

Board of Commissioners
Gwinnett County
Lawrenceville, Georgia

A Resolution to Amend the Floodplain Management Ordinance of Gwinnett County

FMA2003-001

Date of Reading and Adoption: January 27, 2004

At the meeting of the Gwinnett County Board of Commissioners held at the Gwinnett Justice & Administration Center, 75 Langley Drive, Lawrenceville, Georgia.

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<u>Commission Members</u>	<u>Present</u>	<u>Vote</u>
Wayne Hill, Chairman	Yes	Aye
Marcia Neaton, District 1	Yes	Aye
Albert Nasuti, District 2	Yes	Aye
John Dunn, District 3	Yes	Aye
Kevin Kenerly, District 4	Yes	Aye

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On motion of Commissioner Hill, seconded by Commissioner Neaton, which carried 5-0, the following resolution was adopted:

A Resolution to Amend the Floodplain Management Ordinance of Gwinnett County

FMA2003-001

WHEREAS, the Floodplain Management Ordinance of Gwinnett County provides that the text thereof may be amended from time to time by resolution of the Board of Commissioners; and,

WHEREAS, the Development Advisory Committee reviewed this amendment and recommended its approval on December 17, 2003; and,

WHEREAS, the Board of Commissioners finds that the following amendment to the Floodplain Management Ordinance promotes the health, safety, convenience, order, prosperity and the general welfare of the present and future inhabitants of Gwinnett County.

NOW, THEREFORE BE IT RESOLVED by the Gwinnett County Board of Commissioners, on this 27th day of January, 2004, that the Floodplain Management Ordinance shall be amended to: 1) define the method for floodway determination; 2) require that floodplain studies be determined

using a FEMA approved methodology; 3) require floodway be determined when a detailed flood study is done; 4) require that on-site waste disposal systems be located outside the floodplain; 5) require that on-site waste disposal systems be located to avoid impairment or contamination; and 6) establish enforcement procedures, by making additions, deletions, and/or substitutions to the ordinance as follows: 1) delete the definition of “Floodway” contained in Section 1.1.3 Special Definitions and substitute in lieu thereof a new definition of “Floodway;” 2) delete paragraph “b” of Section 1.4.1 Definition of Floodplain Boundaries and substitute in lieu thereof a new paragraph “b;” 3) delete Section 1.4.4 Engineering Study Requirements for Floodplain Encroachments and substitute in lieu thereof a new Section 1.4.4; 4) add a new section, Section 1.4.6 Standards for Utilities; 5) add a new paragraph, paragraph “g” to Section 1.5.5 Provisions for Flood Hazard Reduction; and 6) add a new article, Article 1.11 Violations, Enforcement and Penalties.

[underlining indicates addition or substitution]
[~~strikethrough~~ indicates deletion]

1.1.3. Special Definitions

Floodway - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to: 1) discharge the base flood without cumulatively increasing the water surface elevation more than one foot above the base flood elevation; or, 2) discharge the regulatory flood without cumulatively increasing the water surface elevation more than one foot above the regulatory flood elevation. The more restrictive shall apply.

1.4.1. Definition of Floodplain Boundaries.

- a. Studied "A" zones, identified in the Gwinnett County Flood Insurance Study, shall be used to establish base flood elevations whenever available.
- b. For Special Flood Hazard Areas and flood prone areas, the base flood elevation and regulatory flood elevation shall be determined by a registered professional using a FEMA approved methodology. The method of analysis shall be subject to the approval of the Department.

1.4.4 Engineering Study Requirements ~~for Floodplain Encroachments~~.

An engineering study is required (as appropriate to the proposed development activities on the site) when a regulatory floodplain is located on the property proposed for development ~~whenever a development proposes to disturb the regulatory floodplain~~. This study shall be prepared by a currently registered Professional Engineer in ~~the State of~~ Georgia and made a part of the application for a Land Disturbance Permit. This information shall be submitted to and approved by the Department prior to the approval of any permit that would authorize the disturbance of land ~~located within the floodplain~~.

- a. Description of the extent to which any watercourse or floodplain will be altered or

- relocated as a result of the proposed development.
- b. Any report that must be submitted for review, in accordance with this ordinance, must use a step backwater analysis approved by the Department. Cross-sections (which may be supplemented by the applicant) and flow information from the existing FIS will be obtained whenever available. Where applicable, computations will be shown duplicating Gwinnett County FIS results and then computations will be rerun with the proposed modifications to determine the new base flood and regulatory flood profiles.
 - c. Floodplain storage calculations based on cross-sections (at least one every 100 feet) showing existing and proposed floodplain conditions must be provided to show that regulatory floodplain storage capacity ~~would~~ will not be diminished by the development.
 - d. If changes to the regulatory flood elevation are proposed, profiles of the channel showing the existing and proposed regulatory flood elevations must be provided.
 - e. The study shall include a preliminary plat, grading plan, or site plan, as appropriate, which shall clearly define all floodplain encroachments.
 - f. The floodway shall be determined when any encroachment in the floodplain is proposed or a detailed study is performed to determine flood profiles.
 - g. Detailed flood studies in areas where the floodplain has been established but the Base flood elevation (BFE) and/or the floodway has not been established and in areas beyond the limits of study on the FIRM, which contain a watercourse, and have greater than 100 acres of surface drainage area above the property, shall be submitted showing the BFE and the floodway. Approval of the study must be received before the Final Plat of the affected lots can be approved or a Certificate of Occupancy can be issued.

1.4.6. Standards for Utilities.

- a. All new and replacement water supply and sanitary sewerage systems shall be designed to minimize or eliminate:
 - (1) infiltration of flood waters into the systems; and,
 - (2) discharges from the systems into flood waters.
- b. On-site waste disposal systems shall be located outside the floodplain to avoid impairment to them, or contamination from them during flooding.

1.5.5 Provisions for Flood Hazard Reduction

- g. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

1.11. Violations, Enforcement and Penalties.

Any action or inaction that violates the provisions of this ordinance or the requirements of an approved plan or permit shall be subject to the enforcement actions or penalties outlined herein. Any such action or inaction that is continuous

with respect to time is deemed to be a public nuisance and also may be abated by injunctive or other equitable relief. The imposition of any of the enforcement actions or penalties described herein shall not prevent such equitable relief.

1.11.1. Enforcement Procedures.

The following are the enforcement procedures authorized by this ordinance:

a. Notices of Violation.

Enforcement shall begin with the issuance of a written Notice of Violation to the owner or responsible person by the director. The notice may be delivered personally or sent by first class mail. The Notice of Violation shall contain at least the following information:

- 1 The name and address of the owner or responsible person;
- 2 The location or address of the site upon which the violation is occurring;
- 3 A description of the nature of the violation;
- 4 A description of the remedial actions or measures necessary to bring an action or inaction into compliance with a permit, approved plan or this ordinance;
- 5 The deadline or completion date for any such remedial actions or measures;
- 6 A statement of the penalty or penalties that may be assessed against the owner or responsible person to whom the Notice of Violation is directed.

In the event the owner or responsible person fails to correct the violations after the deadline contained in the Notice of Violation, the director is authorized to take or impose any one or more of the additional actions contained herein.

b. Stop Work Orders.

The director is authorized to issue Stop Work Orders to an owner or responsible person. Stop Work Orders are effective immediately and shall remain in effect until the necessary corrective actions or remedial measures set forth in the Notice of Violation have occurred. Stop Work Orders may be withdrawn or modified by the director in order to enable an owner or responsible person to take the necessary remedial actions or measures to correct the violations.

c. Refusal to Issue Certificates of Occupancy or Completion.

The director is authorized to refuse to issue Certificates of Occupancy or Completion for the building or other improvements constructed or being constructed on a site until the owner or responsible person has taken the remedial actions or measures set forth in the Notice of Violation or has otherwise corrected the violations described therein.

d. Suspension, Revocation, or Modification of Permit.

The director is authorized to suspend, revoke or modify a permit that was issued authorizing land disturbing activities or development. The director is authorized to reinstate a suspended, revoked or modified permit after the owner or responsible person has taken the remedial actions or measures stated in the Notice of Violation or has otherwise corrected the violations described therein. The director is also authorized to reinstate such permit, which may include conditions as the director may deem necessary, to enable the owner or responsible person to take the necessary remedial actions or measures to correct the violations.

e. Refusal to Approve Final Subdivision Plats.

The director is authorized to refuse to approve Final Plats until the owner or responsible person has taken the remedial actions or measures set forth in the Notice of Violation or has otherwise corrected the violations described therein.

f. Issuance of Citations or Summons to Court.

The director is authorized to issue a citation or summons to the owner or responsible person requiring such person to appear in a court of competent jurisdiction to answer charges for violations of this ordinance.

1.11.2. Legal Penalties and/or Remedies.

a. Fine and/or Sentence.

Any person convicted by a court of competent jurisdiction of violating any provision of this ordinance shall be guilty of violating a duly adopted ordinance of the county and shall be punished either by a fine not less than \$100 per day and not greater than \$1,000 per day, or by a sentence of imprisonment not to exceed 60 days in jail, or both a fine and jail or work alternate. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

b. Other Legal Remedies.

In any case in which a violation of this ordinance has occurred, the county, 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 through a court of competent jurisdiction to prevent, restrain, or abate such unlawful use or activity.

BE IT FURTHER RESOLVED that this resolution becomes effective upon its adoption.

BE IT FURTHER RESOLVED that all regulations or parts of regulations in conflict with this resolution are hereby rescinded to the extent of said conflict.

Adopted by the Board of Commissioners on January 27, 2004.

WDJ: C: FMA2003-001A1