

STATE OF GEORGIA
COUNTY OF NEWTON

**AN ORDINANCE TO AMEND THE CODE OF THE
CITY OF OXFORD; CHAPTER 14, ENVIRONMENT; ARTICLE III, SOIL EROSION;
DIVISION 2, MINIMUM STANDARDS, BY AMENDING SECTION 14-134 "MINIMUM
PROTECTIONS" OF THE CITY OF OXFORD ZONING ORDINANCE, TO REPEAL, REVOKE
AND SUPERSEDE ALL ORDINANCES IN CONFLICT, TO PROVIDE
FOR SEVERABILITY, TO PROVIDE FOR AN EFFECTIVE DATE,
AND FOR OTHER LAWFUL PURPOSES**

WHEREAS THE COUNCIL OF THE CITY OF OXFORD ORDAINS, the City is authorized under the Constitution of the State of Georgia, effective July 1, 1983, and O.C.G.A. Sec. 36-35-3 known as the "Home Rule for Municipalities", under paragraph (a) of the rule to adopt clearly reasonable ordinances, resolutions or regulations related to its property, affairs, and local government for which no provision has been made by general law and which are not inconsistent with the Constitution or any charter provision applicable thereto; and

WHEREAS, the Oxford City Council desires to continue to promote the health, safety, welfare, morals, convenience, order, and prosperity of the city and its residents; and

WHEREAS, the Oxford City Council desires to amend its ordinance governing minimum standards for the control of soil erosion and sedimentation; and

WHEREAS, the General Assembly of the State of Georgia enacted the Zoning Procedures Law, OCGA Sec. 36-66-1, *et seq.*, so as to provide procedures for the exercise of zoning powers by cities and counties; and

WHEREAS, appropriate public notice and hearing have been accomplished; and

NOW THEREFORE, THE COUNCIL OF THE CITY OF OXFORD HEREBY ORDAINS
as follows:

Section 1.

(Additions are in ***bold italicized underlined***; deletions are ~~lined out~~.)

Sec. 14-134. Minimum protections.

The rules and regulations, ordinances or resolutions adopted pursuant to O.C.G.A. § 12-7-1 et seq., for the purpose of governing land-disturbing activities, shall require, as a minimum, protections at least as stringent as the state general permit; and best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the "Manual for Erosion and Sediment Control in Georgia" published by the state soil and water conservation commission as of January 1 of the year in which the land-disturbing activity was permitted, as well as the following:

- (1) Stripping of vegetation, regarding and other development activities shall be conducted in a manner so as to minimize erosion;
- (2) Cut-fill operations must be kept to a minimum;
- (3) Development plans must conform to topography and soil type so as to create the lowest practicable erosion potential;
- (4) Whenever feasible, natural vegetation shall be retained, protected and supplemented;
- (5) The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum;
- (6) Disturbed soil shall be stabilized as quickly as practicable;
- (7) Temporary vegetation or mulching shall be employed to protect exposed critical areas during development;
- (8) Permanent vegetation and structural erosion control practices shall be installed as soon as practicable;
- (9) To the extent necessary, sediment in runoff water must be trapped by the use of debris basins, sediment basins, silt traps or similar measures until the disturbed area is stabilized. As used in this subsection, a disturbed area is stabilized when it is brought to a condition of continuous compliance with the requirements of O.C.G.A. § 12-7-1 et seq.;
- (10) Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping of fills;
- (11) Cuts and fills may not endanger adjoining property;
- (12) Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners;
- (13) Grading equipment must cross flowing streams by means of bridges or culverts except when such methods are not feasible, provided, in any case, that such crossings are kept to a minimum;
- (14) Land-disturbing activity plans for erosion, sedimentation and pollution control shall include provisions for treatment or control of any source of sediments and adequate sedimentation control facilities to retain sediments on-site or preclude sedimentation of adjacent waters beyond the levels specified in this section;
- (15) ~~Except as provided in subsection (16) of this section,~~ **There is established a 25100-foot buffer** along the banks of all state waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, except where the director determines to

allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the director pursuant to O.C.G.A. § 12-2-8, where a drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications, and are implemented; or along any ephemeral stream. As used in this provision, the term "ephemeral stream" means a stream: that under normal circumstances has water flowing only during and for a short duration after precipitation events; that has the channel located above the groundwater table year round; for which groundwater is not a source of water; and for which runoff from precipitation is the primary source of water flow, unless exempted as along an ephemeral stream, the buffers of at least 25100 feet established pursuant to the Metropolitan River Protection Act, O.C.G.A. § 12-5-440 et seq., shall remain in force unless a variance is granted by the director as provided in this subsection. The following requirements shall apply to any such buffer:

- a. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and
 - b. The buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented:
 1. Stream crossings for water lines; or
 2. Stream crossings for sewer lines;
- (16) There is established a 25100-foot buffer, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, along the banks of any state waters classified as trout streams pursuant to Georgia Water Quality Control Act, O.C.G.A. § 12-5-20 et seq., except where a roadway drainage structure must be constructed; provided, however, that small springs and streams classified as trout streams which discharge an average annual flow of 25 gallons per minute or less shall have a 25-foot buffer or they may be piped, at the discretion of the landowner, pursuant to the terms of a rule providing for a general variance promulgated by the board, so long as any such pipe stops short of the downstream landowner's property and the landowner complies with the buffer requirement for any adjacent trout streams. The director may grant a variance from such buffer to allow land-disturbing activity, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented. The following requirements shall apply to such buffer:
- a. No land-disturbing activities shall be conducted within a buffer and a buffer shall remain in its natural, undisturbed state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and

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

Section 2.

All ordinances and resolutions or portions thereof in conflict with this ordinance are repealed to the extent of their conflict.

Section 3.

Should any section or provision of this ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of this ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

Section 4.

Pursuant to Sec. 3-206(9)(D), this Ordinance shall be in full force and effect five (5) days after its final passage.

First reading, this 4th day of March, 2024.

Second reading and adoption, this 1st day of April, 2024.

CITY OF OXFORD *David S. Eady*

David S. Eady, Mayor

James H. Windham, Council Member

Erik Oliver

Erik Oliver, Council Member

George R. Holt

George R. Holt, Council Member

Laura McCanless

Laura McCanless, Council Member

Michael Ready

Michael Ready, Council Member

Jeff Wearing

Jeff Wearing, Council Member

ATTEST:

Marcia Brooks
Marcia Brooks, City Clerk

{The Seal of the City of Oxford, Georgia}

APPROVED AS TO FORM:

C. David Strickland
C. David Strickland, City Attorney

