

Mayor Haynes adjourned the meeting at 6:30 p.m.

ATTEST:

Wilma Nolan  
CITY CLERK

Mayor Tyson Haynes  
MAYOR TYSON HAYNES

ALDERMAN WAYNE GRAVES

Celeste Martin  
ALDERWOMAN CELESTE MARTIN

Gary Brock  
ALDERMAN GARY BROCK

Fred Welch  
ALDERMAN FRED WELCH

APRIL PAID BILLS

CHATSWORTH PAWN AND SPORTING	99.95	BRADLEY BUILDERS SUPPLY	1009.48
CHATSWORTH FARM & GARDEN	25.98	CHATSWORTH AUTO PARTS	366.63
ALSCO-518	563.56	FORT VIEW CLEANERS	161.40
G & S OFFICE SUPPLY INC	288.00	WINDSTREAM	1204.07
GEORGIA POWER COMPANY	10781.89	INDUSTRIAL BEARING AND SUPPLY	30.00
GMEBS	12889.84	COMMISSIONER OF MC	1570.57
PEAK INDUSTRIAL INC	164.75	VULCAN MATERIALS COMPANY	786.28
EAST RIDGE UNIFORMS	266.00	KEEP CHATSWORTH MURRAY	2083.34
CHATS/MURRAY HEALTH DEPT	416.67	CHATS/MURRAY LIBRARY	2500.00
DALTON TRUCK INC	323.96	ADVANCE AUTO PARTS	128.03
WHOLESALE SUPPLY GROUP	33.46	KLEEN-A-MATIC	622.20
DALTON JANITORIAL INC	12.95	CHILD SUPPORT ENFORCEMENT	189.58
CHATSWORTH WATER WORKS COMM	7600.95	B & B GARAGE	80.00
KUSTOM SIGNALS INC	3368.00	O'REILLY AUTO PARTS	66.75
NATIONWIDE RETIREMENT SO	623.16	EAGLE PARTS & MACHINERY	83.55
SEAGRAVE CAROLINA	70.23	S & J INDUSTRIAL SUPPLY	186.54
A & W SAFETY SUPPLY	275.40	WACHOVIA	380.00
AUTOZONE/AZ COMMERCIAL	251.73	TYSON HAYNES	50.00
CHAPTER 13 STANDING TRUSTEE	249.00	GEORGIA POWER COMAPNY	1215.67
GSCCCA	3776.14	PEACE OFFICERS A & B FUND	778.74
MC COMMISSIONER - DATE	633.24	CHILD SUPPORT ENFORCEMENT	189.58
KELLER OUTDOOR INC	565.75	C S MATTHEWS CONTRACTING	33474.02
COMMUNICATIONS & ELECTRONICS	267.00	SANTEK ENVIRONMENTAL GA	2008.84
MURRAY COUNTY JAIL FUND	1835.17	VICTIMS COMP PROBATION	720.00
COURTWARE SOLUTIONS	1073.85	NATIONWIDE RETIREMENT SOLUTIONS	623.16
PEACE OFFICERS A & B FUND	260.00	WACHOVIA	380.00
TRISOURCE SOLUTIONS LLC	10.30	5% VICTIMS SURCHARGE	941.84
CHAPTER 13 STANDING TRUSTEE	249.00	GAS SOUTH	2064.23
WAYNE GRAVES	63.16	CHATSWORTH TUFTING MACHINE	39.43
GT DISTRIBUTORS INC	1435.95	GMEBS LIFE HEALTH FUND	20754.40
CHILD SUPPORT ENFORCEMENT	189.58	NATIONWIDE RETIREMENT SO	623.16
VERIZON WIRELESS	642.92	BENNETT FIRE PRODUCTS CO	305.00
CHARLES M BAXTER	74.87	BANKCARD CENTER	449.81
WACHOVIA	380.00	CHAPTER 13 STANDING TRUSTEE	249.00
AFLAC	1280.18	PAT DENSMORE SELF	627.00
GEORGIA POWER COMPANY	2156.18	NORTHWEST GA REGIONAL CO	344.17
RANDALL BRACKETT	510.00	PURE UV WATER COOLERS	30.00
GEORGIA TECHNOLOGY AUTHORITY	510.75	CHILD SUPPORT ENFORCEMENT	189.58
NATIONWIDE RETIREMENT SOLUTIONS	623.16	PRE-PAID LEGAL SERVICES	93.65
C & M FLEET REPAIR SVC	88.88	CHARLES M BAXTER	15.93
NORTH GEORGIA EMC - SEDC	177.92	S & J INDUSTRIAL SUPPLY	166.80
MCCAMY PHILLIPS TUGGLE	495.90	WACHOVIA	380.00
CHAPTER 13 STANDING TRUSTEE	249.00	GA BUREAU OF INV-FIN SEC	80.00

CITY OF CHATSWORTH  
COUNCIL MEETING  
JUNE 7, 2010

The Chatsworth City Council met in regular session on Monday, June 7, 2010 at 6:00 p.m. in the Council Chambers of City Hall with Mayor Tyson Haynes presiding.

PRESENT: Mayor Tyson Haynes, Aldermen: Wayne Graves, Celeste Martin, Gary Brock and Fred Welch  
City Attorney Steve Williams and City Clerk Wilma Nolan.

APPROVAL OF AGENDA: Mayor Haynes stated he would like to add one item to the agenda before approval. And that being the addition of Roger Vest to new business to address the council.

Mayor Haynes submitted this to the council for approval.

Wayne, "I so move." Celeste seconded and the motion passed by a vote of 4 to 0.

MINUTES: Mayor Haynes presented the May minutes of the Chatsworth City Council for review and asked for a motion to accept the minutes as presented.

Gary, "I move we adopt the minutes as presented " Celeste seconded and the motion passed by a vote of 4 to 0.

#### OLD BUSINESS

REQUEST FOR A MALT BEVERAGE LICENSE APPROVAL FOR RIZWAN MOHAMMED (THE SMOKE SHOP) LOCATED AT 2120 HWY 76 UNIT D (TABLED SEPTEMBER 14, 2009) -- Chief Martin advised this matter had been cleared up and he would recommend the license be approved.

Gary, "I make a motion we grant the license." Fred seconded and the motion passed by a vote of 4 to 0

#### NEW BUSINESS

Mayor Haynes recognized Ms. Martin for the completion of the Georgia Academy for Economic Development class held in Region 1, and the graduates from our community are Celeste Martin Chatsworth City Council and David Ridley, Murray County Sole Commissioner.

District 1 of the Georgia Municipal Association has asked Tyson Haynes to serve as the 2nd Vice President, for the year of 2010-2011. This election will take place in Savannah in June.

Mr. John Cook with the MWGRDC will be here on 06-10-10 at 1:00 p.m. to help build a new assessment study of this area.

DOT is receiving bids for an upgrade to the traffic light at the intersection of Third and Market

Revision to the Comprehensive Plan Update is progressing at this time.

The amendments to the retirement plan have been completed with 06-15-10 as the election date on the plan

#### DISCUSSION OF THE COUNTY'S ECONOMIC DEVELOPMENT PLAN REQUEST:

##### A. PARTNERSHIP ON FUNDING OF THE ECONOMIC DEVELOPMENT DIRECTOR.

Mayor Haynes presented the intergovernmental agreement for review and discussion. The agreement reads as follows:

#### ESTABLISHMENT, SERVICES AND SUSTAINABILITY DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT SERVICE DELIVERY AGREEMENT

WHEREAS this Service Delivery Agreement between Murray County a political subdivision of the State of Georgia, formed and existing pursuant to the Constitution of the State of Georgia, and the City of Chatsworth and the City of Eton, all being municipal corporations chartered and existing pursuant to the laws of the State of Georgia; and

WHEREAS, 36-70-20 through 37-70-28, of the Official Code of Georgia Annotated mandates that Murray County and all municipalities located therein participate in the development of a Service Delivery Strategy through which Murray County and said municipalities shall create and maintain a service delivery system which is efficient, effective and responsive to all citizens of Murray County; and

WHEREAS, 36-70 24(1) of the Official Code of Georgia Annotated mandates that said Service Delivery Strategy shall identify steps which will be taken to remediate or avoid overlapping and unnecessary competition and duplication of service delivery and that said Service Delivery Strategy shall identify the time frame in which such steps should be taken; and

WHEREAS, 36-70-25 of the Official Code of Georgia Annotated mandates that said Service Delivery Strategy receive the approval of Murray County and the governing authorities of municipalities located within Murray County on terms more particularly described in said Code Section; and

NOW THEREFORE, we, the undersigned, being duly authorized to act on behalf of the above named entities, in consideration of the mutual covenants and promises contained herein, agree as follows concerning the establishment, services and sustainability of a department of Community and Economic Development within Murray County for the governments of Murray County, the City of Chatsworth and the City of Eton.

#### SECTION 1.

##### DESCRIPTION OF CURRENT SERVICE DELIVERY ARRANGEMENT

With neither Murray County, The City of Chatsworth or the City of Eton having separately or individually, the resources to provide the services afforded by a Department of Community and Economic Development, this Agreement establishes, defines services to be rendered and outlines sustainability for said Department working under the direction and supervision of the governing authority of Murray County, Georgia or its designee.

The Department will provide economic development services to all participating governments and

will be charged with directing, overseeing and executing efforts to improve the quality of life, enhance the educational achievement levels and promote economic development, growth, prosperity and diversity within Murray County, Georgia and its participating municipalities.

The Department will be jointly funded by the parties hereto as well as by other contributory sources, as may be identified and agreed to by these partnering authorities. Should a Director of Community and Economic Development be identified and employed prior to January 01-2011, proposed contributions will be prorated for the remainder of 2010. Initial yearly levels of financial commitment to the establishment of this Department are agreed to as follows

Murray County \$137 500.00  
City of Chatsworth \$20,000.00  
City of Eton \$2,900.00

These contributions are determined assuming participation agreement(s) with other contributors. Should any of these other contributors elect to remove themselves from this financial partnership, the levels of financial commitment from Murray County, the City of Chatsworth, and the City of Eton will be amended to effectively establish this Department.

Remittance schedules will be determined following the execution of this Agreement by the parties hereto.

In that the services rendered by this Department cover the entirety of Murray County, Georgia, including the City of Chatsworth and the City of Eton, this Agreement is designed to minimize duplication of services exists in the area of community and economic development activities and to foster cooperation between the participating governments.

**SECTION II.  
FUTURE SERVICE DELIVERY SERVICES**

The parties intend for this Service Delivery Agreement for community and economic development to be efficient, effective and responsive to all citizens of Murray County, Georgia and therefore, that change(s) to said service delivery arrangement will require only budgetary requirements of the Department in subsequent years. This annual budgetary requirement will be determined, negotiated and agreed to by the parties hereto no later than August 31st of the year prior to the budget period (January-December) being proposed.

While it is anticipated that this Agreement will obviate the need any of the participating governments undertake overlapping, competitive or duplicative services during the course of this Agreement, nothing contained herein is intended to preclude any participating government from promoting its jurisdiction independently for community and economic development purposes.

All parties are respectively encouraged to honor their annual commitments for the full year term, including the initial and all subsequent years in which they remain a party to this Agreement.

IN WITNESS WHEREOF, each of the undersigned has executed this Service Delivery Agreement on behalf of the respective parties set forth below, pursuant to the authority granted to each of the undersigned in the resolution by which each party approved and adopted this Service Delivery Agreement.

This 7th day of June, 2010.

**MURRAY COUNTY, GEORGIA**

By: \_\_\_\_\_  
David Ridley, Commissioner

Attest: \_\_\_\_\_  
Charlene Miles, Clerk

**CITY OF CHATSWORTH**

By: /s/ Tyson Haynes  
Tyson Haynes, Mayor

Attest: /s/ Wilma Nolan  
Wilma Nolan, Clerk

**CITY OF ETON**

By: \_\_\_\_\_  
Billy Cantrell, Mayor

Attest: \_\_\_\_\_  
Kim Hall, Clerk

Gary, "I make a motion we approve this based upon the review of the City Attorney."

Fred seconded and the motion passed by a vote of 4 to 0.

**B. SUBMIT REFERENDUM REQUEST TO CITIZENS OF CHATSWORTH FOR ON-PREMISE SERVING OF ALCOHOL FOR RESTAURANTS. The resolution reads as follows:**

**RESOLUTION**

WHEREAS, pursuant to O.C.G.A. §3-4-92, in all municipalities in which package sales of distilled spirits are not lawful, sales of distilled spirits for beverage purposes by the drink for consumption only on the premises may be permitted after approval thereof by the qualified voters in a referendum election for the purpose of determining whether or not the governing authority may exercise the powers authorized by O.C.G.A §3-4-90; and

WHEREAS, the Mayor and Council of the City of Chatsworth desire to permit and to regulate sales of distilled spirits for beverage purposes by the drink for consumption only on

premises, but only after approval by more than one-half of the votes cast in a duly-called referendum election: and

WHEREAS, upon the issuance of the adoption of this resolution, it shall be the duty of the Election Superintendent of Murray County to issue the call for such an election;

THEREFORE BE IT RESOLVED by the Mayor and Council of the City of Chatsworth, and it is hereby enacted pursuant to the authority of the same, that it is hereby the expressed desire of such governing authority of the City of Chatsworth, Georgia to exercise the powers authorized by O.C.G.A. §3-4-90, and therefore to conduct a referendum election for the purpose of determining whether or not these powers shall be exercised. The Mayor and Council of the City of Chatsworth herewith notify the election superintendent of Murray County of the referendum by forwarding a copy of this resolution called for such referendum election. It shall be the duty of the election superintendent to issue the call and set the date for an election in accordance with O.C.G.A. §21-2-540 for the purpose of submitting the question of whether or not the governing authority of the City of Chatsworth shall authorize to issue license to sell distilled spirits for beverage purposes by the drink, such sales to be for consumption only on the premises. Notice of the call for the referendum shall be published by the election superintendent in the legal organ of the county. The election superintendent shall also cause the date and purpose of the referendum to be published in the official organ of the county once a week for two weeks immediately preceding the date of the election. The ballot shall have printed thereon the following:

"[ ] YES Shall the governing authority of the City of Chatsworth be authorized to issue license to sell distilled spirits for beverage purposes by the drink, such sales to be for consumption only on the premises?"  
 [ ] NO

All persons desiring to vote in favor shall vote "Yes," and those persons opposed shall vote "No." If more than one-half of the votes cast are in favor of issuing licenses to sell distilled spirits for beverage purposes by the drink, such sales to be for consumption only on the premises, then the governing authority shall issue such licenses; otherwise, no license shall be issued. It shall be the duty of the election superintendent to hold and conduct such election under the provisions of Chapter 2 of Title 21, the "Georgia Election Code." It shall be the superintendent's further duty to canvass the returns and declare and certify the results of the election to the Secretary of State.

ADOPTED this 7th day of June, 2010.

CITY OF CHATSWORTH  
 /s/ Tyson Haynes  
 Mayor

ATTESTED TO:

/s/ Wilma Nolan  
 City Clerk

Mr. Roger Vest was present to express his concerns against the issue. His concerns were moral, ethical and abuse. He stated that the population at this time was too low to allow the possibility of increased new revenue from these sources. He felt economically it was a bad idea at the current time. Mr. Vest had been involved with the Economic Development Plan and felt the information presented was not conclusive to support this.

There being no further comments from the audience, the mayor called for a motion to adopt the resolution to allow the measure to be placed on the referendum for citizens to make the decision.

Celeste, "I make a motion we adopt the resolution to allow the referendum." Wayne seconded and the motion passed by a vote of 4 to 0.

Mayor Haynes advised that the referendum would be on July 20, general primary.

PRESENTATION OF SETTING AND APPROVING JULY 12, 2010 AS THE REGULAR JULY MEETING -

Fred, "I so move." Gary seconded and the motion passed by a vote of 4 to 0.

MAYOR'S REPORT - Mayor Haynes presented his report for the month of May.

MAYOR'S ACTIVITIES REPORT TO COUNCIL  
 MAY - - 2010

1. Councilmember Graves and I attended District 1 GMA meeting in Dalton on 05-05-10.
2. Fire Code Inspector Baird, Zoning Director Flood and I met with county building staff on 05-07-10.
3. Worked on Off-System Grant data on 05-08-10 and 05-09-10.
4. Met with DOT staff in Cartersville on 05-10-10.
5. Councilmember Brock and I toured old Crown Craft building with Commissioner Ridley and Chamber President Rowe on 05-11-10.
6. Councilmembers Graves, Brock and I reviewed capital improvement requests on 05-11-10.
7. Attended GMA meeting in Rockmart on 05-12-10.

8. Councilmember Graves and I met to review changes to the city's retirement plan on 05-18-10.
9. Met with Off-System Grant Manager Ferguson on 05-18-10.
10. Met with Barnett Chitwood of Northwest Georgia Regional Planning Commission and reviewed the Comprehensive Plan updates for the city on 05-19-10.
11. Talked with Public Works Director Dunn with the City of Dalton to get assistance on paving on 05-19-10.
12. Signed proclamation for Foster Care on 05-20-10 and Poppy Day on 05-21-10.
13. Met with County Staff and supplied plan and deed description on Treadwell Road on 05-14-10.
14. Attended community meeting with YMCA's representative on 05-25-10.
15. Councilmembers Brock, Graves, City Clerk Nolan and I held a retirement change options meeting on 05-26-10.
16. Received and processed 12 calls from citizens during this period.

Respectfully submitted,

Tyson Haynes  
Mayor  
City of Chatsworth

#### COMMITTEE REPORTS

**FINANCE:** Wayne Graves stated that revenues are down due to the economy.

**INFRASTRUCTURE:** Presentation and approval of Off-System Safety Enhancement Grant submittal.

Mayor Haynes advised this was for signage and striping for approximately \$89000 which is 100% Federal money through DOT.

Gary, "I make a motion we submit the grant application." Fred seconded and the motion passed with a vote of 4 to 0.

Mr. Brock advised that the Woodring Branch project should be completed in July. Also, the pump station in Cisco will be completed.

**INTERGOVERNMENTAL & TECHNOLOGY:** Presentation of the second reading of an annexation request for David and Melanie Weaver at 225 Rollie Avenue of .38 acres as R-1 (Low Density Residential). The ordinance reads as follows:

**AN ORDINANCE TO EXTEND THE CORPORATE CITY LIMITS  
OF THE CITY OF CHATSWORTH**

2010-02

**ANNEXING** the following property in the corporate limits of the City of Chatsworth, Georgia consisting of .38 acres of Land Lot No. 205 in the 9th district, Parcel 0048D-011 and being known as a portion of 225 Rollie Avenue.

**WHEREAS**, application has been filed by David and Melanie Weaver for annexing property in the corporate limits of the City of Chatsworth, Georgia; and,

**WHEREAS**, following proper notice, a public hearing was held before this body; and,

**WHEREAS**, all conditions of home rule annexation as set forth by the State Legislature have been met; and

**WHEREAS**, The Mayor and Council do hereby find as a fact that said petition meets the requirements of O.C.G.A. Section 36-36-21 as amended, now therefore,

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

**Section 1:** Best Interest Determination

Prior to annexing the property described herein, the Chatsworth City Council finds, as a matter of fact that the annexation of the property described herein into the municipal corporation of the area proposed in the Application of Annexation would be in the best interest of the residents and property owners of the area proposed and of the citizens of the municipal corporation.

**Section 2.** The following property to wit:

All that tract or parcel of land lying and being in Land Lot 205 in the 9th district and 3rd section of Murray County, Georgia, designed as Tract "C" according to a plat of survey prepared by William J. Boulding, Georgia Registered Land Surveyor No. 2566, dated April 26, 1995 recorded May 9, 1995 in the office of the Clerk of the Superior Court of Murray County, Georgia, in Plat Book No. 28, Page 187, to which reference is herein made a more full and complete description.

Said property is to be zoned R-1 (Low Density Residential).

Total Population 3

Said Tract contains 0.38 acres

**Section 3.** Plans for extension of services to the area proposed to be annexed:

The City of Chatsworth, pursuant to O.C.G.A. Section 36-36-354, has made plans for extension of services to the area proposed to be annexed and such plans are on file at the Chatsworth City Hall. Further, said plans were made available to the public in a public hearing held in conjunction with this proposed annexation.

**Section 4:** The Above described property is hereby annexed into the corporate limits of the City of Chatsworth, Georgia and shall have an effective date June 7th, 2010 for ad valorem tax purposes under Georgia Law.

**Section 5:** The above described property is hereby placed within the corporate limits of the City of Chatsworth, Georgia.

**Section 6:** It is hereby declared to be in the intention of this ordinance that its sections, paragraphs, sentences, clauses, and phrases are severable, and if any section, paragraph, sentence, clause, or phrase of this Ordinance is declared to be unconstitutional or invalid, it shall not affect any of the remaining sections, paragraphs, sentences, clauses, or phrases of this Ordinance.

**Section 7:** All Ordinances or parts of Ordinances in conflict with this ordinance are hereby repealed

**Section 8:** This ordinance shall become effecton upon the signature of the Mayor, subject to Georgia Laws 1983, page 4119.

Approved by City Council:  
DATE: June 7, 2010

Approved:  
/s/ Tyson Haynes  
Mayor

ATTEST: /s/ Wilma Nolan  
City Clerk

Gary, "I make a motion we annex this property." Wayne seconded and the motion passed by a vote of 4 to 0.

Presentation of the second reading of an ordinance to amend the ordinances captioned "Soil Erosion, Sedimentation Control". The Ordinance reads as follows:

**ORDINANCE**

To amend Article III, Sec. 4-51 thru 4-57 of the Code of Ordinances of the City of Chatsworth, Georgia, captioned " Soil Erosion, Sedimentation Control" by repealing existing Article III in its entirety and replacing therewith a re-stated Article III, to be entitled "Soil Erosion, Sedimentation and Pollution Control Ordinance," which shall constitute a comprehensive Soil Erosion for the City of Chatsworth; and for other purposes.

BE IT ORDAINED by the Mayor and Council of the City of Chatsworth, Georgia, and by the authority of the same, IT IS HEREBY ORDAINED AS FOLLOWS:

1. Repeal existing Sec. 4-51 thru 4-57 of the Code of Ordinances of the City of Chatsworth, Georgia, in its entirety replacing therewith a re-stated Sec. 4-51-57, to be entitled "Soil Erosion Sedimentation and Pollution Control Ordinance: as follows:

**SOIL EROSION, SEDIMENTATION AND POLLUTION CONTROL ORDINANCE**

NOW, THEREFORE, BE IT ORDAINED, BY

**CITY OF CHATSWORTH  
SECTION I  
TITLE**

This ordinance will be known as "City of Chatsworth Soil Erosion, Sedimentation and Pollution Control Ordinance."

**SECTION II  
DEFINITIONS**

The following definitions shall apply in the interpretation and enforcement of this ordinance, 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 Commisison 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. **Commission:** The Georgia Soil and Water Conservation Commission (GSWCC).
6. **CPESC:** Certified Professional in Erosion and Sediment Control with current certification by Certified Professional in Erosion and Sediment Control Inc., a corporation registered in North Carolina, which is also referred to as CPESC or CPESC, Inc.
7. **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.
8. **Department.** The Georgia Department of Natural Resources (DNR).
9. **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 Certified Professional in Erosion and Sediment Control (CPESC) with a current certification by Certified Professional in Erosion and Sediment Control Inc.
10. **Director:** The Director of the Environmental Protection Division or an authorized representative
11. **District:** The Limestone Valley Soil and Water Conservation District.
12. **Division:** The Environmental Protection Division (EPD) of the Department of Natural Resources.
13. **Drainage Structure:** A device composed of a virtually nonerodible material such as concrete, steel, plastic or other such material as concrete, steel, 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.
14. **Erosion:** The process by which land surface is worn away by the action of wind, water, ice, or gravity.
15. **Erosion, Sedimentation and Pollution Control Plan.** A plan required by the Erosion and Sedimentation Act, O.C.G.A. Chapter 12-7, that includes, as a minimum protections at least as stringent as the State General Permit, best management practices, and requirements in section IV.C. of this ordinance.
16. **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.
17. **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 appropriated for the time of year and region; or a crop of annual vegetation and a seeding of target crop perennials appropriate for the regional Final stabilization applies to each phase of construction.
18. **Finished Grade:** The Final elevation and contour of the ground after cutting or filling and conforming to the proposed design.
19. **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.
20. **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 III, Paragraph 5.
22. **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 survey markings, indicating that construction activities may occur on a specific plot.
23. **Local Issuing Authority:** The governing authority of any county or municipality which is certified pursuant to subsection (a) O.C.G.A. 12-7-8.
24. **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.
25. **Natural Ground Surface:** The ground surface in its original state before any grading, excavation or filling.
26. **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.
27. **NOI:** A Notice of Intent form provided by EPD for coverage under the State General Permit.

28. **NOT:** A notice of Termination form provided by EPD to terminate coverage under the State General Permit.
29. **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.
30. **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.
31. **Permit:** The authorization necessary to conduct a land-disturbing activity under the provisions of this ordinance.
32. **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.
33. **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.
34. **Project:** The entire proposed development project regardless of the size of the area of land to be disturbed.
35. **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 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.
36. **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.
37. **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.
38. **Sedimentation:** The process by which eroded material is transported and deposited by the action of water, wind, ice, or gravity.
39. **Soil and Water Conservation District Approved Plan:** An erosion, sedimentation and pollution control plan approved in writing by the Lime Stone Valley Soil and Water Conservation District.
40. **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.
41. **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 Code Section 12-5-30.
42. **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.
43. **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 rip-rap, 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.
44. **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.

45. **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.

46. **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.

47. **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 III EXEMPTIONS

This ordinance 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 zoned 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 apian 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 prohibited in a buffer, as established in paragraphs (15) and (16) of Section IV.C. of this ordinance, 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 to the property on which such property is located and provided, further, that nothing contained herein shall prevent the Local Issuing Authority from regulation any such project which is not specifically exempted by paragraphs 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 continuous 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 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 IV  
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 the ordinance and the NPDES General Permit are not met. Therefore, plans for those land-disturbing activities which are not exempted by this ordinance 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 Section IV B. & C. of this ordinance. 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 Section IV B. & C. of this ordinance 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 subsection (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 local Issuing Authority or by any state general permit issued by the Division pursuant to subsection (f) of O.C.G.A. 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 a 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 LIA may set more stringent buffer requirements than stated in C.15, and 16., 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, regarding 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 areas is stabilized. As used in this paragraph, a disturbed areas 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 Section IV.B.2 of this ordinance.
15. Except as provided in paragraph (16) of this subsection, 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 roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications, and are implemented; 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 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
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 specification 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 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.
- D. Nothing contained in O.C.G.A. 12-7-1 et seq. shall prevent any Local Issuing Authority from adopting rules and regulations, ordinances, or resolutions which contain stream buffer requirements that exceed the minimum requirements in Section IV B. & C. of this ordinance.
- E. The fact that 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.

#### SECTION V APPLICATION/PERMIT PROCESS

##### A. GENERAL

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 City of Chatsworth without first obtaining a permit from the Land Development Officer or Designee 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 Land Use and Development Office 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 Section V C. of this ordinance. 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 IV B. & C of this ordinance will be met. Applications for a permit will not be accepted unless accompanied by six (6) 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. A Fee, in the amount of \$58.00 shall be charged for each acre or fraction thereof up to 10 acres and \$12.00 per acre or fraction thereof for the remaining project area. In addition to the local permitting fees, fees will also be assessed pursuant to paragraph (5) subsection (a) of O.C.G.A. 12-5-23. 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 subsection (a) of O.C.G.A. 12-7-8 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 paragraph (9) or (10) of O.C.G.A. 12-7-17 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 IV C. 15. & 16. has been obtained, all fees have been paid, and bonding, if required as per Section V.B.6., 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 of 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 bond in the form of government security, cash, irrevocable letter of credit, or any combination thereof up to, but not exceeding, \$1,500.00 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 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 IV B. & C. of this ordinance, 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 Stakehold 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. Permit 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 under taken.
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 IV C.15. & 16. Are obtained, bonding requirements, if necessary, as per Section Section V. B. 6. 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 person 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 VI INSPECTION AND ENFORCEMENT

- A. The Land Development Officer or designee 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 Land Development Office 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 Code Section 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 or any county or municipality so notified shall have 90 days within which to

take the necessary corrective action to regain 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 VII  
PENALTIES AND INCENTIVES**

**A. FAILURE TO OBTAIN A 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 V 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**

1. Any person who violates any provisions of this ordinance, or any permit condition or limitation established pursuant to this ordinance, or who negligently or intentionally fails or refuses to comply with any final or emergency order of the Director issued as provided in this ordinance 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 VIII  
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 a 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 paragraph (1) of subsection (b) of O.C.G.A. 12-7-19, then any person or entity involved in land-disturbing activity at that site and operating in a sub-

contractor capacity for such permittee shall meet those educational requirements specified in paragraph (4) of subsection (b) of O.C.G.A. 12-7-19 and shall not be required to meet any educational requirements that exceed those specified in said paragraph.

**SECTION IX  
ADMINISTRATIVE APPEAL 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 Chatsworth City Code Board of Appeals with thirty (30) days after receipt by the Local Issuing Authority of written notice of appeal.

**B. JUDICIAL REVIEW**

Any person, aggrieved by a decision or order of the Local Issuing Authority, after exhausting his administrative remedies, shall have the right to appeal denovo to the Superior Court of Murray County.

**SECTION X  
EFFECTIVITY, VALIDITY AND LIABILITY**

**A. EFFECTIVITY**

This ordinance shall become effective on 7th day of June, 2010.

**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 ordinance 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.

**ATTEST:**

/s/ Tyson Haynes  
Mayor  
/s/ Wilma Nolan  
City Clerk

Fred, "I move we adopt this as the second reading." Gary seconded and the motion passed by a vote of 4 to 0.

**Presentation of ordinance regarding Georgia State Minimum Standard Codes for Construction, Administration and Enforcement for first reading.**

Wayne, "I make a motion we adopt this as the first reading." Gary seconded and the motion passed by a vote of 4 to 0.

Ms. Martin advised that the city web site was up and running and the url was [www.chatsworthga.gov](http://www.chatsworthga.gov). She further expressed her appreciation to Ms. Flood and others for helping with the information to accomplish this step.

**PUBLIC SAFETY:**

Chief Martin expressed he had been involved with community policing. Which had helped with keeping the crime down in the community. He reports 37 suspicious vehicles, 53 suspicious persons with only 3 minor burglaries.

The radio system is up and running. School is out and children are out and about and controlled substance is up.

Chief Baxter advised that he had participated in career day at Gladden Middle School and Northwest Elementary.

They had also participated in a drill at the hospital. Helped with a lightning strike at the jail and a fire at Murray Plaza.

Through a grant they had received ~~two~~ defibrulators.

Marshal Smith advised that he was working on license renewal. He also had attended training during May.

Mayor Haynes adjourned the meeting at 6:45 p.m.

**ATTEST:**

*Wilma Nolan*  
\_\_\_\_\_  
CITY CLERK

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MAYOR TYSON HAYNES

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 ALDERMAN WAYNE CRAVES
 

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 ALDERWOMAN CELESTE MARTIN
 

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 ALDERMAN GARY BROCK
 

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 ALDERMAN FRED WELCH
 

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## MAY PAID BILLS

WATKINS ROBBY G	288.00	BRADLEY BUILDERS SUPPLY	710.56
CHATSWORTH FARM & GARDEN	358.25	CHATSWORTH AUTO PARTS	770.84
ALSCO-518	454.76	FORT VIEW CLEANERS	162.60
GLOBE CHEMICAL CO INC	171.50	G & S OFFICE SUPPLY	913.74
GEORGIA POWER COMPANY	11054.99	GMEBS	12889.84
MURRAY COUNTY GOVT	765.00	LIBERTY NATIONAL LIFE	1842.87
MURRAY CTY FEED & SEED	59.99	THOMPSON PUBLISHING GROUP	378.50
EAST RIDGE UNIFORMS	129.50	KEEP. CHATSWORTH MURRAY	2083.34
CHATS/MURRAY HEALTH DEPT	416.67	CHATS/MURRAY LIBRARY	2500.00
ADVANCE AUTO PARTS	147.29	WHOLESALE SUPPLY GROUP	11.75
KLEEN-A-MATIC	497.76	DALTON JANITORIAL INC	75.48
CHILD SUPPORT ENFORCEMENT	189.58	KELLER OUTDOOR INC	103.50
COMMUNICATIONS & ELECTRONICS	121.50	WORLD ELECTRONICS	6.58
PULLIAM FRETTE	45.00	CHEROKEE TRUCK EQUIPMENT	2224.95
O'REILLY AUTO PARTS	139.90	NATIONWIDE RETIRMENT SO	623.16
GRAINGER	71.90	PEACE OFFICER'S A & B	260.00
GOVERNMENTAL SYSTEMS INC	510.00	A & H SAFETY SUPPLY	259.74
MCCAMY PHILLIPS TUGGLE	378.25	WACHOVIA	380.00
AUTOZONE/AZ COMMERCIAL	167.56	CHAPTER 13 STANDING TRUSTEE	249.00
B B & T	35460.00	GSCCCA	3442.80
PEACE OFFICERS A & B FUND	677.62	MC COMMISSIONER - DATE	235.00
MURRAY COUNTY JAIL FUND	1299.94	VICTIMS COMP PROBATION	731.00
COURTWARE SOLUTIONS	890.42	WATKINS ROBBY G	360.00
ROTARY CLUB	500.00	HAYNES TYSON	100.00
5% VICTIMS SURCHARGE	686.79	CHATSWORTH TIMES	123.30
WINDSTREAM	1205.96	CINTAS FIRST AID	79.79
NORTHWEST GA REGIONAL CO	344.17	SPECIALTY GASES SE INC	19.50
VULCAN MATERIALS COMPANY	1861.70	CHILD SUPPORT ENFORCEMENT	189.58
CHATS WATER WORKS COMM	8190.20	COMMUNICATIONS & ELECTRONICS	267.00
SANTEK ENVIRONMENTAL GA	2581.42	NATIONWIDE RETIREMENT SO	623.16
EAGLE PARTS & MACHINERY	11.89	AMERICAN RED CROSS	125.00
NORTH GEORGIA TIRE	820.84	WACHOVIA	380.00
CHAPTER 13 STANDING TRUSTEE	249.00	GAS SOUTH	1218.10
WATKINS ROBBY G	360.00	CHATSWORTH FORD	10486.00
GEORGIA MUNICIPAL ASSOCIATION	1973.19	PAIN EXTERMINATING LLC	360.00
PEEK PAVEMENT MARKING	3992.00	C J WALLS	45.00
CHILD SUPPORT ENFORCEMENT	189.58	NATIONWIDE RETIREMENT SO	623.16
THE DYCHO COMPANY INC	205.35	GRAVES WAYNE	18.00
WACHOVIA	380.00	CHAPTER 13 STANDING TRUSTEE	249.00
WATKINS ROBBY G	288.00	AFLAC	1280.18
SHERWIN WILLIAMS CO	290.10	GEORGIA POWER COMPANY	2473.68
GMEBS LIFE HEALTH FUND	20798.40	COMMISSIONER OF MC	544.83
PEEK PAVEMENT MARKING	65051.02	PURE UV WATER COOLERS	30.00
CHILD SUPPORT ENFORCEMENT	189.58	MURRAY COUNTY TAX COMM	21.00
NATIONWIDE RETIREMENT SO	623.16	VERIZON WIRELESS	719.44
ADVANCED OFFICE SYSTEMS	221.50	PRE PAID LEGAL SERVICES	93.65
CUMMINS SOUTH	309.09	NORTH GEORGIA EMC SEDC	179.31
BANKCARD CENTER	447.67	WACHOVIA	380.00
TEAMBUILDERS/ E BRIDGES	280.00	CHAPTER 13 STANDING TRUSTEE	249.00
WATKINS ROBBY G	360.00		