

Senate Bill 483

By: Senators Kemp of the 46th and Zamarripa of the 36th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 7 of Title 12 of the Official Code of Georgia Annotated, relating to
2 control of soil erosion and sedimentation, so as to provide for certain buffers along the banks
3 of all state waters; to provide for related matters; to provide an effective date; to repeal
4 conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Chapter 7 of Title 12 of the Official Code of Georgia Annotated, relating to control of soil
8 erosion and sedimentation, is amended by striking the word "and" at end of paragraph (15)
9 of subsection (b) of Code Section 12-7-6, relating to minimum requirements for rules,
10 regulations, ordinances, or resolutions, and inserting a new paragraph (15.1) to read as
11 follows:

12 "(15.1) In addition to the buffers established under paragraph (15) of this subsection,
13 there is established an additional 25 foot buffer measured horizontally from the buffers
14 established under paragraph (15) of this subsection. The establishment of such buffers
15 shall not affect the density of the development of such land provided under the zoning
16 classification, if any, established by the political subdivision in which such land is
17 located. With the exception of agricultural uses and timber harvesting and management,
18 no land-disturbing activities shall be conducted within such additional buffer and the
19 buffer shall remain in its natural, undisturbed state of vegetation until all land-disturbing
20 activities on the construction site are completed. Once the final stabilization of the site
21 is achieved, a buffer may be thinned or trimmed of vegetation so long as a protective
22 vegetative cover remains to protect water quality and aquatic habitat; provided, however,
23 that any person constructing a single-family residence, when such residence is
24 constructed by or under contract with the owner for his or her own occupancy, may thin
25 or trim vegetation in a buffer at any time so long as protective vegetative cover remains
26 to protect water quality and aquatic habitat. The buffer shall not apply to the following

1 land-disturbing activities, provided that they occur at an angle, as measured from the
 2 point of crossing, within 25 degrees of perpendicular to the stream; cause a width of
 3 disturbance of not more than 50 feet within the buffer, and adequate erosion control
 4 measures are incorporated into the project plans and specifications and are implemented:

5 (A) Stream crossings for water lines; or

6 (B) Stream crossings for sewer lines; and"

7 SECTION 2.

8 Said chapter is further amended by striking paragraph (4) of subsection (a) of Code Section
 9 12-7-17, relating to exceptions, and inserting in lieu thereof a new paragraph (4) to read as
 10 follows:

11 "(4) The construction of single-family residences, when such construction disturbs less
 12 than one acre and is not a part of a larger common plan of development or sale with a
 13 planned disturbance of equal to or greater than one acre and not otherwise exempted
 14 under this paragraph; provided, however, that construction of any such residence shall
 15 conform to the minimum requirements as set forth in subsection (b) of Code Section
 16 12-7-6 and this paragraph. For single-family residence construction covered by the
 17 provisions of this paragraph, there shall be a buffer zone between the residence and any
 18 state waters classified as trout streams pursuant to Article 2 of Chapter 5 of this title. In
 19 any such buffer zone, no land-disturbing activity shall be constructed between the
 20 residence and the point where vegetation has been wrested by normal stream flow or
 21 wave action from the banks of the trout waters. For primary trout waters, the buffer zone
 22 shall be at least 50 horizontal feet, and no variance to a smaller buffer shall be granted.
 23 For secondary trout waters, the buffer zone shall be at least 50 horizontal feet, but the
 24 director may grant variances to no less than 25 feet. ~~Regardless of whether a trout stream~~
 25 ~~is primary or secondary, for first order trout waters, which are streams into which no~~
 26 ~~other streams flow except for springs, the buffer shall be at least 25 horizontal feet, and~~
 27 ~~no variance to a smaller buffer shall be granted.~~ The minimum requirements of
 28 subsection (b) of Code Section 12-7-6 and the buffer zones provided by this paragraph
 29 shall be enforced by the issuing authority;".

30 SECTION 3.

31 This Act shall become effective upon its approval by the Governor or upon its becoming law
 32 without such approval.

33 SECTION 4.

34 All laws and parts of laws in conflict with this Act are repealed.