maintenance and control rights over the facilities and BMPs, such facilities shall belong to the City of Lawrenceville and shall be owned and maintained by it. The intent of this provision is to be consistent with the ruling in the City of Lawrenceville v. Macko court case.
- 3.9.3 The Director may require dedication of privately owned stormwater facilities which discharge to the municipal storm sewer system to the City of Lawrenceville.
- 3.9.4 The Director shall determine inspection schedules necessary to enforce the provisions of this ordinance.
- 3.9.5 The Director or his/her designee, bearing proper credentials and identification, shall be permitted to enter, in accordance with state and federal law, all properties for regular inspections, periodic investigations, observation measurement, enforcement, sampling and testing. In accordance with the provisions of this ordinance, the Director or his/her designee shall duly notify the owner of said property or the representative on site, except in the case of an emergency.
- 3.9.6 The Director or designated employee of the Department, bearing proper credentials and identification, shall be permitted to enter, in accordance with state and federal law, all properties for which the City of Lawrenceville holds a negotiated easement for repairs, maintenance and other purposes related to any portion of the stormwater management

facilities lying within said easement. The Director or his/her designee shall duly notify the owner of said property or the representative on site, except in the case of an emergency.

- 3.9.7 Measurements, tests and analyses performed by the Department or required of any discharger to the municipal storm sewer system shall be in accordance with 40 CFR Part 136, unless another method is approved by the Director.
- 3.9.8 If, after inspection, the condition of a facility presents an immediate danger to the public health, safety or general welfare because of unsafe conditions or improper maintenance, the City of Lawrenceville shall have the right, but not the duty, to take action and may be necessary to protect the public and make the facility safe.

3.10 Judicial Appeal

- 3.10.1 Every person who disagrees with a decision of the Director of Planning and Zoning or his designee (including any decision with reference to the granting of a variance from the terms of this chapter) may appeal same by filing a written notice of appeal with the Director within seven (7) working days of the issuance of such decision by the Director.
- 3.10.2 The Director can then reverse his, or his designee's, decision or affirm the decision by forwarding the written notice of appeal to the City of Lawrenceville Zoning Board of Appeals. A notice of appeal shall state the specific reasons why the decision is alleged to be in error, and the Director shall prepare and send to the Zoning Board of Appeals and the appellant a written response to such notice of appeal within thirty (30) working days of receipt of the notice of appeal.
- 3.10.3 All appeals shall be heard by the Zoning Board of Appeals in accord with their normal course of business procedure. The hearing shall be within forty-five (45) working days after receipt of the written response to such notice of appeal. The Planning and Zoning Department shall certify the decision by the Zoning Board of Appeals within thirty (30) days after the decision is made by the Zoning Board of Appeals.
- 3.10.4 The concurring vote of three (3) members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision or determination of the Director.
- 3.10.5 Any party who is dissatisfied with the decision of the Zoning Board of Appeals may appeal to any court of competent jurisdiction within thirty (30) days of the date the decision is certified in writing to the Department by the Zoning Board of Appeals.

- 3.10.6 Waiver requests of the requirements of these regulations shall be submitted on an application form as prescribed by the Director, along with such fees as shall be established by the Mayor and Council of the City of Lawrenceville from time to time. The Director shall coordinate the review of each waiver request by all other affected city departments and shall summarize such comments and recommendations as may be received to the Mayor and Council of the City of Lawrenceville for final action in their normal course of business.
- 3.10.7 Any responsible party or other persons convicted by a court of competent jurisdiction of violating any provisions of these regulations shall be guilty of violating the duly adopted ordinance of the City of Lawrenceville and shall be punished either by a fine not to exceed \$500.00 per day of violation or by imprisonment not to exceed sixty (60) days, or both. The owner of any lands or parts thereof, where anything in violation of these regulations shall be placed or shall exist, and each responsible party or other persons assisting in the commission of such violation, shall be guilty of a separate offense.
- 3.10.8 The Court shall have the power and authority to place any person found guilty of violation of these regulations on probation and to suspend or modify any fine or sentence. As a condition of said suspension, the Court may require payment of restitution or impose other punishment allowed by law.
- 3.10.9 In any case in which any land is or is proposed to be, used or activities are undertaken in violation of these regulations, or any amendment thereto adopted by the Mayor and Council of the City of Lawrenceville, in addition to other remedies provided by law, may petition for a restraining order, injunction, abatement, or take any other appropriate legal action or proceeding to a court of competent jurisdiction to prevent, restrain, or a

3.11 Variances from Requirements

- 3.11.1 The Director may grant a variance from requirements of this ordinance if exceptional circumstances applicable to a site exist such that strict adherence to the provisions of the ordinance will result in unnecessary hardship and will not fulfill the intent of the ordinance.
- 3.11.2 A written request for a variance shall be required and shall state the specific variance sought and the reasons, with supporting data, a variance should be granted. The request shall include all information necessary to evaluate the proposed variance.

3.11.3 The Director will conduct a review of the request for a variance within thirty (30) consecutive days of receiving the request.

3.12 Cooperation with Other Governments

The City of Lawrenceville may enter into agreements with other local governments to carry out the purpose of this ordinance. These agreements may include, but are not limited to enforcement of provisions, resolution of disputes, cooperative monitoring and cooperative management of stormwater system and management programs.

3.13 Property Owner Liability – Supplemental Charges

Any person in violation of any portion of this ordinance shall pay for all City of Lawrenceville costs associated with the violation, including but not limited to containment, cleanup, injury, death, legal and other costs.

3.14 Effective Date

The ordinance shall take effect and be in force within thirty (30) days after adoption of this ordinance by the Mayor and Council of the City of Lawrenceville.

3.15 Severability

If any term, requirement or provision of this ordinance or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this ordinance or the application of such terms, requirements and provisions to persons or circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby and each term, requirement or provision of this ordinance shall be valid and be enforced to the fullest extent permitted by law.

3.16 Related Ordinances, Regulations and Manuals

This ordinance is related to the Subdivisions Regulations, Wellhead Protection Ordinances and all the City of Lawrenceville Drainage Ordinances. The City of Lawrenceville Stormwater Design Manual is incorporated herein by reference and adopted as the official development standards and guidelines for control of stormwater runoff as authorized under Section 5 of this Ordinance (which includes Floodplains, Wetlands and 404 permits, design methods for hydraulics and Detention facilities, easements and all of the drainage basins of the City of Lawrenceville).