

## **GROUNDWATER RECHARGE AREA PROTECTION ORDINANCE FOR THE CITY OF MCINTYRE, GEORGIA**

BE IT ORDAINED by the City Council of McIntyre, Georgia duly assembled and it is hereby ordained by the authority of same that the following ordinance known as the Groundwater Recharge Area Protection Ordinance is adopted.

### **1. Title of the Ordinance, Findings and Objectives**

**1.1. Title of Ordinance.** This ordinance shall be known as the Groundwater Recharge Area Protection Ordinance of McIntyre, Georgia.

**1.2. Findings of Fact.** In order to provide for the health, safety and welfare of the public and a healthy economic climate within McIntyre, Georgia and surrounding communities, it is essential that the quality of public drinking water be ensured. For this reason, it is necessary to protect the subsurface water resources that McIntyre, Georgia and surrounding communities rely on as sources of public water. Groundwater resources are contained within aquifers, which are permeable, rock strata occupying vast regions of the subsurface. These aquifers are replenished by infiltration of surface water runoff in zones of the surface known as groundwater recharge areas.

Groundwater is susceptible to contamination when unrestricted development occurs within significant groundwater recharge areas. It is, therefore, necessary to manage land use within groundwater recharge areas in order to ensure that pollution threats are minimized.

**1.3. Objectives.** The objectives of this ordinance are:

- (1) Protect groundwater quality by restricting land uses that generate, use or store dangerous pollutants in recharge areas;
- (2) Protect groundwater quality by limiting density of development; and
- (3) Protect groundwater quality by ensuring that any development that occurs within the recharge area shall have no adverse effect on groundwater quality.

### **2. Establishment of a Groundwater Recharge Area District**

A Groundwater Recharge Area District is hereby established which shall correspond to all lands within the jurisdiction of McIntyre, Georgia that are mapped as significant recharge areas by the Georgia Department of Natural Resources in Hydrologic Atlas 18, 1989 edition. Said map is hereby adopted and made part of this ordinance.

### **3. Determination of Pollution Susceptibility**

Each recharge area shall be determined to have a pollution susceptibility of high, medium, or low based on the Georgia Pollution Susceptibility Map of Georgia, Hydrologic Atlas 20, 1992 Edition. Said map is hereby adopted and made part of this ordinance.

### **4. Groundwater Protection Criteria**

**4.1.** No construction may proceed on a building or manufactured home to be served by a septic tank unless the Wilkinson County Health Department first approves the proposed septic tank installation as meeting the requirements of the Georgia Department of Human Resources Manual for On-Site Sewage Management (hereinafter DHR Manual) and Section 4.6 below.

**4.2.** New agricultural waste impoundments shall be lined if they are within:

**4.2.1** A high pollution susceptibility area;

**4.2.2** A medium susceptibility area and site exceed 15 acre-feet in size; and

**4.2.3** A low susceptibility and exceeds 50 acre-feet in size.

At a minimum, the liner shall be constructed of compacted clay having a thickness of one foot and a vertical hydraulic conductivity of less than  $5 \times 10^{-7}$  cm/sec or other criteria established by the Natural Resource and Conservation Service.

**4.3.** New above-ground chemical or petroleum storage tanks having a minimum volume of 660 gallons shall have secondary containment for 110 percent of the volume of such tanks, or 110 percent of the volume of the largest tank in a cluster of tanks. Such tanks used for agricultural purposes are exempt, provided they comply with all federal requirements.

**4.4.** Permanent stormwater infiltration basins shall not be constructed in areas having high pollution susceptibility.

**4.5.** New facilities which handle hazardous waste materials of the types listed in Section 312 of the Resource Conservation and Recovery Act of 1976, excluding underground storage tanks and in amounts 10,000 pounds or more on any one day shall perform their operations on impervious surfaces and in conformance with applicable federal spill prevention requirements and any local fire prevention code requirements.

**4.6. Minimum Lot Sizes and Septic Systems.** New homes and new manufactured home parks served by septic tank/drain systems shall be on lots having minimum size limitations as follows, based on application of Tables MT-1 and MT-2 of the DHR Manual (hereinafter DHR Tables MT-1 and MT-2.) The minimums set forth in Tables MT-1 and MT-2 may be



**TABLE MT-1**

**NEW HOMES  
MINIMUM LOT SIZES, MINIMUM LOT WIDTHS AND MAXIMUM  
ALLOWABLE SEWAGE FLOW FOR THE TYPE OF  
WATER SUPPLY SYSTEM**

	Type of Water Supply System	
	Non-Public* (Individual)	Public
Minimum Lot Size	43,560 square feet	21,780 square feet
Minimum Lot Width	150 feet	100 feet
Maximum Sewage Flow	600 gpad**	1,200 gpad

\* In this context, "Non-Public" means an individual water supply system or any other water supply system which is not a "public" water supply system.

\*\* Gpad = gallons per acre per day = gal/acre/day.

**TABLE MT-2**

**MANUFACTURED HOME PARKS  
MINIMUM LOT SIZES, MINIMUM LOT WIDTHS AND MAXIMUM  
ALLOWABLE SEWAGE FLOW FOR THE TYPE OF  
WATER SUPPLY SYSTEM**

	Type of Water Supply System	
	Non-Public* (Individual)	Public
Minimum Lot Size	43,560 square feet	21,780 square feet
Minimum Lot Width	150 feet	100 feet
Maximum Sewage Flow	600 gpad**	1,200 gpad

\* In this context, "Non-Public" means an individual water supply system or any other water supply system which is not a "public" water supply system.

\*\* Gpad = gallons per acre per day = gal/acre/day.

- Section A.** The above minimum lot sizes are for the typical size home (3 or 4 bedroom) with basic appurtenances such as: driveway, minimum number of trees and water supply line. If larger homes, swimming pools, tennis courts or outbuildings, etc. are proposed for construction or if trees would interfere with installation of an on-site sewage management system, the Wilkinson County Board of Health will require larger lots to assure usable soil area.
- Section B.** The Wilkinson County Board of Health may also require larger lot sizes when physical factors indicate the need to do so. These factors include, but are not limited to, the availability of sufficient unobstructed land areas for an approved on-site sewage management system and approved replacement system, slope greater than five percent, percolation rates higher than 45 minutes per inch, need for subsurface drainage or adverse topographic features.
- Section C.** Lots shall be a minimum width of 100 feet or 150 feet measured within the area where an approved on-site sewage management system and replacement system are to be located when served by a public water supply system or nonpublic water supply system, respectively.
- Section D.** The following land areas are not considered as a part of a lot when calculating the required minimum lot size: rights-of-way of roads, easements (such as power line or pipe line) that exclude installation of an on-site sewage management system, bodies of water, land within 50 feet of a lake, river, stream, wetland or other bodies of water and similar limiting factors.
- Section E.** There must be an unobstructed area on each lot for installation of an approved on-site sewage management system and an area equal in size for a conventional system or larger area, as appropriate, for an approved replacement system; this will include sufficient area for necessary site modifications for installation of both the initial system and a replacement system. All pertinent County zoning setbacks and other space requirements must also be met.
- Section F.** The maximum daily sewage flow for each lot or parcel of land shall not exceed 600 gpad when served by nonpublic or individual water supply system or 1,200 gpad when served by public water supply system. When sewage flows exceed these quantities (600 or 1,200 gpad as indicated) for a given dwelling structure, the minimum lot size or parcel of land shall be increased proportionally. Example: Assume a public water supply exists (so 1,200 gpad maximum sewage flow allowed per minimum required land area of 21,780 square feet), and there is a proposed sewage flow of 5,000 gpd. To determine the square footage of the lot needed, X, use the following formula:

$$X = \frac{5,000 \text{ gal/day}}{1,200 \text{ gal/acre/day}}$$

$$= 4.17 \text{ acres}$$

$$= 4.17 \text{ acres} \times 43,560 \text{ ft}^2/\text{acre}$$

$$= 181,500 \text{ ft}^2 \text{ area of land needed.}$$

Likewise, for a nonpublic (individual) water supply, to determine the square footage of the lot needed, Y, for a proposed sewage flow of 5,000 gpd, use the following formula:

$$Y = \frac{5,000 \text{ gal/day}}{600 \text{ gal/acre/day}}$$

$$= 8.33 \text{ acres}$$

$$= 8.33 \text{ acres} \times 43,560 \text{ ft}^2/\text{acre}$$

$$= 363,000 \text{ ft}^2 \text{ area of land needed.}$$

increased further based on consideration of other factors (set forth in Section A-F) of the DHR Manual.

Pollution Susceptibility	New Homes Served by Septic Systems	New Manufactured Home Parks Served by Septic Systems
High	150% of minimum subdivision lot sizes calculated based on application of DHR Table MT-1	150% of minimum subdivision lot or space size calculated based on application of in DHR Table MT-2
Medium	125% of minimum subdivision lot sizes calculated based on application of DHR Table MT-1	125% of minimum subdivision lot or space size calculated based on application of DHR Table MT-2
Low	110% of minimum subdivision lot sizes calculated based on application of DHR Table MT-1	110% of minimum subdivision lot or space size calculated based on application of DHR Table MT-2

## 5. Exemptions

Any lot of record approved prior to the adoption of this ordinance is exempt from the minimum lot size requirements contained in Section 4.6 of this ordinance.

## 6. Site Plans

Application for a local development permit within the Groundwater Recharge Area District shall include a site plan, drawn at a scale of 1"=50" with the following information.

6.1. A map or maps showing all planned improvements including the width, depth and length of all existing and proposed structures, roads, water courses and drainage ways, water lines, wastewater and stormwater facilities, and utility installations shall be provided by the applicant.

6.2. Location, dimensions and area of all impervious surfaces, both existing and proposed, on the site and adjacent to the site for a distance of 200 feet.

6.3. The orientation and distance from the boundaries of the proposed site to the nearest bank of an affected perennial stream or water body.

6.4. Elevations of the site and adjacent lands within 200 feet of the site at contour intervals of no greater than two feet and no greater than one foot for slopes less than or equal to two percent.

6.5. Location and detailed design of any spill and leak collection systems designed for the purpose of containing accidentally released hazardous or toxic materials.



6.6. A map of all planned excavation and fill including calculations of the volume of cut and fill involved, cross-sectional drawings showing existing and proposed grades in areas of fill or excavation. Elevations, horizontal scale and vertical scale must be shown on cross-sectional drawings.

6.7. All proposed temporary descriptions or diversions of local hydrology.

## **7. Activities to Comply with Site Plan**

All development activities or site work conducted after approval of the site plan shall conform with the specifications of said site plan. Significant changes to the site plan that would alter the amount and velocity of stormwater runoff from the site, increase the amount of impervious surface within the development, alter the overall density of development, result in a considerable increase in the amount of excavation, fill or removal of vegetation during construction or otherwise result in an alteration of the overall appearance of the development as proposed, can be amended only with the approval of the City Clerk or designated appointee. Minor changes, such as the realignment of streets or minor alterations to drainage structures and other infrastructure to meet unexpected conditions are exempted from this requirement.

## **8. Exemptions to Site Plan Requirements**

The following activities and developments are exempt from the requirement for detailed site plans:

8.1 Single-family detached homes constructed within a subdivision of fewer than five parcels.

8.2 Repairs to a facility that is part of a previously approved and permitted development.

8.3 Construction of minor structures, such as sheds or additions to single-family residences.

## **9. Review Procedures**

The application shall be made to the City Clerk or designated appointee and will be reviewed within 45 days. The review period shall include the preparation of findings (approval, approval with conditions or disapproval) by the City Clerk or designated appointee. At the time of the application, the applicant shall pay a filing fee as specified by the City of McIntyre. Filing fees up to the larger of \$500 or \$100 per acre may be required to evaluate the application. This fee may be used to retain expert consultants who will provide services pertaining to functional assessment, mitigation, groundwater recharge boundary determination as deemed necessary by the City Clerk or designated appointee. The applicant will receive written notification of the findings of the City Clerk or designated appointee. Decisions of the City Clerk or designated appointee may be appealed to the City Council.

## **10. Duration of Permit Validity**

10.1. If construction described in the development permit has not commenced within 12 months from the date of issuance, the permit shall expire.

10.2. If construction described in the development permit is suspended or abandoned after work has commenced, the permit shall expire 12 months after the date that work ceased.

10.3. Written notice of pending expiration of the development permit shall be issued by the City Clerk or designated appointee.

## **11. Suspension, Revocation of Development Permit**

The City Clerk or designated appointee may suspend or revoke a development permit if he/she finds that the applicant has not complied with the conditions or limitations set forth in the permit or has exceeded scope of work set forth in the permit. The City Clerk or designated appointee shall cause notice of denial, issuance, conditional issuance, revocation or suspension of permit to be published in daily newspaper having broad circulation in the area where the groundwater recharge area is located.

## **12. Penalties**

12.1. When a building or other structure has been constructed in violation of this Ordinance, the violator shall be required to remove the structure.

12.2. When removal of vegetative cover, excavation or fill has taken place in violation of this Ordinance, the violator shall be required to restore the affected land to its original contours and to restore vegetation, as far as practicable.

12.3. If the City Clerk or designated appointee discovers a violation of any provision of the Clean Water Act as amended, the City Council shall issue written notification of the violation to the U.S. Environmental Protection Agency, the U.S. Army Corps of Engineers, and the landowner.

## **13. Judicial Review**

13.1. **Jurisdiction.** All final decisions of the City of McIntyre concerning denial, approval of conditional approval of a permit shall be reviewable in the Wilkinson County Superior Court.

13.2. **Alternative Actions.** Based on these proceedings and the decision of the court, the City Clerk or designated employee may, within the time specified by the court, elect to:

13.2.1 Institute negotiated purchase or condemnation proceedings to acquire an easement or fee interest in the applicant's land;



13.2.2 Approve the permit application with lesser restrictions or conditions (i.e., grant a variance); or

13.2.3 Institute other appropriate actions ordered by the court that fall within the jurisdiction of the City Clerk.

**14. Amendments**

These regulations and the Groundwater Recharge Area and Pollution Susceptibility maps may, from time to time, be amended in accordance with procedures and requirements in the general statutes and as new information becomes available.

**15. Assessment Relief**

Assessors and boards of assessors shall consider the requirements of these regulations in determining the fair market value of land.

**16. Separability and Abrogation**

All sections and subsections of this ordinance are considered separate and distinct. Should any section, subsection, paragraph or part of this ordinance be declared by a court of jurisdiction to be invalid for any reason, it shall not invalidate any other section, subsection, paragraph or part of this ordinance.

All ordinances and regulations in conflict with this ordinance are hereby repealed.

**17. Definitions**

**Aquifer** - Any stratum (rock layer) or zone of rock beneath the surface of the earth capable of containing or producing water from a well.

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

**Groundwater Recharge Area** (synonymous with Aquifer Recharge Area) - An area of the Earth's surface where water infiltrates the ground, thereby replenishing the groundwater supplies within an aquifer.

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

**Pollution Susceptibility Map(s)** - Maps prepared by the Georgia Department of Natural Resources (DNR) that show the relative vulnerability of groundwater to pollution, using the DRASTIC methodology (Georgia Department of Natural Resources Hydrologic Atlas 20; Groundwater Pollution Susceptibility Map of Georgia).

**Significant Groundwater Recharge Areas** - Areas mapped by the Department of Natural Resources in Hydrologic Atlas 18 (1989 edition). Mapping of recharge areas is based on outcrop area, lithology (chemical nature and form of the rock), soil type and thickness, slope, density of lithologic contacts, geologic structure, presence of "karst" topography (sinkholes, caves and fissures associated with limestone and other carbonate rocks), and potentiometric surfaces.

**18. Effective Date**

This Ordinance shall be effective as of August 15, 2000. All ordinances and parts of ordinances in conflict herewith shall not be and the same are hereby repealed.

CITY COUNCIL OF MCINTYRE, GEORGIA

BY: Jack Bache  
Jack Bache, Mayor

ATTEST:

Cindy Daniels  
Cindy Daniels, City Clerk

## **WETLAND PROTECTION ORDINANCE OF MCINTYRE, GEORGIA**

BE IT ORDAINED by the City Council of McIntyre, Georgia duly assembled and it is hereby ordained by the authority of same that the following ordinance known as the Wetland Protection Ordinance is adopted.

### **1. Findings and Purpose**

**1.1 Findings of Fact.** The wetlands within McIntyre, Georgia are indispensable and fragile natural resources with significant development constraints due to flooding, erosion and soils limitations. In their natural state, wetlands serve man and nature. They provide habitat areas for fish, wildlife and vegetation; water quality maintenance and pollution control; flood control; erosion control; natural resource education; scientific study; and open space and recreational opportunities. In addition, the wise management of forested wetlands is essential to the economic well-being of many communities within the State of Georgia.

Nationally, a considerable number of these important natural resources have been lost or impaired by drainage, dredging, filling, excavating, building, pollution, and other acts. Piecemeal or cumulative losses will, over time, destroy additional wetlands. Damaging or destroying wetlands threatens public safety and the general welfare.

It is, therefore necessary for McIntyre, Georgia to ensure maximum protection for wetlands by discouraging development activities that may adversely affect wetlands.

**1.2 Title and Purpose.** This Ordinance shall be known as the Wetlands Protection Ordinance of McIntyre, Georgia. The purpose of this Ordinance is to promote wetlands protection, while taking into account varying ecological, economic development, recreational and aesthetic values. Activities that may damage wetlands should be located on upland sites to the greatest degree practicable as determined through a permitting process. The objective of this Ordinance is to protect wetlands from alterations that will significantly affect or reduce their primary functions for water quality, floodplain and erosion control, groundwater recharge, aesthetic nature and wildlife habitat.

### **2. Establishment of Wetlands Protection District**

The Wetlands Protection District is hereby established which shall correspond to all lands within the City of McIntyre, Georgia that are mapped as wetland areas by the U.S. Fish and Wildlife Service National Wetlands Inventory Maps. This map shall be referred to as the Generalized Wetlands Map and is hereby adopted by reference and declared to be part of this ordinance, together with all explanatory matters thereon and attached thereto.

The Generalized Wetland Map does not represent the boundaries of jurisdictional wetlands within the City of McIntyre and cannot serve as a substitute for a delineation of wetlands boundaries by the U.S. Army Corps of Engineers as required by Section 404 of the Clean



Water Act, as amended. Any local government action under this ordinance does not relieve the landowner from federal or state permitting requirements.

### **3. Local Development Permits**

**3.1. Local Development Permit Requirements.** No regulated activity will be allowed within the Wetland Protection District without a Development Permit from the City of McIntyre. If the area proposed for development is located within 50 feet of the Wetland Protection District boundary, as determined by the City Clerk or designated appointee using the Generalized Wetland Map, a U.S. Army Corps of Engineers' determination shall be required. If the Corps determines that wetlands are present on the proposed development site, the local development permit will not be granted until a Section 404 Permit or Letter of Permission is issued.

**3.2. Permissible Uses (Uses as of Right).** The following uses shall be allowed as of right within the Wetland Protection District to the extent that they are not prohibited by any other ordinance or law, including laws of trespass, and provided they do not require structures, grading, fill, draining or dredging except as provided herein. (The activities listed in this section are exempted from Section 404 Regulations provided they do not have impacts on a navigable waterway that would necessitate acquisition of an individual Section 404 Permit. However, under Section 10 of the Rivers and Harbors Act, a permit may be required in some circumstances.)

**3.2.1** Conservation or preservation of soil, water, vegetation, fish and other wildlife, provided they do not affect waters of Georgia or of the United States in such a way that would require an individual 404 Permit.

**3.2.2** Outdoor passive recreational activities, including fishing, bird watching, hiking, boating, horseback riding and canoeing.

**3.2.3** Forestry practices applied in accordance with best management practices approved by the Georgia Forestry Commission and as specified in Section 404 of the Clean Water Act.

**3.2.4** The cultivation of agricultural crops. Agricultural activities shall be subject to best management practices approved by the Georgia Department of Agriculture.

**3.2.5** The pasturing of livestock, provided that riparian wetlands are protected, that soil profiles are not disturbed and that approved agricultural best management practices are followed.

**3.2.6** Education, scientific research and nature trails.

**3.3. Prohibited Uses.** The following uses are not permitted within the Wetlands Protection District.

3.3.1 Receiving areas for toxic or hazardous waste or other contaminants.

3.3.2 Hazardous or sanitary waste landfills.

**3.4. Site Plans.** Applications for a local development permit within the Generalized Wetland Protection District shall include a site plan, drawn at a scale of 1" = 50', with the following information:

3.4.1 A map of all planned excavation and fill, including calculations of the volume of cut and fill involved, cross-sectional drawings showing existing and proposed grades. Elevations, horizontal scale and vertical scale must be shown on the cross-sectional drawings.

3.4.2 A map of any wetland boundaries occurring within the site must be provided. This boundary may be included on other maps provided by the applicant.

3.4.3 Location, dimensions and area of all impervious surfaces, both existing and proposed, on the site and adjacent to the site for a distance of  $\pm 200$  feet.

3.4.4 The orientation and distance from the boundaries of the proposed site to the nearest bank of an affected perennial stream or water body.

3.4.5 Elevations of the site and adjacent lands within 200 feet of the site at contour intervals of no greater than two feet, and no greater than one foot for slopes less than or equal to two percent.

3.4.6 Location and detailed design of any spill and leak collection systems designed for the purpose of containing accidentally released hazardous or toxic materials.

3.4.7 All proposed temporary disruptions or diversions of local hydrology.

**3.5. Activities to comply with site plan.** All development activities or site work conducted after approval of the site plan shall conform with the specifications of said site plan. Significant changes to the site plan that would alter the amount and velocity of stormwater runoff from the site, increase the amount of impervious surface within the development, alter the overall density of development, result in considerable increase in the amount of excavation, fill, or removal of the overall appearance of the development as proposed, can be amended only with the approval of the City Clerk or designated appointee. Minor changes, such as realignment of sheets or minor alterations to drainage structures and other infrastructure to meet unexpected conditions, are exempted from this requirement.

**3.6. Exemptions to site plan requirements.** The following activities and developments are exempt from the requirement of detailed site plans.



**3.6.1** Single-family detached homes constructed within a subdivision of fewer than five parcels.

**3.6.2** Repairs to a facility that is part of previously approved and permitted development.

**3.6.3** Construction of minor structures, such as sheds or additions to a single-family residences.

**3.7. Review Procedures.** The application shall be made to the City Clerk or designated appointee and will be reviewed within 45 days. The review period shall begin upon determination by the City Clerk or designated appointee that the application submitted is complete. The review period shall include the preparation of findings (approval or disapproval) by the City Clerk or designated appointee. The applicant will receive written notification of the findings of the City of McIntyre. Decisions of the City Clerk or designated appointee may be appealed to the City Council.

**3.8. Filing Fee.** At the time of the application, the applicant shall pay a filing fee specified by the City of McIntyre. Filing fees up to the larger of \$500.00 or \$100.00 per acre may be required to evaluate the application. This fee may be used to retain expert consultants who will provide services pertaining to functional assessment, mitigation and wetland boundary determinations as deemed necessary by the City of Clerk or designated appointee.

**3.9. Duration of Permit Validity.**

**3.9.1** If construction described in the development permit has not commenced within 12 months from the date of issuance, the permit shall expire.

**3.9.2** If construction described in the development permit is suspended or abandoned after work has commenced, the permit shall expire 12 months after the date that work ceased.

**3.9.3** Written notice of the pending expiration of the development permit shall be issued by the City Clerk or designated appointee.

**4. Suspension, Revocation of Development Permit**

The City Clerk or designated appointee may suspend or revoke a permit if he/she finds that the applicant has not complied with the conditions or limitations set forth in the permit or has exceeded the scope of work set forth in the permit. The City Clerk or designated appointee shall cause notice of denial, issuance, condition of all issuance, revocation or suspension of a development permit to be published in a daily newspaper having broad circulation in the area where the wetland is located.



## **5. Penalties**

**5.1.** When a building or other structure has been constructed in violation of this ordinance, the violator may be required to remove the structure at the discretion of the City Clerk or designated appointee.

**5.2.** When removal of vegetative cover, excavation or fill has taken place in violation of this Ordinance, the violator may be required to restore the affected land to its original contours and to restore vegetation, as far as practicable, at the discretion of the City Clerk or designated appointee.

**5.3.** If the City Clerk or designated appointee discovers a violation of this ordinance that also constitutes a violation of any provision of the Clean Water Act as amended, the City Clerk or designated appointee shall issue written notification of the violation to the U.S. Environmental Protection Agency, the U.S. Army Corps of Engineers and the landowner.

## **6. Judicial Review**

**6.1. Jurisdiction.** All final decisions of the City of McIntyre concerning denial, approval or conditional approval of a special permit shall be reviewable in the Wilkinson County Superior Court.

**6.2. Alternative Actions.** Based on these proceedings and the decision of the court, the City of McIntyre may, within the time specified by the court, elect to:

1. Institute negotiated purchase or condemnation proceedings to acquire an easement or fee interest in the applicant's land;
2. Approve the permit application with lesser restrictions or conditions (i.e., grant a variance); or
3. Institute other appropriate actions ordered by the court that fall within the jurisdiction of the City Clerk or designated appointee.

## **7. Amendments**

These regulations and the Generalized Wetland Map may from time to time be amended in accordance with procedures and requirements in the general statutes and as new information concerning wetland locations, soils, hydrology, flooding or plant species peculiar to wetlands becomes available.

## **8. Assessment Relief**

Assessors and boards of assessors shall consider wetland regulations in determining the fair market value of land.

9. **Separability and Abrogation**

All sections and subsections of this ordinance are considered separate and distinct. Should any section, subsection, paragraph or part of this ordinance be declared by a court of jurisdiction to be invalid for any reason, it shall not invalidate any other section, subsection, paragraph or part of this ordinance. All ordinances and regulations in conflict with this ordinance are hereby repealed.

10. **Definitions**

**Generalized Wetland Map** - The current U.S. Fish and Wildlife Service National Wetlands Inventory Maps for the City of McIntyre, Georgia.

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

**Jurisdictional Wetland Determination** - A delineation of jurisdictional wetland boundaries by the U.S. Army Corps of Engineers, as required by Section 404 of the Clean Water Act, 33 U.S.C. §1344, as amended.

**Regulated Activity** - Any activity which will, or which may reasonably be expected to result in the discharge of dredged or fill material into waters of the United States, excepting those exempted in Section 404 of the Federal Urban Water Act.

**Wetlands** - An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and under normal circumstances does support, a prevalence of vegetation typically adopted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. The ecological parameters for designated wetlands include hydric soils, hydrophytic vegetation and hydrological conditions that involve a temporary or permanent source of water to cause soil saturations.

11. **Effective Date**

This Ordinance shall be effective as of August 15, 2000. All ordinances and parts of ordinances in conflict herewith shall not be and the same are hereby repealed.

CITY COUNCIL OF MCINTYRE, GEORGIA

BY: Jack Bache  
Jack Bache, Mayor

ATTEST:

Cindy Daniels  
Cindy Daniels, City Clerk