

**FORSYTH COUNTY,
GEORGIA ORDINANCE
NUMBER 55**

AN ORDINANCE AMENDING THE FLOOD DAMAGE PREVENTION ORDINANCE, OTHERWISE KNOWN AS FORSYTH COUNTY ORDINANCE 55 OR ARTICLE II OF CHAPTER 46 OF THE FORSYTH COUNTY CODE OF ORDINANCES, TO REORGANIZE AND UPDATE THE ORDINANCE; TO MODIFY THE PURPOSE AND OBJECTIVES OF THE ORDINANCE; TO PROVIDE AND MODIFY DEFINITIONS; TO CLARIFY PERMITTING PROCEDURES AND REQUIREMENTS; TO EXPAND THE DUTIES AND RESPONSIBILITIES OF THE DIRECTOR OF ENGINEERING; TO MODIFY AND CLARIFY REGULATIONS RELATED TO FLOOD DAMAGE REDUCTION; TO MODIFY AND CLARIFY STANDARDS FOR DEVELOPMENT; TO CLARIFY VARIANCE PROCEDURES; TO PROVIDE FOR THE ENFORCEMENT OF THE ORDINANCE; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, the Constitution of the State of Georgia, approved by the voters of the State in November 1982, and effective July 1, 1983, provides in Article IX, Section 2, Paragraph 1 thereof, that the governing authority of the County may adopt clearly reasonable ordinances, resolutions, and regulations;

WHEREAS, O.C.G.A. § 36-1-20 authorizes counties to enact ordinances for protecting and preserving the public health, safety and welfare of the population of the unincorporated areas of the county;

WHEREAS, in the interests of the health, safety, and general welfare of the citizens of Forsyth County, Georgia, the Board of Commissioners of Forsyth County desires to exercise its authority to amend its Flood Damage Prevention Ordinance, otherwise known as Forsyth County Ordinance 55 or Article II of Chapter 46 of the Forsyth County Code of Ordinances to reorganize and update the ordinance, to modify the purpose and objectives of the ordinance, to provide and modify definitions, to clarify permitting procedures and requirements, to expand the duties and responsibilities of the Director of Engineering, to modify and clarify regulations related to flood damage reduction, to modify and clarify standards for development, to clarify variance procedures, to provide for the enforcement of the ordinance, to repeal conflicting ordinances, and for other purposes; and

WHEREAS, appropriate notice and hearing on the amendments contained herein have been carried out according to general and local law.

NOW, THEREFORE, the Board of Commissioners of Forsyth County, Georgia hereby ordains as follows:

Section 1.

The text of Article II of Chapter 46 of the Forsyth County Code of Ordinances is hereby replaced in its entirety by the text attached hereto as Exhibit A.

Section 2.

It is the express intent of the Forsyth County Board of Commissioners that this Ordinance be consistent with both federal and State law. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

Section 3.

All other ordinances shall continue in full force and effect and shall remain unaffected, except where such ordinance, or part thereof, conflicts herewith, in which case such ordinance, or part thereof, is hereby repealed.

Section 4.

This Ordinance shall become effective immediately upon approval.

BE IT RESOLVED this 18th day of April, 2019.

[SIGNATURES ON FOLLOWING PAGE]

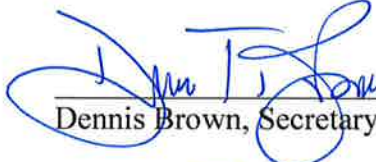
**FORSYTH COUNTY BOARD OF
COMMISSIONERS:**



Laura Semanson, Chairman



Cindy Mills, Vice Chairman



Dennis Brown, Secretary



Todd Levent, Member



Molly Cooper, Member

Attest:



Clerk to the Board

Exhibit A

ARTICLE II. - FLOOD DAMAGE PREVENTION

DIVISION I. – GENERAL

Sec. 46-31. - Statutory authorization.

Article IX, Section II of the Constitution of the State of Georgia and O.C.G.A. § 36-1-20(a) have delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, Forsyth County, Georgia, does ordain this article and establishes this set for floodplain management and flood hazard reduction policies for the purpose of regulating the use of flood hazard areas. It is determined that the regulation of flood hazard areas and the prevention of flood damage are in the public interest and will minimize threats to public health and safety, as well as to private and public property.

Sec. 46-32. - Findings of fact.

- (1) The flood hazard areas of the County are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- (2) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, floodproofed, or otherwise unprotected from flood damages.
- (3) Flood hazard areas can serve important stormwater management, water quality, streambank protection, stream corridor protection, wetland preservation and ecological purposes when permanently protected as undisturbed or minimally disturbed areas.

Sec. 46-33. - Statement of purpose.

It is the purpose of this article to protect, restrain and enhance the public health, safety, environment, and general welfare and to minimize public and private losses due to flood conditions in flood hazard areas, as well as to protect the beneficial uses of floodplain areas for water quality protection, streambank and stream corridor protection, wetlands preservation, and ecological and environmental protection by provisions designed to:

- (1) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (2) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion;
- (3) Control filling, grading, dredging and other development which may increase erosion or flood damage;
- (4) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands;
- (5) Limit the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;
- (6) Protect the stormwater management, water quality, streambank protection, stream corridor protection, wetland preservation, and ecological functions of natural floodplain areas.

Sec. 46-34. - Objectives.

The objectives of this article are:

- (1) To protect human life and health;
- (2) To minimize damage to private property;
- (3) To minimize damage to public facilities and utilities, such as water and gas mains, electric, telephone and sewer lines, streets and bridges, located in floodplains;
- (4) To minimize expenditure of public money for costly flood control projects associated with flooding and generally undertaken at the expense of the general public;
- (5) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (6) To minimize prolonged business interruptions;
- (7) To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas; and
- (8) To ensure that potential home buyers are notified that property is in a flood area.

Sec. 46-35. - Designation of the Ordinance Administrator.

The Director of the Forsyth County Department of Engineering is hereby appointed to administer and implement the provisions of this article.

Sec. 46-36. - Lands to which this article applies.

This article shall apply to all areas within the jurisdiction of Forsyth County.

Sec. 46-37. - Basis for establishing the *special flood hazard area (SFHA)* - Flood area maps and studies.

- (1) The SFHA identified by FEMA in the flood insurance study, dated March 4, 2013, accompanying maps, and other supporting data, and any revision thereto, are adopted by reference and declared to be a part of this article.
- (2) Other studies, which may be relied upon for the establishment of the base flood elevation or delineation of the base or one percent (100-year) floodplain and flood prone areas which may include:
 - (a) Any flood or flood-related study conducted by the United States Army Corps of Engineers (USACE), the United States Geological Survey (USGS) or any other local, State or Federal agency applicable to Forsyth County; or
 - (b) Any base flood study conducted by a professional engineer licensed in the State of Georgia which has been prepared utilizing FEMA approved methodology and approved by the Director.
- (3) Other studies, which may be relied upon for the establishment of the future-conditions flood elevation or delineation of the future-conditions floodplain and flood prone areas which may include:
 - (a) Any flood or flood-related study conducted by the USACE, the USGS, or any other local, State or Federal agency applicable to Forsyth County; or
 - (b) Any future-conditions flood study conducted by a professional engineer licensed in the State of Georgia which has been prepared utilizing FEMA approved methodology approved by the Director.
- (4) The repository for public inspection of the FIS, accompanying maps and other supporting data is located at the Forsyth County Department of Engineering.

Sec. 46-38. - Compatibility with other regulations.

This article is intended to repeal and supersede the Forsyth County ordinance entitled Article VI, Regulated Floodplain and all previous versions of this article. The requirements of this article are in addition to the requirements of any other article, rule, regulation or other provision of law, and where any provision of this article imposes restrictions different from those imposed by any other article, rule, regulation or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

Sec. 46-39. - Severability.

If the provisions of any section, subsection, paragraph, subdivision or clause of this article shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this article.

Sec. 46-40. - Warning and disclaimer of liability.

The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This article does not imply that land outside the SFHA or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of Forsyth County or any officer or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made under this article.

Secs. 46-41—46-50. - Reserved.

DIVISION II. – DEFINITIONS

Sec. 46-51. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Addition (to an existing building) means any walled and roofed expansion to the perimeter or height of a building.

Adjacent means located within a horizontal distance from the future-conditions floodplain boundary as determined by the Director, and at or lower in elevation than either three (3) feet above the base flood elevation or one (1) foot above the future-conditions flood elevation, whichever is higher, unless the area is hydraulically independent (meaning absolutely no connection to the flooding source with no fill or other manmade barriers creating the separation, such as through pipes, sewer laterals, down drains, foundation drains, ground seepage, overland flow, gated or valved pipes, excavated and backfilled trenches, etc.).

Appeal means a request for the Forsyth County Zoning Board of Appeals to review the Director's interpretation of any provision of this article.

Area of shallow flooding means a designated AO or AH zone on a community's flood insurance rate map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by sheet flow or ponding.

Area of special flood hazard, or special flood hazard area (SFHA) means the land subject to a one percent or greater chance of flooding in any given year. This includes all floodplain and flood prone areas at or below the base flood elevation (including zones A, A1-30, A-99, AE, AO, AH, and AR on the FHBM or the FIRM), all floodplain and flood prone areas at or below the future-conditions flood elevation, and all other flood prone areas. All streams with a drainage area of 100 acres or greater shall have the SFHA delineated.

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year, also known as the 100-year flood, as established in the most recent FEMA flood insurance study and flood insurance rate map.

Base flood elevation means the highest water surface elevation anticipated at any location during the base flood.

Basement means that portion of a building having its floor subgrade (below ground level) on all sides.

Breakaway wall means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

Building see *Structure*.

Channel Maintenance means to keep channels within the floodplain clear of obstructions to ensure adequate capacity for flood conveyance.

Development means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, clearing, grubbing, grading, paving, any other installation of impervious cover, excavation or drilling operations or storage of equipment or materials.

Director means the Director of the Forsyth County Department of Engineering or his/her designee, who was appointed to administer and implement the provisions of this article.

Elevated building means a building with no basement, built to have the lowest floor (of the lowest enclosed area) elevated above the ground level by means of solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads, was completed before June 12, 1989.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

FEMA means the Federal Emergency Management Agency.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood hazard boundary map (FHBM) means an official map of a community issued by FEMA, where the boundaries of the SFHA have been defined as zone A.

Flood insurance rate map (FIRM) means an official map of a community, issued by FEMA delineating the SFHA and/or risk premium zones applicable to the community. This definition also includes digital flood insurance rate maps (DFIRMs).

Flood insurance study (FIS) means the official report provided by FEMA evaluating flood hazards. The report contains flood profiles, as well as the flood boundary, floodway map, and the water surface elevation of the base flood.

Floodplain means any land area susceptible to flooding.

Floodproofing means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway or regulatory floodway means the channel of a stream or other watercourse and the adjacent areas of the floodplain which is necessary to contain and discharge the base flood flow without cumulatively increasing the base flood elevation more than one foot.

Floor means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Functionally dependent facility means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities. The term does not include long-term storage or related manufacturing, sales, or service facilities.

Future-conditions flood means the flood having a one percent chance of being equaled or exceeded in any given year based on future-conditions hydrology. Also known as the 100-year future-conditions flood.

Future-conditions flood elevation means the flood standard equal to or higher than the base flood elevation. The future-conditions flood elevation is defined as the highest water surface anticipated at any given point during the future-conditions flood.

Future-conditions floodplain means any land area susceptible to flooding by the future-conditions flood.

Future-conditions hydrology means the flood discharges associated with projected land-use conditions based on a community's zoning map, comprehensive land-use plans, and/or watershed study projections, and without consideration of projected future construction of stormwater management structures or projected future hydraulic modifications within a stream or other waterway, such as bridge and culvert construction, fill, and excavation.

Highest adjacent grade means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed foundation of a building.

Historic structure means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior; or
 - b. Directly by the Secretary of the Interior in states without approved programs.

Lowest floor means the lowest floor of the lowest enclosed area, including basement. An unfinished and flood resistant enclosure, used solely for parking vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of other provisions of this article.

Manufactured home (mobile home) means a building, transportable in one or more sections, which is built on a permanent chassis designed to be used with or without a permanent foundation and connected to the required utilities. The term also includes parked trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

Mean sea level means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this article, the term is synonymous with National Geodetic Vertical Datum (NGVD 29) and/or the North American Vertical Datum of 1988.

National Geodetic Vertical Datum of 1929 (NGVD 29) means the vertical control corrected in 1929, used as a reference for elevations within the floodplain.

New construction means, for floodplain management purposes, any structure for which the start of construction commenced on or after June 12, 1989.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads, is completed on or after June 12, 1989. The term "new manufactured home park or subdivision" also includes any subsequent improvements to such structure.

North American Vertical Datum of 1988 (NAVD 88) means the vertical control derived in 1988, that serves as reference for floodplain elevations.

Owner means the legal or beneficial owner of a site, including but not limited to, a mortgagee or vendee in the possession, receiver, executor, trustee, lessee or other person, firm or corporation in control of the site.

Permit means the permit issued by the Forsyth County Department of Planning and Community Development to the applicant which is required prior to undertaking any development activity.

Recreational vehicle means a vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and,
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Repetitive loss means flood related damage sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.

Site means the parcel of land being developed, or the portion thereof on which the development project is located.

Start of construction includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement is within 180 days of the permit date. The actual start means the first placement of permanent construction of the structure on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. (NOTE: accessory structures are not exempt from the requirements established in this article). For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the structure.

Structure means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Subdivision means the division of a tract or parcel of land resulting in one or more new lots or building sites for the purpose, whether immediately or in the future, of sale, other transfer of ownership or land development, and includes divisions of land resulting from or made in connection with the layout or development of a new street or roadway or a change in an existing street or roadway.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. This term also includes repetitive loss.

Substantial improvement means any combination of repairs, reconstruction, alteration, or improvements to a structure, taking place during the life of a structure, in which the cumulative cost equals or exceeds 50 percent of the market value of the structure. The market value of the structure should be:

- (1) The appraised value of the structure prior to the start of the initial repair or improvement; or,
- (2) In the case of damage, the value of the building prior to the damage occurring.

The term *substantial improvement* includes structures that have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include those improvements of a structure required to comply with existing health, sanitary, or safety code specifications which have been identified by the code enforcement official and which are solely necessary to ensure safe living conditions.

Substantially improved existing manufactured home park or subdivision means where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

Variance means a grant of relief from the requirements of this article.

Violation means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certificates, or other evidence of compliance required in this article is presumed to be in violation until such time as that documentation is provided.

Secs. 46-52—46-60. - Reserved.

DIVISION III. – PERMIT PROCEDURES AND REQUIREMENTS

Sec. 46-61. - Permit application requirements.

- (1) No owner or developer shall perform any development activities on a site where a SFHA is located without first meeting the requirements of this article.
- (2) Unless specifically excluded by this article, any landowner or developer desiring a permit for a development activity shall submit to the Director of Planning and Community Development a permit application on a form provided by the Department for that purpose.
- (3) No permit will be approved for any development activities that do not meet the requirements, restrictions and criteria of this article.

Sec. 46-62. - Floodplain management plan requirements.

An application for a development project with any SFHA on the site will be required to include a floodplain management/flood damage prevention plan signed and stamped by a professional engineer licensed in the State of Georgia. The plan shall include the following items:

- (1) Site plan drawn to scale, which includes:
 - a. Existing and proposed elevations of the area in question and the nature, location and dimensions of existing or proposed structures, earthen fill placement, amount and location of excavation material, and storage of materials or equipment;
 - b. For all proposed structures, spot ground elevations at building corners and 20-foot or smaller intervals along the foundation footprint, or one foot contour elevations throughout the building site;
 - c. Proposed locations of water supply, sanitary sewer, and utilities;

- d. Proposed locations of drainage and stormwater management facilities;
 - e. Proposed grading plan;
 - f. If available, the base flood elevation and future-conditions flood elevations;
 - g. Boundaries of the base flood floodplain and future-conditions floodplain; and,
 - h. If applicable, the location of the floodway;
 - i. Certification of the above by a professional engineer or surveyor licensed in the State of Georgia.
- (2) Building and foundation design detail, including (but not limited to):
- a. Elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all proposed structures;
 - b. Elevation in relation to mean sea level to which any non-residential structure will be floodproofed;
 - c. Certification that any proposed non-residential floodproofed structure meets the criteria specified in Section 46-83(2).
 - d. For enclosures below the base flood elevation, location and total net area of flood openings as required in Section 46-82(5) of this article.
 - e. Design plans certified by a licensed professional engineer or architect for all proposed structures.
- (3) Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development;
- (4) Hard copies and digital files of computer models, if any, copies of work maps, comparison of pre-and post-development conditions base flood elevations, future-conditions flood elevations, flood protection elevations, SFHA and regulatory floodway widths, flood profiles and all other computations and other information similar to that presented in the FIS;
- (5) Copies of all applicable state and federal permits necessary for proposed development; and
- (6) All appropriate certifications required under this article.

The approved floodplain management/flood damage prevention plan shall contain certification by the applicant that all development activities will be done according to the plan or previously approved revisions. Any and all development permits and/or use and occupancy certificates or permits may be revoked at any time if the construction and development activities are not in strict accordance with approved plans.

Sec. 46-63. - Construction stage requirements.

For all new construction and substantial improvements on sites with a floodplain management/flood damage prevention plan, the permit holder shall provide to the Director a certified as-built elevation certificate or floodproofing certificate for non-residential construction including the lowest floor elevation or floodproofing level immediately after the lowest floor or floodproofing is completed. A final elevation certificate shall be provided after completion of construction including final grading of the site. Any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by same.

The Director shall review the floor elevation certificate survey data submitted. Deficiencies detected by such review shall be corrected by the applicant prior to further progressive work being permitted to proceed. Failure to submit the elevation certificate or failure to make such corrections required hereby, shall be cause to issue a stop work order for the project.

Sec. 46-64. - Duties and responsibilities of the Director.

The Director's duties and responsibilities shall include, but not be limited to:

- (1) Review all development applications and permits to ensure that the permit requirements of this article have been satisfied;
- (2) Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including but not limited to Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1334;
- (3) When base flood elevation data or floodway data, or future-conditions floodplain have not been provided, then the Director shall require the applicant to obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source, including computation by the applicant, in order to administer the provisions of Divisions 3 and 4 of this article;
- (4) Review and record the actual elevation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all new and substantial improved structures.
- (5) Review and record the actual elevation to mean sea level to which any substantial improved structures have been flood-proofed.
- (6) Notify affected adjacent communities and the Georgia Environmental Protection Division (GAEPD) prior to any alteration or relocation of a watercourse and submit evidence of such notification to Federal Emergency Management Agency (FEMA).
- (7) Where interpretation is needed as to the exact location of boundaries of the SFHA or future-conditions floodplain (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Director shall make the necessary interpretation. The person contesting the location of the boundary may appeal the interpretation as provided in this article. Where floodplain elevations have been defined, the floodplain shall be determined based on flood elevations rather than the areas graphically delineated on the floodplain maps;
- (8) All records pertaining to the provisions of this article shall be maintained in the office of the Director and shall be open for public inspection.
- (9) Coordinate all FIRM revisions with the GAEPD and FEMA.
- (10) Review variance applications and make recommendations to the Forsyth County Zoning Board of Appeals.
- (11) The Director and his designees shall be authorized to issue citations for violations of Ordinance No. 55; and
- (12) The Director may direct property owners (at no cost to Forsyth County) to restore the flood conveyance or flood storage capacity of the floodplain if the owners have not performed maintenance as required in Section 46-82(16).

Secs. 46-65—46-70. - Reserved.

DIVISION IV. – STANDARD FOR DEVELOPMENT

Sec. 46-71. - Definition of Floodplain Boundaries

- (1) Studied "A" zones, as identified in the FIS, shall be used to establish base flood elevations whenever available.
- (2) For all streams with a drainage area of 100 acres or greater, the future-conditions flood elevations shall be provided by Forsyth County. If future-conditions elevation data is not available from the County, then it shall be determined by a licensed professional engineer using a method approved by FEMA and the County.

Sec. 46-72. - Definition of Floodway Boundaries

- (1) The width of a floodway shall be determined from the FIS or FEMA approved flood study.
- (2) For all streams with a drainage area of 100 acres or greater, the regulatory floodway shall be provided by Forsyth County. If floodway data is not available from the County, it shall be determined by a licensed professional engineer using a method approved by FEMA and the County.

Sec. 46-73. - General Standards

- (1) No development shall be allowed within any SFHA that could result in any of the following:
 - (a) Raising the base flood elevation or future-conditions flood elevation equal to or more than 0.01 foot;
 - (b) Reducing the base flood or future-conditions flood storage capacity;
 - (c) Changing the flow characteristics as to the depth and velocity of the waters of the base flood or future-conditions flood as they pass both the upstream and the downstream boundaries of the development area;
 - (d) Creating hazardous or erosion-producing velocities, or resulting in excessive sedimentation.
- (2) Any development within any SFHA allowed under Section 46-73(1) shall also meet the following conditions:
 - (a) Compensation for storage capacity shall occur between the average ground water table elevation and the base flood elevation for the base flood, and between the average ground water table elevation and the future-condition flood elevation for the future-conditions flood, and lie either within the boundaries of ownership of the property being developed and shall be within the immediate vicinity of the location of the encroachment. Acceptable means of providing required compensation include lowering of natural ground elevations within the floodplain, or lowering of adjoining land areas to create additional floodplain storage. In no case shall any required compensation be provided via bottom storage or by excavating below the elevation of the natural (pre-development) stream channel unless such excavation results from the widening or relocation of the stream channel;
 - (b) Cut areas shall be stabilized and graded to a slope of no less than 2.0 percent;
 - (c) Effective transitions shall be provided such that flow velocities occurring on both upstream and downstream properties are not increased or decreased;
 - (d) Verification of no-rise conditions (less than 0.01 foot), flood storage volumes, and flow characteristics shall be provided via a step-backwater analysis meeting the requirements of Section 46-74;
 - (e) Public utilities and facilities, such as water, sanitary sewer, gas, and electrical systems, shall be located and constructed to minimize or eliminate infiltration or contamination from flood waters; and
 - (f) Any significant physical changes to the base flood floodplain shall be submitted to FEMA as a Conditional Letter of Map Revision (CLOMR) or Conditional Letter of Map Amendment (CLOMA), whichever is applicable. The CLOMR submittal shall be subject to approval by the Forsyth County Engineering Department using the Community Concurrence forms before forwarding the submittal package to FEMA for final approval. The responsibility for forwarding the CLOMR to FEMA and for obtaining the CLOMR approval shall be the responsibility of the applicant. Within six months of the completion of development, the applicant shall submit as-built surveys and plans for a final Letter of Map Revision (LOMR).

Sec. 46-74. - Engineering Study Requirements for Floodplain Encroachments

An engineering study is required, whenever a development proposes to disturb any land within the future-conditions floodplain, except for a residential single-lot development on streams without established base flood elevations and floodways for which the provisions of Sec. 46-85 apply. This study shall be

prepared by a licensed professional engineer licensed in the State of Georgia and made a part of the application for a permit. This study shall be submitted to and approved by the Forsyth County Engineering Department prior to the approval of any permit which would authorize the disturbance of land located within the future-conditions floodplain. Such study shall include:

- (1) Description of the extent to which any watercourse or floodplain will be altered or relocated as a result of the proposed development;
- (2) Step-backwater analysis, using a FEMA-approved methodology approved by the Forsyth County Engineering Department. Cross-sections (which may be supplemented by the applicant) and flow information will be obtained whenever available. Computations will be shown duplicating FIS results and will then be rerun with the proposed modifications to determine the new base flood profiles, and future-conditions flood profiles;
- (3) Floodplain storage calculations based on cross-sections (at least one every 100 feet) showing existing and proposed floodplain conditions to show that base flood floodplain and future-conditions floodplain storage capacity would not be diminished by the development;
- (4) A preliminary plat, grading plan, or site plan, as appropriate, which shall clearly define all future-conditions floodplain encroachments.

Sec. 46-75. - Floodway Encroachments

Located within SFHA are areas designated as floodway. A floodway may be an extremely hazardous area due to high velocity flood flows, debris, or erosion potential. In addition, floodways must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights. Therefore, the following provisions shall apply:

- (1) Encroachments, including earthen fill, new construction, substantial improvements or other development are prohibited within the regulatory floodway, except for activities specifically allowed in (2) below;
- (2) Encroachments for bridges, culverts, roadways and utilities within the regulatory floodway may be permitted provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment shall not result in any increase to the pre-project base flood elevations, floodway elevations, or floodway widths during the base flood discharge. A licensed professional engineer must provide supporting technical data and certification thereof; and;
- (3) If the applicant proposes to revise the floodway boundaries, no permit authorizing the encroachment into or an alteration of the floodway shall be issued by the Forsyth County Department of Engineering until an affirmative Conditional Letter of Map Revision (CLOMR) is issued by FEMA and no-rise certification is approved by the Forsyth County Department of Engineering .

Secs. 46-76—46-80. - Reserved.

DIVISION V. – PROVISIONS FOR FLOOD DAMAGE REDUCTIONS

Sec. 46-81. – Applicability of Provisions for Flood Damage Reductions

The provisions of Division V shall apply to all SFHA.

Sec. 46-82. - General standards.

- (1) New construction and substantial improvement of buildings (residential and nonresidential), including manufactured homes, shall not be allowed within the limits of the future-conditions floodplain, unless all requirements of Sections 46-73, 46-74, and 46-75 have been met;

- (2) New construction and substantial improvements shall be anchored to prevent flotation, collapse, and lateral movement;
- (3) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- (4) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (5) Elevated Buildings - All new construction and substantial improvements that include any fully enclosed area located below the lowest floor formed by foundation and other exterior walls shall be designed so as to be an unfinished and flood resistant enclosure. The enclosure shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater.
 - (a) Designs for complying with this requirement must either be certified by a licensed professional engineer or architect to meet or exceed the following minimum criteria:
 - (i) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - (ii) The bottom of all openings shall be no higher than one foot above grade; and,
 - (iii) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both directions.
 - (b) So as not to violate the "Lowest Floor" criteria of this article, the unfinished and flood resistant enclosure shall solely be used for parking of vehicles, limited storage of maintenance equipment used in connection with the premises, or entry to the elevated area; and,
 - (c) The interior portion of such enclosed area shall not be finished or partitioned into separate rooms.
- (6) All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be designed and/or located three (3) feet above the base flood elevation or one (1) foot above the future-conditions flood elevation, whichever is higher, so as to prevent water from entering or accumulating within the components during conditions of flooding;
- (7) Manufactured homes shall be anchored to prevent flotation, collapse, and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable State requirements for resisting wind forces;
- (8) All proposed development shall include adequate drainage and stormwater management facilities per the requirements of Forsyth County to reduce exposure to flood hazards.
- (9) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (10) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- (11) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
- (12) Other public utilities such as gas and electric systems shall be located and constructed to avoid impairment to them or public safety hazards from them during flooding;
- (13) Any alteration, repair, reconstruction or improvements to a building which is in compliance with the provisions of this article shall meet the requirements of new construction as contained in this article;

- (14) Any alteration, repair, reconstruction or improvements to a building which is not in compliance with the provisions of this article shall be undertaken only if such nonconformity is not furthered, extended, or replaced;
- (15) If the proposed development is located in multiple flood zones or multiple base flood elevation cross the proposed site, the higher or more restrictive base flood elevation or future condition elevation and development standards shall take precedence; and,
- (16) The property owner or association shall be responsible for management of floodplain on the property so that flood conveyance or flood storage capacity is maintained.

Sec. 46-83. – Building standards for structures and buildings within the SFHA.

The provisions in this section apply in all areas of the SFHA. Projects that were submitted for a land disturbance permit prior to the adoption of this article shall at a minimum comply with the specifications of the ordinance in effect at the time of submission.

(1) *Residential Buildings*

New construction and substantial improvements of all residential structures shall not be allowed within the limits of the future-conditions floodplain unless all requirements of Sections 46-73, 46-74, and 46-75 have been met.

If all of the requirements of Sections 46-73, 46-74, and 46-75 have been met, all new construction and substantial improvements shall have the lowest floor, including basement, elevated no lower than three (3) feet above the base flood elevation or one (1) foot above the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Section 46-82(5)(a).

(2) *Non-Residential Buildings*

New construction and substantial improvement of all non-residential structures shall not be allowed within the limits of the future-conditions floodplain unless all requirements of Sections 46-73, 46-74, and 46-75 have been met. If all of the requirements of Sections 46-73, 46-74, and 46-75 have been met, all new construction and substantial improvements shall have the lowest floor, including basement, elevated no lower than three (3) feet above the base flood elevation or one (1) foot above the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Section 46-82(5)(a). New construction and substantial improvements that have met all of the requirements of Sections 46-73, 46--74, and 46-75 may be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be watertight to three (3) feet above the base flood elevation or one (1) foot above the future-conditions flood elevation, whichever is higher, with walls substantially impermeable to the passage of water and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A licensed professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Director of Planning and Community Development using the FEMA Floodproofing Certificate along with the design and operation/maintenance plan.

- (3) *Accessory Structures and Facilities.* Accessory structures and facilities (i.e., barns, sheds, gazebos, detached garages, recreational facilities and other similar non-habitable structures and facilities) which meet the requirements of Sections 46-73, 46-74, and 46-75 and are permitted to be located within the limits of the future-conditions floodplain shall be constructed of flood-resistant materials and designed to provide adequate flood openings in accordance with Section 46-82(5)(a) and be anchored to prevent flotation, collapse and lateral movement of the structure.

- (4) *Standards for Recreational Vehicles.* All recreational vehicles placed on sites must either:
- (a) Be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions); or
 - (b) Meet all of the requirements for Residential Buildings-Substantial Improvements (Section 46-83(1)), including the anchoring and elevation requirements.
- (5) *Standards for Manufactured Homes*
- (a) New and substantially improved manufactured homes shall not be allowed to be placed within the limits of the future-conditions floodplain unless all requirements of Sections 46-73, 46-74, and 46-75 have been met. If all of the requirements of Sections 46-73, 46-74, and 46-75 have been met, all new construction and substantial improvement shall have the lowest floor, including basement, elevated no lower than three (3) feet above the base flood elevation or one (1) foot above the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Section 46-82(5)(a).
 - (b) Manufactured homes placed and/or substantially improved in an existing manufactured home park or subdivision shall be elevated so that either:
 - (i) The lowest floor of the manufactured home is elevated no lower than three (3) feet above the level of the base flood elevation, or one (1) foot above the future-conditions flood elevation, whichever is higher; or
 - (ii) The manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least an equivalent strength) of no less than 36 inches in height above grade.
 - (c) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement in accordance with standards of Section 46-82(7).

Sec. 46-84. – Building standards for structures and buildings authorized adjacent to the future-condition floodplain

The provisions of this section apply to the following:

- (1) *Residential Buildings* - For new construction and substantial improvement of any residential building or manufactured home, the elevation of the lowest floor, including basement and access to the building, shall be at least three (3) feet above the base flood elevation or one (1) foot above the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Section 46-82(5)(a).
- (2) *Non-Residential Buildings* - For new construction and substantial improvement of any non-residential building, the elevation of the lowest floor, including basement and access to the building, shall be at least three (3) feet above the level of the base flood elevation or one (1) foot above the future-conditions flood elevation, whichever is higher. Should solid foundation perimeter walls be used to elevate the structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Section 46-82(5)(a).

Sec. 46-85. – Building standards for residential single-lot developments on streams without established base flood elevation and floodways (Zone A).

For residential single-lot developments not part of a subdivision that have SFHA, where streams exist but no base flood data have been provided (A zones), Forsyth County shall review and reasonably utilize any available scientific or historic flood elevation data, base flood elevation and floodway data, or future-conditions flood elevation data available from a Federal, State, local or other source, in order to administer the provisions and standards of this article.

If data are not available from any of these sources, the following provisions shall apply:

- (1) No encroachments, including structures or fill material, shall be located within an area equal to twice the width of the stream or 50 feet from the top of the bank of the stream, whichever is greater.
- (2) In SFHA without base flood or future-conditions flood elevation data, new construction and substantial improvements shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than three feet above the highest adjacent grade at the building site. Flood openings sufficient to facilitate the automatic equalization of hydrostatic flood forces shall be provided for flood prone enclosures in accordance the general standards Section 46-82(5)(a).

Sec. 46-86. – Building standards for areas of shallow flooding (Zone AO).

SFHA may include designated "AO" shallow flooding areas. These areas have base flood depths of one (1) to three (3) feet above ground, with no clearly defined channel. In these areas, the following provisions apply:

- (1) All new construction and substantial improvements of residential and non-residential structures shall have the lowest floor, including basement, elevated to no lower than one (1) foot above the flood depth number in feet specified on the Flood Insurance Rate Map (FIRM), above the highest adjacent grade as produced by the future-conditions flood. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least three (3) feet above the highest adjacent grade. Flood openings sufficient to facilitate automatic equalization of hydrostatic flood waters forces shall be provided in accordance with standards of Section 46-82(5)(a).
- (2) New construction and substantial improvement of a non-residential structure may be flood-proofed in lieu of elevation. If floodproofed, the structure, together with attendant utility and sanitary facilities, must be designed to be water tight to the specified FIRM flood level plus one (1) foot above the highest adjacent grade, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A licensed professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice and shall provide such certification to the Director of Planning and Community Development using the FEMA Floodproofing Certificate along with the design and operation/maintenance plan; and,
- (3) Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

Sec. 46-87. - Standards for subdivision.

- (1) All subdivision plans shall identify the SFHA and provide base flood elevation data and future-conditions flood elevation data.
- (2) All residential lots in a subdivision shall have sufficient buildable area outside of the future-conditions floodplain such that encroachments into the future-conditions floodplain for residential structures will not be required.
- (3) All subdivision plans will provide the elevations of proposed structures in accordance with Section 46-62(2).
- (4) All subdivision plans shall be consistent with the need to minimize flood damage.

- (5) All subdivisions shall have public utilities and facilities such as water, sanitary sewer, gas, and electrical systems located and constructed to minimize or eliminate infiltration of flood waters, and discharges from the systems into flood waters; and, all subdivisions shall include adequate drainage and stormwater management facilities per the requirements of the Forsyth County Department of Engineering to reduce potential exposure to flood hazards.

Secs. 46-88—46-90. - Reserved.

DIVISION VI. – VARIANCE PROCEDURES

Sec. 46-91. - Appeals and variances.

The following variance and appeals procedures shall apply to an applicant who has been denied a permit for a development activity based on this article, or to an owner or developer who has not applied for a permit because it is clear that the proposed development activity would be inconsistent with the provisions of this article. A request for a variance may be submitted by an applicant who has been denied a permit by Forsyth County, or by an owner or developer who has not previously applied for a permit for the reasons stated herein.

- (1) The Forsyth County Zoning Board of Appeals shall hear and decide appeals and requests for variances from the requirements of this article in the manner prescribed in the Unified Development Code.
- (2) The Forsyth County Zoning Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Director in the enforcement or administration of this article.
- (3) Variances may be issued for the reconstruction, rehabilitation or restoration of buildings listed on the National Register of Historic Places or the state inventory of historic places without regard to the procedures set forth in the remainder of this section, except for subsections (1) and (3) of this section, and provided the proposed reconstruction, rehabilitation, or restoration will not result in the building losing its historical designation.
- (4) Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this Section are met, no reasonable alternative exists, and the development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.
- (5) Variances shall not be issued within any designated floodway if any increases in flood levels during the base flood discharge would result.
- (6) Conditions for variances:
 - (a) A variance shall be issued only when there is:
 - a. A finding of good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional hardship; and
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, or the creation of a nuisance.
 - (b) The provisions of this article are minimum standards for flood loss reduction; therefore, any deviation from the standards must be weighed carefully. Variances shall only be issued upon determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (c) Any person to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation of the proposed lowest floor and stating that the cost of flood insurance will be commensurate with the increased risk to

life and property, as high as \$25 for \$100 of insurance coverage, resulting from the lowest floor elevation being placed below the base flood elevation.

- (d) The Director shall maintain the records of all appeal actions, both granted and denied, and report any variances to FEMA upon request.
- (7) Any person requesting a variance shall, from the time of the request until the time the request is acted upon, submit such information and documentation as the Forsyth County Zoning Board of Appeals shall deem necessary to the consideration of the request.
- (8) Variances shall not be issued "after the fact."
- (9) In passing upon such applications, the Forsyth County Zoning Board of Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this article and:
 - (a) The danger that materials may be swept onto other lands to the injury of others;
 - (b) The danger to life and property due to flooding or erosion damage;
 - (c) The susceptibility of the proposed facility and contents to flood damage and the effect of such damage on the individual owner;
 - (d) The importance of the services provided by the proposed facility to the community;
 - (e) The necessity of the facility to a waterfront location, in the case of a functionally dependent facility;
 - (f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - (g) The compatibility of the proposed use with existing and anticipated development;
 - (h) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - (i) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (j) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and,
 - (k) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities, such as sewer, gas, electrical, and water systems, and streets and bridges;
- (10) Upon consideration of the factors listed in this section, and the purposes of this article, the Forsyth County Zoning Board of Appeals may attach such conditions as it deems necessary to further the purposes of this article.
- (11) All appeal and variance procedures shall conform to the specifications outlined in the Unified Development Code.

Secs. 46-92—46-100. - Reserved.

ARTICLE VII. – VIOLATIONS, ENFORCEMENT, AND PENALTIES

Sec. 46-101. - Compliance.

No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this article and other applicable regulations.

Sec. 46-102. - Interpretation.

In the interpretation and application of this article all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the Forsyth County; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

Sec. 46-103. - Notification and penalties for violation.

Any action or inaction which violates the provisions of this article or the requirements of an approved stormwater management plan or permit, may be subject to the enforcement actions outlined in this Section. Any such action or inaction which is continuous with respect to time is deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described below shall not prevent such equitable relief. Failure to comply with any requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor.

If the Director determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved stormwater management plan or the provisions of this article, it shall issue a written notice of violation to such applicant or other responsible person. Where a person is engaged in activity covered by this article without having first secured a permit therefore, the notice of violation shall be served on the owner or the responsible person in charge of the activity being conducted on the site. The notice of violation shall contain:

- (1) The name and address of the owner or the applicant or the responsible person;
- (2) The address or other description of the site upon which the violation is occurring;
- (3) A statement specifying the nature of the violation;
- (4) A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the stormwater management plan or this article and the date for the completion of such remedial action;
- (5) A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed; and
- (6) A statement that the determination of violation may be appealed to Forsyth County Zoning Board of Appeals by filing a written notice of appeal within 30 days after the notice of violation (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice shall be sufficient).

Any person who violates this article or fails to comply with any of its requirements shall, upon conviction thereof, be punished as provided in Section 1-12 and, in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing contained in this article shall prevent the County from taking such other lawful actions that are either necessary to prevent or remedy any violation.