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Chapter 6: Environmental Regulations

Article I: Fire Prevention and Protection

Sec. 6-101 Adoption of National Fire Prevention Code

There is hereby adopted by the Mayor and City Council, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Fire Prevention Code, recommended by the American Insurance Association, being particularly the 1970 edition thereof and the whole thereof, except for such portions as may be hereinafter deleted, modified, or amended, of which code not less than one copy has been and now is filed in the office of the City Clerk; and the same is adopted and incorporated as fully as if set out at length herein, and from the date on which this section shall take effect, the provisions thereof shall be controlling within the corporate limits of the city.

Sec. 6-102 Definitions of Terms Used in Code

1. Wherever the words “Chief of the Bureau of Fire Prevention” are used in the Fire Prevention Code, they shall be held to mean the Chief of the Fire Department of the City.
2. Whenever the words “Bureau of Fire Prevention” are used in such code, they shall be held to mean the Fire Department of the City.
3. Wherever the term “Corporation Counsel” is used in the Fire Prevention Code, it shall be held to mean the City Attorney.
4. Wherever the word “Municipality” is used in the Fire Prevention Code, it shall be held to mean the City of Woodbine.

Sec. 6-103 Amendments to Code

The Fire Prevention Code adopted herein is amended in Sections 6-104 through 6-106.

Sec. 6-104 Enforcement

The Fire Prevention Code adopted herein shall be enforced by the Fire Chief and such subordinate officers and firemen of the fire department as are required to effectuate the provisions of said code.

Sec. 6-105 Power to Make Modifications

The Chief of the Fire Department shall be authorized to modify any of the

Sec. 6-105 Power to Make Modifications (Continued)

provisions of the Fire Prevention Code upon application in writing by the owner or lessee of any property, or his duly authorized agent, when there are practical difficulties in the way of carrying out their strict letter of the code; provided, that the spirit of the code shall be observed and the public safety secured. The particulars of such modification when granted or allowed, and the decision of the Fire Chief thereon shall be entered upon the records of the department, and a signed copy shall be forwarded to the applicant.

Sec. 6-106 Penalties

Any person who shall violate any of the provisions of the Fire Prevention Code or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, shall for each such failure or violation or noncompliance be punished by a fine not to exceed \$1,000.00 and costs, or by imprisonment not to exceed six (6) months, or both, any and all of such penalties to be imposed in the discretion of the judge of the recorder's court.

Article II: Air Quality Control

Sec. 6-201 Emissions of Gases, Vapors, and Odors

1. No person shall cause, suffer, or allow any emissions of gases, vapors, or odors beyond the property line from which such emissions originate to be in sufficient quantities and of such characteristics and duration as is or is likely to be injurious to the public welfare; to the health of human, plant, or animal life; or to property; or which interfere with the enjoyment of life and property.
2. Detectable odors emitted from the following sources of emission are hereby declared to be objectionable per se:
 - a. Ammonia, bleaching powder, or chlorine manufacture;
 - b. Asphalt manufacture or refining;
 - c. Blood processing;
 - d. Bag cleaning;
 - e. Celluloid manufacture;
 - f. Coal tar products manufacture;
 - g. Compost heaps;
 - h. Crematory;
 - i. Creosote treatment or manufacture;
 - j. Disinfectants manufacture;
 - k. Distillation of boned, coal or wood;
 - l. Dyestuff manufacture;
 - m. Fat rendering;
 - n. Fertilizer manufacture and bone grinding;

Sec. 6-201 Emissions of Gases, Vapors, and Odors (Continued)

- o. Glue or gelatin manufacture;
- p. Incinerator or reduction of garbage, dead animals, offal, or refuse;
- q. Oiled rubber or leather goods manufacture;
- r. Paint, oil, shellac, turpentine, or varnish manufacture;
- s. Paper and pulp manufacture;
- t. Rubber or gutta-percha manufacture;
- u. Sauerkraut manufacture;
- v. Shoe-blackening manufacture;
- w. Soap manufacture;
- x. Stock yards;
- y. Sulphuric, nitric, or hydrochloric acid manufacture;
- z. Tanning, curing, or storage of hides or skins;
- aa. Tar distillation or manufacture;
- bb. Tar roofing or waterproofing manufacture; and/or
- cc. Any other air contaminant discharged into open air of a character and in a quantity which is detrimental to or endangers the public health.

Sec. 6-202 Open Burning

1. In general- Open burning shall be allowed as hereinafter provided in subsection 2 in accordance with EPD rules and regulations. Fires started in violation of this section shall be promptly extinguished by the person(s) responsible for the same upon notice by the Georgia Forestry. During the existence of an air pollution alert, as may be declared by the Georgia Forestry, all open burning shall be discontinued and no permits will be issued.
2. Open Burning Permits.
 - a. No open burning will be allowed unless permit is obtained prior to commencing the burn.
 - b. Open burning permits shall be obtained from the Georgia Forestry Department.
3. Enforcement

The enforcement of burn permits will be at the discretion of the Georgia Forestry Department.
4. Penalties

Any person who violates a burn permit issued by the Georgia Forestry Department will be subject to penalties issued by the Georgia Forestry Department. Upon recommendation by the Georgia Forestry department, an individual found to be in violation of a burn permit may be subject to municipal court.

Persons found to be illegally burning without a burn permit will be subject to penalties by the Georgia Forestry Department and upon recommendation by Georgia Forestry may be subject to municipal court.

Fines for the aforementioned violations will not exceed \$1,000 and will be at the discretion of the municipal judge.

Sec. 6-203 Enforcement

The provisions of this chapter shall be enforced by the Fire Chief and the Police Chief and such subordinate officers of the Fire Department and Police Department as are necessary to effectuate the requirements set forth herein.

Sec. 6-204 Penalties

1. Any person who violates any provision of this chapter shall be subject to a fine or sentence, or both not to exceed \$1,000 or six (6) months imprisonment. Such fine or imprisonment to be imposed at the discretion of the judge of the recorder's court.
2. Action pursuant to subsection 1 of this section shall not be a bar to enforcement of this chapter by injunction or other appropriate remedy, and the Police Chief shall have the power to institute and maintain in the name of the

Sec. 6-204 Penalties (Continued)

municipality any and all such enforcement proceedings.

3. Nothing in this chapter shall be construed to abridge, limit or otherwise impair the right of any person to maintain any action or other appropriate proceeding for damages or other relief on account of injuries to persons or property.

**NOISE CONTROL ORDINANCE
FOR
CITY OF WOODBINE**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WOODBINE,
GEORGIA:

Section 6-301 LOUD, OFFENSIVE AND DISTURBING NOISE PROHIBITED.

- a) *Purpose.* This Ordinance is enacted to protect, preserve and promote the health, safety and welfare of the citizens of the City of Woodbine through the control of noise. It is the intent of this Ordinance to establish standards that will reduce excessive community noises, which are harmful and otherwise detrimental to individuals and to the community in the enjoyment of life and property and the conduct of business.

- b) It shall be unlawful for any person to make or continue to make any loud, unnecessary or unusual noise, or any noise which either annoys, disturbs, or injures, or endangers the comfort, repose, health, peace or safety of others in the City of Woodbine, Georgia.

Section 6-302 DEFINITIONS

The following words, terms, and phrases when used in this Ordinance shall have the meaning ascribed to them in this Section 6-302, except where the context clearly indicates a different meaning:

“*City Council*” shall mean the duly elected City Council of the City of Woodbine;

“*City of Woodbine*” shall mean the incorporated area of City of Woodbine, a municipal corporation of the State of Georgia;

“*Holiday Permit*” shall be the evening before a holiday or the holiday during which the hours for the operation of entertainment in a restaurant, including the bar, which is a part of the restaurant, may be extended by the City Council. The Permit shall state the period of time that the operation may be extended.

“*Hour*” shall refer to Eastern Standard Time zone or Daily Saving Time, whichever is applicable to the date.

“*Person*” shall mean an individual, corporation, partnership, association or other legal entity but does not include the State of Georgia or any political subdivision thereof.

“*Plainly Audible*” shall mean any sound emanating from the specific sound-producing sources set forth below which can be heard from the distances set forth below, using the

Section 6-302 DEFINITIONS (Continued)

following sound measurement standards:

Measurement shall be by the auditory senses of a person standing at a distance no less than the minimum distance from the source of the sound. For music and other noises, words and phrases need not be discernable. For music and other noise, bass reverberations are included.

“*Special Event Permit*” shall be permit issued for special events, including outside entertainment, such as festivals, musical programs, pep rallies, etc.

Section 6-303 LOUD, DISTURBING AND UNNECESSARY NOISE

(a) The following acts are declared to be loud, disturbing, and unnecessary noises in violation of this Ordinance, but this enumeration shall not be deemed to be exclusive:

- (1) *Radios, phonographs, and similar devices* The using, operating, or permitting to be played, used, or operated any radio, receiving sound device, television, stereo, sound amplifier, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in a manner as to disturb the peace, quiet, and comfort of the adjoining residents or at any time with a volume louder than necessary for the convenient hearing of the person who is in the room, or building, in which the machine or device is operated, and who is a voluntary listener thereto. The operation of any set, instrument, television, phonograph, machine, or sound device between the hours of 10:00 p.m. and 7:00 a.m., Sunday through Saturday and Holidays, in a manner as to be plainly audible at a distance of 500 feet from the building, structure, or vehicle in which it is located shall be prima facie evidence of a violation of this Section.
- (2) *Entertainment Noise* The using, operating, or permitting to be played, used, or operated, of any radio, receiving devise, television, stereo, sound amplifier, musical instrument, phonograph, loudspeaker, or other machine or device for the producing or reproducing of sound which is located in a building or its exterior, operated as a restaurant including the bar which is part of the restaurant between the hours of 10:00 p.m. and 8:00 a.m. on Sunday through Saturday and Holidays in a manner as to be plainly audible at a distance of 500 feet from the building or exterior thereof shall be prima facie evidence of a violation of this Section. The Holidays include: New Year’s Eve, New Year’s Day, Memorial Day, July 4th , and Labor Day and the evening before such Holiday, providing the day is not a Sunday.
- (3) *Yelling, shouting, hooting, whistling, or singing* Yelling, shouting, hooting, whistling, or singing on or adjacent to public streets, particularly between the hours of 10:00 p.m. and 7:00 a.m. or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office, church, dwelling, motel or other type of residence or of any persons in the vicinity.

Section 6-303

LOUD, DISTURBING AND UNNECESSARY NOISE (Continued)

- (4) *Noise to attract attention* The use of any drum or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show, or sale.
 - (5) *Sound track* The use of mechanical loudspeakers or amplifiers located on truck or other moving or standing vehicle for advertising or other commercial purposes. The use of sound trucks for noncommercial purposes during hours and in places and with volume which is Plainly Audible at a distance of 500 feet without a City Permit.
- (b) The provisions of this Section shall not apply to or be enforced against:
- (1) Any vehicle of the governmental entity while engaged in necessary public business;
 - (2) A public event sponsored by a governmental entity or a charitable non-profit corporation, civic organization, church group or other group possessing a permit issued for such an event by the City;
 - (3) A Holiday Event in a restaurant, including the bar, which is part of the restaurant, for which a permit has been issued by the City Council. An application shall be filed at least twenty-one (21) days prior to the Holiday Event with the City Administrator.
 - (4) Excavations or repairs of streets by or on behalf of the City, or other governmental unit at night when the public welfare and convenience renders it impossible to perform such work during the day; or
 - (5) The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character during daylight hours or a public event.

Section 6-304

STANDARD FOR DETERMINING VIOLATIONS

The standards which shall be considered in determining whether a violation of this Ordinance exists shall include, but not be limited to, the following:

- (a) The volume of noise;
- (b) The intensity of the noise;
- (c) Whether the nature of the noise is usual or unusual;
- (d) Whether the origin of the noise is natural or unnatural;
- (e) The volume and intensity of the background noise, if any;
- (f) The proximity of the noise to residential sleeping facilities;

Section 6-304 STANDARD FOR DETERMINING VIOLATIONS (Continued)

- (g) The zoning of the area within which the noise emanates;
- (h) The time of day or night the noise occurs;
- (i) The duration of the noise;
- (j) Whether the noise is recurrent, intermittent, or constant; and
- (k) Whether the noise is produced by a commercial or noncommercial activity.

Section 6-305 ENFORCEMENT

The Camden County Sherriff and his Deputies, and all other law enforcement officers shall be authorized to issue citations to violators of any provisions of this Ordinance. Such citation shall state the time and place at which the accused is to appear for trial; shall identify the offense with which the accused is charged; shall have any identifying number by which it shall be filed with the Court; shall indicate the identity of the accused and the date of service; and shall be signed by the officer who completes and serves it.

Section 6-306 PENALTY

- (a) Any person violating this Ordinance, or any provision hereof upon conviction, shall be punished as follows: By a fine of not less than \$25.00 but not more than \$500.00, or imprisonment in the County Jail of Camden County, Georgia, for up to thirty (30) days, or both.
- (b) No person accused of violating this Ordinance shall be arrested prior to trial. If any defendant fails to appear for trial he or she shall be arrested thereafter on the warrant of the Court, and required to post a bond for his or her future appearance.

Section 6-307 Court Proceedings

- (a) Violations of this Ordinance shall be tried upon citation as described in Section 6-305 of this Ordinance and may be tried with or without a prosecuting attorney. The City Attorney may serve as prosecuting attorney.
- (b) Violations of this Ordinance shall be tried in Municipal Court, and shall be tried in accordance with the Official Code of Georgia, Chapter 15-10. The Judge of the Municipal Court or if no Municipal Court Judge then Judges of the Camden County Magistrate Judges shall serve as Judges of the Municipal Court pursuant to O.C.G.A. §15-10-152.
- (c) Each violation of this Ordinance shall constitute a separate offense.

Section 6-308 Effective Date

This City of Woodbine Noise Control Ordinance shall take effect from and after the date of its passage and ratification by the Mayor and City Council of City of Woodbine, Georgia.

Article IV: Flood Damage Prevention

Sec. 6-401 Statutory Authorization

The Legislature of the State of Georgia has in the Planning and Enabling Act of 1957 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 Council of Woodbine, Georgia does ordain as follows:

Sec. 6-402 Findings of Fact

1. The flood hazard areas of Woodbine are subject to periodic inundation which results in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
2. These flood losses are caused by the cumulative effect of obstructions in flood plains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other properties which are inadequately elevated, flood-proofed or otherwise protected from flood damages.

Sec. 6-403 Statement of Purpose

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion in flood heights or velocities.
2. Require that uses vulnerable to flood, including facilities which serve such uses be protected against flood damage at the time of initial construction.
3. Control the alteration of natural flood plains, stream channels and natural protective barriers, which are involved in the accommodation of flood waters.
4. Control filling, grading, dredging and other development which may increase erosion or flood damage.
5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

Sec. 6-404 Objectives

The objectives of this ordinance are:

1. To protect human life and health.
2. To minimize expenditure of public money for costly flood control projects.
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.
4. To minimize prolonged business interruptions.
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines and streets and bridges located in flood plains.
6. To help maintain a stable tax base by providing the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas.
7. To insure that potential home buyers are notified that property is in a flood area.

Sec. 6-405 Definitions

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

1. Addition (to an Existing Building) Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.
2. Appeal A request for a review of the Camden County Building Inspector's interpretation of any provision of this ordinance or a request for a variance.
3. Area of Shallow Flooding A designated AO of VO Zone on a community's Flood Insurance Rate Map (FIRM) with base flood depths from 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.

4. Area of Special Flood Hazard The land in the flood plain within a community subject to a one percent (1%) or greater chance of flooding in any given year.

Sec. 6-405 Definitions (Continued)

5. Base Flood The flood having a one percent (1%) chance of being equaled or exceeded in any given year.
6. Basement That portion of a building having its floor subgrade below ground level on all sides.
7. Breakaway Wall A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.
8. Building Any structure built for support, shelter or enclosure for any occupancy or storage.
9. Coastal High Hazard Area The area subject to high velocity waters caused by, but not limited to, hurricane wave wash. The area is designated on a FIRM as Zone VI-30, VE or V.
10. Development Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures; mining, filling, grading, paving, excavating, and drilling operations or permanent storage of materials or equipment.
11. Elevated Building A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls or breakaway walls.
12. Existing Construction Any structure for which the “start of construction” commenced before the effective date of the first floodplain management code, ordinance or standard based upon specific technical base flood elevation data which establishes the area of special flood hazard.
13. Existing Manufactured Home Park or Subdivision 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 the effective date of the floodplain management regulations adopted by a community (before the effective date of the first floodplain management code, ordinance

or standard based upon specific technical base flood elevation data which established the area of special flood hazard).

Sec. 6-405 Definitions (Continued)

14. Expansion to an Existing Manufactured Home Park or Subdivision The preparation of additional sites by the construction of facilities for servicing the lot 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. Flood or Flooding A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - a. The overflow of inland or tidal waters;
 - b. The unusual and rapid accumulation or runoff of surface waters from any source.
16. Flood Hazard Boundary Map (FHBM) The official map of a community issued by the Federal Emergency Management Agency where the boundaries of the areas of special flood hazard and the risk premium zones applicable to the community.
17. Flood Insurance Rate Map (FIRM) An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.
18. Flood Insurance Study The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary-Floodway Map and the water surface elevation of the base flood.
19. Floodway The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
20. Floor The top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.
21. Functionally Dependent Facility A facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of

cargo or passengers, shipbuilding, ship repair or seafood processing facilities. The term does not include long-term storage, manufacture, sales or service facilities.

Sec. 6-405 Definitions (Continued)

22. Highest Adjacent Grade The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.
23. Historic Structure Any structure that is:
 - a. Listed individually in the National Register of Historic Places (a listing maintained by the 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 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 in 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 in 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.
24. Mangrove Stand An assemblage of mangrove trees which is mostly low trees noted for a copious development of interlacing adventitious roots above the ground and which contain one or more of the following species: black mangrove (*Avicennia Nitida*); red mangrove (*Rhizophora Mangle*); which mangrove (*Longuncluaria Racemosa*); and buttonwood (*Conocarpus Erecta*).
25. Manufactured Home A building transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

26. Mean Sea Level The average height of the sea for all stages for the tide. It is used as a reference for establishing various elevations within the flood plain. For purposes of this ordinance, the term is synonymous with National

Sec. 6-405 Definitions (Continued)

Geodetic Vertical Datum (NGVD).

27. National Geodetic Vertical Datum (NGVD) NGVD as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the flood plain.

28. New Construction Any structure for which the “start of construction” commenced after the effective date of the first floodplain management code, ordinance or standard based upon specific technical base flood elevation data which established the area of special flood hazard. The term also includes any subsequent improvements to such structure.

29. New Manufactured Home Park or Subdivision 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 the effective date of floodplain management regulations adopted by a community.

30. Recreational Vehicle A vehicle which is:

- a. Built on a single chassis;
- b. 400 square feet or less when measured at the largest horizontal projection;
- c. Designed to be self-propelled or permanently towable by a light duty truck; and
- d. Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use.

31. Sand Dunes A naturally occurring accumulation of sand in ridges or mounds landward of the beach.

32. Start of Construction (For other than new construction or substantial improvements under the Coastal Barrier Resources Act P.L. 97-348.) Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction or improvement was within 180 days of the permit date. The actual start means

the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation.

Sec. 6-405 Definitions (Continued)

Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of street 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 not part of the main building. 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.

33. Structure A walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.
34. Substantial Damage 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.
35. Substantial Improvement Any combination of repairs, reconstruction, alteration, or improvements to a building taking place during the life of a building in which the cumulative cost equals or exceeds fifty percent (50%) of the market value of the building. The market value of the building should be (1) the appraised value of the building prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the building prior to the damage occurring. This term includes structures which have incurred “substantial damage”, regardless of the actual repair work performed. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include any project for improvement of a building required to comply with existing health, sanitary or safety code specifications which have been identified by the Code Enforcement Official and which are solely necessary to assure safe living conditions.
36. Substantially Improved Existing Manufactured Home Parks or Subdivisions This is where 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.

Sec. 6-405 Definitions (Continued)

37. Variance A grant of relief from the requirements of this ordinance which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

Sec. 6-406 General Provisions

1. Lands to Which This Ordinance Applies This ordinance shall apply to all areas of special flood hazard within the jurisdiction of Woodbine, Georgia.
2. Basis for Establishing the Areas of Special Flood Hazard The areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood Insurance Study, dated December 1, 1983, with accompanying maps and other supporting data, and any revision thereto, are adopted by reference and declared to be a part of this ordinance.
3. Compliance No structure or land shall hereafter be located, or extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations.
4. Abrogation and Greater Restrictions This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
5. Establishment of Development A Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities.
6. Interpretation In the interpretation and application of this ordinance, all provisions shall be: (a) considered as minimum requirements; (b) liberally construed in favor of the governing body; (c) deemed neither to limit nor repeal any other powers granted under state statutes.
7. Warning and Disclaimer of Liability The degree of flood protection required by this ordinance is considered reasonable for regulatory purpose and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made 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 Woodbine or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

Sec. 6-406 General Provisions (Continued)

8. Penalties for Violation Violation of the provisions of this ordinance or failure to comply with any of its requirements including violation of conditions and safeguards established in connection with grants of variance or special exceptions shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof, be fined not more than one thousand (\$1,000.00) or imprisoned for not more than six (6) months or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Woodbine from taking such other lawful action as is necessary to prevent or remedy and violation.

Sec. 6-407 Administration

1. Designation of Local Administration The Camden County Builder Inspector is hereby appointed to administer and implement the provisions of this ordinance.
2. Permit Procedures Application for a Development Permit shall be made to the Camden County Building Inspector on forms furnished by him or her prior to any development activities and may include, but is not limited to, the following: plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities and the location of the foregoing. Specifically, the following information is required:
 - a. Application Stage
 - (1) Elevation in relation to mean sea level (MSL) of the proposed lowest floor (including basement) of all buildings;
 - (2) Elevation in relation to mean seal level to which any non-residential building will be flood-proofed;
 - (3) Certificate from a registered professional engineer or architect that the non-residential flood-proofed building will meet the flood-proofing criteria in Section 6-409.2.b;

- (4) Description of the extent to which any watercourse will be altered or relocated as a result or proposed development.

Sec. 6-407 Administration (Continued)

b. Construction Stage

Provide a floor elevation or flood-proofing certification after the lowest floor is completed, or in instances where the building is subject to the regulations applicable to Coastal High Hazard Areas, after placement of the horizontal structural members of the lowest floor. Upon placement of the lowest floor, or flood-proofing by whatever construction means, or upon placement of the horizontal structural members of the lowest floor, whichever is applicable, it shall be the duty of the permit holder to submit to the Camden County Building Inspector a certification of the elevation of the lowest floor, whichever is applicable, as built, in relation to mean seal level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood-proofing is utilized for a particular building, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Camden County Building Inspector shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project (4/2/84 Council minutes).

3. Duties and Responsibilities of the Camden County Building Inspector Duties of the Camden County Building Inspector shall include but not be limited to:
 - a. Review all Development Permits to assure that the permit requirements of this ordinance have been satisfied.
 - b. Advise permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the Development Permit.
 - c. Notify adjacent communities and the Department of Natural Resources prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

d. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.

e. Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved

Sec. 6-407 Administration (Continued)

buildings, in accordance with Section 6-407, Paragraph 2.b.

f. Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved building have been flood-proofed, in accordance with Section 6-407, Paragraph 2.b.

g. In Coastal Hazard Areas certification shall be obtained from a registered professional engineer or architect that the building is designed and securely anchored to adequately anchored pilings or columns in order to withstand velocity waters and hurricane wave wash.

h. In Coastal High Hazard Areas, the Camden County Building Inspector shall review plans for adequacy of breakaway walls in accordance with Section 6-409, Paragraph 1.g(8).

i. When flood-proofing is utilized for a particular building, the Camden County Building Inspector shall obtain certification from a registered professional engineer or architect in accordance with Section 6-409, Paragraph 2.b.

j. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the Camden County Building Inspector shall make the necessary interpretations. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this section.

k. When base flood elevation data or floodway data have not been provided in accordance with Section 6-406, Paragraph 2, then the Camden County Building Inspector shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer the provision of Section 6-408.

l. All records pertaining to the provisions of this ordinance shall be maintained in the office of the Camden County Building Inspector and shall be open for public inspection.

4. Variance Procedures

- a. The Woodbine Zoning Board of Appeals as established by the Woodbine City Council shall hear and decide appeals and requests of variances from the requirements of this ordinance.

Sec. 6-407 Administration (Continued)

- b. The Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made the Camden County Building Inspector in the enforcement or administration of this ordinance.
- c. Any person aggrieved by the decision of the Board of Appeals or any taxpayer may appeal such decision to the Camden County Superior Court, as provided in the Planning and Enabling Act of 1957.
- d. Variances may be issued for the repair or rehabilitation of historic structures (see definition) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continue designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.
- e. In passing upon such applications, the Board of Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and:
 - (1) The danger that materials may be swept onto other lands to the injury of others;
 - (2) The danger to life and property due to flooding or erosion damage;
 - (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (4) The importance of the services provided by the proposed facility to the community;
 - (5) The necessity to the facility of a waterfront location, in the case of a functionally dependent facility;
 - (6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 - (7) The compatibility of the proposed use with existing and anticipated development;

- (8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that are;
- (9) The safety of access to the property in times of flood for ordinary and emergency vehicles;

Sec. 6-407 Administration (Continued)

- (10) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
 - (11) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems and streets and bridges.
- f. Upon consideration of the factors listed above and the purpose of this ordinance, the Board of Appeals may attach such conditions to granting of variances as it deems necessary to further the purposes of this ordinance.
 - g. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
 - h. Condition for variance:
 - (1) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief and in the instance of a historical building, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building;
 - (2) Variances shall only be issued upon (1) a showing of good and sufficient cause; (2) a determination that failure to grant the variance would result in exceptional hardship; and, (3) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - (3) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

- (4) The Camden County Building Inspector shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

Sec. 6-408 Provisions for Flood Hazard Reduction

1. General Standards In all areas of special flood hazard, the following provisions are required.
 - a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
 - b. Manufactured homes shall be anchored to prevent flotation, collapse or 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.
 - c. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - d. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
 - e. Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - f. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
 - g. 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.
 - h. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
 - i. Any alteration, repair, reconstruction or improvements to a building which is in compliance with the provisions of this ordinance, shall meet the requirements of “new construction” as contained in this ordinance.
 - j. An alteration, repair, reconstruction or improvements to a building which is not in compliance with the provisions of this ordinance, shall be undertaken only if said non-conformity is not furthered, extended, or replaced.

2. Specific Standards In all areas of special flood hazard where base flood elevation data have been provided, as set forth in Section 6-406, Paragraph 2 or Section 6-407, Paragraph 3.k, the following provisions are required:

Sec. 6-408 Provisions for Flood Hazard Reduction (Continued)

- a. Residential Construction New construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement elevated no lower than one foot (1') above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Section 6-408, Paragraph 2.c.
- b. Non-residential Construction New construction or substantial improvement of any commercial, industrial, or non-residential building (or manufactured home) shall have the lowest floor, including basement, elevated no lower than one foot (1') above the level of the base flood elevation. Buildings located in all A-zones may be flood-proofed in lieu of being elevated provided that all areas of the building below the required elevation are water tight with walls substantially impermeable to the passage of water and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Section 6-407, Paragraph 3.i.
- c. Elevated Buildings New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.
 - (1) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
 - (a) 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;
 - (b) The bottom of all openings shall be no higher than one foot above grade; and
 - (c) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

- (2) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and

Sec. 6-408 Provisions for Flood Hazard Reduction (Continued)

- (3) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

d. Standards for manufactured homes and recreational vehicles

- (1) All manufactured homes placed, or substantially improved, on individual lots or parcels, in extensions to existing manufactured home parks or subdivisions, or in substantially improved manufactured home parks or subdivisions, must meet all the requirements for new construction, including elevation and anchoring.
- (2) All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:
 - (a) The lowest floor of the manufacture home is elevated no lower than one foot (1') above the level of the base flood elevation, or
 - (b) The manufactured home chassis is 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) The manufactured home must be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement.
 - (d) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, any manufactured home placed or substantially improved must meet the standards of Section 6-408, Paragraph 2.d(2)(a) and Paragraph 2.d(2)(c) above.
- (3) All recreational vehicles placed on sites must either:
 - (a) Be fully licensed and ready for highway use; or
 - (b) The recreational vehicle must meet all the requirements for new construction, including anchoring and elevation requirements of Section 6-408, Paragraph 2.d (1) or Paragraph 2.d (2) (c) above.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached structures.

Sec. 6-408 Provisions for Flood Hazard Reduction (Continued)

- e. Floodways Located within areas of special flood hazard established in Section 6-406, Paragraph 2, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectile and has erosion potential, the following provisions shall apply:
- (1) Prohibit encroachments, including fill, new construction, substantial improvements and other developments unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge.
 - (2) If Section 6-408, Paragraph 2.e (1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 6-408.
 - (3) Prohibit the placement of manufactured homes (mobile homes), except in an existing manufactured home (mobile home) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring standards of Section 6-408, Paragraph 2.a. and the encroachment standards of Section 6-408, Paragraph 2.e (1) are met.
- f. Coastal High Hazard Areas (V Zones) Located within the areas of special flood hazard established in Section 6-406, Paragraph 2 are areas designated as coastal high hazard areas. These areas have special flood hazards associated with wave wash, therefore, the following provisions shall apply:
- (1) All buildings or structures shall be located twenty-five feet (25') landward of the reach of the mean high tide.
 - (2) All building or structures shall be elevated so that the bottom of the lowest supporting horizontal member (excluding pilings or columns) is located not lower than one foot (1') above the base flood elevation level, with all space below the lowest supporting member open so as not to impede the flow of water. Open lattice work or decorative screening may be permitted for aesthetic purposes only and must be designed to wash away in the event of abnormal wave action and in accordance with Section 6-409, Paragraph 2.f(8).

- (3) All buildings or structures shall be securely anchored on pilings or columns.
- (4) All pile and column foundations and structures attached thereto shall be anchored to resist flotation, collapse and lateral movement due to the effect of wind and water loads acting simultaneously on all building components.

Sec. 6-408

Provisions for Flood Hazard Reduction (Continued)

Water loading values shall equal or exceed the base flood. Wind loading values shall equal or exceed the base flood. Wind loading values shall be in accordance with the State of Georgia Building Code, latest edition.

- (5) A registered professional engineer or architect shall certify that the design, specifications and plans for construction are in compliance with the provisions contained in Section 6-408, Paragraph 2.f(2), Paragraph 2.f(3) and Paragraph 2.f(4) of this ordinance.
- (6) There shall be no fill used as structural support. Non-compacted fill may be used around the perimeter of a building for landscaping/aesthetic purposes provided the fill will wash out from storm surge, (thereby rendering the building free of obstruction) prior to generating excessive loading forces, ramping effects, or wave deflection. The Camden County Building Inspector shall approve design plans for landscaping/aesthetic fill only after the applicant has provided an analysis by an engineer, architect and/or soil scientist, which demonstrates that the following factors have been fully considered:
 - (a) Particle composition of fill material does not have a tendency for excessive natural compaction.
 - (b) Volume and distribution of fill will not cause wave deflection to adjacent properties.
 - (c) Slope of fill will not cause wave run-up or ramping.
- (7) There shall be no alteration of sand dunes or mangrove stands which would increase potential flood damage.
- (8) Lattice work or decorative screening shall be allowed below the base flood elevation provided they are not part of the structural support of the building and are designed so as to breakaway, under abnormally high tides or wave action, without damage to the structural integrity of the building on which they are to be used; and provided the following design specifications are met:
 - (a) No solid walls shall be allowed, and

(b) Material shall consist of wood or mesh screening only.

(9) If aesthetic lattice works or screening are utilized, such enclosed space shall not be designed to be used for human habitation, but shall be designed to be used only for parking of vehicles, building access or limited storage of maintenance equipment used in connection with the premises.

Sec. 6-408

Provisions for Flood Hazard Reduction (Continued)

(10) Prior to construction, plans for any building that will have lattice work or decorative screening must be submitted to the Camden County Building Inspector for approval;

(11) Any alteration, repair, reconstruction or improvement to a structure shall not enclose the space below the lowest floor except with lattice work or decorative screening, as provided for in Section 6-409, Paragraph 2f(8) and Paragraph 2f(9).

(12) Prohibit the placement of manufactured homes (mobile homes), except in an existing manufactured homes (mobile homes) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring standards of Section 6-408, Paragraph 2.f(5) and the elevation standards of Section 6-408, Paragraph 2f(2) are met.

3. Standards for Streams without Established Base Flood Elevation and/or Floodways

Located within the areas of special flood hazard established in Section 6-406, Paragraph 2, where streams exist but where no base flood data has been provided without floodways, the following provisions apply:

- a. No encroachments, including fill material or structures shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
- b. New construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with Section 6-407, Paragraph 3k.

4. Standards for Subdivision Proposals

- a. All subdivision proposals shall be consistent with the need to minimize flood damage.

- b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- d. Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which is greater than the lesser of fifty lots or five acres.
5. Standards for Areas of Shallow Flooding (AO Zones) Located within the areas of special flood hazard established in Section 6-406, Paragraph 2 are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1' to 3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:
- a. All new construction and substantial improvements of residential buildings shall have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated, at least two (2) feet above the highest adjacent grade.
- b. All new construction and substantial improvements of non-residential buildings shall:
- (1) Have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth is specified, the lowest floor, including basement shall be elevated at least two feet (2') above the highest adjacent grade, or
- (2) Together with attendant utility and sanitary facilities be completely flood-proofed to or above that level so that any space below that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

Revised ordinance adopted by Woodbine City Council meeting in regular session on August 2, 1993.

Article V: Nuisances

Sec. 6-501 Definitions

For the purpose of this chapter, the following words shall have the meanings respectively ascribed below:

1. Nuisance Anything which causes hurt, inconvenience, or damage to another or his reasonable and comfortable use of his property provided that the hurt, inconvenience, or damage complained of shall not be fanciful, or such as would affect only one fastidious taste, but rather such as would affect an ordinary reasonable man; and the fact that the act done may otherwise be lawful shall not keep it from being a nuisance.
2. Nuisance per se An act, occupation, or structure which is a nuisance at all times and under any circumstances, regardless of location or surroundings.
3. Private Nuisance A nuisance limited in its injurious effects to one or a few individuals.
4. Public Nuisance A nuisance which damages all persons who come within the sphere of its operation, though it may vary in its effects on individuals.

Sec. 6-502 Proceedings to Abate Generally

Any nuisance existing within the corporate limits of this city, except for a nuisance hereinafter excepted, shall be abated in the manner set forth in this chapter.

1. Initiation Proceeding to abate a nuisance, whether public or private, shall be initiated by the filing of a complaint with the city clerk, which such complaint shall state the nature and location of the nuisance and the name and address of the complainant or complainants. In the case of a private nuisance, the complaint shall be filed by the person or person injured by the nuisance; in the case of a public nuisance, the complaint shall be filed on behalf of the public by a city official or by a citizen specially injured by the nuisance.
2. Notice of Hearing Upon the filing of a complaint as hereinabove provided, the city clerk shall issue a notice directed to the owner of the premises upon

which the nuisance complained of is located and, if the person maintaining the same be a different person from the owner, then also to the person maintaining the nuisance, calling on such person to show cause, either personally or by attorney, at the time and place directed by the city clerk, why such activity alleged to be a nuisance should not be ordered, abated and removed by the City Clerk, why such activity alleged to be a nuisance should not be ordered,

Sec. 6-502 Proceedings to Abate Generally (Continued)

abated, and removed by the Mayor and Council. Such notice shall be served at least two (2) days prior to the date set for the hearing by any police officer of the city, and shall be made either personally or by leaving a copy at the party's most notorious place of abode.

A copy of such notice shall also be mailed to the complaint or complaints.

3. Order or Abatement If after hearing all the evidence the Mayor and Council should decide that the activity complained of is a nuisance, the Mayor shall issue an order directed to the Chief of Police or any member of the Police force, commanding that the nuisance be abated. A copy of such order of abatement shall be served on the party or parties maintaining the nuisance.
4. Effect of Noncompliance In the event of a refusal to comply with the order of abatement issued by the mayor, the person(s) maintaining the nuisance shall be subject to arrest for violation of state law.

Sec. 6-503 Summary Abatement

Nothing contained in the foregoing section shall prevent the Mayor and City Council from summarily and without notice ordering the abatement of or abating any nuisance that is a nuisance per se in the law or where the case is an urgent one and the health and safety of the public or a portion thereof is in imminent danger. The person causing such nuisance shall be entitled to a hearing immediately after the abatement.

Article VI: Tree Ordinance

Sec. 6-601 Intent and Purpose

The intent of this Ordinance is to:

1. Recognize trees to be a valuable asset providing a healthier and more beautiful environment in which to live;
2. Recognize that trees are economically beneficial in attracting new residents providing shade and cooling effects as well as preventing noise and pollution;

3. Recognize that trees also prevent erosion and assist in flood control;
4. Establish standards limiting the removal or, and insuring the replacement of trees sufficient to safeguard the ecological and aesthetic environment necessary to a healthy, happy community;

Sec. 6-601

Intent and Purpose (Continued)

5. Not be punitive or to cause hardship to any individual, private or public company that uses care and diligence to protect trees within the City.
6. This ordinance will not affect private property of any sort except in the situation of public safety;
7. This ordinance is not designed to affect new development projects in the private sector.

Sec. 6-602

Definitions

1. Street trees: “Street trees” are herein defined as trees and all other woody vegetation on land lying between property lines on either side of the streets, avenues, or ways within the City.
2. Park trees: “Park trees: are herein defined as trees and all other woody vegetation in public parks having individual names, and all areas owned by the City, or to which the public has free access as a park.

Sec. 6-603

Creation and Establishment of a City Tree Board

There is hereby created and established a City Tree Board for the City of Woodbine, Georgia which shall consist of five members, who shall be appointed by the Mayor with the approval of the Council. Two of the members will include representation from; (1) the County Extension Office and/or a certified horticulturist or arborist, and (2) representation from the City’s street department. The remaining members will be property or business owners in the City of Woodbine.

1. Term of Office

The term of the five persons to be appointed by the mayor shall be three years except that the term of two of the members appointed to the first board shall be for only one year and the term of two members of the first board shall be for two years. In the event that a vacancy shall occur during the term of any member, his/her successor shall be appointed for the unexpired portion of the term.

2. Compensation

Members of the Board shall serve without compensation.

Sec. 6-603 Creation and Establishment of a City Tree Board (Continued)

3. Duties and Responsibilities

- a. The City Tree Board shall serve in an advisory capacity to the Mayor and Council on matters relating to the implementation of this Ordinance and to tree management in the City, including appropriate funding mechanisms.
- b. The City Tree Board shall use its best efforts to inventory the condition and major-maintenance needs of all street trees in the City, making recommendations to Mayor and Council. Maintenance recommendations shall be in accordance to species-specific standards issued by the County Extension Agent, International Society of Arboriculture (ISA), or Forestry Service. Recommendations shall include, but need not be limited to: structural pruning as necessary maintain public safety and to sustain the health, safety and natural growth habit of the tree; routine adjustment and timely removal of stakes, ties, tree guards and tree grates; watering sufficient to assure the establishment and survival of a tree; fertilizing as needed; pest and disease management procedures as needed and in a manner consistent with public health and ecological diversity; and replacement of missing or damaged trees.
- c. The City Tree Board shall meet every six months or as deemed necessary by the nature of business being conducted by the Board.

4. Operation

The City Tree Board shall choose its own officers, develop its own bylaws (to be approved by City Council), and keep a journal of its proceedings. All Tree Board records will be kept on file with the City. A majority of the members shall be a quorum for the transaction of business.

5. Street Tree Species to be Planted

The following list (Attachment 1) constitutes the official Street Tree recommended species for Woodbine, Georgia. All Street Trees must be approved by the City Tree Board prior to being planted if they are not included on this list.

6. Spacing; Distance from Curb and Sidewalk; Distance from Street Corners and Fireplug; Utilities

All planting will be in accordance with Department of Transportation regulations and follow acceptable spacing guidelines as suggested by the ISA publication standards and County Extension Service office.

Sec. 6-603 Creation and Establishment of a City Tree Board (Continued)

7. Public Tree Care

- a. The City shall have the right to plant, prune, maintain and remove trees, within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.
- b. The City Tree Board may remove or cause or order to be removed, any tree or part thereof which is in unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect, or other pest. Trees removed on City property must be replaced, if feasible, at proper tree planting times as determined by recommendation of the City Tree Board. This Section does not prohibit the planting of Street Trees by adjacent property owners. Said property owners must plant according to the list of recommended trees listed as Attachment 1 to this document and have approval from the City Tree Board prior to planting.

8. Tree Topping

It shall be unlawful as a normal practice for any person, firm, or city department to top any Street Tree, Park Tree or other tree on public property. Topping is defined as the sever cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or their obstructions where other pruning practices are impractical may be exempted from this ordinance at the determination of the City Tree Board. Severely topped trees may be removed to prevent future hazards.

9. Pruning and Corner Clearance

- a. For reasons of public safety, every owner of any tree overhanging any street or right-of-way within the city shall prune the branches so that such branches shall not severely obstruct the light from any street lamp, obstruct the view of any street intersection, or obstruct pedestrian's ability to use the City's sidewalks. Said owners shall remove all dead, diseased or dangerous trees, broken or decayed limbs which constitute a menace to the

safety of the public. The City shall have the right to prune or remove any tree or other woody vegetation on private property when it interferes with issues pertaining to public safety.

Sec. 6-603 Creation and Establishment of a City Tree Board (Continued)

- b. Tree limbs that grow near high voltage electrical conductors shall be maintained clear of such conductors by the electric utility company in compliance with any applicable franchise agreements. All utility pruning shall follow current ISA guidelines.

10. Dead or Diseased Tree Removal on Private Property

For reasons of public safety, the owner shall cause the removal of any dead or diseased trees on private property within the city, when such trees constitute a hazard to life and property, or harbor insects or disease which constitutes a potential threat to other trees within the city. The City Tree Board will notify in writing the owner of such trees. Removal shall be done by said owners at their own expense within sixty days after the date of service of notice. In the event of failure of owners to comply with such provisions, the City shall have the authority to remove such trees and file a lien against the property for the cost of removal.

11. Removal of Stumps

All stumps of City Trees and Park Trees shall be ground to a minimum depth of 8" below ground level and all stump debris removed and replaced with similar type soil fill.

12. Interference with City Tree Board

It shall be unlawful for any person to prevent, delay, or interfere with the City Tree Board, or any of its agents, while conducting business in accordance with this ordinance.

13. Review by Council

The City Council shall have the right to review the conduct, acts, and decisions of the City Tree Board. Any person may appeal any ruling or order of the City Tree Board to the City Council who may hear the matter and make final decision. Any amendments to this ordinance must be approved by the City Council.

