

## A G E N D A

### REGULAR MEETING OF MAYOR AND COUNCIL NOVEMBER 21, 2016

6:00 P.M. Work Session

- City Managers Report Al Wiggins
- Discussion of Road Improvements- Councilwoman Bagley  
Old Jonesboro Road

I. Call to Order – 7:00 p.m. – Mayor David Lockhart

II. Invocation

III. Pledge of Allegiance

IV. Roll Call

V. Comment Period

VI. Approval of Minutes

1. Work Session of Mayor and Council of November 7, 2016
2. Regular Meeting of Mayor and Council of November 7, 2016

VII. Agenda Items

1. Proclamation – Mr. Wilbert Eason, Jr., Public Works
  
2. Consider An Ordinance To Amend The Code Of Ordinances, City Of Forest Park, Georgia So That The Circumstances Under Which A Building Permit Is Required Are Identical To The Minimum Requirements Under The Law Of The State Of Georgia; To Amend Article G (“Administration; Enforcement; Penalties; Remedies”) Of Chapter 8 (“Zoning”) In Title 8 (“Planning And Development”) By Revising The Language Of Section 8-8-82 (“Building Permit Required”); To Provide For Severability; To Repeal Conflicting Ordinances; To Provide An Effective Date; And For Other Lawful Purposes.

**BACKGROUND AND SUMMARY:** Currently, the City of Forest Park zoning ordinances require the issuance by the City of a building permit “before any building or other structure may be erected, moved, added to, or structurally altered”. This has been called into question, particularly for smaller structures of 100-200 square feet. This requirement is also more stringent than State law which currently does not require a building permit for certain

structures less than 120 square feet. This state requirement follows the building standards set forth by the International Building Code (IBC) and International Residential Code (IRC). This proposed ordinance revision would amend the zoning ordinance such that the requirements for a building permit involving structures less than 120 square feet would be identical to those of the IBC and IRC, as adopted by the State of Georgia, (which would automatically amend should the State law change).

3. Consider an Ordinance To Amend Chapter 6 ("Floodplain Management/Flood Damage Prevention") In Title 8 ("Planning And Development") Of The Code Of Ordinances, City Of Forest Park, Georgia By Repealing The Current Language In Said Chapter In Its Entirety And Enacting New Regulations In Lieu Thereof; To Provide For Severability; To Repeal Conflicting Ordinances; To Provide An Adoption Date; To Provide An Effective Date; And To Provide For Other Lawful Purposes.

**BACKGROUND AND SUMMARY:** The Clayton County Water Authority (CCWA) serves as the county designated agency to provide safe drinking water, water quality, stormwater and floodplain management services. Thus, the City of Forest Park has designated CCWA to administer and implement these services within the city limits. In an effort to improve the services, CCWA has recommended to the area cities certain amendments to local ordinances that would 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. These proposed amendments would also be reflected in new Floodplain maps developed by CCWA.

- VIII. Legal Matters
- IX. Comments by Governing Body
- X. Adjournment

## MINUTES

### WORK SESSION OF MAYOR AND COUNCIL OF NOVEMBER 7, 2016

Call to Order: The Work Session of Mayor and Council of November 7, 2016 called to order by Mayor David Lockhart at 6:00 p.m.

Present: Mayor Lockhart and Councilmembers, Tommy Smith, Dabouze Antoine, Sandra Bagley, Latresa Wells and Allan Mears.

Also present were Al Wiggins, City Manager; Mike Blandenburg, Director of Finance; Jonathan Jones, Director of Planning, Building and Zoning; Angela Redding, Management Analyst; Major Chris Matson, Police; Sharon Smith, Deputy Director Recreation and Leisure; Chief Buckholts, Fire; and City Attorney John O'Neal.

City Managers Report: Mr. Wiggins stated that in reference to the mural that will be added to the building just east of Main St., the artist, John Christian, is scheduled to begin his work within the next couple of weeks. The mural has been approved by the Architectural Design Review Board. The mural incorporates many landmarks for the city of Forest Park such as the Farmers Market, Gillem Logistic Center and others. Mr. Wiggins stated that we are working on the Main St. market analysis. We will begin the 2<sup>nd</sup> phase of the street scape improvements the first quarter of 2017. The big part of completing the 2<sup>nd</sup> phase of the Main St. street scape plan was property acquisition. We are scheduled to close on the property that was really a site that was hinged upon us realigning the Courtney Rd. and Main St. area and that will allow us to move forward.

Mr. Wiggins stated that another issue I want to talk about is the MARTA bus stops. We were trying to negotiate a deal with MARTA to provide the trash cans to replace the black trash bags that are currently in place. That negotiation was not successful. MARTA has not partnered with any jurisdiction that it services in putting in trash cans. We are working with the Public Works Department to begin installing trash cans on the Forest Parkway corridor.

Mr. Wiggins stated the apartment complex at 890 Conley Road has been vacant for the past decade. The title search has been completed for the Briarwood Forest Apartment Complex and within the next three days, we will begin the process of abating the nuisance conditions of that apartment complex.

Mr. Wiggins stated that 4666 Jonesboro Road is the laundromat that was affected by the fire and it's been a unacceptable condition for the last 2 years. I spoke with the city attorney and he stated that the property was sold on the court house steps some time ago. The problem acquiring the property is that the previous owner is a dissolved corporation and the court has not allowed the purchaser of the tax deed to acquire the property.

Mr. Wiggins stated that we have the apartment complex formerly known as the taj mahal. It's in a very bad condition and we have completed the title search on that property. In the next three days, we will begin the process of abating that property.

Discussion of Scheduled Times for Council Meetings & Work Sessions: Mayor Lockhart made a recommendation that we schedule our Regular Meeting to follow immediately after the conclusion of our Work Session. We can't make that decision without jumping through some hoops. Our Charter provides meeting times and our Council says we can amend that Charter provision. Mr. Wiggins suggested that we talk about only meeting once a month. Majority voted to change the Charter provision and the Ordinance to go along with it to set the meeting times to Work Session at 6:00 pm and Regular Meeting 6:01 p.m. Mayor Lockhart discussed having Mayor & Council meetings once a month vs. twice a month. Mayor Lockhart asked each Council member for their input. Councilmembers Antoine, Bagley, Wells and Mears suggested asking the citizens. Mayor Lockhart asked the general public who were in attendance if they would like the council meetings once or twice a month. The general public voted to keep it at twice a month. Mayor Lockhart stated to legal counsel, John O'Neal, to have a draft Ordinance ready that just moves the meeting time but still leaving the meetings at the 1<sup>st</sup> and 3<sup>rd</sup> Mondays of each month.

Discussion of Employee Basketball Game: Councilwoman Wells stated her purpose for the employee basketball game was to bring the employees together. Please come out and participate on November 19<sup>th</sup>.

Mayor Lockhart stated that the December 19<sup>th</sup> Council meeting could be moved to January 3<sup>rd</sup>. It was determined through discussion that a quorum would not be made on December 19<sup>th</sup>, so it was moved for a vote in the Regular Meeting.

Discussion of Public Comment Period: Councilwoman Wells stated that she felt the Public Comment Period should be put back in place. Mayor Lockhart stated that we still have Public Comment Period every week. City Hall is open every week, Monday – Friday, so if questions need to be answered, it's much more efficient and accurate coming from the right folks here at City Hall daily. Councilwoman Wells asked for a vote from the citizens and council members. Mayor Lockhart stated that it needed to be efficient as well and three (3) minutes to speak to council collectively is sufficient.

Discussion of City Mural: Mr. Wiggins stated that there was no more discussion needed.

Discussion of Holiday Fest: Mr. Jones stated that Breakfast with Santa will be held December 3<sup>rd</sup>. The Holiday Fest will be held at the Plaza and the field next to it.

Discussion of Christmas Bonus Gift Cards: Mr. Wiggins stated that just as an fyi, historically, the city has issued gift cards to staff. Last year we did not distribute the gift cards. Mr. Wiggins stated that he would like to begin that process again to show our appreciation for all that our employees do.

Presentation of Proclamation: Mayor Lockhart and Chief Buckholts presented a proclamation recognizing the retirement of Kevin Scott Skipper from the Forest Park Fire Department.

Discussion of Atlanta Aerotropolis LCI Greenway Project: Mr. Wiggins introduced Mr. Gerald McDowell, Executive Director of the Airport Area Community Improvement District (CID). Mr. McDowell stated that this initiative has been going on in the airport area for the past three (3) years. There are two (2) organizations working together under this

name Aerotropolis Atlanta. You have the Alliance which is the organization that the city is working with other cities and counties in the private sector to bring focus to the airport area for future economic development and to create an environment where living, working and recreation and education are positive activities going on in the airport area. The second organization, the Community Improvement District, which serves Clayton County community and there is a sister organization in Fulton County, Airport West. The two CIDs are now being managed by one staff. Mr. McDowell stated that the presentation you have before you is the Alliance Master Plan that was released earlier this year. Mr. McDowell asked for a donation of \$2500, to help meet the twenty percent (20%) or \$40,000 needed to match the Grant Application of \$200,000. The Grant will be awarded in the first quarter of 2017. The city's donation is not needed until the Grant award is received. If the award is not granted, then there will be no obligation on the city's part. Mr. McDowell stated that what we need now is a letter of financial support indicating that if this Grant award comes forth, that the city will participate at the level outlined on the chart within the presentation you have before you. A core committee will be formed and each stake holder will have a member on that committee so that every community is represented and will have input as guidance for how this greenway trail can be developed around the airport area in the coming years. Mr. Wiggins stated that this is called a 'Livable Centers Initiative'. The city of Forest Park submitted their first application in 2001 and in that plan, the city identified a 3-mile pathway that led to the Farmers Market and to the International Terminal at the airport. This will aide in attracting potential investors. Mayor Lockhart stated that he would support the City of Forest Park donating \$2500 for a \$200,000 plan in order to be good neighbors.

Discussion of GA Radio Museum and Hall of Fame:  
Councilwoman Bagley stated the interested party would like to relocate from St. Mary's Island to ideally locate somewhere within an hour commute of Atlanta. Mr. Jay Francis Springs, Marketing Consultant for WIGO 1570 AM Clayton County radio, stated his reason for being here is to represent Mr. John Long and the GA Radio Museum and Hall of Fame. Mr. Springs described the benefits of said museum being located in the city of Forest Park.

Adjournment: Councilman Mears made a motion to adjourn the Work Session. Councilman Smith seconded the motion. Voting was unanimous.

## MINUTES

### REGULAR MEETING OF MAYOR AND COUNCIL OF NOVEMBER 7, 2016

Call to Order: The Regular Meeting of Mayor and Council of November 7, 2016, called to order by Mayor David Lockhart at 7:00 p.m.

Amend Agenda: Mayor Lockhart asked for a motion to amend the agenda to add the Aerotropolis LCI Greenway Project. Councilwoman Wells made the motion. Seconded by Councilman Smith. Voting was unanimous.

Mayor Lockhart asked for a motion to amend the agenda to add the discussion of our December 19<sup>th</sup> meeting. Councilwoman Wells made the motion. Seconded by Councilman Antoine. Voting was unanimous.

Invocation: The invocation was given by Justin Cook, Rock Church, followed by the Pledge of Allegiance to the American Flag.

New Business: Councilman Antoine made a motion to authorize Mr. Wiggins to issue a letter to the LCI Greenway Project binding Forest Park to a contribution of \$2500 if the ARC grants the application. Councilwoman Wells seconded the motion. Voting was unanimous.

Councilman Mears made a motion to move the December 19, 2016, and the January 2, 2017, meeting to January 3, 2017. Councilman Smith seconded the motion. Voting was unanimous.

Roll Call: Mayor Lockhart and Councilmembers, Tommy Smith, Dabouze Antoine, Sandra Bagley, Latresa Wells and Allan Mears.

Also present were Al Wiggins, City Manager; Mike Blandenburg, Director of Finance; Jonathan Jones, Director of Planning, Building and Zoning; Angela Redding, Management Analyst; Major Chris Matson, Police; Sharon Smith, Deputy Director Recreation and Leisure; Chief Buckholts, Fire; and City Attorney John O'Neal.

Comment Period: Mr. Carl Evans, 4726 Burks Road, Forest Park, commended Public Works for getting our Christmas lights up and getting them all in good working order. Mr. Evans stated that the

City of Morrow is doing a Veterans Day Celebration and you can purchase a flag for \$2 w/the name of a veteran on it. I would like to see us do something like this in the future.

Mr. Roy Lunsford, 5585 Skyland Drive, Forest Park, stated that he would like to see our parkway looking nice with benches and trash cans.

Approval of  
Minutes:

Mayor Lockhart made a recommendation to approve the Regular Meeting Minutes with the following amendment. Councilman Mears made a motion to approve the Regular Meeting Minutes of October 17, 2016, with the amendment to the Regular Meeting Minutes of the omission in the Regular Meeting Minutes, October 17, 2016. At the top of page 2, it accurately states that Councilwoman Wells made a motion to amend the agenda to discuss a settlement authorization by our city attorneys, Councilman Smith seconded the motion and voting was unanimous. We took some action on that item after it was added but the action did not make it in the minutes. Councilman Smith seconded the motion to approve the amended minutes. Voting was unanimous.

Councilman made a motion to approve the Work Session Minutes of October 17, 2016. Councilman Mears seconded the motion. Voting was unanimous.

Ordinance:  
Police Officers

Request was made to consider an Ordinance By The City Council Of The City Of Forest Park Increasing The Number Of Sworn Police Officers By Four And Authorizing The Mayor To Execute An Agreement With The Department Of Justice For A 2016 Cops Hiring Program Grant, Award Number 2016UMWX0129, In The Amount Of Five Hundred Thousand Dollars (\$500,000.00); To Be Added Into The Budget Of The Police Department; To Provide An Effective Date; And For Other Purposes.

Councilwoman Bagley made a motion to adopt this ordinance. Seconded by Councilman Mears. Voting was unanimous.

Ordinance:  
Budgets

Request was made to consider an Ordinance By The Governing Body Of The City of Forest Park, Georgia, Establishing the Budgets for The 2008 and 2015 SPLOST Capital Project Funds For The Fiscal Year 2016-2017.

Councilman Smith made a motion to adopt this ordinance.  
Seconded by Councilman Mears. Voting was unanimous.

Resolution: Request was made to consider a Resolution by the City  
City Hall HVAC Council of the City of Forest Park authorizing the Mayor to  
Renovation execute the contract with Four Points Construction for  
renovation improvements at City Hall.

Councilman Mears made a motion to adopt this Resolution.  
Seconded by Councilman Smith. Voting was unanimous.

Legal Matters: None

Adjournment: Councilman Smith made a motion to adjourn. Seconded by  
Councilman Mears. Voting was unanimous.

**STATE OF GEORGIA**

**CITY OF FOREST PARK**

ORDINANCE 2016-\_\_\_\_\_

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF FOREST PARK, GEORGIA SO THAT THE CIRCUMSTANCES UNDER WHICH A BUILDING PERMIT IS REQUIRED ARE IDENTICAL TO THE MINIMUM REQUIREMENTS UNDER THE LAW OF THE STATE OF GEORGIA; TO AMEND ARTICLE G (“ADMINISTRATION; ENFORCEMENT; PENALTIES; REMEDIES”) OF CHAPTER 8 (“ZONING”) IN TITLE 8 (“PLANNING AND DEVELOPMENT”) BY REVISING THE LANGUAGE OF SECTION 8-8-82 (“BUILDING PERMIT REQUIRED”); TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER LAWFUL PURPOSES.

**WHEREAS**, the duly elected governing body of the City of Forest Park (the “City”) is the Mayor and Council thereof;

**WHEREAS**, the City has been vested with substantial powers, rights and functions to generally regulate the practice, the conduct or the use of property within its municipal limits for the purpose of maintaining the health, morals, safety, security, peace and general welfare of the citizens of the City;

**WHEREAS**, Section 8-8-82 in the Zoning Ordinance of the City of Forest Park (“Zoning Ordinance”) presently requires the issuance by the City of a building permit before any building or other structure may be erected, moved, added to, or structurally altered;

**WHEREAS**, the General Assembly of the State of Georgia has defined the minimum building standards in the State to be those set forth in the International Building Code (the “IBC”) and the International Residential Code for One- and Two-Family Dwellings (the “IRC”) as adopted and amended or revised by the Georgia Department of Community Affairs;

**WHEREAS**, the IBC and the IRC, as currently adopted by the State, contain an exemption from a building permit requirement for certain structures that are not greater than 120 square feet in area but Section 8-8-82 of the Zoning Ordinance contains no similar exemption;

**WHEREAS**, the governing body desires to amend Section 8-8-82 so that the circumstances for which a building permit is required under the Zoning Ordinance are identical to the requirements of the IBC and the IRC, as adopted by the State; and

**WHEREAS**, the health, morals, safety, security, peace and general welfare of the citizens of the City will be positively impacted by the adoption of this Ordinance.

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF FOREST PARK, GEORGIA**, and by the authority thereof:

**Section 1:** The Code of Ordinances of the City of Forest Park, Georgia is hereby amended by striking, in its entirety, the existing text of Section 8-8-82 (“Building permit required”) in Article G (“Administration; Enforcement; Penalties; Remedies”) of Chapter 8 (“Zoning”) in Title 8 (“Planning and Development”) and inserting the following text in lieu thereof, to read and to be codified as follows:

“The regulations contained in Section 105 of the International Building Code and in Section R105 of the International Residential Code for One- and Two-Family Dwellings, as adopted by, and as may be amended or revised from time to time by, the State of Georgia pursuant to O.C.G.A. § 8-2-20(9) and § 8-2-23(b), shall determine the circumstances under which a building permit is required in this Chapter. Any exemption for a building permit provided under this section does not remove the requirements to adhere to other sections of this Chapter that relate to building height, setbacks, lot width, lot coverage or other applicable zoning and building regulations.”

**Section 2.** The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

**Section 3.** This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City.

**Section 4.** (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

**Section 5.** All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

**Section 5.** The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

**ORDAINED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**CITY OF FOREST PARK, GEORGIA:**

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**David Lockhart**, Mayor

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Tommy Smith  
Mayor Pro-tem, Ward One

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Dabouze Antoine  
Councilmember, Ward Two

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Sandra Bagley  
Councilmember, Ward Three

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Latresa Wells  
Councilmember, Ward Four

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Allan Mears  
Councilmember, Ward Five

**ATTEST:**

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**Mike Blandenburg, City Clerk**

**APPROVED BY:**

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City Attorney

**STATE OF GEORGIA**

**CITY OF FOREST PARK**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO AMEND CHAPTER 6 (“FLOODPLAIN MANAGEMENT/FLOOD DAMAGE PREVENTION”) IN TITLE 8 (“PLANNING AND DEVELOPMENT”) OF THE CODE OF ORDINANCES, CITY OF FOREST PARK, GEORGIA BY REPEALING THE CURRENT LANGUAGE IN SAID CHAPTER IN ITS ENTIRETY AND ENACTING NEW REGULATIONS IN LIEU THEREOF; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN ADOPTION DATE; TO PROVIDE AN EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.**

WHEREAS, the duly elected governing body of the City of Forest Park, Georgia (hereinafter the “City”) is the Mayor and Council thereof; and

WHEREAS, the City has the power to adopt regulations promoting the health, safety, and general welfare of its inhabitants pursuant to the authority granted by the 1983 Constitution of the State of Georgia, including but not limited to Article IX, Section II; the authority granted by the General Assembly of the State of Georgia, including but not limited to O.C.G.A. § 36-1-20(a); and the authority granted under the Charter of the City, including but not limited to Section 1.13 (5) and (11) of the City’s Charter; and

WHEREAS, the governing body of the City determines that regulating the floodplain and associated flood plain areas will provide for the health, safety, and welfare of the inhabitants of the City through minimizing the public and private losses due to flood conditions and flood hazard areas by regulating said areas.

**THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF FOREST PARK, GEORGIA THAT:**

**Section One.** Chapter 6 (“Floodplain Management/Flood Damage Prevention”) in Title 8 (“Planning and Development”) of the Code of Ordinances, City of Forest Park, Georgia is

hereby amended by striking, in its entirety, the provisions presently found in said Chapter and inserting in lieu thereof the text set forth in Exhibit "A," which is attached hereto and made a part hereof by reference.

**Section Two.** The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

**Section Three.** This Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City.

**Section Four.** (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or

sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

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

**Section Six.** The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

**ORDAINED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

**CITY OF FOREST PARK, GEORGIA:**

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**David Lockhart**, Mayor

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Tommy Smith  
Mayor Pro-tem, Ward One

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Dabouze Antoine  
Councilmember, Ward Two

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Sandra Bagley  
Councilmember, Ward Three

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Latresa Wells  
Councilmember, Ward Four

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Allan Mears  
Councilmember, Ward Five

**ATTEST:**

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**Mike Blandenburg**, City Clerk

**APPROVED BY:**

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City Attorney

**EXHIBIT A**

[See Attached]

Title 8 – PLANNING AND DEVELOPMENT  
CHAPTER 6 – FLOODPLAIN MANAGEMENT/FLOOD DAMAGE PREVENTION

ARTICLE A. – INTRODUCTION AND GENERAL PROVISIONS

**Section 8-6-1 – Findings of Fact.**

It is hereby determined that:

- (1) The flood hazard areas of the City of Forest Park are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood relief and protection, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- (2) 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.
- (3) Effective floodplain management and flood hazard protection activities can: (1) Protect human life and health; (2) Minimize damage to private property; (3) Minimize damage to public facilities and infrastructure such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains; and (4) Minimize expenditure of public money for costly flood control projects associated with flooding and generally undertaken at the expense of the general public.
- (4) Article IX, Section II of the Constitution of the State of Georgia and Section 36-1-20(a) of the Official Code of Georgia Annotated 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, the City of Forest Park does ordain this ordinance and establishes this set of floodplain management and flood hazard reduction provisions 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.

**Section 8-6-2 – Purpose and Intent.**

The purpose of this ordinance is to protect, maintain 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 flooding or erosion hazards, or which increase flood heights, velocities, or erosion;
- (3) Control filling, grading, dredging, and other development which may increase flood damage or erosion;
- (4) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters 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 flood waters; and
- (6) Protect the stormwater management, water quality, streambank protection, stream corridor protection, wetland preservation, and ecological functions of natural floodplain areas.

**Section 8-6-3 – Applicability.**

This ordinance shall be applicable to all Areas of Special Flood Hazard within the jurisdiction of the City of Forest Park, Georgia.

**Section 8-6-4 – Designation of Ordinance Administrator.**

The Clayton County Water Authority is hereby appointed to administer and implement the provisions of this ordinance, and to provide appropriate recommendations for permit approval to the City's department of planning, building and zoning.

**Section 8-6-5 –Basis for Area of Special Flood Hazard – Flood Area Maps and Studies.**

For the purposes of this ordinance, the following are adopted by reference:

- (1) The Flood Insurance Study (FIS), dated September 5, 2007 and May 16, 1977, with accompanying maps and other supporting data and any revision thereto. For those land areas acquired by the City through annexation, the current effective FIS and data for Clayton County and the City of Forest Park are hereby adopted by reference.
- (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 including:
  - (a) Any flood or flood-related study conducted by the United States Army Corps of Engineers, the United States Geological Survey or any other local, State or Federal agency applicable to the City of Forest Park; or
  - (b) Any base flood study conducted by a professional engineer licensed in the State of Georgia that has been prepared by FEMA approved methodology and approved by the City of Forest Park.
- (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, including:

- (a) Any flood or flood-related study conducted by the United States Army Corps of Engineers, The United States Geological Survey, or any other local, State or Federal agency applicable to the City of Forest Park, Georgia; or
  - (b) Any future-conditions flood study conducted by a professional engineer licensed in the State of Georgia that has been prepared by FEMA approved methodology approved by the City of Forest Park, Georgia.
- (4) The repository for public inspection of the FIS, accompanying maps and other supporting data is located at the Clayton County Water Authority.

**Section 8-6-6 – Compatibility with Other Regulations.**

This ordinance is not intended to modify or repeal any other ordinance, rule, regulation, statute, easement, covenant, deed restriction or other provision of law. The requirements of this ordinance are in addition to the requirements of any other ordinance, rule, regulation or other provision of law, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, 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.

**Section 8-6-7 – Severability.**

If the provisions of any section, subsection, paragraph, subdivision or clause of this ordinance 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 ordinance.

**Section 8-6-8 – Warning and Disclaimer of Liability.**

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur; flood heights may be increased by manmade or natural causes. This ordinance does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Forest Park or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

**Sections 8-6-9 – 8-6-10. – Reserved.**

ARTICLE B. – DEFINITIONS

**Section 8-6-11 – DEFINITIONS**

For purposes of this Chapter, certain words and terms used herein shall be defined and interpreted as follows; all other words or terms not defined shall have their customary dictionary definitions:

- (1)“**Addition**” means any walled and roofed expansion to the perimeter or height of a building.

- (2) **“Administrator”** means the Clayton County Water Authority or any other agency, department or official to whom the City has designated the administration of this chapter.
- (3) **“Appeal”** means a request for a review of the Administrator’s interpretation of any provision of this ordinance.
- (4) **“Area of Shallow Flooding”** means a designated AO or AH Zone on a community’s Flood Insurance Rate Map (FIRM) with a one percent or greater chance of flooding to an average depth of 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.
- (5) **“Area of Special Flood Hazard”** is the land area 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 Flood Hazard Boundary Map (FHBP) or the Flood Insurance Rate Map (FIRM)), all floodplain and flood prone areas at or below the future conditions flood elevation, and all other flood prone areas as referenced in Section 8-6-1.4. All streams with a drainage area of 100 acres or greater shall have the area of special flood hazard delineated.
- (6) **“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.
- (7) **“Base Flood Elevation”** means the highest water surface elevation anticipated at any given location during the base flood.
- (8) **“Basement”** means any area of a building having its floor subgrade (below ground level) on all sides.
- (9) **“Building”** *see* “Structure”
- (10) **“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.
- (11) **“Elevated Building”** means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above ground level by means of solid foundation perimeter walls, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.
- (12) **“Existing Construction”** is any structure for which the “start of construction” commenced before May 4, 1987.
- (13) **“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) is completed before May 4, 1987.
- (14) **“Expansion to an Existing 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.
- (15) **“FEMA”** means the Federal Emergency Management Agency.

- (16) **“Flood” or “Flooding”** means a general and temporary condition of partial or complete inundation of normally dry land areas from:
- (a) the overflow of inland or tidal waters; or
  - (b) the unusual and rapid accumulation or runoff of surface waters from any source.
- (17) **“Flood Hazard Boundary Map” or “FHBM”** means an official map of a community, issued by FEMA, where the boundaries of areas of special flood hazard have been defined as Zone A.
- (18) **“Flood Insurance Rate Map” or “FIRM”** means the official map of a community issued by FEMA delineating the areas of special flood hazard and/or risk premium zones applicable to the community.
- (19) **“Flood Insurance Study” or “FIS”** means the official report by FEMA evaluating flood hazards and containing flood profiles and water surface elevations of the base flood.
- (20) **“Floodplain”** means any land area susceptible to flooding.
- (21) **“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.
- (22) **“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.
- (23) **“Functionally Dependent Use”** means a use which cannot perform 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, but does not include long-term storage or related manufacturing facilities.
- (24) **“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.
- (25) **“Future-conditions Flood Elevation”** means the highest water surface elevation anticipated at any given location during the future-conditions flood.
- (26) **“Future-conditions Floodplain”** means any land area susceptible to flooding by the future-conditions flood.
- (27) **“Future-conditions Hydrology”** means the flood discharges associated with projected land-use conditions based on a community’s zoning maps, 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.
- (28) **“Highest Adjacent Grade”** means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- (29) **“Historic Structure”** any structure that is:
- (a) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the

Secretary of the Interior as meeting the requirements for individual listing on the National Register;

- (b) 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 to qualify as a registered historic district;
  - (c) Individually listed on a state inventory of historic places by states with historic preservation programs which have been approved by the Secretary of the Interior; or
  - (d) Individually listed on a local inventory of historic places by communities with historic preservation programs that have been certified either:
    - 1. By an approved state program as determined by the Secretary of the Interior, or
    - 2. Directly by the Secretary of the Interior in states without approved programs.
- (30) **“Lowest Floor”** means the lowest floor of the lowest enclosed area, including basement. An unfinished and flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area, 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 ordinance.
- (31) **“Manufactured Home”** means a building, transportable in one or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term includes any structure commonly referred to as a “mobile home” regardless of the date of manufacture. 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. The term does not include a “recreational vehicle.”
- (32) **“Mean Sea Level”** means the datum to which base flood elevations shown on a community’s Flood Insurance Rate Map (FIRM) are referenced. For purposes of this ordinance the term is synonymous with National Geodetic Vertical Datum (NGVD) of 1929 or the North American Vertical Datum (NAVD) of 1988.
- (33) **“National Geodetic Vertical Datum (NGVD)”** as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.
- (34) **“New Construction”** means any structure (see definition) for which the “start of construction” commenced on or after May 4, 1987 and includes any subsequent improvements to the structure.
- (35) **“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 May 4, 1987.
- (36) **“North American Vertical Datum (NAVD) of 1988”** is a vertical control used as a reference for establishing varying elevations within the floodplain.
- (37) **“Owner”** means the legal or beneficial owner of a site, including but not limited to, a mortgagee or vendee in possession, receiver, executor, trustee, lessee or other person, firm or corporation in control of the site.

- (38) **“Permit”** means the permit issued by the City of Forest Park to the applicant which is required prior to undertaking any development activity.
- (39) **“Recreational Vehicle”** means a vehicle which is:
- (1) Built on a single chassis;
  - (2) 400 square feet or less when measured at the largest horizontal projection;
  - (3) Designed to be self-propelled or permanently towable by 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.
- (40) **“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.
- (41) **“Site”** means the parcel of land being developed, or the portion thereof on which the development project is located.
- (42) **“Start of Construction”** includes substantial improvement, and means the date the permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of the structure on a site, such as the pouring of slabs or footings, the installation of piles, the 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 buildings, such as garages or sheds not occupied as dwelling units or part of the main structure. (NOTE: accessory structures are not exempt from any ordinance requirements). 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 building.
- (43) **“Structure”** means, for floodplain management services, a walled and roofed building including a gas or liquid storage tank, which is primarily above ground, as well as a manufactured home. For insurance purposes, “Structure” means: (1) a building with two or more outside rigid walls and a fully secured roof that is affixed to a permanent site; (2) a Manufactured Home; or (3) a travel trailer without wheels, built on a chassis and affixed to a permanent foundation, which is regulated under the community’s floodplain management and building ordinances or laws. For the latter purpose, “Structure” does not mean a recreational vehicle or a park trailer or similar vehicle, except as described in subsection (3) of this definition.
- (44) **“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.
- (45) **“Substantial Damage”** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed

50 percent of the market value of the structure before the damage occurred. This term also includes Repetitive Loss.

- (45) **“Substantial Improvement”** means any reconstruction, rehabilitation, addition, or other improvement to a structure, taking place during a 10-year period, in which the cumulative cost equals or exceeds 50 percent of the market value of the structure prior to the improvement. The market value of the building means (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 structure prior to the damage occurring. This term includes structures which 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 state or local health, sanitary, or safety code specifications which are the minimum necessary to assure safe living conditions, which have been identified by the Code Enforcement Official, and not solely triggered by an improvement or repair project.
- (46) **“Substantially Improved Existing Manufactured Home Park or Subdivision”** means 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.
- (47) **“Variance”** means a grant of relief from the requirements of this ordinance.
- (48) **“Violation”** means the failure of a structure or other development to be fully compliant with the requirements of this ordinance. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

## ARTICLE C. – PERMIT PROCEDURES AND REQUIREMENTS

### **Section 8-6-12 – Permit Application Requirements**

No owner or developer shall perform any development activities on a site where an Area of Special Flood Hazard or Area of Future-conditions Flood Hazard is located without first meeting the requirements of this ordinance prior to commencing the proposed activity.

Unless specifically excluded by this ordinance, any landowner or developer desiring a permit for a development activity shall submit to the City of Forest Park a permit application on a form provided by the City for that purpose.

No permit will be approved for any development activities that do not meet the requirements, restrictions and criteria of this ordinance.

### **Section 8-6-13 – Floodplain Management Plan Requirements**

An application for a development project with any Area of Special Flood Hazard or Area of Future-conditions Flood Hazard located on the site shall include a floodplain management / flood damage prevention plan. This plan shall include the following items:

- (1) Site plan drawn to scale, which includes but is not limited to:

- (a) Existing and proposed elevations of the area in question and the nature, location and dimensions of existing and/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) Base flood elevations and future-conditions flood elevations;
  - (g) Boundaries of the base flood floodplain and future-conditions floodplain;
  - (h) If applicable, the location of the floodway; and
- (2) Certification of the above by a licensed professional engineer or surveyor. 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 in Section 8-6-32(2);
  - (d) For enclosures below the base flood elevation, location and total net area of flood openings as required in Section 8-6-31(5); and
  - (e) Design plans certified by a licensed professional engineer or architect for all proposed structure(s).
- (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, Special Flood Hazard Areas and regulatory floodways, 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, including but not limited to permits required by Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1334; and
- (6) All appropriate certifications required under this ordinance.

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.

#### **Section 8-6-14 – Construction Stage Submittal 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 Administrator 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. When floodproofing is utilized for nonresidential structures, said certification shall be prepared by or under the direct supervision of a licensed professional engineer or architect and certified by same using the FEMA Floodproofing Certificate. This certification shall also include the design and operation/maintenance plan to assure continued viability of the floodproofing measures.

Any work undertaken prior to approval of these certifications shall be at the permit holder's risk. The Administrator shall review the above referenced certification data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed.

Failure to submit certification or failure to make the corrections required hereby shall be cause to issue a stop work order for the project.

#### **Section 8-6-15 –Duties and Responsibilities of the Administrator**

Duties and responsibilities of the Administrator shall include, but shall not be limited to:

- (1) Review all development applications and permits to assure that the requirements of this ordinance have been satisfied and to determine whether proposed building sites will be reasonably safe from flooding;
- (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 have not been provided, then the Administrator shall require the applicant to obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, state or other sources in order to meet the provisions in Articles D and E of this Chapter;
- (4) Review and record the actual elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all new and substantially improved structures;
- (5) Review and record the actual elevation, in relation to mean sea level to which any substantially improved structures have been floodproofed;
- (6) When floodproofing is utilized for a non-residential structure, the Administrator or designee shall review the design and operation/maintenance plan and obtain certification from a licensed professional engineer or architect;

- (7) Notify affected adjacent communities and the Georgia Department of Natural Resources (GA-DNR) prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);
- (8) Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (e.g. where there appears to be a conflict between a mapped boundary and actual field conditions) the Administrator shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Chapter. Where floodplain elevations have been defined, the floodplain shall be determined based on flood elevations rather than the area graphically delineated on the floodplain maps;
- (9) All records pertaining to the provisions of this ordinance shall be maintained in the office of the City or the Administrator and shall be open for public inspection;
- (10) Coordinate all FIRM revisions with the GA-DNR and FEMA; and
- (11) Review variance applications and make recommendations to the Mayor and Council.

**Sections 8-6-16 – 8-6-20. – Reserved.**

#### ARTICLE D. – STANDARDS FOR DEVELOPMENT

##### **Section 8-6-21 – 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 the City of Forest Park. If future-conditions elevation data is not available from the City of Forest Park, then it shall be determined by a licensed professional engineer using a method approved by FEMA and the City of Forest Park.

##### **Section 8-6-22 – Definition of Floodway Boundaries**

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

##### **Section 8-6-23 – General Standards**

- (1) No development shall be allowed within any Area of Special Flood Hazard 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; or
  - (d) Creating hazardous or erosion-producing velocities, or resulting in excessive sedimentation.
- (2) Any development within any Area of Special Flood Hazard allowed under Section 8-6-23(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 8-6-24;
  - (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 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 City of Forest Park using the FEMA 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).

#### **Section 8-6-24 – Engineering Study Requirements for Floodplain Encroachments**

An engineering study is required, as appropriate to the proposed development activities on the site, 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 Section 8-6-34 apply. This study shall be prepared by a licensed professional engineer and made a part of the application for a permit. This information shall be submitted to and approved by the administrator prior to the

approval of any permit by the City or the administrator 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 Administrator. 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) The study shall include a preliminary plat, grading plan, or site plan, as appropriate, which shall clearly define all future-conditions floodplain encroachments.

#### **Section 8-6-25 – Floodway Encroachments**

Located within Areas of Special Flood Hazard are areas designated as floodway. A floodway may be an extremely hazardous area due to velocity flood waters, 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 are prohibited, including earthen fill, new construction, substantial improvements or other development 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 will 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 City of Forest Park until an affirmative Conditional Letter of Map Revision (CLOMR) is issued by FEMA or a no-rise certification is approved by the City of Forest Park.

#### **Section 8-6-26 – Maintenance Requirements**

The property owner shall be responsible for continuing maintenance as may be needed within an altered or relocated portion of a floodplain on the property so that the flood-carrying or flood storage capacity is maintained. The administrator may direct the property owner (at no cost to the City or the administrator) to restore the flood-carrying or flood storage capacity of the floodplain if the owner has not performed maintenance as required by the approved floodplain management plan on file with the administrator.

#### **Sections 8-6-27 – 8-6-30. – Reserved.**

## ARTICLE E. – PROVISIONS FOR FLOOD DAMAGE REDUCTION

### **Section 8-6-31 – General Standards**

In all Areas of Special Flood Hazard the following provisions apply:

- (1) New construction and substantial improvements of structures (residential or nonresidential), including manufactured homes, shall not be allowed within the limits of the future-conditions floodplain, unless all requirements of Sections 8-6-23, 8-6-24 and 8-6-25 have been met;
- (2) New construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure;
- (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 or 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
- (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 the City of Forest Park 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, or contamination from, such systems 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 improvement to a structure which is not compliant with the provisions of this ordinance, shall be undertaken only if the non-conformity is not furthered, extended or replaced;
- (14) If the proposed development is located in multiple flood zones, or multiple base flood elevations cross the proposed site, the higher or more restrictive base flood elevation or future condition elevation and development standards shall take precedence.

#### **Section 8-6-32 – Building Standards for Structures and Buildings Within the Future-Conditions Floodplain**

In addition to the requirements in Section 8-6-31, the following provisions shall apply:

##### **(1) Residential Buildings**

- (a) **New Construction.** New construction of principal residential structures shall not be allowed within the limits of the future-conditions floodplain unless all requirements of Sections 8-6-23, 8-6-24 and 8-6-25 have been met. If all of the requirements of the aforementioned sections have been met, all new construction 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 8-6-31(5)(a).
- (b) **Substantial Improvements.** Substantial improvement of any principal residential structure 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 a structure, openings sufficient to automatically equalize the hydrostatic flood forces on exterior walls shall be provided in accordance with standards of Section 8-6-31(5)(a).

(2) Non-Residential Buildings

(a) New Construction. New construction of principal non-residential structures shall not be allowed within the limits of the future-conditions floodplain unless all requirements of Sections 8-6-23, 8-6-24 and 8-6-25 have been met. If all of the requirements of the aforementioned sections have been met, all new construction shall have the lowest floor, including basement, elevated no lower than one (1) foot above the base flood elevation or at least as high as 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 8-6-31(5)(a). New construction that has met all of the requirements of Sections 8-6-23, 8-6-24 and 8-6-25 may be floodproofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be watertight to one (1) foot above the base flood elevation, or at least as high as 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 Administrator using the FEMA Floodproofing Certificate along with the design and operation/maintenance plan.

(b) Substantial Improvements. Substantial improvement of any principal nonresidential structure located in A1- 30, AE, or AH zones, may be authorized by the Clayton County Water Authority or designee to be elevated or floodproofed. Substantial improvements shall have the lowest floor, including basement, elevated no lower than one (1) foot above the base flood elevation or at least as high as 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 Administrator 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 8-6-23, 8-6-24 and 8-6-25 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 the standards of Section 8-6-31(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 be 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 the requirements for Residential Buildings—Substantial Improvements (Section 8-6-32(1)), including the anchoring and elevation requirements.
- (5) Standards for Manufactured Homes
- (a) New manufactured homes shall not be allowed to be placed within the limits of the future-conditions floodplain unless all requirements of Sections 8-6-23, 8-6-24 and 8-6-25 have been met. If all of the requirements of the aforementioned sections 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 8-6-31(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 the standards of Section 8-6-31(7).

### **Section 8-6-33 – Building Standards for Structures and Buildings Authorized Adjacent to the Future-Conditions Floodplain**

Structures and buildings that are adjacent to the future conditions floodplain shall meet the following requirements:

- (1) Residential Buildings – For new construction and substantial improvement of any principal 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 the standards in Section 8-6-31(5)(a).
- (2) Non-Residential Buildings - For new construction and substantial improvement of any principal non-residential building, the elevation of the lowest floor, including basement

and access to the building, shall be at least one (1) foot above the level of the base flood elevation or at least as high as 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 8-6-31(5)(a). Non-residential buildings may be floodproofed in lieu of elevation.

For purposes of this Chapter, the phrase "adjacent to the future conditions floodplain" includes all structures and buildings on a property that contains (partially or entirely) an Area of Special Flood Hazard and all structures and buildings on a property that shares a common property line with another parcel that contains (partially or entirely) an Area of Special Flood Hazard.

#### **Section 8-6-34 – Building Standards for Residential Single-Lot Developments on Streams Without Established Base Flood Elevations and Floodway (A-Zones)**

For a residential single-lot development not part of a subdivision that has Areas of Special Flood Hazard, where streams exist but no base flood data have been provided (A-Zones), the Administrator 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 ordinance.

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

- (1) No encroachment, including structures or fill material, shall be located within an area equal to twice the width of the stream or fifty (50) feet from the top of the bank of the stream, whichever is greater.
- (2) In special flood hazard areas 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 (3) feet above the highest adjacent grade at the building site. Flood openings sufficient to facilitate automatic equalization of hydrostatic flood forces shall be provided for flood prone enclosures in accordance with Section 8-6-31(5)(a).

#### **Section 8-6-35 – Building Standards for Areas of Shallow Flooding (AO-Zones)**

Areas of Special Flood Hazard 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 nonresidential 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. 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 forces shall be provided in accordance with standards of Section 8-6-31(5)(a);
- (2) New construction and substantial improvement of a non-residential structure may be floodproofed in lieu of elevation. 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 Administrator 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.

#### **Section 8-6-36 – Standards for Subdivisions.**

- (1) All subdivision proposals shall identify the Areas of Special Flood Hazard and Areas of Future-conditions Flood Hazard therein and provide base flood elevation data and future-conditions flood elevation data;
- (2) All residential lots in a subdivision proposal 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; and
- (3) All subdivision plans will provide the elevations of proposed structures in accordance with Section 8-6-13(2).

#### **Sections 8-6-37 – 8-6-40. – Reserved.**

### ARTICLE F. – VARIANCES

#### **Section 8-6-41 – Variance Procedures**

The following variance and appeals procedures shall apply to an applicant who has been denied a permit for a development activity 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 ordinance. A request for a variance may be submitted by an applicant who has been denied a permit by the City or the Administrator or by an owner or developer who has not previously applied for a permit for the reasons stated herein.

- (1) Requests for variances from the requirements of this ordinance shall be submitted to the Administrator. All such requests shall be heard and decided in accordance with procedures to be published in writing by the Administrator. At a minimum, such procedures shall include notice to all affected parties and the opportunity to be heard.
- (2) Any person adversely affected by any decision of the Administrator shall have the right to appeal such decision to the Mayor and the Council in accordance with procedures to be published in writing by the city. At a minimum, such procedures shall include notice to all affected parties and the opportunity to be heard.
- (3) Any person aggrieved by the decision of the Mayor and Council may appeal such decision by certiorari to Superior Court, as provided in Section 5-4-1 of the Official Code of Georgia Annotated.

- (4) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure, and the variance issued shall be the minimum necessary to preserve the historic character and design of the structure.
- (5) 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.
- (6) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (7) In reviewing such requests, the Administrator and the City's governing body shall consider all technical evaluations, relevant factors, and all standards specified in this and other sections of this ordinance.
- (8) Conditions for Variances:
  - (a) A variance shall be issued only when there is:
    - i. a finding of good and sufficient cause;
    - ii. a determination that failure to grant the variance would result in exceptional hardship; and
    - iii. 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 ordinance 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 resulting from the lowest floor elevation being placed below the base flood elevation will be commensurate with the increased risk to life and property, and that such costs may be as high as \$25 for each \$100 of insurance coverage provided.
  - (d) The Administrator and the City shall maintain the records of all variance actions, both granted and denied, and report them to the Georgia Department of Natural Resources and the Federal Emergency Management Agency upon request.
- (9) 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 Administrator and the City shall deem necessary for the consideration of the request.

(10) Upon consideration of the factors listed above and the purposes of this ordinance, the Administrator and the City's governing body may attach such conditions to the granting of variances as they deem necessary or appropriate, consistent with the purposes of this ordinance.

(11) Variances shall not be issued "after the fact."

**Sections 8-6-42 – 8-6-50. – Reserved.**

**ARTICLE G. – VIOLATIONS, ENFORCEMENT AND PENALTIES**

**Section 8-6-51 – Violations, Enforcement and Penalties**

Any action or inaction which violates the provisions of this ordinance 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.

**Section 8-6-52 – Notice of Violation**

If the City or the administrator 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 ordinance, 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 ordinance without having first secured a permit therefore, the notice of violation shall be served on the owner of the responsible party 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 ordinance 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 the city environmental court by filing a written notice of appeal within thirty (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).

## **Section 8-6-53 – Penalties**

In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed. Before taking any of the following actions or imposing any of the following penalties, the City or the administrator shall first notify the applicant or other responsible person in writing of its intended action, and shall provide a reasonable opportunity, of not less than ten (10) days (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient) to cure such violation. In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, the City or the administrator may take any one or more of the following actions or impose any one or more of the following penalties.

- (1) Stop Work Order -The City or the administrator may issue a stop work order which shall be served on the applicant or other responsible person. The stop work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible party to take the necessary remedial measures to cure such violation or violations.
- (2) Withhold Certificate of Occupancy -The City or the Administrator may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.
- (3) Suspension, Revocation or Modification of Permit – The City or the Administrator may suspend, revoke or modify the permit authorizing the development project. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated (upon such conditions as the City or the Administrator may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.
- (4) Civil Penalties - In the event the applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten (10) days, or such greater period as the City or the Administrator shall deem appropriate (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient) after the City or the Administrator has taken one or more of the actions described above, the City may impose a penalty not to exceed \$1,000 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.

- (5) Criminal Penalties - For intentional and flagrant violations of this ordinance, the City or the Administrator may issue a citation to the applicant or other responsible person, requiring such person to appear in municipal court to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed \$1,000 or imprisonment for 60 days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.