

Ordinance _____

To amend the Code of Ordinances of Whitfield County, Georgia, by creating a new Appendix “C” thereto, to be entitled “Whitfield County Stormwater Local Design Manual,” to be used as a comprehensive guide to implementing stormwater management systems in Whitfield County, Georgia, and to amend Chapter 14 of the Code of Ordinances of Whitfield County, Georgia, entitled “*Whitfield County Site Design Ordinance*,” and more particularly, Article VI therein, captioned “Stormwater Drainage,” by deleting all sections contained within such Article, 14-71 through 14-81 including the caption, and replacing with new caption “Stormwater Management,” and new sections 14-71 through 14-81, so as to protect the public health, welfare, and safety and so as to gain compliance with the requirements of Whitfield County’s NPDES Phase II Stormwater permit; and for other purposes.

BE IT ORDAINED by the Board of Commissioners of Whitfield County and by the authority of same, **IT IS HEREBY ORDAINED** as follows, to become **EFFECTIVE** as of December 1, 2006:

1. Amend the Code of Ordinances of Whitfield County, Georgia, by creating a new Appendix “C” thereto, to be entitled “Whitfield County Stormwater Local Design Manual,” as set forth by the attached Whitfield County Stormwater Local Design Manual, incorporated herewith by this reference.
2. Amend Chapter VI of Article 14 of the Code of Ordinances of Whitfield County, by striking the caption thereof and replacing therewith “Stormwater Management.”
3. Amend Chapter VI of Article 14 of the Code of Ordinances of Whitfield County, by striking existing sections 14-71 through 14-81 and replacing therewith the following new sections 14-71 through 14-82:

Article VI – Stormwater Management

14-71 Purpose of the Article. The purpose of this Article is to protect, maintain, and enhance the public health, safety, environment and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased post-development stormwater runoff and non-point source pollution associated with new development and redevelopment. It is determined that proper management of post-development stormwater runoff will minimize damage to public and private property and infrastructure; safeguard the public health, safety, environment and general welfare of the public; and protect water and aquatic resources. This Article seeks to meet that purpose through the following objectives:

- 14-71-1 Establish decision-making processes surrounding land development activities which protect the integrity of the watershed and preserve the health of water resources;

- 14-71-2 Require that new development and redevelopment maintain the pre-development hydrologic response in its post-development state as nearly as practicable, in order to reduce flooding, streambank erosion, non-point source pollution, and to maintain the integrity of stream channels and aquatic habitats;
- 14-71-3 Establish minimum post-development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;
- 14-71-4 Establish design and application criteria for the construction and use of structural stormwater control facilities which can be used to meet the minimum post-development stormwater management standards;
- 14-71-5 Encourage the use of non-structural stormwater management and stormwater better site design practices, such as the preservation of greenspace and other conservation areas, to the maximum extent practicable;
- 14-71-6 Establish provisions for the long-term responsibility for and maintenance of structural stormwater control facilities and nonstructural stormwater management practices to ensure continued functionality as designed, maintenance, and that they pose no threat to public safety; and,
- 14-71-7 Establish administrative procedures for the submission, review, approval and disapproval of stormwater management plans, and for the inspection of approved active projects, and long-term follow up.

14-72 Definitions. When used in this ordinance, the following words and phrases shall have the meaning given in this section. Additionally, the words and definitions outlined in the *Whitfield County Definitions Ordinance* shall also apply. Words not defined either in the *Whitfield County Definitions Ordinance*, or herein, shall be construed to have a meaning given by common and ordinary use. The term "shall" is mandatory. When not inconsistent with the context, words used in the singular number include the plural and those used in the plural number include the singular. Words used in the present tense include the future. The following definitions shall apply in the interpretation and enforcement of this ordinance, unless otherwise specifically stated:

Addition (to an existing structure). Shall mean any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls, is new construction.

As-Built Survey. A drawing prepared and signed by a Registered Land Surveyor registered in the State of Georgia illustrating the locations, dimensions and elevations of a development as it has been constructed following completion of construction based on direct field measurements and shown to scale.

As-Built Design Certification. A report prepared and signed by the professional that prepared the construction plans and / or stormwater management plan certifying that the stormwater facilities constructed as part of the development and depicted on the as-built survey will function as designed in the stormwater management plan and meeting the requirements outlined in the Stormwater Local Design Manual (LDM.)

Agricultural Activities. The raising, harvesting, or storing of crops; 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, ratites, and rabbits, or for use in the production of poultry, including, but not limited to, chickens, hens, and turkeys; producing plants, trees, fowl, or animals; or the production of agricultural, horticultural, dairy, livestock, poultry, eggs, and apiarian products.

Best Management Practices (BMPs). A collection of structural practices and vegetative measures which, when properly designed, installed, and maintained, will provide effective erosion and sedimentation control, prevent or reduce the pollution of the water of the State of Georgia, or prevent flooding. 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 *OCGA §12-7-6(b)*, the “Georgia Stormwater Management Manual” or the “Local Design Manual” (“LDM.”)

Construction. Any alteration of land for the purpose of achieving its development or changing use, including particularly any preparation for, building of, or erection of a structure and/or infrastructure.

Construction Activity. Activities subject to NPDES Construction Permits or those activities addressed in the LDM. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

Day. A day is defined as a calendar day.

Design Storm. The rainfall event of such size and frequency as described in the LDM that is used for the design of stormwater facilities.

Developer. Any person who acts in his or her own behalf or as the agent of any owner of property for construction activity.

Director. The Whitfield County Building, Zoning, & Development Director, or any other person designated by the Whitfield County Administrator.

Drainage. A general term applied to the removal of surface or subsurface water from a given area either by gravity or by pumping, commonly applied herein to surface water.

Drainage system. The surface and subsurface system for the removal of water from the land, including both the natural elements of streams, marshes, and ponds, whether of an

intermittent or continuous nature, and the manmade element which includes culverts, ditches, channels, retention facilities and the storm sewer system.

Hardship (as related to variances hereof) means the exceptional hardship that would result from a failure to grant the requested variance. The Whitfield County Board of Commissioners requires that the variance should be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

Hazardous Materials. Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Hotspot. An area where the land use or activities generate or have the potential to generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater and as defined in the LDM.

Industrial Activity. Activities subject to NPDES Industrial Permits as defined in **40 CFR, § 122.26 (b)(14.)**

Jurisdictional Wetland. An area that meets the definitional requirements for wetlands as determined by the U.S. Army Corps of Engineers.

Local Design Manual ("LDM.") A manual containing specific guidelines and standards for stormwater management that are either watershed or countywide specific, for the proper implementation of the requirements of this Article.

Maintenance of stormwater facility. The performance of routine methods and procedures that preserve drainage structures and other stormwater facilities in good condition; ensuring structural soundness, functional adequacy and mostly free from sediment, debris and other obstructions; and rectifying any unforeseen erosion and water quality problems.

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit. A permit issued by the U.S. Environmental Protection Agency [or by the state of Georgia pursuant to authority delegated at **33 USC § 1342(b)**] authorizing the discharge of pollutants to waters of the United States, whether the permit is applicable upon an individual, group, or general area-wide basis.

Non-Structural Best Management Practice. Any natural or planted vegetation or other nonstructural component of the stormwater management plan that provides for or

enhances stormwater quantity and/or quality control or other stormwater management benefits, and includes, but is not limited to, riparian buffers, open and greenspace areas, overland flow filtration areas, natural depressions, and vegetated channels.

Obstruction includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

Owner. The person in whom is vested the fee simple ownership, dominion or title of property, by proprietor; this term may also include a tenant, if chargeable under his or her lease for the maintenance of the property, and any agent of the owner or tenant, including a developer.

Person. Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality, or other political subdivision of this state, any interstate body or any other legal entity.

Pollution. The contamination or other significant alteration of any water's physical, chemical or biological properties, including, but not limited to, a change in temperature, taste, color, turbidity, or odor of such waters or the discharge of any liquid, gaseous, solid, radioactive, or other substance into any such waters as will or is likely to render such waters harmful, detrimental or injurious to the public health, safety or welfare or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

Pollutant. Any impurity or waste material that degrades the physical, chemical, biological or radiological integrity of surface or subsurface waters.

Public Works Director. The Whitfield County Public Works Director.

Redevelopment. A land development project on a previously developed site, but excludes ordinary maintenance activities, remodeling of existing buildings, resurfacing of paved areas, and exterior changes or improvements which do not materially increase or concentrate stormwater runoff, or cause additional non-point source pollution.

Site Development Permit. The authorization necessary to conduct a land-disturbing activity under the provisions of this ordinance.

Stormwater. Any surface flow, runoff, or drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Stormwater Design Manual. The Georgia Stormwater Management Manual (GSMM,) current edition, as published by the Atlanta Regional Commission. The Georgia Stormwater Management Manual is available online at www.georgiastormwater.org .

Stormwater Facility. A structural stormwater management facility or device that controls stormwater runoff and changes the characteristics of that runoff including, but not limited to, the quantity, the quality, the period of release or the velocity of flow.

Undisturbed natural buffer. A tract of land in its natural undisturbed state where no vegetation can be removed or planted without a County permit. No herbicides, pesticides, or other chemicals, either natural or manmade can be used in this buffer without a County permit.

Violation means the failure of a structure or other development to be fully compliant with this ordinance. A structure or other development without evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

14-73 Applicability. All persons proposing development and/or construction within Whitfield County shall submit a Stormwater Management Plan and hydrology study to the Director for review of conformity with this Article, except as provided in Section 14-75. These standards apply to any new development or redevelopment site meeting one (1) or more of the following criteria:

14-73-1 New development that involving the creation of five thousand (5,000) square feet or more of impervious cover, or that involves other land development activities of one (1) acre or more;

14-73-2 Redevelopment including the creation, addition, or replacement of five thousand (5,000) square feet or more of impervious cover, or involving other land development activity of one (1) acre or more;

14-73-3 Any new development or redevelopment, regardless of size, defined as a “hotspot” land use;

14-73-4 Land development activities which are smaller than the minimum applicability criteria set forth in items 14-73-1 and 14-73-2 above if such activities are part of a larger common plan of development, even though multiple, separate and distinct land development activities may take place at different times on different schedules; or

14-73-5 Activities which lie within a special drainage district as defined in the Whitfield County Stormwater Local Design Manual (LDM) and are regulated by the provisions of the special drainage district.

14-74 Stormwater Local Design Manual. Whitfield County will utilize the policy, criteria, and information, including technical specifications and standards in the latest edition of the GSMM and the Whitfield County Stormwater LDM, for the proper implementation of the requirements of this Article. The LDM may be updated and expanded periodically, based upon improvements in science, engineering, monitoring, and local maintenance experience.

14-75 Exemption from Requirements. The following development activities are exempt from the provisions of this Article and the requirements of providing stormwater management but are not exempted from State Erosion Control / Forestry BMPs:

14-75-1 Agricultural and forestry land management activities.

14-75-2 Additions or modifications to existing detached single-family or duplex dwellings.

14-75-3 Construction of a detached single-family dwelling this is not part of a larger development.

14-75-4 Repairs to any stormwater management facility or practice deemed necessary by the County.

14-75-5 Two (2) lane road construction by a governmental body [any road wider than a two (2) lane road is not exempted.]

14-76 Requirements for Stormwater Management Plan. All stormwater management plans submitted to the County shall be submitted in accordance with the provisions as outlined in this Article and the LDM.

14-76-1 The Stormwater Management Plan shall be prepared under the supervision of, and certified by a Professional Engineer, Professional Land Surveyor, or Registered Landscape Architect with competency in Hydrology and Hydraulics, currently registered in the State of Georgia and who shall maintain at all times in full force and effect Errors and Omissions Liability Insurance Coverage in an amount of not less than One Million Dollars (\$1,000,000) per occurrence. The plan shall conform to the requirements of this Article.

14-76-2 Upon receipt of the Stormwater Management Plan, the County shall perform appropriate reviews, and shall either approve the Stormwater Management Plan or return comments and reasons for rejection.

14-77 Permit Procedures and Requirements.

14-77-1 Permit Application Requirements. No owner or developer shall perform any land development activities without first meeting the requirements of this Article prior to commencing the proposed activity. Unless otherwise exempted by this Article, or granted a waiver to meeting the minimum requirements outlined in

the Whitfield County Stormwater LDM, a Site Development Permit application shall be accompanied by the following items in order to be considered:

- 14-77-1-1 Stormwater concept plan and consultation meeting certification if required by Whitfield County;
- 14-77-1-2 Stormwater Management Plan and certificate of applicable liability insurance;
- 14-77-1-3 Inspection and long term maintenance agreement;
- 14-77-1-4 Performance bond, if applicable; and,
- 14-77-1-5 Site Development Permit application and applicable review fees.

14-77-2 Stormwater Concept Plan and Consultation Meeting. Projects that are complex in nature may require a stormwater concept plan and consultation prior to submittal of design plans for review by the County. The stormwater concept plan shall meet the requirements outlined in the LDM. For the purposes of this section, any proposed development activity that meets any of the following criteria shall be required to perform a stormwater concept plan and consultation meeting prior to submittal of engineering plans for review.

- 14-77-2-1 Any residential subdivision with greater than fifty (50) lots, unless such development contains exclusively two (2) acre or larger lots.
- 14-77-2-2 Any non-residential development with a disturbed area of ten (10) acres or larger.
- 14-77-2-3 Any non-residential development regardless of size which has an impervious surface coverage that covers fifty (50) percent or more of the property excluding those lands contained within undisturbed buffers including but not limited to floodplains, stream buffers and undisturbed buffers between dissimilar zonings.
- 14-77-2-4 Any non-residential development regardless of size which is defined as a “hot spot” land use.

14-77-3 Stormwater Management Plan Requirements. A Stormwater Management Plan must be submitted in accordance with the LDM.

14-77-4 Modifications for Off-Site Facilities. The Stormwater Management Plan for each land development project shall provide for stormwater management measures located on the site of the project, unless provisions are made with the County to manage stormwater by an off-site, or regional facility. The off-site or regional facility: (1) must be located upon property legally dedicated for the

purpose, (2) must be designed and adequately sized to provide a level of stormwater quantity and quality control that is equal to or greater than that which would be afforded by on-site practices, and (3) there must be a County approved, legally-obligated entity responsible for long-term operation and maintenance of the off-site or regional stormwater facility. In addition, on-site measures shall be implemented, where necessary, to address stormwater management issues upstream and downstream from the development site to the off-site or regional facility.

A Stormwater Management Plan must be submitted to Whitfield County which shows the adequacy of the off-site or regional facility.

To be eligible for a modification, the applicant must demonstrate to the reasonable satisfaction of Whitfield County that the use of an off-site or regional facility will not result in the following impacts to upstream or downstream areas:

- 14-77-4-1 Increased threat of flood damage to public health, safety, welfare, and property;
- 14-77-4-2 Deterioration of existing culverts, bridges, dams, and other structures;
- 14-77-4-3 Accelerated streambank or streambed erosion or siltation;
- 14-77-4-4 Degradation of in-stream biological functions or habitat; or
- 14-77-4-5 Water quality impairment in violation of State of Georgia water quality standards, and/or violation of any State or Federal regulations.

14-78 Post-Development Stormwater Management Performance Criteria. The following performance criteria shall be applicable to all stormwater management plans, unless otherwise provided for in this ordinance:

14-78-1 Water Quality. Stormwater runoff generated from a site shall be adequately treated before discharge. It will be presumed that a stormwater management system complies with this requirement if:

- 14-78-1-1 The system is sized to treat the prescribed water quality treatment volume from the site, as defined in the LDM;
- 14-78-1-2 Appropriate structural stormwater controls or nonstructural practices are selected, designed, constructed or preserved, and maintained in accordance with the specific criteria in the LDM; and,

14-78-1-3 Runoff from “hotspot” land uses and activities identified in the LDM are adequately treated and addressed through the use of appropriate structural stormwater controls, nonstructural practices and pollution prevention practices.

14-78-2 Stream Channel Protection. Protection of stream channels from bank and bed erosion and degradation shall be provided by using all of the following three approaches:

14-78-2-1 Preservation, restoration and/or reforestation (with native vegetation) of the applicable stream buffer;

14-78-2-2 Twenty-four (24) hour extended detention storage of the one (1) year, twenty-four (24) hour return frequency storm event; and,

14-78-2-3 Erosion prevention measures such as energy dissipation and velocity control.

All design and construction work that is undertaken proximate to stream channels (including the buffer areas) shall be in strict conformance with current local, State, and Federal regulations.

14-78-3 Flood Protection. Flood and public safety protection shall be provided by controlling and safely conveying storm events such that flooding is not exacerbated for the storm events specified in the LDM and in accordance with applicable requirements in Article VI hereof.

14-78-4 Drainage System Guidelines. A system emphasizing a natural as opposed to an engineered drainage strategy shall be encouraged. The applicability of a natural approach depends upon such factors as site storage capacity, open channel hydraulic capacity, maintenance needs / resources and regulatory permitting factors. Stormwater conveyance facilities may include but are not limited to culverts, stormwater drainage pipes, catch basins, drop inlets, junction boxes, headwalls, gutters, swales, channels, ditches, and energy dissipaters shall be provided when necessary for the protection of public and private properties adjoining project sites. Stormwater conveyance facilities that are designed to carry stormwater runoff from more than one parcel, existing or proposed, shall meet the following additional requirements:

14-78-4-1 Methods to calculate stormwater flows shall be in accordance with the LDM;

14-78-4-2 All culverts, pipe systems and open channel flow systems shall be sized in accordance with the stormwater management plan using the methods included in the LDM; and,

14-78-4-3 Design and construction of stormwater conveyance facilities shall be in accordance with the criteria and specifications found in the LDM.

14-79 Maintenance of Facilities

14-79-1 Stormwater detention facilities which are deemed to be an essential and integral part of the Whitfield County stormwater management program may be maintained by Whitfield County. Stormwater management facilities which are built to satisfy this Article for non-residential developments, and function for only one owner of a parcel of land in fee simple, will not be maintained by Whitfield County, and the owner thereof shall meet the requirements of the subsequent provisions of this Article. No stormwater detention facility shall be accepted for maintenance by the County without first being approved by the Whitfield County Board of Commissioners.

In order to facilitate the maintenance of said stormwater detention facilities, a drainage easement shall be provided which will at a minimum encompass the 100-year flood elevation contour plus ten (10) feet. The ten (10) feet shall be measured horizontally outward from the one hundred (100) year flood elevation contour. A twenty (20) foot access easement shall be provided from an existing or proposed right-of-way to the said stormwater detention facility. The access easement shall be improved so as to allow for periodic usage for the purpose of maintenance of the stormwater management facility.

14-79-2 An inspection and maintenance agreement shall be executed for all private on-site stormwater management facilities prior to approval of the Final Plat or issuance of a Certificate of Occupancy. Such agreement shall be in form and content acceptable to the County, and shall provide that all inspection, maintenance and repair procedures of such facilities shall be the responsibility of the property owner. Such agreement shall provide for access to the facility by virtue of a non-exclusive perpetual easement in favor of Whitfield County at reasonable times for regular inspection by the County Administrator, Director, Public Works Director, or his or her designee.

14-79-2-1 The agreement shall provide that preventive maintenance inspections of infiltration systems, retention, or detention structures may be made by the County, at its option. The County's inspection schedule shall be established on a frequency that meets the intent of this Article and applicable regulatory compliance requirements bestowed on the County.

14-79-2-2 The agreement shall provide that if, after an inspection, the condition of a facility presents an immediate danger to the public health, safety or general welfare because of unsafe conditions or improper maintenance, the County shall have the right, but not the

duty, to take such action as may be necessary to protect the public health, safety, general welfare and adjacent properties from damage. If it is determined that such deficient conditions are the result of neglected maintenance, or other action caused by the property owner, then any cost incurred by Whitfield County shall be paid by the property owner as set forth in subsection 14-79-2-4 below.

14-79-2-3 The maintenance agreement shall be recorded by the property owner in the land records of Whitfield County prior to approval of the Final Plat or issuance of a Certificate of Occupancy.

14-79-2-4 The agreement shall provide that the County shall notify the property owner(s) of the facility of any violation, deficiency or failure to comply with this Article. The agreement shall also provide that upon a failure to correct violations requiring maintenance work, within thirty (30) days after notice thereof, the County may provide for all necessary work to place the facility in proper working condition. The owner(s) of the facility shall be assessed the costs of the work performed by the County pursuant to this subsection and subsection 14-79-2-2 above, and there shall be a lien upon all property of the owner in which said property utilizes, or will utilize such facility in achieving stormwater management, which lien, when filed in Whitfield County real estate records, shall have the same status and priority as liens for non-payment of *ad valorem* taxes. Should such a lien be filed, portions of the affected property may be released by Whitfield County following the payments by the owner of such portion of the property of such owner's pro-rata share of the lien amount based upon the acreage to be released with such release amount to be determined by the Whitfield County Board of Commissioners.

14-79-3 In lieu of an inspection and maintenance agreement, the Whitfield County Board of Commissioners may, at their discretion, accept dedication of any existing or future regional stormwater management facility for perpetual maintenance by Whitfield County, provided such facility meets all the requirements of this Article, the LDM, and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular structural maintenance by the County.

14-80 Maintenance of Pre-Existing Stormwater Facilities. All stormwater management facilities in existence in Whitfield County on the effective date of this Article shall be maintained by the property owner of the property upon which the facility is located in a manner so as to maintain the level of service provided by the facility as intended by the original design or current conditions, whichever shall be more stringent.

14-81 Inspection.

14-81-1 The County Administrator, Director, Public Works Director, or his or her designee, shall be responsible for determining whether a development is proceeding in accordance with the approved Stormwater Management Plan. Periodic inspection of the development site shall be made by the Director, or designee, to ensure that the Stormwater Management Plan is properly implemented.

14-81-2 Upon completion of the construction phase on the project, and prior to approval of the Final Plat or issuance of a Certificate of Occupancy, the developer shall provide an as-built survey and an as-built design certification for each stormwater management facility. A certified record drawing of the facility shall be prepared based upon this as-built survey and certified by the design profession who prepared the Stormwater Management Plan. Based on the actual parameters established on the record drawing, an addendum to the Stormwater Management Plan shall be prepared which demonstrates that the facility, as constructed, complies with the requirements of the approved Stormwater Management Plan.

14-81-3 Following Final Plat approval or issuance of a Certificate of Occupancy, the County Administrator, Director, Public Works Director, or his or her designee, shall conduct periodic inspections of the stormwater facility upon a schedule established by the County. Inspection reports, including documented deficiencies and needed maintenance requirements, shall be included within the inspection reports and provided to the property owner to undertake appropriate action.

4. These amendments shall become effective immediately following enactment by the Board of Commissioners of Whitfield County, Georgia, the public health, safety, and welfare requiring it.

5. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

6. It is hereby declared to be the intention of the Board of Commissioners of Whitfield County that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable and if any section, paragraph, sentence, clause, or phrase shall be declared unconstitutional or otherwise invalid by a court of competent jurisdiction, such

unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, or phrases herein.

SO ENACTED, this _____ day of September, 2006 and ORDAINED to become EFFECTIVE on December 1, 2006.

Brian D. Anderson, Sr., Chairman

Mike Cowan, Vice Chairman

Odell Cochran

E. Pete Pangle

Leo J. Whaley

Attest:

Barbara Love, Whitfield County Clerk