

CHAPTER 7
**SECTION 1: ENVIRONMENTAL CONSERVATION OF THE WETLANDS,
GROUNDWATER RECHARGE AREAS, RIVER CORRIDORS AND ON-SITE
SEWAGE MANAGEMENT SYSTEMS**
(ORDINANCE 10/17/2000)

A. SHORT TITLE.

1. This Ordinance shall be known, referred to, and may be cited as “The Environmental Conservation of the Wetlands, Groundwater Recharge Areas, River Corridors and On-site Sewage Management Systems Ordinance of Wilkinson County.”

B. PURPOSE.

1. It is the intent and policy of the Wilkinson County Board of Commissioners to promote the health, safety, convenience, order, prosperity, and general welfare of Wilkinson County and its residents; to protect the natural resources, the environment, and the public health of Wilkinson County; to facilitate the adequate provision of on-site sewage management for all development in the local jurisdiction; to protect significant groundwater recharge areas from pollution by spills, discharges, leaks, impoundments, applications of chemicals, injections, and other development; to promote the wise use of wetlands and protect them from alterations that will significantly affect or reduce their primary functions for water quality, flood plain and erosion control, groundwater recharge, aesthetic natural areas, and wildlife habitat areas; to establish measures to preserve an adequate supply of safe drinking water and a quality for state waters which is necessary to protect the health and welfare of the public as well as to provide for future growth; to protect the environment, including the soils, air quality, and water resources, from pollution and inappropriate development; to assist in the orderly, efficient, and integrated development of the County.

C. DEFINITIONS.

When used in this Ordinance the following words and phrases shall have meanings given in this section.

1. *Acquifer.* Any stratum or zone of rock beneath the surface of the earth capable of containing or producing water from a well.
2. *Buffer Area.* See river corridor.
3. *Comprehensive Plan.* The Comprehensive plan for Wilkinson County and the cities of Gordon, Ivey, Toombsboro, McIntyre, Irwinton, Allentown and Danville dated October 1995 and as may be amended.
4. *Drastic.* The standardized system for evaluating groundwater pollution potential uses the hydrologic settings described in the U.S Environmental Protection Agency document EPA

- 600-2-87-035. (Note the drastic methodology is the most used technique for evaluating pollution susceptibility.)
5. *Generalized Wetlands Map*. The current Fish and Wildlife Service National Wetlands Inventory Maps for Wilkinson County.
 6. *Hazardous Material*. Any “contaminant” as defined in this ordinance, and any hazardous chemical for which a materiel safety data sheet must be filed under 42 U.S.C. 11021 and 11022.
 7. *Hazardous Waste*. Any solid waste which has been defined as a hazardous waste in regulations, promulgated by the administrator of the United States Environmental Protection Agency (US EPA) pursuant to the federal act, which are in force and effect on February 1, 1988, codified as 40 C.F.R. Section 261, and as amended.
 8. *Jurisdictional Wetlands*. An area that meets the definitional requirements for wetlands as determined by U.S. Army Corps of Engineers.
 9. *Jurisdictional Wetlands Determination*. A determination of jurisdictional wetlands boundaries by the U.S. Army Corps of Engineers as required by Section 404 of the Clean Water Act, 33 U.S.C. 1344 as amended.
 10. *Land-disturbance Activity*. Any grading, scraping, excavating, or filling of land; clearing of vegetation; and any construction, rebuilding, or alteration of a structure. Land-disturbing activity shall not include activities such as ordinary maintenance and landscaping operations, individual home gardens, yard and ground upkeep, repairs, additions or minor modifications to a single-family dwelling, or the cutting of firewood for personal use.
 11. *Lot*. The contiguous land in the same ownership which is not divided by any public highway or alley, including any part thereof subject to any easement for any purpose other than a public highway or alley, but excluding any part thereof severed from another lot where the severance creates any nonconformity of size or use.
 12. *Natural vegetative buffer or buffer area*. A river corridor containing the flora native to that area. The natural floras for specific areas are described in Georgia Geologic Survey Bulletin 114 “The Natural Environments of Georgia.” Habitats for endangered and threatened species may require human management of the river corridor in order to maintain those species.
 13. *Perennial River/Stream*. A river/stream or section of a river/stream that normally flows continuously throughout the whole year.
 14. *Pollution Susceptibility*. The relative vulnerability of an aquifer to being polluted from spills, discharge, leaks, impoundments, applications of chemicals, injections and other human activities in the recharge area.
 15. *Pollution Susceptibility Map*. The natural vulnerability to pollution prepared by the Department of Natural Resources the DRASTIC methodology. (Georgia Department of Natural Resources Hydrologic Atlas 20: Groundwater Pollution Susceptibility Map of Georgia.)
 16. *Protected River*. Any perennial river or watercourse with an average annual flow of at least four hundred (400) cubic feet per second as determined by appropriate U.S. Geological Survey documents.
 17. *Protected River Corridor*. All land, inclusive of islands, in areas of a protected river

- within a distance of one hundred (100) feet horizontally on both sides of the river measured from the uppermost part of the river bank; the area between the top of the bank and the edge of the water is included in the protected area.
18. *Public Utility or utilities.* A service or services provided by a public utility company or a private entity, which provides such service or services and all equipment and structures necessary to provide such services.
 19. *Recharge Area.* Any portion of the earth's surface, where water infiltrates into the ground to replenish an aquifer.
 20. *Regulated Activity.* Any activity which will, or which may reasonably be expected to result in the discharge of dredged or fill material into waters of the U.S. excepting those activities exempt in Section 404 of the Federal Clean Water Act.
 21. *River/Stream Bank.* The rising ground, bordering a river or a stream, which serves to confine the water to the natural channel during the normal course of flow.
 22. *River Corridor.* All the land, inclusive of islands, not regulated under the Metropolitan River Protection Act (O.C.G.A. 12-5-440 through 12-5-457) or the Coastal Marshland Protection Act (O.C.G.A. 12-5-280 through 12-5-293), in areas of a protected river and being within 100 feet horizontally on both sides of the river as measured from the river banks. The 100-foot buffer shall be measured horizontally from the uppermost part of the riverbanks, usually marked by a break in slope. Although not within the measured 100-foot wide buffer, the area between the top of the bank and the edge of the river shall be treated by the local government in the same manner as the river corridor and shall be included within the River Corridor Protection District. Because stream channels move due to natural processes such as meandering, riverbank erosion and jumping of channels, the river corridor may shift with time. For the purposes of these standards, the river corridor shall be considered to be fixed at its position at the beginning of each review period for the Wilkinson County Comprehensive Plan. Any shift in the location of the protected river after the review period will be shown by revision of the boundaries of the river corridor at the time of the next Comprehensive Plan review by the Department of Community Affairs.
 23. *Sensitive Natural Area.* Any area, as identified now or hereafter by the Department of Natural Resources, which contains one or more of the following:
 - a. Habitat, including nesting sites, occupied by rare or endangered species.
 - b. Rare or exemplary natural communities.
 - c. Significant landforms, hydroforms, or geological features.
 - d. Other areas so designated by the Department of Natural Resources; and which is sensitive or vulnerable to physical or biological alteration.
 24. *Significant Recharge Areas.* Those areas mapped by Georgia Department of Natural Resources in the Hydrologic Atlas 18 (1989 edition).
 25. *Single-family Dwelling.* A dwelling structure that is designed for use by one family.
 26. *Subdivision.* All divisions of a tract or parcel of land into two or more lots, building sites, or other division for the purpose of sale, legacy, or building development, whether immediate or future. This shall include all divisions or re-subdivision of land involving a new road or change in existing roads. Excluded from this definition is the combination or

recombination of portions of previously platted lots where the total number of lots is not increased.

27. *Wetlands.* Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. The ecological parameters for designating wetlands include hydric soils, hydrological vegetation, and hydrological conditions that involve a temporary or permanent source of water to cause soil saturation.

D. GENERAL PROVISIONS.

1. **Permit Required.** No building, home, or similar structure within jurisdiction of the Wilkinson County Board of Commissioners shall hereafter be erected, constructed, located, moved, used, subdivided, altered or disturbed except in conformity with the regulations herein and without first obtaining a permit from the Wilkinson County Board of Commissioners. This provision does and shall apply to the location of all manufactured housing and industrialized buildings in the County.
2. **Minimum Lot Size.** All lots intended for residential or other use within the County shall be of such size as is specified by the Wilkinson County Health Department according to the “Rules of Georgia Department of Human Resources Public Health for On-Site Sewage Management Systems” Manual for On-site Sewage Management and this Ordinance.
3. **On-Site Sewage Management Permit Required.** No person or business shall construct an on-site sewage management system on any lot within the County until site approval and an on-site sewage management construction permit has been obtained from and issued by the Wilkinson County Health Department. Construction may not proceed on a building or mobile home to be served by a septic tank unless Wilkinson County Health Department first approves the purpose of the septic tank installation as meeting the requirements of the Georgia Department of Human Resources Manual for On-Site Sewage Management (hereinafter DHR Manual) and this Ordinance.
4. **Permit Coordination.** The required permit under Section D.1 of this Ordinance shall not be issued until the Wilkinson County Health Department issues an on-site sewage management construction permit or a site approval letter, whichever is appropriate, so that all lots proposed to be used or subdivided would satisfy the requirements of this Ordinance, including the “Rules of Georgia Department of Human Resources for On-Site Sewage Management Systems.” The Wilkinson County Health Department is delegated the responsibility for administering this Ordinance, the permit or letter under this Section D.4 shall suffice as the permit required under Section D.1.
5. **Requirements are Minimum.** The regulations and requirements set by this Ordinance

shall be the minimum requirements.

6. Compliance with State and Federal Regulations. All developments, structures, and uses within the County shall also meet the requirements of all other local, federal and state regulations in effect, including but not limited to, Department of Transportation regulations, State Fire Marshal regulations, Georgia's Uniform Construction Codes, and Georgia Department of Natural Resources and Georgia Environmental Protection Division environmental rules and regulations. Issuance of a permit under this Ordinance does not constitute certification of compliance with such codes or regulations, and does not abrogate responsibility of the owner to so comply.
7. Map Interpretation. If there is any uncertainty as to whether a lot, portion of lot, or a proposed construction or location impacts an environmental resource regulated by this Ordinance because of interpretation of the applicable map, the decision of the Wilkinson County Health Department shall take precedent and be considered for administering this Ordinance shall take precedent and be considered correct and final, but may be appealed as set forth in Section D.8.
8. Map Appeal. Any person who feels aggrieved by a decision of the Wilkinson County Health Department, as appropriate, regarding map interpretation may at their own expense request reconsideration. Such reconsideration shall include submission of scientific evidence for reversal of the alleged error in map interpretation, and such evidence must be documented by a state-registered engineer, geologist, or soils scientist. To obtain a reversal of the decision of map interpretation, the evidence must be acceptable to Georgia Department of Natural Resources Environmental Protection Division, and the Wilkinson County Health Department. Any costs for submission of evidence to the Georgia Department of Natural Resources Environmental Protection Division shall be borne by the person requesting reconsideration.
9. Coordination with Zoning and Other Regulation. This Ordinance shall be coordinated with any zoning or other regulations adopted by the Wilkinson County Board of Commissioners, and if there is any conflict with those zoning or other regulations, the stricter provisions shall apply. If zoning is or has been adopted, the provisions of this Ordinance shall be considered an overlay, or additional requirement(s) to the requirements of underlying zoning regulations and district.
10. Fees. Any fees for applications, inspections, and the issuance of permits or certificates required or issued under the provisions of this Ordinance shall be paid by the person seeking such permit at the time of application in advance of the issuance of such permits or certificates. The amount of such fees if any, shall be those established by the Wilkinson County Board of Commissioners from time to time.

D. DELEGATION OF ORDINANCE ADMINISTRATION.

1. The Wilkinson County Board of Commissioners because of the need for coordination hereby charges the Wilkinson County Health Department with responsibility for administering this Ordinance and ensuring compliance with its provisions.

E. WETLANDS PROTECTION DISTRICT.

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

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

The purpose of this ordinance is to promote wetland protection, while taking into account varying ecological development, recreational and aesthetic values. Activities that may damage wetlands should be located on upland sites to the greatest degree practicable as determined through a permitting process.

2. Establishment of the Wetlands Protection District The Wetlands Protection District is hereby established which shall correspond to all lands within the jurisdiction of Wilkinson County, Georgia that are mapped as wetlands areas by the U.S. Fish and Wildlife Service National Wetlands Inventory Map. This map shall be referenced as the Generalized Wetlands Map and is hereby adopted by reference and declared part of this ordinance, together with all explanatory matter there on and attached hereto.

The Generalized Wetland Map does not represent the boundaries of jurisdictional wetlands within Wilkinson County and cannot serve as a substitute for a delineation of wetland boundaries by the U.S. Army Corps of Engineers, as required by Section 404 of the Clean Water Act, as amended. Any local government action under this ordinance does not relieve the landowner from federal or state permitting requirements.

2. Wetlands Development Permit Requirements. No regulated activity will be permitted within the Wetland Protection District without a development permit from Wilkinson County. If the area proposed for development is located within 50 feet of a Wetland Protection District Boundary, as determined by the County Environmental Health Officer using the Generalized Wetland Map a U.S. Army Corps of Engineers determination shall be required. If the Corps determines that wetlands are present on the proposed development site the development permit will not be granted until a Section 404 permit

Letter of Permission is issued.

3. Permitted Uses Not Requiring a Permit. The following uses shall be allowed as a right in the Wetland Protection District to the extent they are not prohibited by any other ordinance or law excluding laws of trespass, and provided they do not require structures, grading, fill, drainage or dredging, except as provided here. (The articles listed in this section are exempted from Section 404 regulations provided they do not have impacts or a navigable waterway that would necessitate acquisition of an individual 404 permit. However, under Section 10 of the Rivers and Harbors Act, a permit may be required in some circumstances.)
 - a. Forestry practices applied in accordance with best management practices approved by the Georgia Forestry Commission (and as specified in Section 404 of the Clean Water Act.)
 - b. Conservation or preservation of soil, water, vegetation, fish, or other wildlife, provided they do not affect waters of the State of Georgia or of the United States in such a way that would require an individual 404 Permit.
 - c. Outdoor passive recreational activities, including fishing, bird watching, hiking, boating, horseback riding, and canoeing.
 - d. Education, scientific research, and natural trails.
 - e. The cultivation of agricultural crops. Agricultural activities shall be subject to the best Management practices approved by the Georgia Department of Agricultural.
 - f. The pasturing of livestock provided that riparian wetlands are protected, that soil profiles are not disturbed and approved agricultural best management practices are followed.
4. Prohibited Uses. The following uses are prohibited within the Wetlands Protection District.
 - a. Receiving areas for toxic or hazardous waste or other contaminants.
 - b. Hazardous sanitary landfills.

F. GROUNDWATER RECHARGE AREAS PROTECTION DISTRICT.

1. Purpose. In order to provide for the health, safety, and welfare of the public and a healthy economic climate within Wilkinson County and surrounding communities, it is essential that the quality of the public drinking water be ensured. For this reason, it is necessary to protect the subsurface water resources that Wilkinson County and surrounding communities rely on as sources of public water.

Groundwater resources are contained within underground reservoirs known as aquifers. These aquifers are zones of rock beneath the earth's surface capable of containing or producing water from a well. They occupy vast regions of the subsurface and are replenished by infiltration of surface water runoff in zones of the surface known as

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

2. Establishment of the Groundwater Recharge Area Protection District. The Groundwater Recharge Area is hereby established which shall correspond to all lands within the jurisdiction of Wilkinson County, Georgia that are mapped as significant recharge areas by the Georgia Department of Natural Resources in Hydrologic Atlas 18, 1989 edition. Said maps are hereby adopted and made part of this ordinance.
3. Determination of Pollution Susceptibility. Each recharge area shall be determined to have a pollution susceptibility of high, medium, or low based on the Georgia Pollution Susceptibility Map Hydrologic Atlas 20, 1992 edition. Said map is hereby adopted and made part of this ordinance.
4. Protection Criteria.
 - a. New above ground chemical or petroleum storage tanks, having a minimum volume of 660 gallons, shall have been doing containment for 110% of the volume of such tanks or 110% of the volume of the largest tank in a cluster of tanks. Such tanks used for agricultural purposes are exempt, provided they comply with all federal requirements.
 - b. New homes served by septic tanks/drain field systems shall be on lots having the following minimum size limitations based on the application of Table MT-1 of the DHR manual (hereinafter DHR Table MT-1). The minimums set forth in Table MT-1 may be increased further based on consideration of other factors set forth in section A-F of the DHR manual.
 1. 150% of the subdivision minimum lot size calculated based on application of DHR Table MT-1 if they are within a high pollution susceptibility area;
 2. 125% of the subdivision minimum lot size of calculated based on application of DHR Table MT-1 if, they are within a medium pollution susceptibility area ; and
 3. 110% of the subdivision minimum lot size of calculated based on the application of the DHR Table MT-1, if they are within a low pollution susceptibility area.
 - c. New manufactured homes parks served by septic tanks / drain fields shall have lots or spaces having minimum size limitations as follows, based on application of Table MT-2 of the DHR Manual (hereinafter DHR Table MT-2). The minimums set forth in Table MT-2 may be increased further based on the consideration of other factors set forth in section A-F of the DHR manual.
 1. 150% of the subdivision minimum lot or space size calculated based on application of DHR Table MT-2, if they are within a high pollution

- susceptibility area.
2. 125% of the subdivision minimum lot or space size calculated based on application of DHR Table MT-2, if they are within a medium pollution susceptibility area; and
 3. 110% of subdivision minimum lot or space size calculated based on application of DHR Table MT-2, if they are within a low pollution susceptibility area.
- d. New facilities that handle hazardous materials of the types listed in Section 312 of the Resource Conservation & Recovery Act of 1976 (excluding underground storage tanks) and in the amount of 10,000 pounds or more on any one day, shall perform their operations on impervious surfaces and in conformance with any applicable federal spill prevention requirements and any local fire prevention code requirements.
 - e. New agricultural waste impoundment sites shall be lined. If they are within a high pollution susceptibility area, a medium pollution susceptibility area and exceed 15 acre feet in size, or a low pollution susceptibility area and exceed 50 acres in size. As a minimum, the liner shall be constructed of compact clay having a thickness of one-foot and a vertical hydraulic conductivity of less than 5×10^{-7} cm/sec or other criteria established by the U. S. Natural Resource Conservation Service.
 - f. Permanent storm water infiltration basin shall not be constructed in areas of having high pollution susceptibility.
 - g. No construction may proceed on a building or mobile home to be served by a septic tank unless the Wilkinson County Health Department first approves the proposed septic tank installation as meeting the requirements of the Georgia Department of Human Resources Manual (DHR Manual) for On-Site Sewer Management and Section b and c above.

G. OCONEE RIVER CORRIDOR PROTECTION DISTRICT.

1. Purpose. River corridors are the strips of land that flank major rivers in Georgia. These corridors are of vital importance to Georgia in that they help preserve those qualities that make a river suitable as a habitat for wildlife, a site for recreation, and a source for clean drinking water. River corridors also allow the free movement of wildlife from area to area within the state, help control erosion and river sedimentation, and help absorb floodwaters.

The Oconee River has been designated as a protected river by the State of Georgia. The purpose of this ordinance is to establish measures to guide future growth and development in the areas adjacent to the Oconee River as defined herein.

2. Establishment of the Oconee River Corridor Protection District. The Oconee River Corridor Protection District is hereby designated and shall compose all lands, including islands in areas of the Oconee River within Wilkinson County and being within 100 feet horizontally on the western side of the river as measured from the river banks. Also

included is the area between the top of the edge of the river, although the strip of the land is not included as part of the 100 foot buffer requirement contained in the minimum standards. The district shall be further defined and delineated on the Oconee River Corridor Protection District Overlay Map. This map is hereby incorporated into and made a part of this ordinance.

3. Protection Criteria.
 - a. Construction within a buffer area is prohibited except as provided herein.
 - b. A natural vegetative buffer shall be maintained at all times in the river corridor, except as otherwise provided herein.
 - c. The natural vegetative buffer shall be restored as quickly as possible following any land disturbing activity.
 - d. Septic tank and septic tank drain fields are prohibited in the river corridor, except as provided herein.
 - e. Single family dwellings including the usual appearances are permitted in the buffer area subject to the following conditions:
 1. The dwelling shall be in compliance with all local zoning regulations.
 2. The dwelling shall be located on a tract of land containing at least two acres. For the purpose of these standards, the size of the tract of land shall not include any area that lies within the protected river (that is, for tracts of land that include portions of a protected river, the area between the river banks can not be counted towards the two acre minimum size).
 3. There shall be only one such dwelling on each two-acre or larger tract of land.
 4. A septic tank or tanks serving such a dwelling may be located within the buffer area.
 5. Septic tank drain fields shall not be located within the buffer area.
 - f. Industrial and commercial land uses existing in the river corridor prior to the promulgation of this ordinance are exempt from the criteria contained herein, provided that:
 1. These uses do not impair the drinking quality of the river water.
 2. These uses meet all state and federal environmental rules and regulations.
 - g. The construction of road crossings and utility crossings is permitted in the river corridor, provided such construction meets all requirements of the Erosion and Sedimentation Control Act of 1975, and all applicable local ordinances on soil erosion and sedimentation control.
 - h. The following uses are permitted in the river corridor, provided that such uses do not impair the long term functions of the protected river or the river corridor:
 1. Timber production and harvesting, subject to the following conditions:
 - a. Forestry activity shall be consistent with best management practices established by the Georgia Forestry Commission; and
 - b. Forestry activity shall not impair the drinking quality of the river water as defined by the federal Clean Water Act, as amended.
 2. Wildlife and fisheries management activities consistent with the purpose

of O.C.G.A. 12-2-8.

3. Wastewater treatment.
4. Recreational usage consistent either with the maintenance of a natural vegetative buffer or with river dependent recreation. For example, a boat ramp would be consistent with this criterion but a hard surface tennis court would not. Parking lots are not consistent with this criterion. Paths and walkways within the river corridor are consistent with this criterion.
5. Natural water quality treatment or purification.
6. Agricultural production and management, subject to the following conditions:
 - a. Agricultural activity shall be consistent with best management practices established by the Georgia Soil and Water Conservation Commission;
 - b. Agricultural activity shall not impair the drinking quality of the river water as defined by the federal Clean Water Act, as amended; and
 - c. Agricultural activity shall be consistent with all state and federal laws, and all regulations promulgated by the Georgia Department of Agriculture.
7. Other uses permitted by the Department of Natural resources or under Section 404 of the Clean Water Act.
 - i. Handling areas for the receiving and storage of hazardous waste are prohibited within the river corridor.
 - j. Hazardous waste or solid waste landfills are prohibited within the river corridor.
 - k. The standards and requirements in this ordinance do not supersede those contained in the Metropolitan River Protection Act, the Coastal Marshlands Protection Act, and the Erosion and Sedimentation Act.
4. Exemptions: The uses are exempt from the river corridor protection plan.
 - a. Land uses existing prior to the promulgation of the Oconee River Corridor Protection District. For the purpose of this ordinance a pre-existing use is defined as any land use or land-disturbing activity, which, prior to the promulgation of this ordinance falls within one of the following categories. (See Section 8.3(f) for additional regulations governing pre-existing industrial and commercial uses.):
 1. is completed.
 2. is under construction.
 3. is fully approved by the governing authority.
 4. all materials have been submitted for approval by the governing authority. or
 5. is zoned for such use and expenditures in excess of \$2,500.00 have been made in preparation for construction in accordance with such zoning.
 - b. Mining, activities, if permitted by the Department of Natural Resources pursuant to the Georgia Surface Mining Act of 1968, as amended.
 - c. Utilities. (except as discussed above in Section 8.3) if such utilities cannot

feasibly be located outside the buffer area (feasibility shall be decided conservatively by the local government) provided that:

1. The utilities shall be located as far from the riverbank as reasonably possible;
2. Installation and maintenance of the utilities shall be such as to protect the integrity of the buffer areas as well as is reasonably possible; and
3. Utilities shall not impair the drinking quality of the river.

d. Forestry and agricultural activities except as discussed above in Section 8.3.

5. Variances. When due to particular hardship or extraordinary circumstance of the property involved which is not easily corrected, it is impractical for an owner or developer to comply with all of the requirements of this Ordinance, the Wilkinson County Board of Commissioners shall be authorized to vary such requirements (under its jurisdiction) only to such extent as to provide fairness to the owner or developer and as to not violate the intent and purposes of this Ordinance. Such variances shall only be granted in an official public meeting, and the reasons for granting them shall be entered into the minutes of the public meeting.

H. ADMINISTRATION AND ENFORCEMENT

1. Violations and Penalties. Violation of these provisions, prohibitions, and installation restrictions by any private individual, land owner, builder, remodeler, contractor, licensed electrician, licensed plumber, septic tank dealer or installer, mobile or manufactured home dealer or mover, or developer; or installation and delivery of any utility services by a public or private utility to any property which holds a septic tank system installed against these prohibitions and restrictions, shall be a violation of this Ordinance.

Any person violating, neglecting, or refusing to comply with any provision of this Ordinance shall, upon conviction, be guilty of a misdemeanor and shall be subject to such penalties as are provided by law. The Wilkinson County Board of Commissioners may take other actions or remedies as available at law to ensure compliance with or to prevent violation of provisions of this Ordinance.

2. Court of Jurisdiction. The court of original jurisdiction for and enforcement of this Ordinance shall be the Magistrate Court of Wilkinson County.
3. Legal Status Provisions. Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, for any reason, such declaration shall not affect the Ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.
4. Conflicting Ordinances. Whenever the provision of this Ordinance and those of some other ordinance or statute apply to the same subject matter, that ordinance requiring the

highest, or more strict, standard shall govern. All other ordinances and parts of ordinances in conflict with this Ordinance, to the extent of such conflict and not further, are hereby repealed to the extent necessary to give this Ordinance full force and effect.

5. **Effective Date.** This Ordinance shall take effect and be in force on the date that is enacted and ordained by the Wilkinson County Board of Commissioners, Georgia.
6. **Enforcement of Article.** The County Environmental Health Officer as appointed or employed by the Wilkinson County Board of Health shall be responsible for the environmental health duties of the County Board of Health.
7. **Permit required.** Prior to the construction of any house or building, alteration or addition, from which sewage must be disposed of by means of a septic tank or alternative system in the County and/or prior to the location or relocation of any mobile home in the County, an onsite sewage management permit must be obtained from the County Health Department.
8. **Application for permit.** The application for the permit shall be filed with the Health Department and disclose the following information:
 - a. The name and address of the applicant.
 - b. The address of the location of the building that is to be constructed, the address of the building being repaired, or the location and address of the mobile home being located or relocated upon the land in the County.
 - c. The number of bedrooms in residential structures or the anticipated water usage for commercial structures.
9. **Evaluation of sites and issuance of onsite sewage management permits.** It shall be the duty of the County Health Department Environmental Health Officer to evaluate and issue an onsite sewage management permit for those sites that comply with the County Board Of Health's rules and regulations for onsite sewage management systems. Any cost of such permit shall be set by the County Board of Health. It shall be the duty of the sewage disposal system contractor or property owner, if no contractor is used, to, prior to the commencement of construction, request evaluation by the Environmental Health Officer to determine if the septic tank system complies with the rules and regulations for Onsite Sewage Management Systems, as promulgated by the County Health Department.
10. **Permit, decal required prior to location or relocation of mobile homes.** It shall be unlawful for any mobile home dealer or mover to locate or relocate a mobile home on any land in the unincorporated areas of this County until the owner of the home has received a permit for onsite sewage management system, obtained a decal from the tax commissioner, and had the decal affixed to such mobile home.
11. **Failure to obtain permit for sales of less than three acres; penalty.** Any person that desires to sell property that is less than three acres, and such property is advertised or stated in

any manner to a potential buyer to be a lot suitable for construction of a residential unit, must obtain an onsite sewage management permit or subdivision approval from the County Health Department prior to the sale. Violators of this section shall be punished, upon conviction, as provided in the following section.

12. Prosecution of violators; suspension of sentence; appeals.
 - a. Violators of any part of this Ordinance shall be prosecuted in the Magistrate Court without a jury upon the sworn affidavit of the County Environmental Health Officer that a violation has occurred.
 - b. The maximum punishment which may be imposed by the Magistrate Court for each offense is a sentence of six months and the maximum fine for each offense shall be five hundred dollars. No one may be sentenced to incarceration for period of more than sixty days for a single offense.
 - c. The Magistrate Court may suspend any fine or sentence upon the signing of an affidavit by the County environmental officer that satisfactory compliance with this article has been obtained.
 - d. Appeals from the decision of the Magistrate Court shall be to the Superior Court, and shall constitute a de novo action.