

**CITY OF RINGGOLD
STATE OF GEORGIA**

ORDINANCE NO. 2021 – 0222-01

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF RINGGOLD, GEORGIA BY AMENDING CHAPTER 38 CAPTIONED “SOIL EROSION, SEDIMENTATION AND POLLUTION CONTROL” BY STRIKING, DELETING AND REPEALING SECTION 38-174(b)(6) IN ITS ENTIRETY AND SUBSTITUTING IN LIEU THEREOF A NEW SECTION 38-174(b)(6), AND BY THE ADDITION OF A NEW SECTION 38-176(e) CAPTIONED “ADMINISTRATIVE PENALTIES”; TO PROVIDE FOR SEVERABILITY; TO PROVIDE AN EFFECTIVE DATE; TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.

WHEREAS, the duly elected governing authority of the City of Ringgold, Georgia is authorized under Article IX, Section II, Paragraph III of the Constitution of the State of Georgia to adopt reasonable ordinances to protect and improve the public health, safety, welfare, and aesthetics of the citizens of the City of Ringgold, Georgia; and

WHEREAS, the duly elected governing authority of the City of Ringgold, Georgia is the Mayor and Council thereof;

NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF RINGGOLD, GEORGIA AS FOLLOWS:

Section 1.

The Code of Ordinances of the City of Ringgold, Georgia is hereby amended by amending Chapter 38 captioned “Soil Erosion, Sedimentation and Pollution Control” by striking, deleting and repealing Section 38-174(b)(6) in its entirety and substituting in lieu thereof a new Section 38-174(b)(6) which shall read as follows:

38-174(b)(6).

The local issuing authority may require the permit applicant to post a bond or irrevocable letter of credit, or any combination thereof, acceptable to the issuing authority prior to the issuance of the permit. The amount of the bond or irrevocable letter of credit, or combination thereof, shall be \$3,000.00 per disturbed acre or fraction thereof of the proposed land disturbing activity, except that in the event the city manager determines that special circumstances exist such as would warrant a need for additional protection, the city manager shall have the discretion to increase the bond amount up to a total of \$5,000.00 per disturbed acre or fraction thereof. If the applicant does not comply with this ordinance or with the conditions of the permit after issuance, the local issuing authority may call the bond, the irrevocable letter of credit, or any part or combination thereof to be forfeited and

may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance.

Section 2.

The Code of Ordinances of the City of Ringgold, Georgia is hereby amended by amending Chapter 38 captioned “Soil Erosion, Sedimentation and Pollution Control” by the addition of a new section 38-176(e) captioned “Administrative Penalties” which shall read as follows:

38-176(e).

Administrative Penalties. Any issuance of a stop work order shall be accompanied by administrative fines of up to \$1,000.00 per day per violation until such time as all issues of non-compliance that constitute a violation are brought into compliance and a site inspection has been conducted by the City. Any administrative fine assessed under this paragraph may be appealed in accord with Section Sec. 38-178(a). In lieu of a \$1,000.00 per day administrative fine, a Magistrate Court citation may be issued with fines up to \$2,500.00 per day as outlined in subsection (d) above.

The following penalties shall apply to land-disturbing activities performed in violation of any provision of this ordinance, any rules and regulations adopted pursuant hereto, or any permit condition or limitation established pursuant to this ordinance, or any activities performed in violation of the state general permits.

- (1) There shall be a minimum penalty of \$250.00 per day for each violation involving land-disturbing activities involving the construction of a single-family dwelling. There shall be a minimum penalty of \$1,000.00 per day for each violation involving land-disturbing activities involving the construction of any structure other than a single-family dwelling.
- (2) There shall be a minimum penalty of \$1,000.00 per day for each violation involving impacts to the applicable state waters buffer.

Section 3.

All ordinances and parts of ordinances in conflict with this ordinance are repealed.

Section 4.

It is hereby declared to be the intention of the Mayor and Council of the City of Ringgold that the section, paragraphs, sentences, clauses and phrases of this Ordinance are severable and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional or otherwise invalid by a court of competent jurisdiction such unconstitutionality

or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance.

Section 5.

The adoption date of this Ordinance shall be February 22, 2021. The effective date of this Ordinance shall be its adoption date

SO ORDAINED, this 22nd day of February 2021.

CITY OF RINGGOLD, GEORGIA

NICK MILLWOOD, MAYOR

ATTEST:

CITY CLERK