

**AN ORDINANCE TO AMEND
THE NEWTON COUNTY WATER RESOURCES MANAGEMENT ORDINANCE;
TO REPEAL CONFLICTING PROVISIONS;
TO PROVIDE FOR AN EFFECTIVE DATE;
AND FOR OTHER PURPOSES**

BE IT ORDAINED by the Board of Commissioners, Newton County, Georgia, and under the authority of the same that the Newton County Water Resources Management Ordinance is hereby amended as follows:

Section 1

Newton County does hereby amend Article 7 Erosion and Sedimentation Control by amending subsection 700-030(C)(15) as shown below:

15. Except as provided in paragraph (16) of this subsection, there is established a ~~35~~²⁵-foot buffer along the banks of all state waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, except where the Director determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the Director pursuant to O.C.G.A. § 12-2-8, where a drainage structure which must cross a state water or a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications, and are implemented; or along any ephemeral stream. As used in this provision, the term 'ephemeral stream' means a stream: that under normal circumstances has water flowing only during and for a short duration after precipitation events; that has the channel located above the ground water table year round; for which ground water is not a source of water; and for which runoff from precipitation is the primary source of water flow. Unless exempted as along an ephemeral stream, the buffers of at least 25 feet established pursuant to part 6 of Article 5, Chapter 5 of Title 12, the "Georgia Water Quality Control Act", shall remain in force unless a variance is granted by the Director as provided in this paragraph. Any variance granted by the Director pursuant to O.C.G.A. 12-2-8 shall ~~also serve as a variance to the 35-foot buffer established by this Paragraph but shall~~ not serve as a variance to any riparian buffers in excess of ~~35~~²⁵ feet established under Divisions 415, 420 and 520 of The Zoning Ordinance of Newton County Georgia, as amended. The following requirements shall apply to any such buffer established under this Paragraph:

- a. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural undisturbed state of vegetation until all land-disturbing activities on the construction site are completed. Once land-disturbing activity is initiated and

continuing until final stabilization of the site is achieved, the boundary of the buffer shall be designated by four foot orange safety fencing. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and

b. The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented: (i) Stream crossings for water lines; or (ii) Stream crossings for sewer lines; and

Section 3

All ordinances or regulations or parts thereof in conflict herewith are hereby repealed.

Section 4

This Ordinance shall be in force and take effect on August 17, 2011.

Adopted and approved by the Board of Commissioners on the 16th day of August, 2011.

NEWTON COUNTY BOARD OF COMMISSIONERS

By: Kathryn G. Morgan
Kathryn G. Morgan, Chairman

Attest: Jackie Smith
Jackie Smith, Clerk

