

Subject Matter: Groundwater Recharge Area
Protection District

Date First Presented to Council at Public

Meeting: September 18, 2006

Date of Second Reading and Date of

Adoption: October 2, 2006

**TOWN OF SHARPSBURG
COUNTY OF COWETA
STATE OF GEORGIA**

**ORDINANCE NUMBER 06-14
TOWN OF SHARPSBURG, GEORGIA**

PREAMBLE AND FINDINGS

AN ORDINANCE OF THE TOWN OF SHARPSBURG, GEORGIA

WHEREAS, The Mayor and Town Council find that recharge areas are vulnerable to urban development activities as well as agricultural activities. Pesticides, herbicides sprayed on crops, animal waste and septic tank effluents contribute to deterioration in the groundwater quality and can threaten the health of residents relying on well water. Development usually means an increase in the amount of land covered with impervious surfaces. Paving land in recharge areas can alter or impair their recharge characteristics thereby decreasing groundwater supplies.

WHEREAS, The purpose of this ordinance is to establish district is to establish criteria to protect significant groundwater recharge areas from pollution by spills, discharges, leaks, impoundments, application of chemicals, injections and other development pressures.

WHEREAS, The Mayor and Town Council desire to establish minimum development standards and criteria which will afford reasonable protection of environmentally sensitive natural resources found throughout Town of Sharpsburg. Based on the findings of the Town of Sharpsburg it has been determined the wise management of the resource as defined in this ordinance is essential to maintaining the health, safety, general welfare and economic well being of the public.

**WHEREFORE THE TOWN OF SHARPSBURG HEREBY ADOPTS AND ORDAINS
THE FOLLOWING ORDINANCE:**

ARTICLE ONE

ESTABLISHMENT OF WATER RESOURCE DISTRICT

The Groundwater Recharge Area Protection District (WD) is hereby established which shall correspond to all lands within the jurisdiction of Sharpsburg, Georgia that are mapped as significant recharge areas by the Georgia Department of Natural Resources' in Most Significant Recharge Areas of Georgia, Hydrological Atlas 18 (1989 Edition). In addition, each recharge area shall be determined to have a pollution susceptibility rating of high, medium, or low based on the Ground-water Pollution Susceptibility Map of Georgia, Hydrological Atlas 20, 1992. Said maps are hereby adopted by reference and declared to be a part of this ordinance, together with all explanatory matter thereon and attached thereto. Standards for this district shall comply with the DNR Rule 391-3-16-.02, Criteria for the Protection of Groundwater Recharge Areas.

The boundaries of the Groundwater Recharge Area Protection District are shown on a map designated as "Water Resource District" and is included as part of this Ordinance which is on file with the Town of Sharpsburg office located at A & O Bridges Recreation Center in the Town of Sharpsburg, Georgia.

ARTICLE TWO

The Town hereby enacts and ordains the following ordinance regulating Groundwater Recharge Area Protection District in the Town of Sharpsburg:

GENERAL PROVISIONS

Sec. 92-100 Title.

This Article will be known as "The Town of Sharpsburg Georgia's Groundwater Recharge Area Protection District Ordinance."

Sec. 92-101 Definitions.

In addition to the definitions provided elsewhere in this Ordinance, the following definitions shall apply to (WD) Groundwater Recharge Area Protection District.

Aquifer. Any stratum or zone of rock beneath the surface of the earth capable of containing or producing water from a well.

Buffer. A natural or enhanced vegetated area with no or limited minor land disturbances, such as trails and picnic areas, located adjacent to reservoirs or perennial streams within a water supply watershed or river corridor.

Corridor. All land within the buffer areas established adjacent to reservoirs or perennial streams within a water supply watershed and within other setbacks located elsewhere in this ordinance.

DRASTIC. The standardized system for evaluating groundwater pollution potential using the hydrogeologic settings described in the U.S. Environmental Protection Agency document EPA-600/2-87-035. The DRASTIC methodology is the most widely used technique for evaluating pollution susceptibility.

Generalized Wetlands Map. The current U.S. Fish and Wildlife Service National Wetlands Inventory maps for the Town of Sharpsburg, Georgia.

Hazardous Waste. Any solid waste, by reason of its toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental to the health of any person handling or otherwise coming into contact with such material or substance. The U.S. Environmental Protection Agency has developed a list of hazardous wastes based upon corrosivity, reactivity and toxicity.

Impervious Surface. A man-made structure preventing the infiltration of storm water into the ground below the structure or surface. Examples are buildings, roads, driveways, parking lots, decks, swimming pools or patios.

Jurisdiction Wetland. An area that meets the definition requirements for wetlands as determined by the Army Corps of Engineers.

Perennial Stream. A stream that flows throughout the whole year as indicated on United States Geological Survey (USGS) Quadrangle Map.

Pollution Susceptibility. The relative vulnerability of an aquifer to being polluted from spills, discharges, leaks, impoundments, applications of chemicals, injections and other human activities in the recharge area.

Pollution Susceptibility Maps. Maps of relative vulnerability to pollution prepared by the Department of Natural Resources, using the DRASTIC methodology. Pollution susceptibility maps categorize the land areas of the State into areas having high, medium and low ground water pollution potential.

Recharge Area. Any portion of the earth's final surface, where water infiltrates into the ground to replenish an aquifer.

Regulated Activity. Any activity which will, or which may reasonably be expected to, result in the discharge of dredged or fill material into waters of the U.S. excepting those activities exempted in Section 404 of the Federal Clean Water Act.

Reservoir Boundary. The edge of a water supply reservoir defined by its normal pool level.

River/Stream Bank. The rising ground, bordering a river or a stream, which serves to confine the water to the natural channel during the normal course of flow.

Significant Recharge Area. Those areas mapped by the Department of Natural Resources in Hydrologic Atlas 18 (1998) edition. Mapping of recharge areas is based on outcrop area, lithology, soil type, thickness, slope, density of lithologic contacts, geologic structure, presence of karst, and potentiometric surfaces.

Small Water Supply Watershed. A watershed containing less than 100 square miles of land within the drainage basin upstream of a governmentally owned public drinking water supply intake.

Utility. Public, private water or sewer piping systems, water or sewer pumping stations, electric power lines, fuel pipelines, telephone lines, roads, driveways, bridges, river/lake access facilities, storm water systems and railroads or other utilities identified by a local government.

Water Supply Reservoir. A governmentally owned impoundment of water for the primary purpose of providing water to one or more governmentally owned public drinking water systems. This excludes the multipurpose reservoirs owned by the U.S. Army Corps of Engineers.

Wetlands. Those areas inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and 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. The ecological parameters for designating wetlands include hydric soils, hydrological vegetation and hydrological conditions involving a temporary or permanent source of water to cause soil saturation.

Sec. 92-102 Coordination with Other Development Criteria

The provisions of this Article apply additional development standards to specific areas which may lie within any zoning district in the Town of Sharpsburg. If required development standards are specified for the same item in both Articles, the more stringent governs.

Any development must comply with the Town of Sharpsburg's Soil Erosion and Sedimentation Control Ordinance, as well as any other applicable development regulation.

Sec. 92-103 Protection Criteria and Permitted Uses.

All uses allowed in the underlying zoning districts are permitted in the Groundwater Recharge Area Protection District. The following are additional requirements for specific uses in the Groundwater Recharge Area Protection District:

- A. All new above-ground chemical or petroleum storage tanks, having a minimum volume of 660 gallons, shall have the secondary containment for 110% of the volume of such tanks or 110% of the volume of the largest tank in a cluster of tanks. Such tanks used for agricultural purposes are exempt, provided they comply with all Federal requirements.
- B. New agricultural waste impoundment sites shall be lined if they are within:
 1. A high pollution susceptibility area.
 2. A medium pollution susceptibility area and exceed 15 acre-feet in size; and
 3. A low pollution susceptibility area and exceed 50 acre-feet in size.

As a minimum, the liner shall be constructed of compacted clay having a thickness of one-foot and a vertical hydraulic conductivity of less than 5×10^{-7} cm/sec or other criteria established by the Natural Resources Conservation Service (formerly known as the U.S. Soil Conservation Service).

- C. New single-family residential dwellings served by septic tank/drain field systems shall be on lots having minimum size limitations as follows, based on application of Table MT-1 of the Department of Human Resources' Manual for On-Site Sewage Management Systems (herein after "DHR Table MT-1"). The minimums set forth in Table MT-1 may be increased further based on consideration of other factors (set forth in Section A-F) of the DHR Manual.
 1. 150% of the subdivision minimum lot size calculated based on application of DHR Table MT-1 if they are within a high pollution susceptibility area.
 2. 125% of the subdivision minimum lot size calculated based on application of DHR Table MT-1 if they are within a medium pollution susceptibility area.
 3. 110% of the subdivision minimum lot size calculated based on application of DHR Table MT-1 if they are within a low pollution susceptibility area.

- D. Lots of Record approved prior to the adoption of this ordinance are hereby exempt from the requirements of (C) of this section.
- E. No construction shall proceed on a building or mobile home to be served by a septic tank unless the Coweta County Health Department first approves the proposed septic tank installation as meeting the requirements of the Georgia Department of Human Resources Manual for On-site Sewage Management (herein after DHR Manual), and (C) of this section.
- F. New facilities which handle hazardous materials of the types listed in Section 312 of the Resource Conservation and Recovery Act of 1976, excluding underground storage tanks, in amounts of 10,000 pounds or more on any one day, shall perform their operations on impervious surfaces and in conformance with any applicable federal spill prevention requirements and any local fire code requirements.
- G. Any new wastewater treatment basins shall have an impermeable liner.
- H. Permanent storm water infiltration basins shall not be constructed in areas having high pollution susceptibility.

Sec. 92-104 Administration and Enforcement

A. Site Plans. Application for a local development permit within the Groundwater Recharge Area Protection District, Wetlands, or Water Supply Watershed Districts shall include a site plan, drawn at a scale of 1" = 50', with the following information:

1. A map of all planned excavation and fill, including calculations of the volume of cut and fill involved, cross-sectional drawings showing existing and proposed grades. Elevations, horizontal and vertical scale shall be shown on the cross-sectional drawings.
2. A map of any wetland boundaries occurring within the site shall be provided. This boundary may be included on other maps provided by the applicant.
3. Location, dimensions, and area of all impervious surfaces, both existing and proposed, on the site and adjacent to the site for a distance of 200 feet.
4. The orientation and distance from the boundaries of the proposed site to the nearest bank of an affected perennial stream or water body.

5. Elevations of the site and adjacent lands within 200 feet of the site at contour intervals of no greater than two feet; and no greater than one foot for slopes less than or equal to two percent.
6. Location and detailed design of any spill and leak collection systems designed for the purpose of containing accidentally released hazardous or toxic materials.
7. All proposed temporary disruptions or diversions of local hydrology.

B. Activities to Comply with the Site Plan. All development activities or site work conducted after approval of the site plan shall conform to the specifications of said site plan. Changes to the site plan that would alter the amount and velocity of stormwater runoff, alter the amount of impervious surface within the development, alter the overall density of development, result in a considerable increase in the amount of excavation, fill or removal of the overall appearance of the development as proposed, can be amended only with the approval of the Town Council or its designated agent. Minor changes, such as the realignment of streets or minor alterations to drainage structures and other infrastructure to meet unexpected conditions are exempted from this requirement.

C. Exemptions to Site Plan Requirements. The following activities and developments are exempt from the requirement for detailed site plans.

1. Single family detached homes constructed within a subdivision of fewer than five parcels.
2. Repairs to a facility that is part of a previously approved and permitted development.
3. Construction of minor structures, such as sheds or additions to single family residences.

D. Review Procedures. The application shall be made to the Town Council and will be reviewed within sixty (60) days. At the time of the application, the applicant shall pay filing fee as specified by Town of Sharpsburg. This fee may be used to retain expert consultants who will provide services pertaining to functional assessment, mitigation and wetland boundary determinations, as deemed necessary by the Town Council. The review period shall include the preparation of findings including: approval, approval with conditions or disapproval by written notification of the findings of the Town Council. If the review process is not completed within sixty (60) days, the application is considered to be approved.

E. Duration of Permit Validity.

1. If construction described in the development permit has not commenced within 12 months from the date of issuance, the permit shall expire.
2. If construction described in the development permit is suspended or abandoned after work has commenced, the permit shall expire twelve (12) months after the date the work has ceased.
3. Written notice of pending expiration of the development permit shall be issued by the Town Clerk or designated appointee, provided however, that failure of the Town Clerk or designated appointee to provide notice to the applicant shall not extend the period of validity of the development permit.

F. Penalties.

1. When a building or other structure has been constructed in violation of this section, the violator may be required to remove the structure at the discretion of the Town Council or designated agent.
2. When removal of vegetative cover, excavation, or fill has taken place in violation of this section, the violator may be required to restore the affected land to its original contours and to restore vegetation, as far as practical, at the discretion of the Town Council or designated agent.
3. If the Town Administrator discovers a violation of this ordinance that also constitutes a violation of any provisions of the Clean Water Act as amended, the Town Council shall issue written notification of the violation to the U.S. Environmental Protection Agency, the U.S. Army Corps of Engineers and the landowner.

G. Suspension and Revocation. The Town Council may suspend or revoke a permit if he finds that the applicant has not complied with the conditions or limitations set forth in the permit or has exceeded the scope of the work set forth in the permit. The Town Council shall cause notice of denial, issuance, conditional issuance, revocation or suspension of a permit to be published in a newspaper having a broad circulation in the area where the water resource is located.

ARTICLE THREE

This Ordinance shall become immediately effective upon its second reading and adoption by the Town Council.

ARTICLE FOUR

The Preamble of this Ordinance shall be construed to be, and is hereby incorporated by reference as is fully set out herein.

ARTICLE FIVE

The sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, sentence, paragraph, or section of this Ordinance shall be declared illegal by the valid judgment or decree of any court of competent jurisdiction, such an illegality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance.

ARTICLE SIX

This Ordinance shall be codified at said Chapter 92 of the Town of Sharpsburg Code of Ordinances.

ARTICLE SEVEN

The repeal of any stricken or deleted language of this ordinance of the now former language of the Town of Sharpsburg (“Former Language”) shall not be construed or held to repeal the Former Language as to any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the Former Language, or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the herein newly enacted language (“New Language”) takes effect, save only that proceedings thereafter shall conform to the New Language, so far as practicable. If any penalty, forfeiture or punishment be mitigated by any provision of the New Language, such provision may be, by the consent of the party affected, applied to any judgment announced after the New Language takes effect.

ARTICLE EIGHT

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

[signatures on next page]

APPROVED BY THE MAYOR AND COUNCIL OF THE TOWN OF SHARPSBURG at a regular meeting of the Mayor and Council on the _____ day of October, 2006, by the following voting for adoption:

Wendell L. Staley, Mayor

Derrick G. McElwaney, Mayor Pro-Tem

Standly D. Parten, Council Member

J. Clay Cole, Council Member

Larry W. Hyde, Council Member

Attest:

Donna M. Camp, Town Clerk

Robin L. Spradlin, Town Administrator