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SECOND READING: April 28, 2005  
PUBLISHED: March 27, 2005  
PUBLISHED: \_\_\_\_\_  
PASSED: April 28, 2005

**SOIL EROSION AND SEDIMENTATION CONTROL RESOLUTION  
(REVISED 2005)**

**A RESOLUTION TO DELETE CHAPTER 8.40 OF TITLE 8 OF THE OFFICIAL CODE OF HALL COUNTY, GEORGIA, ENTITLED "SOIL EROSION AND SEDIMENTATION CONTROL (REVISED 2004) " AND TO SUBSTITUTE IN LIEU THEREOF THE NEWLY REVISED CHAPTER 8.40 OF TITLE 8 OF THE OFFICIAL CODE OF HALL COUNTY, GEORGIA, TO BE ENTITLED "HALL COUNTY SOIL EROSION AND SEDIMENTATION CONTROL (REVISED 2005)"; SO AS TO COMPLY WITH THE STATE SOIL AND WATER CONSERVATION COMMISSION MODEL ORDINANCE; TO PROVIDE FOR AN EFFECTIVE DATE; TO REPEAL CONFLICTING RESOLUTIONS AND ORDINANCES; AND FOR OTHER PURPOSES.**

**WHEREAS**, the Board of Commissioners of Hall County adopted by resolution on June 27, 1996, to become effective July 1, 1996, the codification of Resolutions, General Resolutions and Ordinances passed by the Board of Commissioners of Hall County as "The Official Code of Hall County, Georgia" 1996 edition published by Municipal Code Corporation; and further provided for the adoption and incorporation of any Resolution, General Resolution or Ordinance passed subsequent to July 1, 1996, to automatically become a part of The Official Code of Hall County, Georgia; and

**WHEREAS**, in order for Hall County, Georgia, to comply with the State Model Ordinance, it is necessary for the Board of Commissioners of Hall County, Georgia, to delete Chapter 8.40 of Title 8 of the Official Code of Hall County, Georgia entitled "Soil Erosion and Sedimentation Control (REVISED 2004)" in its entirety; and

**WHEREAS**, the Board of Commissioners of Hall County does desire to delete Chapter 8.40 of Title 8 of the Official Code of Hall County, last amended in 2004, and to substitute in lieu thereof a new Chapter 8.40 to be entitled "**SOIL EROSION AND SEDIMENTATION CONTROL (REVISED 2005)**"; and

**WHEREAS**, the new Sections of Chapter 8.40 of the Official Code of Hall County, Georgia, are to comply with the aforementioned State Model Ordinance and to strengthen and extend the present erosion and sedimentation control activities so as to preserve and protect the land, water, air, and other resources of Hall County.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF HALL COUNTY**, and it is hereby resolved by the authority of the same as follows:

1.

Chapter 8.40 of Title 8 of The Official Code of Hall County, Georgia, entitled "Soil Erosion and Sedimentation Control (Revised 2004)" is hereby deleted in its entirety and substituted in lieu thereof the new Chapter 8.40 of Title 8 of the Official Code of Hall County, Georgia, entitled "SOIL EROSION AND SEDIMENTATION CONTROL (REVISED 2005)" is hereby adopted. Said Chapter 8.40 of Title 8 of the Official Code of Hall County, Georgia, entitled "SOIL EROSION AND SEDIMENTATION CONTROL (REVISED 2005)" is set forth in Exhibit "A", a copy of which is attached hereto and made a part hereof as if Exhibit "A" were originally set forth in this Resolution.

2.

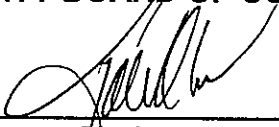
All Resolutions, or Ordinances, or parts thereof, in conflict with the terms of this Resolution are hereby repealed, but it is hereby provided that any resolution, ordinance or law, which may be applicable hereto and aid in carrying out and making effective the intent, purpose and provisions hereof, which shall be liberally construed to be in favor of Hall County, is hereby adopted as part hereof.

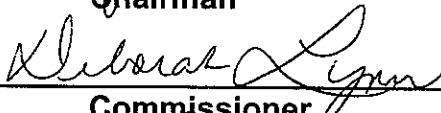
3.

If any paragraph, sub-paragraph, section, subsection, sentence, clause, phrase, or any portion of this Resolution shall be declared invalid or unconstitutional by any court of competent jurisdiction or if the provisions of any part of this Resolution as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Resolution not so held to be invalid. It is hereby declared to be the intent of the Hall County Board of Commissioners to provide for separable and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.


This Resolution is hereby adopted this 28<sup>th</sup> day of April, 2005, to become effective immediately upon execution by the Hall County Board of Commissioners, the public health, safety, and general welfare demanding it.

**HALL COUNTY BOARD OF COMMISSIONERS**

By   
Chairman

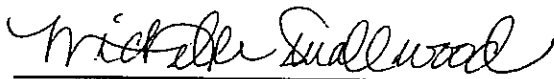
  
Commissioner

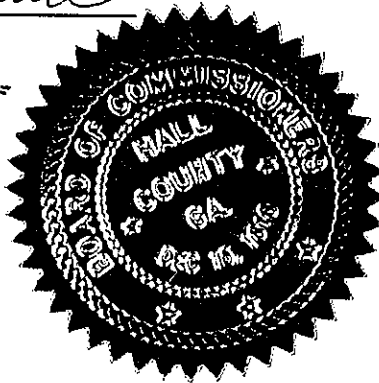
  
Commissioner

  
Commissioner

  
Commissioner

**ATTEST:**

  
Clerk



## CHAPTER 8.40. SOIL EROSION AND SEDIMENTATION CONTROL

### 8.40.010. Title.

This Chapter will be known as the "SOIL EROSION AND SEDIMENTATION CONTROL (REVISED 2005)".

### 8.40.020. Definitions.

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

"Best Management Practices (BMP's)" means a collection of structural practices and vegetative measures which, when properly designed, installed and maintained, will provide effective erosion and sedimentation control. The term "properly designed" means 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).

"Board" means the Board of Natural Resources.

"Buffer" means 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.

"Commission" means the State Soil and Water Conservation Commission.

"Cut" means 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 excavated surface. Also known as "excavation".

"Department" means the Department of Natural Resources.

"Director" means the Director of the Environmental Protection Division of the Department of Natural Resources.

"District" means the Hall County Soil and Water Conservation District.

"Division" means the Environmental Protection Division of the Department of Natural Resources.

"Drainage structure" means a device composed of a virtually nonerodible material such as concrete, steel, plastic, or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for storm-water management, drainage control, or flood control purposes.

"Erosion" means the process by which land surface is worn away by the action of wind, water, ice or gravity.

"Erosion and Sedimentation Control Plan" means a plan for the control of soil erosion and sedimentation resulting from a land disturbing activity. Also known as the "plan."

"Fill" means a portion of land surface to which soil or other solid material has been added; the depth above the original ground.

"Final Stabilization" means that all soil disturbing activities at the site have been completed and that for unpaved areas and areas not covered by permanent structures, at least 70% of the soil surface is uniformly covered in permanent vegetation or equivalent permanent stabilization measures (such as the use of rip rap, gabions, permanent mulches or geotextiles) have been employed. Permanent vegetation shall consist of: planted trees,

shrubs, perennial vines; a crop of perennial vegetation appropriate for the time of year and region; or a crop of annual vegetation and a seeding or target crop perennials appropriate for the region; such that within the growing season a 70% coverage by perennial vegetation shall be achieved. Final stabilization applies to each phase of construction. For linear construction projects on land used for agricultural or silvicultural purposes, final stabilization may be accomplished by stabilizing the disturbed land for its agricultural or silvicultural use.

"Finished grade" means the final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

"Grading" means 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.

"Ground Elevation" means the original elevation of the ground surface prior to cutting or filling.

"Land Disturbing Activity" means any activity which may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state including, but not limited to, clearing, dredging, grading, excavating, transporting, and filling of land but not including agricultural practices as described in Section 8.40.030 (A(5)).

"Larger Common Plan of Development or Sale" means a contiguous area where multiple separate and distinct construction activities are occurring under one plan of development for sale. For purposes of this paragraph, "plan" means an announcement, piece of documentation such as a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, or computer design; or physical demarcation such as boundary signs, lot stakes, or surveyor markings, indicating that construction activities may occur on a specific plot.

"Local Issuing Authority" means the governing authority of any county or municipality which is certified pursuant to subsection O.C.G.A. 12-7-8(a).

"*Manual for Erosion and Sediment Control in Georgia*" shall mean the *Manual for Erosion and Sediment Control in Georgia*, (5<sup>th</sup> Ed., 2000) as amended through January 1, 2001, published by the Georgia Soil and Water Conservation Commission.

"Metropolitan River Protection Act (MRPA)" means 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.

"Natural ground surface" means the ground surface in its original state before any grading, excavation or filling.

"Nephelometric turbidity units (NTU)" means 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 particles are present.

"Operator" means 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 a storm-water pollution prevention 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 storm-water pollution prevention plan or to comply with other permit conditions.

"Permit" means the authorization necessary to conduct a land disturbing activity under the provisions of this Chapter.

"Person" means 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 this State, any interstate body or any other legal entity.

"Project" means the entire proposed development project by property boundary regardless of the size of the area of land to be disturbed.

"Qualified Personnel" means any person who meets or exceeds the education and training requirements of O.C.G.A. 12-7-19.

"Roadway drainage structure" means 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 way consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

"Sediment" means solid material, both organic and inorganic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, ice, or gravity as a product of erosion.

"Sedimentation" means the process by which eroded material is transported and deposited by the action of water, wind, ice or gravity.

"Soil and Water Conservation District approved plan" means an erosion and sedimentation control plan approved in writing by the Hall County Soil and Water Conservation District.

"Stabilization" means 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.

"State General Permit" means the National Pollutant Discharge Elimination System 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.

"State waters" includes 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 the State, which are not entirely confined and retained completely upon the property of a single individual, partnership or corporation.

"Structural erosion and sediment control measures" means 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 run-off to prevent excessive sediment loss. Examples of structural erosion and sediment control practices are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures, sediment traps, and land grading, etc. Such measures can be found in the publication *Manual for Erosion and Sediment Control in Georgia*.

"Trout streams" means all streams or portions of streams within the watershed as designated by the Game and Fish 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 *et seq.* 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 streams are streams into which no other streams flow except springs.

"Vegetative erosion and sediment control practices" means practices for the stabilization of erodible or sediment producing area by covering the soil with:

1. Permanent seeding, sprigging or planting, producing long-term vegetative cover; or
2. Temporary seeding, producing short term vegetative cover; or
3. Sodding, covering areas with a turf of perennial sod-forming grass.

Such practices can be found in the publication *Manual for Erosion and Sediment Control in Georgia*.

"Watercourse" means 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.

"Wetlands" means 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.

#### **8.40.030. Exemptions.**

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

- A.
  1. Surface mining as the same is defined in O.C.G.A., § 12-4-72, "Mineral Resources and Caves Act" is exempt from the provisions of this chapter.
  2. Granite quarrying and land clearing for such quarrying is exempt from this chapter.
  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, are exempt from this chapter.
  4. The exemption from this chapter shall apply to the construction of single-family residences, except that a building permit shall be acquired prior to any land disturbing activity beginning on a site,

when such construction disturbs less than one acre and is not a part of a larger common plan of development or sale with a planned disturbance equal to or greater than one 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 Section 8.40.040 of this resolution 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 feet and no variance to a smaller buffer shall be granted. The minimum requirements of Section 8.40.040 of this resolution and the buffer zones provided by this Section 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 the use in the production of poultry, including but not limited to chickens, hens and turkeys; producing plants, trees, fowl, or animals; the production of aqua culture, horticultural, dairy, livestock, poultry, eggs and apiarian products; farm buildings and farm ponds are exempt from this chapter.
6. Forestry land management practices, including harvesting are exempt from this chapter. Provided, however, that when such exempt forestry practices cause or result in land-disturbing or other activities otherwise prohibited in a buffer, as established in paragraphs (19) and (20) of Section 8.40.040 (C) of this Chapter, no other land-disturbing activities, except for normal forest management practices, shall be allowed on the entire property upon which the forestry practices were conducted for a period of three years after completion of such forestry practices.

7. Any project carried out under the technical supervision of the Natural Resources Conservation Service of the United States Department of Agriculture is exempt from this Chapter.
8. Any noncommercial project involving less than one acre of disturbed area that is not otherwise exempt under 8.40.030 (A(1) through (A(7)) and (A(9) through (11)) is exempt from General Land-Disturbing Permit Plan requirements, but is required to have a Minor Land-Disturbing Permit and shall meet the minimum requirements of 8.40.040(B), 8.40.040(C) and 8.40.050(A). Commercial projects of any size are not exempt from any provision of this Chapter; provided, however, that the County Engineer may specifically exempt certain projects from soil erosion plan requirements in cases where minimal land disturbance is to occur. These exemptions from soil erosion plan requirements 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 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 acre, which involves land-disturbing activity, and which is within 200 feet of any such excluded channel or drainage way, must prevent sediment from moving beyond the boundaries of the property on which such project is located;
9. Exemption from this Chapter shall apply to the 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 Department of Transportation or State Road and Tollway Authority which disturb one or more contiguous acres of land shall be subject to provisions of Code Section 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. Exemption from this Chapter shall apply to any land-disturbing activities conducted by any electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power; except where an electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission, or distribution of power is a secondary permittee for a project located within a larger common plan of development or sale under the state general permit, in which case the Local Issuing Authority shall enforce compliance with the minimum requirements set forth in O.C.G.A. 12-7-6 as if a permit had been issued, and violations shall be subject to the same penalties as violations by permit holders; and
11. Any public water system reservoir.

B. Where this section requires compliance with the minimum requirements set forth in Section 8.40.040 (B and C), the Local Issuing Authority shall enforce compliance with the minimum requirements as if a permit had been issued and violations shall be subject to the same penalties as violations by permit holders.

#### **8.40.040. Minimum Requirements for Erosion and Sedimentation Control Using Best Management Practices.**

##### **A. General Provisions**

Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities. Therefore, plans for those land-disturbing activities which are not exempted by this Chapter shall contain provisions for application of soil erosion and sedimentation control measures and practices. The provisions shall be incorporated into the erosion and sedimentation control plans. Soil erosion and sedimentation control measures and practices shall conform to the minimum requirements of Section 8.40.040 (B and C) of this Chapter. 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 and sedimentation pollution during all stages of any land-disturbing activity.

## B. Minimum Requirements/BMP'S

1. Best management practices as set forth in Section 8.40.040 (B and C) of this Chapter 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 this Chapter or any substantially similar terms contained in a permit for the discharge of stormwater issued pursuant to subsection (f) of Code Section 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 stormwater 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 the Local Issuing Authority or of any state general permit issued by the Division pursuant to subsection (f) of Code Section 12-5-30, the "Georgia Water Quality Control Act", for each day on which such discharge results in the turbidity of receiving waters being increased by more than 25 nephelometric turbidity units for waters supporting warm water fisheries or by more than ten 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 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 of receiving waters into which discharges from land-disturbing activities occur.

5. All soil erosion and sedimentation control measures will be checked daily by the 'operator', and any deficiencies noted will be corrected by the end of each day. Additional erosion and sediment control measures will be installed if deemed necessary by the Local Issuing Authority after an on-site inspection.
6. If, at any time, any reasonably notable and visible quantity of sediment leaves the property lot lines, impacts other property or any stream buffer zone, additional and appropriate Erosion and Sedimentation Control measures shall be added immediately to prevent future violations.

C. The rules and regulations, ordinances, or resolutions adopted pursuant to this Chapter 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 well as the following:

1. A construction exit designed in accordance with the *Manual for Erosion and Sediment Control in Georgia* must be the first element developed on a construction site. The construction exit must be maintained in such a way as to prevent any mud from being tracked onto public roads.
2. Stripping of vegetation, regrading and other development activities shall be conducted in a manner so as to minimize erosion;
3. Cut-fill operations must be kept to a minimum;
4. Development plans must conform to topography and soil type so as to create the lowest practical erosion potential;
5. Whenever feasible, natural vegetation shall be retained, protected and supplemented;
6. The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum. The disturbed area on a project shall be no greater than 20 acres at any given time. Projects with proposed disturbed areas of greater than 20 acres will need to be graded in phases, and the proposed phasing plan and schedule will need to be shown on the approved soil erosion drawings. Mulch or temporary grassing shall be applied immediately to all exposed soil areas that have been inactive for 14 days. The mulch or temporary grassing coverage shall be

maintained to a depth of 2 inches and shall have a continuous 90% soil surface coverage, or greater until final stabilization has occurred;

7. Disturbed soil shall be stabilized as quickly as practicable;
8. Temporary vegetation or mulching shall be employed to protect exposed critical areas during development;
9. Permanent vegetation and structural erosion control measures shall be installed as soon as practicable;
10. To the extent necessary, sediment in run-off water must be trapped by the use of debris basins, sediment basins, silt traps, sediment barriers (Silt Fences, Hay Bales, Rock dams, etc.) or similar measures until the disturbed area is stabilized. Silt fences shall incorporate Georgia Department of Transportation approved fabrics and utilize posts and proper post spacing in conformance to the *Manual for Erosion and Sediment Control in Georgia*. As used in this paragraph, a disturbed area is stabilized when it is brought to a condition of continuous compliance with the requirements of O.C.G.A. 12-7-1 et. seq., and meets the definition of Final Stabilization as defined in this Chapter;
11. Any land disturbance within 200 feet of stream buffers, wetlands, or other critical areas designated by the Hall County Engineering Department shall require two rows of Type 'C' silt fence, or one row of Type 'C' silt fence backed by hay bales, appropriately installed, as per the *Manual for Erosion and Sediment Control in Georgia*;
12. Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping surface of fills;
13. Cuts and fills may not endanger adjoining property;
14. Cuts and fills may be no steeper than a ratio of 2 units horizontal to 1 unit vertical, unless a slope stabilization technique, such as a retaining wall, is used with written approval from the Local Issuing Authority;
15. Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners;

16. Grading equipment must cross flowing streams by means of bridges or culverts or other methods as approved by the Local Issuing Authority on the Permit provided that such crossings are kept to a minimum;
17. Erosion and Sedimentation control plans shall include provisions for treatment to control any source of sediments and adequate sedimentation control facilities to retain sediments on site or preclude sedimentation of adjacent streams beyond the levels specified in Section 8.40.040 (B(2)) of this Chapter;
18. Adequate erosion and sedimentation control measures which are approved by the Manual for Erosion and Sediment Control in Georgia shall be installed prior to, or concurrently with, any grubbing or grading activity, and be maintained until 'Final Stabilization' has been achieved.
19. Except as provided in paragraph (20) 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, or where a drainage structure or roadway drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications, and are implemented; provided, however, 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, minor clearing of understory vegetation less than 1" in diameter is allowed. Kudzu and other similar invasive plant species of any diameter may be cleared; 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; (ii) Stream crossings for sewer lines; or (iii) permitted uses specified in 8.35.060(D) and

(c) All requirements of Official Code of Hall County, Georgia § 8.35.060 shall also be complied with.

20. 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 that adequate erosion control measures are incorporated in the project plans and specifications, and are implemented. The Director may grant a variance from such buffer to allow land-disturbing activity, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented. The following requirements shall apply to such buffer:

(a) No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, minor clearing of understory vegetation less than 1" in diameter is allowed. Kudzu and other similar invasive plant species of any diameter may be cleared; 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; (ii) Stream crossings for sewer lines; or (iii) permitted uses specified in 8.35.060(D); and

(c) All requirements of Official Code of Hall County, Georgia § 8.35.060 shall also be complied with

D. Nothing contained in this Chapter 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 8.40.040 (B and C) of this Chapter.

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 Chapter or the terms of the permit.

**8.40.050. Application, permits process, generally.**

There are two (2) types of Land-Disturbing permits: Minor Land-Disturbing and General Land-Disturbing.

A. Minor Land Disturbing Permit:

Where required pursuant to 8.40.030(A (8)), no person shall conduct any land-disturbing activity within the unincorporated area of Hall County without first obtaining a Minor Land-Disturbing permit from Hall County Development Services to perform such activity. The application for a Minor Land-Disturbing Permit must contain a current Plat or drawing of the property containing the project which indicates all easements, streams, buffer zones, wetlands and roadways. Said application must be submitted to Hall County Development Services. A fee in the amount of forty dollars (\$40) will be charged for each application. The permit will expire six (6) months from date of issuance. Additionally, where a Minor Land-Disturbing Permit is required, § 8.40.050(B(4(f)) shall apply.

B. General Land-Disturbing Permit

All other required land-disturbing sites not fitting the Minor Land-Disturbing requirement.

(1) General.

The property owner, developer, and designated planners and engineers shall review the general development plans and detailed plans of the Local Issuing Authority that affect the tract to be developed and the area surrounding it. They shall review the zoning regulations, watershed protection regulations, subdivision regulations, flood damage prevention regulations, this Chapter, and other provisions of the Official Code of Hall County, Georgia, and the laws of the State of Georgia which regulate the development of land within the jurisdictional boundaries of the Local Issuing Authority. However, the operator is the only party that can obtain a permit.

(2) Application Requirements.

- (a) No person shall conduct any land-disturbing activity within the unincorporated area of Hall County without first obtaining an

appropriate permit from Hall County Development Services to perform such activity.

- (b) The application for a permit shall be submitted to the Local Issuing Authority and must include the applicant's erosion and sedimentation control plan with supporting data, as necessary. The plans shall include, as a minimum, the data specified in Section 8.40.050 (B(3)) of this Chapter. Soil erosion and sedimentation control plans shall conform to the provisions of Section 8.40.040 (B and C) of this Chapter. Applications for a permit will not be accepted unless accompanied by the appropriate number of copies of the applicant's soil erosion and sedimentation 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 or that such a visit was not required in accordance with rules and regulations established by the Board. Upon plan approval, one reduced size set of plans shall be submitted to Hall County Engineering Division.
- (c) A fee in the amount of one hundred seventy-five dollars (\$175) shall be charged for each application.
- (d) 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, in the amount of \$100.00 per acre, or fraction of acres to the nearest tenth (1/10<sup>th</sup>) 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. Of the \$100.00 per acre fee, \$80.00 shall be applied to NPDES fees and \$20.00 shall be for permitting fees. All applicable fees shall be paid prior to issuance of the land disturbance permit. Out of the \$100.00 per disturbed acre collected, \$40.00 shall be submitted to the division; and 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.
- (e) Soil Erosion and Sediment Control Permits shall terminate twelve (12) months from the date of issuance. If the land-disturbing activity has not commenced within said twelve (12) months from the date of issuance, the person or entity in whose name the permit was issued shall make a new application and pay a reapplication fee in the amount of \$40.00 to obtain a new permit pursuant to these regulations before commencing such land-disturbing activity.

However, if the land-disturbing activity has commenced but not completed and inspections have been made by the Local Issuing Authority within said twelve (12) months from the date of issuance, the person or entity in whose name the permit was issued shall make a new application and pay a reapplication fee in the amount of \$175 to obtain a new permit pursuant to this Chapter before commencing such land-disturbing activity. Should the permit expire and the person or entity in whose name the permit was issued fail to make a new application within twelve (12) months from the original date of issuance, the permit will be deemed terminated, and the person or entity will be required to permit the site from start by following 8.40.050 (B(2 (a) through (c))) above. The foregoing notwithstanding, once the land-disturbing activity is commenced, it shall be completed within six (6) months of the date of commencement. The reapplication fee for noncommercial sites meeting the criteria as set forth in Section 8.40.030 (A(8)) shall be \$40.00 regardless of whether or not land-disturbing activity has commenced in the past year. Termination of the permit shall not relieve the property owner of the responsibility for fulfilling the Soil Erosion and Sediment Control Requirements of the permit, or of this Chapter.

- (f) 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 and sedimentation control plan. A District shall approve or disapprove a plan within 35 days of receipt. Failure of a District to act within 35 days shall be considered an approval of the pending plan. The results of the District review shall be forwarded to the Local Issuing Authority. No permit will be issued unless the plan has been approved by the District, and any variances required by Section 8.40.040 (C(16 and 17) and bonding, if required as per Section 8.40.050 (B(2(g(2)))), 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.
- (g)
  1. If a permit applicant has had two or more violations of previous permits, this Chapter, or the Erosion and Sedimentation Act of the State of Georgia , as amended, within three (3) years prior to the date of the filing of the application under consideration, the Local Issuing Authority may deny the permit application.
  2. The Local Issuing Authority may require the permit applicant to post a bond in the form of government security, cash, irrevocable

letter of credit, or any combination thereof up to, but not exceeding, (\$3,000) per acre or fraction thereof of the proposed land-disturbing activity prior to issuing the permit. If the applicant does not comply with this Chapter or with the conditions of the permit after issuance, the Local Issuing Authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance. This subsection 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.

### (3) Plan Requirements

- (a) Plans must be prepared to meet the minimum requirements as contained in Section 8.40.040 (B and C) of this Chapter. Conformance with the minimum requirements may be attained through the use of design criteria in the current issue of the *Manual for Erosion and Sediment Control in Georgia*, published by the Georgia Soil and Water Conservation Commission ~~published by as~~ a guide; 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*, published by the Georgia Soil and Water Conservation Commission, is hereby incorporated by reference into this Chapter. 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, Hall County ordinances and State laws.
- (b) Data required for site plan:
  - 1. Narrative or notes, and other information: Notes or narrative to be located on the site plan in general notes or in erosion and sediment control notes.
  - 2. Description of existing land use at project site and description of proposed project.
  - 3. Name, address, and phone number of the property owner. If a corporation owns the property then the officer's name shall be included.

4. Name and phone number of 24-hour local contact that is responsible for erosion and sediment controls.
5. Size of project, or phase under construction, in acres.
6. Activity schedule showing anticipated starting and completion dates for project. Include the statement, in **bold letters**, that "the installation of erosion and sedimentation control measures and practices shall occur prior to or concurrent with land-disturbing activities."
7. Stormwater and sedimentation management systems-storage capacity, hydrologic study, and calculations, including off-site drainage areas.
8. Vegetative plan for all temporary and permanent vegetative measures, including species, planting dates, and seeding, fertilizer, lime and mulching rates. The vegetative plan should show options for year-round seeding.
9. Detail drawings for all structural practices. Specifications may follow guidelines set forth in the *Manual for Erosion and Sediment Control in Georgia*.
10. Maintenance statement - "Erosion and sedimentation control measures will be maintained at all times. If full implementation of the approved plan does not provide for effective erosion and sediment control, additional erosion and sediment control measures shall be implemented to control or treat the sediment source."

(c) Maps, drawings and supportive computations shall bear the signature/seal of a registered or certified professional in engineering, architecture, landscape architecture, land surveying, or erosion and sedimentation control. After December 31, 2006, all 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 as developed by the Commission pursuant to O.C.G.A. 12-7-20. The certified plans shall contain:

1. Graphic scale and north point or arrow indicating magnetic, grid, or true north.
2. Vicinity maps showing location of project and existing streets.
3. Boundary line survey.

4. Delineation of disturbed areas within project boundary.
5. Existing and planned contours, with an interval in accordance with the following:
  - (i) Map scale to be 1 inch = 100 feet or larger scale;
  - (ii) Ground slopes of flat land (0-2%) to have a contour interval of 0.5 or 1 ft.;
  - (iii) Ground slopes of rolling land (2-8%) to have a contour interval of 1 or 2 ft.;
  - (iv) Ground slopes of steep land (8% +) to have a contour interval of 2, 5, or 10 ft.
6. Adjacent areas and features areas such as streams, lakes, residential areas, etc., which might be affected should be indicated on the plan.
7. Proposed structures or additions to existing structures and paved areas.
8. Delineate the 25-foot horizontal buffer adjacent to state waters and the specified width in MRPA areas.
9. Delineate the specified horizontal buffer along designated trout streams, where applicable.
10. Location of erosion and sedimentation control measures and practices, using uniform coding symbols from the *Manual for Erosion and Sediment Control in Georgia*.

- (d) Maintenance of erosion control practices. Maintenance of all soil erosion and sedimentation control practices, whether temporary or permanent, shall be at all times the responsibility of the owner.

(4) Permits

- (a) Permits shall be issued or denied as soon as practicable but in any event not later than forty-five (45) days after receipt by the Local Issuing Authority of a completed application, providing variances and bonding are obtained, where necessary.
- (b) No permit shall be issued by the Local Issuing Authority unless the erosion and sedimentation control plan has been approved by the District, and the Local Issuing Authority has affirmatively

determined that the plan is in compliance with this Chapter, any variances required by Section 8.40.040 (C(16 and 17)) are obtained, bonding requirements, if necessary, as per Section 8.40.050 (B(2(g(2)))) are met and all ordinances and rules and regulations in effect within the unincorporated area of the County are met. If Hall County is the Local Issuing Authority, then no permit shall be issued without the written approval of the Hall County Engineering Division and the Hall County Planning and Zoning Department. If the permit is denied, the reason for denial shall be furnished to the applicant. No permit will be issued unless the plan has been approved by the District and the County Planning and Zoning Department.

- (c) If the tract is to be developed in phases, then a separate permit shall be required for each phase.
- (d) 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 Chapter. 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.
- (e) No permit may be issued unless the applicant has secured necessary permits from other governing agencies, such as, but not limited to: Corps of Engineer permits and Department of Transportation permits.
- (f) The Development or Land Disturbing Activity Permit must be posted in clear view on the site.

#### **8.40.060. Inspection and Enforcement.**

A. The Local Issuing Authority will periodically inspect the sites of land-disturbing activities for which permits have been issued to determine if the activities are being conducted in accordance with the plan and permits and if the measures required are effective in controlling erosion and sedimentation. Also, the Local Issuing Authority shall regulate both primary and secondary 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. 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 Chapter, a written or verbal 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 Chapter. If there is any reasonably notable and visible quantity of sediment leaving or that has left the property lot lines, impacting other property or any stream buffer zone, no verbal or written notice shall be required, and the person engaged in land-disturbing activities shall be deemed in violation of this Chapter.

B. The Local Issuing Authority shall have the power to conduct such investigations as it may reasonably deem necessary to carry out duties as prescribed in this Chapter, 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.

C. Once a verbal or written warning or a citation has been issued for a violation of this Chapter, no additional warning will need to be given for any violation on that site for Enforcement action relating to this Chapter.

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 Districts or the Commission or both shall periodically review the actions of counties and municipalities which have been certified as Local Issuing Authorities pursuant to O.C.G.A., 12-7-8 (a). The Districts 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 erosion and sedimentation control program. The Districts or the Commission shall notify the Division and request investigation by the Division if any deficient or ineffective local program is found.

F. The Board, on or before December 31, 2003, shall promulgate rules and regulations setting forth the requirements and standards for certification and the procedures for decertification of a Local Issuing Authority. 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 of any county or municipality so notified shall have 30 days within which to take the necessary corrective action to retain certification as a Local

Issuing Authority. If the county or municipality does not take necessary correction action within 30 days after notification by the Division, the Division may revoke the certification of the county or municipality as a Local Issuing Authority.

**8.40.070 General Offenses.**

- A. No person shall remove, deface, obstruct or move any postings, notices, stickers, Stop Work Orders, or other material left on-site by the Local Issuing Authority unless by the Local Issuing Authority or its agent.
- B. It shall be unlawful for any person to dump, deposit or cause any reasonably notable and visible quantity of sedimentation, mud or related debris to come onto any public highway, road, street, alley or thoroughfare.
- C. With the exception of land disturbing activity exempted under this Chapter, it shall be unlawful for any person to cause any mud or sediment to impact any other property or any stream buffer as a result of any land disturbing activity where best management practices are not properly designed, installed and maintained.

**8.40.080. 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 Chapter without first obtaining said permit, the person shall be subject to double permit fees at the time the permit is obtained and/or 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. It is the responsibility of the property owner to ensure that the proper permit is obtained.

B. Stop-Work Orders

- 1. For the first and second violations of the provisions of this Chapter, 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 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, the director or 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 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.
5. While a stop work order is in effect, the Building Inspection Department shall conduct no inspection on the property except for soil erosion inspections, and all work on the site, except that work necessary to achieve compliance with this Chapter, shall cease until compliance is achieved.

#### 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 Chapter and, in addition to other penalties, shall be deemed to have forfeited his performance bond, if required to post one under the provisions Section 8.40.050 (B(2(g(2)))). 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. Civil Penalties.

Any person who violates any provisions of this Chapter, or any permit condition or limitation established pursuant to this Chapter or who negligently or intentionally fails or refuses to comply with any final or emergency order of the county issued as provided in this Chapter shall be

liable for a civil penalty not to exceed \$2,500.00 per day. For the purpose of enforcing the provisions of this Chapter, notwithstanding any provisions of the *Official Code of Hall County*, the Magistrate Court of Hall County shall be authorized to impose a 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 other court of competent jurisdiction trying cases brought as violations of this ordinance likewise shall be authorized to impose penalties for such violations not to exceed \$2,500.00 for each violation. Each day during which a violation or failure or refusal to comply continues shall be a separate violation.

E. Penalty.

Any person, firm, corporation, association or partnership violating any provision of this Chapter as the same exists or as it may hereinafter be amended, or shall fail to do anything required by this Chapter as the same exists or as it may hereinafter be amended, shall be guilty of a misdemeanor, amenable to the process of the Magistrate or State Court of Hall County, and upon conviction, shall be punished as provided in the Official Code of Hall County, Georgia § 1.50.020 for each violation in the discretion of the Court.

**8.40.090. Education and Certification.**

After December 31, 2006, all persons involved in land development design, review, permitting, construction, monitoring, or inspection of 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.

**8.40.100. 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 and sediment 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 Board of Commissioners of Hall County within 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 *de novo* to the Superior Court of Hall County.

**8.40.110. Liability.**

- A.. Neither the approval of a plan under the provisions of this Chapter, nor the compliance with provisions of this Chapter 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.
- B.. 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 Chapter or the terms of the permit.
- C.. No provision of this Chapter shall permit any persons to violate the Georgia Erosion and Sedimentation Act of 1975, the Georgia Water Quality Control Act, or the rules and regulations promulgated and approved thereunder or pollute any Waters of the State as defined thereby.