

Recertification Notice of Intent (NOI)

Regulated Small Municipal Separate Storm Sewer Systems (MS4's) General Permit ARR040000

You must **complete, certify, and sign this Recertification Notice of Intent (NOI) form** and return it along with the **updated Stormwater Management Program (SWMP)** to the Department in order to continue permit coverage under the General Permit ARR040000. You must submit this form **no later than July 1, 2019.** Please keep a copy of this form for your records once completed and signed.

Permittee Name	Permit Tracking Number	AFIN
Garland County	ARR040014	88-00840

If any changes or additions need to be made to the information shown below, please update the new information in the corrections section below and/or attach documentation.

	Current Information in ADEQ's database	Corrections/Additions, If Needed
Small MS4 Physical Address	501 Ouachita, Room 210	
County	Garland	
Urbanized/Core Areas	Hot Springs	
Receiving Stream	Various, See file.	
Ultimate Receiving Stream	Ouachita River	
Contact Person & Title	Shelly Tucker, Environmental Inspections Manager 501-609-9067	
Telephone Number	(501) 622-3600	
Cognizant Official & Title	Rick Davis, Garland County Judge	Darryl Mahoney, County Judge
Responsible Official & Title	Rick Davis, Garland County Judge	Darryl Mahoney, County Judge

Are the mailing and invoice addresses the same?

☒ Yes or No*

*If "No," please provide invoice address:

Additional Comments: _____

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

I certify that I have read and will comply with all the requirements of the Regulated Small Municipal Separate Storm Sewer Systems (MS4's) General Permit ARR040000.

Responsible Official Name: Darryl Mahoney
Responsible Official Title: County Judge
Responsible Official Signature: [Signature]
Date: 2/2/19

Return the NOI form to the address below or send it electronically to: water.permit.application@adeq.state.ar.us or via ePortal at the following web address: <https://eportal.adeq.state.ar.us/>

NPDES Permits Section, Office of Water Quality
Arkansas Department of Environmental Quality
5301 Northshore Drive
North Little Rock, AR 72118-5317

Garland COUNTY STORMWATER MANAGEMENT PROGRAM

Permit ARR 040014

2020 thru 2024

Written November 2009
Updated January 2019

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STORMWATER MANAGEMENT PROGRAM (SWMP)

ADEQ Permit Number ARR040014

Goals

The goals of Garland County's Stormwater Management Program (SWMP) are to 1) reduce the discharge of pollutants from the MS4, 2) satisfy the appropriate water quality requirements of the Arkansas Department of Environmental Quality and the Clean Water Act and 3) To protect and maintain our community's environmental health by creating a clean and safe place to live, work, and visit; thereby ensuring a sustainable future for Garland County residents.

Term of SWMP

The SWMP shall cover the term of the permit, reviewed annually, and updated as necessary.

Implementation

Implementation of the revised and updated SWMP may be achieved through participation with other permittees, public agencies or private entities in corporative efforts to satisfy the requirements.

SWMP Resources

Garland County shall provide finances, staff, equipment, and support capabilities to implement their activities under the SWMP. However, due to limited assets and funding the county, at times, may not be able to fully meet all the annual goals set forth in this program due to unforeseen issues and budget restraints.

Table of Organization

Cognizant/Responsible Official

Daryl Mahoney, Garland County Judge
501 Ouachita Ave Room 210
Hot Springs, Arkansas 71901
dmahoney@garlandcounty.org
(501)622-3600

Environmental Inspections Manager

Shelly Tucker
501 Ouachita Ave Room
Hot Springs Arkansas 71901
shellyw@garlandcounty.org
(501)609-9067

Supporting Departments

County Judge and Quorum Court

The County Judge and Garland County Quorum Court approve ordinances, make changes to ordinances, contracts, fees and annual budgets.

Garland County Environmental Services

The Environmental Service Department works in conjunction daily in every aspect of county's Environmental Inspections Divisions programs. The Assistance Director is contact for all contractors for solid waste dumpsters for construction sites, for bulky waste pickups, for sanitation scheduling, and set up new services. This is the department that funds our program.

Garland County Road Department

The Road Department works to sweep the streets, clean and maintain roadside ditches, and clean inlets, they implements construction BMPs for road and bridge construction when needed. Also they help with spills in an emergency situation, bringing sand or other material until a cleanup crew can get to the location.

Garland County Office of Emergency Services

The OES is the first contacted for any emergency or disaster in our county. They dispatch our department if the situation has anything to do with an environmental issue.

County Volunteer Fire Departments

Spill prevention and response is a requirement in Garland County's MS4 permit ARR040014. The county's Volunteer Fire Departments all play a huge role in this part of our program. Most all of the responding vehicles have some sort of hazmat spill material on them. Our office is still notify and we also respond. Each of our trucks (4) are equip with a large quantity of hazmat spill materials.

Public Outreach and Education

Permit Requirements

Regulation 40 CFR 122.34(b)(1): "The permittee must implement a public education program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of stormwater discharges on water bodies and the steps that the public can take to reduce pollutants in stormwater runoff."

Responsible Party

The County Judge has appointed the Garland County Environmental Inspections Division to be responsible for the development and implementation of the public outreach and education efforts for Garland County MS4's Program.

Public Education (1)

Develop and distribute electronic and printed educational materials

Topics that have been identified will be developed, adapted, and/or gathered for distribution at public meetings, in support of presentations, and with educational displays. Examples may include fact sheets, pamphlets, website content, newsletters, press releases, and PSAs.

Measureable Goals:

- A minimum of 5 different topics for educational materials developed.

Public Education (2)

Conducting educational classes/programs

Educational presentations using video training material, targeting county employees or businesses that day to day work activities have potential to impact stormwater quality.

Measureable Goal:

- All new county employees will have knowledge of Stormwater program.
- Owners/Contractors responsible for construction to have knowledge of the Stormwater program.

Public Education (3)

Develop and distribute information to mass adult audience

An insert is printed on the county's solid waste bill which reaches over 50% of the population. eBlast are used on the county's webpage, we also use our sheriff's office Facebook page and Nixle for any information that needs to be gotten to the public immediately.

Measureable Goal:

- To reach 50% of the adult Public.
- To immediately reach the public when necessary.

Public Education (4)

Create displays and staff educational booth

Displays highlighting the annual topics of emphasis will be created and set up/staffed at Trash Bash, libraries, schools, local festivals, county fairs, etc.

Measureable Goal:

- Stormwater displays will be used at events.
- Maintain and update material as needed.

Performance Standard

Stormwater outreach/education programs will reach more than 50% of the urbanized area population.

2020	2021	2022	2023	2024
(1) Develop and distribute educational material.	(1) Develop and distribute educational material.	(1) Develop and distribute educational material.	(1) Develop and distribute educational material.	(1) Develop and distribute educational material.
(2) Conduct classes for new employees on Stormwater program.	(2) Conduct classes for new employees on Stormwater program.	(2) Conduct classes for new employees on Stormwater program.	(2) Conduct classes for new employees on Stormwater program.	(2) Conduct classes for new employees on Stormwater program.
(3) Information to mass Adult audience through website, social media, bill inserts, etc	(3) Information to mass Adult audience through website, social media, bill inserts, etc	(3) Information to mass Adult audience through website, social media, bill inserts, etc	(3) Information to mass Adult audience through website, social media, bill inserts, etc	(3) Information to mass Adult audience through website, social media, bill inserts, etc
(4) Update displays and educational booths material that highlight Stormwater program and topics.	(4) Update displays and educational booths material that highlight Stormwater program and topics.	(4) Update displays and educational booths material that highlight Stormwater program and topics.	(4) Update displays and educational booths material that highlight Stormwater program and topics.	(4) Update displays and educational booths material that highlight Stormwater program and topics.

Public Involvement/Participation

Permit Requirements

The permittee must, at a minimum, comply with State and local public notice requirements when implementing a public involvement/participation program.

Responsible Parties

The County Judge has appointed the Garland County Environmental Inspections Division to be responsible for the development and implementation of the public involvement and participation efforts for Garland County MS4's Program.

Public Participation (1)

Engage Residents in Stormwater Policy Development through media

Public service announcements through media outlets concerning meetings and activities on County's Stormwater program.

Measureable Goals:

- Using several different forms of media to announce of upcoming public events, such as Trash Bash, E-day, Spring Fling, Trash for C\$sh.
- PSA for emergencies within the county, reaching as many as soon as possible.

Public Participation (2)

Conduct public meetings/hearings

Public Notice Meetings are hold each month by our Quorum Court. Any person wanted to speak at those meetings are allowed. There is also a monthly Environmental Services Committee that meets. Those meetings are listed on our county website and are open to the public. Many topics are discussed, from how to improve or issues that we are having currently and how to resolve.

Measureable Goal:

- Encourage all Garland County citizens to attend the Public Notice Meetings
- Post dates and times of meetings on county's website.

Public Participation (3)

Public Participation Event

Help coordinate several public events, such as Trash Bash, Trash for Ca\$h. We also participate in Spring Fling, Haz Waste Dump Day (x2), E-Day. We also participate in the annual Leadership Hot Springs event.

Measureable Goal:

- Help coordinate and participate in public events.

Performance Standard

Public participation and involvement activities will be conducted, targeting as many age group as possible.

2020	2021	2022	2023	2024
(1) Public Service Announcements through media for upcoming events	(1) Public Service Announcements through media for upcoming events	(1) Public Service Announcements through media for upcoming events	(1) Public Service Announcements through media for upcoming events	(1) Public Service Announcements through media for upcoming events
(2) Public Meeting Posted on website.	(2) Public Meeting Posted on website.	(2) Public Meeting Posted on website.	(2) Public Meeting Posted on website.	(2) Public Meeting Posted on website.
(3) Help organize and participate in Trash Bash, Ca\$h for Trash, Spring Fling, HazWaste Day, etc	(3) Help organize and participate in Trash Bash, Ca\$h for Trash, Spring Fling, HazWaste Day, etc	(3) Help organize and participate in Trash Bash, Ca\$h for Trash, Spring Fling, HazWaste Day, etc	(3) Help organize and participate in Trash Bash, Ca\$h for Trash, Spring Fling, HazWaste Day, etc	(3) Help organize and participate in Trash Bash, Ca\$h for Trash, Spring Fling, HazWaste Day, etc

Illicit Discharge Detection and Elimination (IDDE)

Permit Requirements

The permittee shall develop, implement, and enforce a program to detect and eliminate illicit discharges into the small MS4.

Responsible Parties

The County Judge has appointed the Garland County Environmental Inspections Division to be responsible for the development and implementation of the illicit discharge detection and elimination efforts for Garland County MS4's Program

Illicit Discharge Detection and Elimination (1)

Maintenance of a Garland County Stormwater Ordinance

Garland County Quorum Court passed the Stormwater Ordinance in April 2006. In May 2014 some minor revisions were passed and a Drainage Ordinance was also adopted to work in conjunction with the Stormwater Ordinance. IDDE is defined within our Stormwater Ordinance.

Measureable Goals

- The Ordinance will be reviewed periodically and updated as necessary.

Illicit Discharge Detection and Elimination (2)

Maintenance of a Storm Sewer Map for Garland County

Garland County completed a map of the storm sewer features in the urbanized, unincorporated areas of the county. As new development occurs in the MS4 area, the Inspection Division along with a contracted shoreline mapping company, will work together to incorporate newly developed stormwater features into the existing map. The County uses ArcGIS for mapping.

Measureable Goals

- Maps will be reviewed at least annually to ensure they are current.

Illicit Discharge Detection and Elimination (3)

Illicit Discharge Reporting, Response, and Enforcement System

Garland County currently enforces an illegal dump/burning, solid waste, and stormwater ordinance. We maintain a website about this program and encourage the public to notify us of potential environmental problems. Garland County has had a very effective program for investigating, inspecting, enforcing and eliminating illicit discharges in our MS4. Within 48 hours of a complaint received or discovery of illicit discharge, an investigation is initiated. Depending on the severity, action of: post stop work order, require permits if un-permitted, issuing citation, or refer to additional agencies for enforcement, for the site in question. Immediate action is required by violator, follow up by the Inspection Division could be daily until site is in compliance.

Garland County Environmental Inspections along with our Volunteer Fire Departments and Department of Emergency Services respond to and contain hazardous materials incidents that have a potential to pollute the County's MS4.

Septic issues are investigated by and enforced by the Arkansas Department of Health- Garland County Unit and Garland County Environmental Inspections.

Measureable Goals

- Illegal Dumping/Burring, Solid Waste, junkyard, and stormwater complaints will be documented
- The Environmental Inspections Division will investigate concerns and work to resolve issues
- Hazardous materials incidents will be addressed by the Garland County Environmental Inspections Division.

Illicit Discharge Detection and Elimination (4)

Detect and Eliminate Illicit Discharges

Garland County Environmental Inspections Division will conduct dry weather screening of all outfalls in the MS4 area. This program establishes priorities and schedules for screening the entire MS4 at least once during the permit term. Priority will be based on density of development, age of development, sensitivity of the receiving water; and/or other relevant factors.

If illicit discharges are detected, Garland County will work to determine the source of the pollutant. Once the source is identified, the offending discharger will be notified and directed to correct the problem as expeditiously as reasonably possible. Where the elimination of an illicit discharge within ten (10) days is not possible, Garland shall require the operator of the illicit discharge to take all reasonable measures to minimize the discharge of pollutants to the MS4.

Measureable Goals

- Conduct dry weather screenings of outfalls in the MS4 area within the permitted period.
- Schedule of outfall screening will be conducted within the permitted period,
- Eliminate any illicit discharges detected as needed.

Illicit Discharge Detection and Elimination (5)

Monitor excessive Non-Stormwater discharges

Garland County Environmental Inspections Division coordinates with other agencies such as the Department of Emergency Management, the Garland County Road Department, the County Volunteer Fire Departments, the Garland County Environmental Services Department etc, to monitor the possible types of “allowable non-Stormwater discharges” that may be relevant to their entity’s activities.

Measureable Goals

- Education of County Employees and volunteer.

Performance Standard

The stormwater illicit discharge detection and elimination program encompasses a large range and extents into so many different areas within the MS4. Maintain our map is a very important part, dry weather screening of outfalls, etc. Monitor and enforcing our ordinances to prevent any/all runoff into the MS4. Early detection is key and that requires all departments within our county, working together.

2020	2021	2022	2023	2024
(1) Review and Update as necessary.	(1) Review and Update as necessary.	(1) Review and Update as necessary.	(1) Review and Update as necessary.	(1) Review and Update as necessary.
(2) Maintain Stormwater map and update when necessary.	(2) Maintain Stormwater map and update when necessary.	(2) Maintain Stormwater map and update when necessary.	(2) Maintain Stormwater map and update when necessary.	(2) Maintain Stormwater map and update when necessary.
(3) Investigate concern/complaints. Take corrective action.	(3) Investigate concern/complaints. Take corrective action.	(3) Investigate concern/complaints. Take corrective	(3) Investigate concern/complaints. Take corrective action.	(3) Investigate concern/complaints. Take corrective action.
(4) Establish priority areas for outfalls. Establish priority areas for dry weather screenings.	(4) Establish priority areas for outfalls. Establish priority areas for dry weather screenings.	(4) Establish priority areas for outfalls. Establish priority areas for dry weather	(4) Establish priority areas for outfalls. Establish priority areas for dry weather screenings.	(4) Establish priority areas for outfalls. Establish priority areas for dry weather screenings.
(5) Conduct educational programs. Take corrective action as needed.	(5) Conduct educational programs. Take corrective action as needed.	(5) Conduct educational programs. Take corrective action as needed.	(5) Conduct educational programs. Take corrective action as needed.	(5) Conduct educational programs. Take corrective action as needed.

Construction Site Stormwater Runoff Control

Permit Requirements

Garland County is required, at a minimum, to develop, implement, and enforce a program to reduce pollutants in any stormwater runoff to the small MS4 from construction activities that result in land disturbance of greater than or equal to one (1) acre or less than (1) one acre if that construction activity is part of a larger common plan of development (Subdivision). Garland County Stormwater Ordinance requires these this and also any site, regardless of size, that as the potential to pollute and all commercial sites to submit a plan for review and be permitted with our county. Any development that is larger than 5 acres must first obtain an ADEQ permit, then also be permitted through Garland County.

Responsible Parties

The County Judge has appointed the Garland County Environmental Inspections Division to be responsible for the development and implementation of the Construction Site Stormwater Runoff Control efforts for Garland County MS4's Program

Stormwater Runoff Controls (1)

Maintenance of Garland County's Ordinance addressing Construction Site Stormwater Runoff

Garland County Quorum Court passed the Stormwater Ordinance in April 2006. In May 2014 some minor revisions were passed and a Drainage Ordinance was also adopted to work in conjunction with the Stormwater Ordinance.

Measureable Goals

- The ordinance will be reviewed and updated as necessary.

Stormwater Runoff Controls (2)

Pre-Construction Site Plan Review by Garland County Environment Inspections

All development plans are submitted to the Garland County Environmental Inspections Division for review and approval. Below list includes the following steps in which applicants are required prior to permitting:

- Addressing of property site-Garland County Department of Emergency Management
- Floodplain compliance-Garland County Floodplain Management
- Approved for water/sewage-Garland County Health Department or City of Hot Springs
- Trash Service-Garland County Environmental Services
- Fire Protection-Volunteer Fire Department for the area the property is in.

After the list is completed, the plan is reviewed and approved once adequate Sediment and Erosion Controls methods and other aspects of the plan are validated.

Measureable Goals

- The number of permitted sites in Garland County will be documented.
- Monitor the process and revise if necessary.

Stormwater Runoff Controls (3)

Inspection of Construction Sites & Enforcement of Ordinance

Garland County Environmental Inspection Division will inspect active construction sites with Garland County Stormwater Permits on a monthly basis. These sites will be inspected to ensure they are following their Stormwater Pollution Prevention Plan as required. If a site is not being maintained or not in compliance, a Non-Compliance fee can be issued and if the site remains out of compliance a stop work order is issued for site until corrections are made and compliance is gained.

Measureable Goals

- On a monthly basis, all active construction sites with a permit from Garland County will be inspected to verify that site are in compliance.
- The Environmental Inspection Division will investigate any concerns from the public and alleviate stormwater violations.
- The Environmental Inspection Division will document the number of stormwater concerns reported by the public or discovered during inspections.
- The Environmental Inspection Division will document the number of concerns requiring enforcement action.

Performance Standard

The construction site stormwater control program shall include pre-construction site plan reviews of 100% of projects from construction activities that result in a land disturbance of greater than or equal to one (1) acre or any size if part of a larger common plan (subdivision) and any size of commercial. These sites will be inspected on a monthly basis to ensure compliance.

2020	2021	2022	2023	2024
(1) Review and update as necessary.	(1) Review and update as necessary.	(1) Review and update as necessary.	(1) Review and update as necessary.	(1) Review and update as necessary.
(2) Monitor process, review, issue and document # of permits.	(2) Monitor process, review, issue and document # of permits.	(2) Monitor process, review, issue and document # of permits.	(2) Monitor process, review, issue and document # of permits.	(2) Monitor process, review, issue and document # of permits.
(3) Monitor by monthly inspections each permitted site. Take corrective action as needed.	(3) Monitor by monthly inspections each permitted site. Take corrective action as needed.	(3) Monitor by monthly inspections each permitted site. Take corrective action as needed.	(3) Monitor by monthly inspections each permitted site. Take corrective action as needed.	(3) Monitor by monthly inspections each permitted site. Take corrective action as needed.

Post-Construction Stormwater Management

Permit Requirements

Garland County is required, at a minimum, to develop, implement, and enforce a program to reduce pollutants in post-construction runoff to their MS4 from new development and redevelopment projects that result in land disturbance of greater than or equal to one (1) acre.

Responsible Parties

The County Judge has appointed the Garland County Environmental Inspections Division to be responsible for the development and implementation of the Post-Construction Stormwater Management efforts for Garland County MS4's Program.

Post-Construction (1)

Maintenance of Garland County's Ordinance addressing Post-Construction Stormwater Management

Garland County Quorum Court passed the Stormwater Ordinance in April 2006. In May 2014 some minor revisions were passed and a Drainage Ordinance was also adopted to work in conjunction with the Stormwater Ordinance.

Measureable Goals

- The ordinance will be reviewed and updated as necessary.

Post-Construction (2)

Best Management Practices (BMP) Manual for Garland County

A BMP Manual has been written for Garland County, specific to the conditions and needs for the area.

This manual addresses:

- Construction Planning & Sequencing
- Construction Entrance
- Various Erosion Controls
- Various Sediment Controls
- Vegetation & Erosion Control Mats

Post-Construction (3)

Construction Site Inspections

All large scale development plans, subdivision plans, lot splits, and conditional use permits are submitted to the Garland County Environmental Inspections for review and approval. Review of the project includes the following points which pertain to water quality: location in the urbanized area, floodplain compliance, proper sanitation needs, and water drainage. Before a construction site stormwater permit can be closed, Garland County will inspect the site to ensure that controls are installed as required.

- Authorized by County Ordinance #0-14-33

Measureable Goals

- 100 percent of sites requiring a SWPPP will be inspected to ensure controls have been installed as required
- The number of applicable sites in Garland County's jurisdiction requiring post-construction controls will be documented
- The number of long-term operation and maintenance (O&M) plans developed will be documented.

Performance Standards

The post-construction program shall include pre-construction site plan review of 100 percent of projects from construction activities that result in a land disturbance of greater than or equal to one acre to ensure that required controls are designed per requirements. Applicable sites shall be inspected to ensure that controls are installed per requirements. Long-term operation and maintenance of stormwater controls is the responsibility of the property owner.

2020	2021	2022	2023	2024
(1) Review annually. Update as necessary.	(1) Review annually. Update as necessary.	(1) Review annually. Update as necessary.	(1) Review annually. Update as necessary.	(1) Review annually. Update as necessary.
(2) Review BMP manual annually and update if needed.	(2) Review BMP manual annually and update if needed.	(2) Review BMP manual annually and update if needed.	(2) Review BMP manual annually and update if needed.	(2) Review BMP manual annually and update if needed.
(3) Review sites to ensure proper installment of BMPs	(3) Review sites to ensure proper installment of BMPs	(3) Review sites to ensure proper installment of BMPs	(3) Review sites to ensure proper installment of BMPs	(3) Review sites to ensure proper installment of BMPs
(4) Document # of sites with long-term O&M plans.	(4) Document # of sites with long-term O&M plans.	(4) Document # of sites with long-term O&M plans.	(4) Document # of sites with long-term O&M plans.	(4) Document # of sites with long-term O&M plans.

Pollution Prevention/ Good Housekeeping for Municipal Operations

Permit Requirements

Garland County is required, at a minimum, to develop and implement an operation and maintenance program that includes a training component for employees and has the ultimate goal of preventing or reducing pollutant runoff from municipal operations.

Responsible Parties

The County Judge has appointed the Garland County Environmental Inspections Division to be responsible for the development and implementation of Pollution Prevention/Good Housekeeping for Municipal Operations efforts for Garland County MS4's Program.

Pollution Prevention/Good Housekeeping (1)

Train MS4 Employees

MS4 employees will be equipped with a knowledge and understanding of how to reduce the potential impact of their municipal operations activities on stormwater quality. Training will focus on control measures used during new construction and land disturbances and fleet and building maintenance.

Measureable Goal

- Each years newly hired MS4 employees will attend training programs and/or work alongside the Inspections Officers for training.

Pollution Prevention/Good Housekeeping (2)

Maintain a List of Industrial Facilities Owned or Operated by the MS4

Garland County owns and operates three (3) facility in the MS4 area that requires an Industrial Stormwater Permit. This is the Garland County Household Hazardous Waste Drop-off Facilities. The permit number are:

1. ARR10B950 Landfill Cedar Glades Stormwater permit ARG160084
2. ARR000598 Hwy 7 North - No-Exposure Exclusion permit.
3. ARR000599 Hwy 70 West - No-Exposure Exclusion permit.

Measureable Goal

- Conduct monthly inspections on County owned facilities within the MS4 that are not exempt.
- Maintain list of industrial facilities owned and operated by the MS4 which require an industrial permit.
- New hire MS4 employees will be trained on proper handling, storage, and spill prevention of hazardous waste.

Performance Standards

The pollution prevention/good housekeeping program will include annual new hire employee training and/or on-site hands on training. A monthly inspections will be performed at all county owned facilities to ensure compliance.

2020	2021	2022	2023	2024
(1) Conduct monthly inspections on county owned facilities within the MS4 that are not exempt.	(1) Conduct monthly inspections on county owned facilities within the MS4 that are not exempt.	(1) Conduct monthly inspections on county owned facilities within the MS4 that are not exempt.	(1) Conduct monthly inspections on county owned facilities within the MS4 that are not exempt.	(1) Conduct monthly inspections on county owned facilities within the MS4 that are not exempt.
(2) Conduct annual new hire MS4 employee training.	(2) Conduct annual new hire MS4 employee training.	(2) Conduct annual new hire MS4 employee training.	(2) Conduct annual new hire MS4 employee training.	(2) Conduct annual new hire MS4 employee training.
(3) Review and update as needed the list of industrial facilities owned by Garland County.	(3) Review and update as needed the list of industrial facilities owned by Garland County.	(3) Review and update as needed the list of industrial facilities owned by Garland County.	(3) Review and update as needed the list of industrial facilities owned by Garland County.	(3) Review and update as needed the list of industrial facilities owned by Garland County.

Legal Authority and SWMP Resources

Ordinances of Garland County (Both Attached)

- Stormwater and Drainage Ordinance GC #0-14-33
- Nuisance Property Ordinance GC #0-17-34
- Best Management Practices (BMP Manual was attached to original ordinance GC 0-06-15 filed in 2006)

Accessible Online at:

Stormwater/Drainage Ordinance

<https://garlandcounty.org/DocumentCenter/View/2870/Current-SW-Ordinance>

Nuisance Property Ordinance

<https://garlandcounty.org/DocumentCenter/View/730/Current-Nuisance-Property-Ordinance>

- Reg 22
https://www.adeg.state.ar.us/regs/files/reg22_final_080426.pdf
- Reg 18
https://www.adeg.state.ar.us/regs/files/reg18_final_160314.pdf

Garland County Rural Areas are an important resource that should be developed with care in order to retain their value and function. It is our mission to facilitate the development of these areas to benefit the County and its citizens.

Best Management Practices filed June 2006

<https://garlandcounty.org/DocumentCenter/View/2989/BestManagementPractices>

Stormwater and Drainage Ordinance GC 0-14-33

ORDINANCE NO. 0-14-33

BE IT ENACTED BY THE QUORUM COURT OF GARLAND COUNTY, STATE OF ARKANSAS, AN ORDINANCE TO BE ENTITLED:

"AN ORDINANCE TO REPEAL O-06-15, AND TO ADOPT THE REVISED STORMWATER MAINTENANCE EROSION AND SEDIMENT CONTROLS WITH SANCTIONS TO ENSURE COMPLIANCE; AND FOR OTHER PURPOSES."

WHEREAS, the previous ordinance adopted maintenance erosion and sediment controls for the purpose of protecting, maintaining and enhancing the environment of Garland County and the public health, welfare and safety of the citizens of the county, by controlling discharges of pollutants to the county's stormwater system and to maintain and improve the quality of the receiving waters into which the stormwater outfalls flow, including, without limitation, lakes, rivers, streams, ponds, wetlands, and groundwater of the county; and,

WHEREAS, all previous ordinances and/or amendments to ordinances (O-06-15) are hereby repealed and the revised Stormwater Maintenance Erosion and Sediment Controls with Sanctions to Ensure Compliance are attached and marked as Exhibit "A" and Exhibit "B", and incorporated herein as if set forth word for word, and are hereby approved; and,

WHEREAS, the Environmental Services Committee and the Public Works and Buildings Committee have previously met and approved the request to repeal O-06-15 and to adopt the revised Stormwater Maintenance Erosion and Sediment Controls with Sanctions to Ensure Compliance.

NOW, THEREFORE, BE IT ENACTED BY THE QUORUM COURT OF GARLAND COUNTY, ARKANSAS:

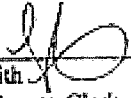
SECTION 1. That Ordinance-06-15 is hereby repealed and the Stormwater and Drainage Controls and Sanctions are attached and marked as Exhibit "A" and Exhibit "B" and incorporated herein as if set forth word for word, and hereby approved.

SECTION 2. SEVERABILITY. If any provisions of this Ordinance or the application thereto to any person or circumstances are held invalid, such invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provisions or applications, and to this end, the provisions of this Ordinance are declared to be severable.


SECTION 3. This Ordinance shall be codified in the Garland County Code of Ordinances and the sections may be re-numbered and re-lettered to accomplish such intention.

SECTION 4. This Ordinance being necessary to insure a timely billing and collection of fees and penalties, an emergency is hereby declared to exist and this ordinance shall be in force and take effect upon passage and publication.

ATTEST:



Sarah Smith
Garland County Clerk

APPROVED:



Rick Davis
Garland County Judge

DATE: 5-12-14

SPONSOR:


John P. Faulkner
Justice of the Peace

SPONSOR:


Matt McKel
Justice of the Peace

Attachment "A"

GARLAND COUNTY
STORMWATER & DRAINAGE ORDINANCE

Revised 02/17/2014

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GARLAND COUNTY
Stormwater & Drainage Ordinance

CHAPTER 1 - SCOPE

Scope

- 1) No storm drainage facility, whether an enclosed structure, pipe, open channel, or stream, shall be constructed, altered, extended, or reconstructed within a subdivision, planned development, or a developed area or within a public right-of-way, whether public ownership or easement, or discharging into or upon a public right-of-way of Garland County without first obtaining written approval of the County Judge and all such construction shall meet or exceed the requirements of these drainage specifications.
- 2) These specifications shall be used in association with the latest adopted codes and regulations relating to land development and subdivisions and streets and are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, or other provision of law except as provided herein. Where any provision of this ordinance imposes restrictions different from those imposed by any other provision of this ordinance or any other ordinance, rule or regulations or other provision of law, the provision which is more restrictive or imposes higher standards shall control.
- 3) Except as otherwise provided in the Garland County Master Road Plan and Specifications for driveway cross drain structures, all new storm drainage facilities shall comply with this Garland County Stormwater & Drainage Ordinance.

Interpretation and Severability

1) Interpretation

- a) In the interpretation and application of the provisions of this Ordinance, the requirements shall be held to the minimum requirements for the promotion of the public health, safety and general welfare.
- b) Whenever there is a conflict between any standard contained in this article, EPA regulations, and/or the ADEQ Stormwater regulations, the strictest standard shall prevail. The County may be required to adopt and enforce new regulations governing Stormwater issues as mandated by ADEQ. Since no ordinance can address every situation that may arise in the Stormwater program of the county, the quorum court hereby authorizes the County Judge, the Garland County Inspections Division (GCID), or his designated representative to implement reasonable and prudent policies affecting the Stormwater program and fees so long as the spirit and intent of the article affecting this Stormwater program remains intact. These changes to policies may reflect deficiencies, corrections, and clarifications of this article.

(Ord. No. 0-06-15, § 9, (Att. A) 4-10-06)

2) Severability

- a) If any section, clause, part, or provision of this Ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, part, or provision of this code.

Administration

- 1) Garland County shall administer this Stormwater & Drainage Ordinance. All applications shall be submitted to the County Judge or his designated representative for review and approval. Any action of the County Judge may be appealed to the Garland County Planning Committee. Any action of the Planning Committee may be appealed to the Quorum Court.
- 2) The County Judge may designate a representative (s) to act in his behalf with regard to implementation of this Ordinance.

CHAPTER 2 – STORMWATER ORDINANCE

Section 1 General Provisions/Purpose:

It is the purpose of this ordinance to:

- (a) Protect, maintain, and enhance the environment of the Garland County (GC) and the public health, safety and the general welfare of the citizens of the county, by controlling discharges of pollutants to the county's Stormwater system and to maintain and improve the quality of the receiving waters into which the Stormwater outfalls flow, including, without limitation, lakes, rivers, streams, ponds, wetlands, and groundwater of the county.
- (b) Enable GC to comply with the National Pollution Discharge Elimination System permit (NPDES) and applicable regulations for Stormwater discharges.
- (c) Allow GC to exercise the powers with respect to stormwater facilities, the power by ordinance or resolution to:
 - 1) Exercise general regulation over the planning, location, construction, and operation and maintenance of Stormwater facilities in the county, whether or not owned and operated by the county;
 - 2) Adopt any rules and regulations deemed necessary to accomplish the purposes of this statute, including the adoption of a system of fees for services;
 - 3) Establish standards to regulate the quantity of Stormwater discharged and to regulate Stormwater contaminants as may be necessary to protect water quality;
 - 4) Review and approve plans and plats for stormwater management in proposed new developments;
 - 5) Issue a county clearance for stormwater discharges, or for the construction, alteration, extension, or repair of Stormwater facilities;
 - 6) Suspend or revoke permits when it is determined that the permittee has violated any applicable ordinance, resolution, or condition of the NPDES permit;

Section 2 Exemptions

1. Any land disturbing activity less than one (1) acre and not affecting any lake or stream.
2. Any activity directly relating to the planting, growing, and harvesting of agriculture crops.
3. Land where timber extraction takes place, provided that it is to be reseeded as timberland.
4. Action taken under emergency conditions, either to prevent imminent harm or danger to persons, or to protect property from imminent danger of fire, violent storms or other hazards.

Section 3 Submittal Requirements

1. **Small Construction Site Sites with greater than one (1) but less than five (5) disturbed acres
OR Part of a Larger Common Plan regardless of size.**

GC requires all Small Construction sites to submit a Stormwater Pollution Prevention Plan (SWPPP) for review prior to construction to the Garland County Inspections Division. GCID will conduct on-site inspections of the permitted construction sites to ensure compliance with local, state, and federal regulations. The Arkansas Department of Environmental Quality (ADEQ) will be informed of all actual and potential violations as needed for assistance.

Site requirements:

- (a) Develop Stormwater Pollution Prevention Plan (SWPPP).
- (b) Submit the SWPPP to GCID prior to construction for review and issuance of GC Permit.
- (c) Post On-site (ADEQ) Stormwater Construction Notice.
- (d) Use Best Management Practices (BMPs) to reduce runoff.
- (e) Maintain SWPPP and rain gauge on-site and inspect Stormwater controls weekly and within 24 hours of all rain events $\geq 1/2$ inch or greater.
- (f) Remove all unnecessary BMPs after final stabilization.
- (g) All construction sites are required to have a solid waste dumpster located at the site to properly dispose of building materials and solid waste. The general contractor or property owner must contact the GC Landfill to be placed on the dumpster waiting list if a dumpster is currently not available.

2. **Medium and Large Construction Sites
Sites with greater than five (5) disturbed acres**

The Garland County Inspections Division and Arkansas Department of Environmental Quality (ADEQ) both require permitting for sites with greater than five (5) disturbed acres.

Garland County Inspections Division will assist ADEQ by:

- (a) Requiring and reviewing a copy of the ADEQ SWPPP and ADEQ Permit NOC (Notice of Coverage) for the County permit to be issued prior to construction.
- (b) Reporting all sites with greater than five (5) disturbed acres without the required permits to ADEQ.
- (c) The county will conduct on-site inspections for compliance and report potential violations to ADEQ for enforcement action.
- (d) All construction sites are required to have an adequate solid waste dumpster located at the site to

properly dispose of building materials and solid waste. The general contractor or property owner must contact the GC Landfill to be placed on the dumpster waiting list if a dumpster is currently not available.

3. Special Plan Submittal

- a) Any Sites with less than one (1) disturbed acre which has polluted or has the potential to pollute a water body or Stormwater Sewer System.
- b) All Commercial sites regardless of size.

Garland County requires these sites to submit a SWPPP for review, prior to construction, for permitting. Permits will be issued within (7) seven business day of SWPPP Submittal, pending any extenuating circumstances.

Section 4 Garland County SWPPP Permit Fees.

- 1) \$75.00 All Sites with greater than one (1) but less than five (5) disturbed acres or part of a larger common plan regardless of size and sites requiring special plan submittal.
- 2) \$100.00 All Sites with greater than five (5) but less than ten (10) disturbed acres.
- 3) \$200.00 All Sites with greater than ten (10) disturbed acres

Terms

- a) All Garland County Stormwater Permits are valid for one (1) year from the initial date of issuance. Projects lasting longer than one (1) year will require a Permit Renewal Fee (See Section 4 for Fees) of which is due within the first thirty (30) days of the permit anniversary date.
- b) An Inactive Permit may be requested if the project is expected to have an extended period of time of inactivity greater than one (1) year. Resumption of activity requires a Permit Renewal Fee regardless of the amount of time the site was inactive.
- c) There will be no "grandfather clause" regarding Permit Renewals for previously permitted sites.
- d) Failure to submit a SWPPP or Permit Renewal to the Garland County Inspections Division for review prior to the start of construction or continuance of construction may result in a triple fee penalty imposed for the review of the SWPPP.

Section 5 Post Construction

- 1. As-built plans. All applicants are required to submit an accurate as-built plan for any structures located on-site after final construction is completed.
- 2. Landscaping and stabilization requirements. Any area of land from which the natural vegetative cover has been either partially or wholly cleared by development activities shall be revegetated according to ADEQ stormwater standards and regulations.
- 3. Removal of all unnecessary Best Management Practices (BMPs). All unnecessary BMPs must be removed after soil stabilization and/or are no longer required to stabilize the site.
- 4. Inspection of stormwater management facilities. Periodic inspections of facilities shall be performed by the property owner or designated representative, as declared in writing.
- 5. Failure to meet or maintain design or maintenance standards. If a responsible party fails or refuses to meet the design or maintenance standards required for stormwater facilities under this ordinance, GC after 20 working days, may correct a violation of the design standards or maintenance needs by performing

all necessary work to place the facility in proper working condition. In the event that the stormwater management facility becomes a danger to public safety or public health, GC shall notify in writing the party responsible for maintenance of the stormwater management facility. Upon receipt of that notice, the responsible person shall have 10 working days to achieve maintenance and repair of the facility in an approved manner. In the event that corrective action is not undertaken within that time, GC may take necessary corrective action. The cost of any action by GC under this section shall be charged to the property owner in accordance with Section 8.4.

Section 6 Illicit discharges

1. Scope. This section shall apply to all water generated on developed or undeveloped land entering GC's separate storm sewer system.
2. Prohibition of illicit discharges.
 - (a) No person shall introduce or cause to be introduced into GC's storm sewer system any discharge that is not composed entirely of stormwater. The commencement, conduct or continuance of any non-stormwater discharge to GC's separate storm sewer system is prohibited.
 - (b) An exception shall be discharges that are found to be necessary by GCID to protect public health and safety.
3. Prohibition of illicit connections. The construction, use, maintenance or continued existence of illicit connections to the separate storm sewer system is prohibited.
4. Reduction of stormwater pollutants by the use of best management practices. Any owner of a property or premises, which is, or may be, the source of an illicit discharge, may be required to implement, at the owner's expense, the BMPs necessary to prevent the further discharge of pollutants to the separate storm sewer system.
5. Non-compliance inspection fee. A \$50.00 non-compliance inspection fee will be imposed for all sites that are in violation of this ordinance. In addition a \$50.00 fee will be imposed for each re-inspection conducted until the property is brought into compliance with this ordinance.

Section 7 Violations and Enforcement

1. Enforcement authority. Inspectors shall hereby be given authority and responsibility to enforce the provisions of this ordinance. If the Inspectors shall find that any of the provisions of this ordinance are being violated, they shall notify the person or persons responsible for such violations, indicating the nature of the violation, and order the action or actions necessary to correct the violation or violations. They shall issue a notice of non-compliance to discontinue any illegal work being done, or shall take any other corrective action authorized by this ordinance and /or applicable public law to ensure compliance with its provisions.
2. Violations. It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this ordinance. Any person who has violated or continues to violate the provisions of this ordinance may be subject to the enforcement actions outlined in this section or may be restrained by injunction or otherwise abated in a manner provided by law. In the event the violation constitutes an immediate danger to public health, public safety, or the environment, authorized GCID personnel may enter upon the subject private property, without giving prior notice, to take any and all measures necessary

to abate the violation and/or restore property. GCID is then authorized to seek costs of the abatement.

- (A) Stepped Enforcement. When a violation has been identified, GCID will use a stepped enforcement approach to notify, correct the violation, and/or penalize parties responsible for the violation.

The steps include:

- 1) Verbal and/or written notification of non-compliance
- 2) Notice of Violation (certified mail and/or post the property)
- 3) Citation to Hot Springs District Court (certified mail and/or post the property)
- 4) Penalty (see section 8. Penalties)
- 5) Failure to comply and/or substantial violations may be referred to ADEQ for enforcement. It should be noted that steps could be skipped depending on the severity and impact of the violation.

- (B) Notice of Violation (NOV). Whenever GC finds that any permittee or any other person has violated or is violating this ordinance, GCID may serve upon such person written NOV. Within ten (10) working days of this notice, an explanation of the violation and a plan for the timely correction and prevention thereof, to include specific required actions, shall be submitted to the GCID. Submission of this plan in no way relieves the discharger of liability for any violations occurring before or after receipt of the NOV.

The NOV shall contain:

- a. The name and address of the alleged violator;
- b. The address when available or a description of the building, structure or land upon which the violation is occurring, or has occurred;
- c. A statement specifying the nature of the violation
- d. A description of the remedial measures necessary to restore compliance with this ordinance and a time schedule for the completion of such remedial action;
- e. A statement of the penalty or penalties that shall or may be assessed against the person to whom the NOV is directed;
- f. A schematic map drawing, if necessary, to show area of violation and corrective measures to stop or abate the violation;

- (C) Violations Deemed a Public Nuisance. In addition to the enforcement processes and penalties, any condition determined to be a threat caused and/or permitted to exist in violation of any of the provisions of this ordinance is a threat to public health, safety, welfare and environment and is declared and deemed a nuisance may be abated by injunctive or other equitable relief as provided by law.
- (D) Remedies Not Exclusive. The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable Federal, State or local law, and GC may seek cumulative remedies. GC may recover attorney's fees, court costs, and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

3. Cease and Desist Orders (Stop Work Order).

When GCID finds that any person has violated or continues to violate this ordinance or any permit or order issued hereunder, GCID may issue and order to cease and desist all such violations, and freeze the request for any and all other permits requested, and direct those persons in non-compliance to comply forthwith or take such appropriate remedial or preventive action as may be needed to properly address a

continuing or threatened violation, including the halting of operations and terminating the discharge.

Section 8 Penalties

1. Penalties. Any person, owner, tenant, partnership, or corporation, or any office, employee or agent of an such corporation, who maintains a violation in the County as defined under this Ordinance, shall, on conviction thereof, be punished by fine of not less than One Hundred Dollars (\$100) nor more than Five Hundred Dollars (\$500.00) for any one (1) specified offense or violation, or double that sum for each repetition of the offense or violation. If an act prohibited or rendered unlawful is, in its nature, continuous in respect to time, the fine or penalty for allowing the continuance thereof, in violation of the ordinance, shall not exceed two hundred fifty dollars (\$250) for each day that it may be unlawfully continued.
2. Measuring penalties. In assessing a penalty, GC may consider:
 - (a) The harm done to the public health or the environment;
 - (b) Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;
 - (c) The economic benefit gained by the violator;
 - (d) The amount of effort put forth by the violator to remedy this violation;
 - (e) Any unusual or extraordinary enforcement costs incurred by GC;
 - (f) Any equities of the situation, which outweigh the benefit of imposing any penalty or damage assessment.
3. Payment. If payment is not received by Garland County or equitable settlement reached within thirty days after demand for payment is made, a civil action may be filed in the district court in which the violation is alleged to have occurred to recover the amount of the penalty.
4. Recovery of damages and costs. In addition to the penalty in subsection (2) above, GC may recover:
 - (a) All damages caused by the violator to the county, which may include any reasonable expenses incurred in investigating violations of, and enforcing compliance with, this ordinance, or any other actual damages caused by the violation.
 - (b) The costs of the county's maintenance of Stormwater facilities when user of such facilities fails to maintain them as required by this ordinance.
 - (c) Garland County may place a lien assessment against the property for failure of payment.
5. Other remedies. GC may bring legal action to enjoin the continuing violation of this ordinance, and the existence of any other remedy, at law or equity, shall be no defense to any such actions.
6. Remedies cumulative. The remedies set forth in this section shall be cumulative, not exclusive, and it shall not be a defense to any action, civil or criminal that one (1) or more of the remedies set forth herein has been sought or granted.

Chapter 3 – Drainage Requirements

Section 1 Variances

- A. Requests for variances shall be submitted to the County Judge in writing. The County Judge will forward the request to the Garland County Environmental Services Committee for consideration and thence to the Quorum Court for final consideration.

Section 2 Stormwater Systems in New Developments

- A. All new developments of any kind shall be required to provide, at the expense of the developer, a Stormwater and erosion control management system within the development in accordance with these drainage specifications and other regulations and ordinances of the county.
- B. Off-site drainage facilities leading away from such developments may also be required to be constructed or otherwise upgraded, at the expense of the developer, to meet the intent of these specifications.
- C. The developer shall dedicate by easement shown on the recorded development plat or by separate recorded drainage easement for all drainage facilities and an additional width of five feet either side of all drainage facilities. Such easements shall be dedicated to the public for drainage use. Easements shall be provided for all drainage facilities which drain any upstream watershed of five acres or more and are not otherwise located within public rights-of-way.

Section 3 County Participation in Drainage Work Cost

- A. The County may participate in the construction cost of drainage work either adjacent to a development or on a drainage facility leading away from a development if the need for such improvement is not totally caused by the development in question. The appropriateness of any such cost sharing between the developer and the County shall be determined by the County Judge. The County Judge shall base his recommendation on the pro-rata share of the need for the work as a result of the development versus the need for the work as a result of other factors.
- B. The County shall not participate in the cost of drainage work which is located totally within the limits of the development or which drains only the properties within the development.
- C. A formal hydrological study may be required in connection with a proposed cost share project, if in the opinion of the County Judge, it is required to properly determine cost shares between the developer and the county. The cost of such study shall be paid by the developer.
- D. County participation in any cost sharing shall be dependent on the availability of funds.

Section 4 Drainage Rights-of-Way

- A. Right-of-way width for drainage facilities shall be a minimum of twenty (20) feet wide and include the width of the pipe, channel, creek, ditch, etc. from top of slope on one side to top of slope on the opposite side plus a horizontal distance of five feet outside the top of slope on each side.
- B. Easements for rights-of-way shall provide for operation, maintenance, repair, cleaning, reconstruction, reshaping, and improvement for the purpose of maintaining proper drainage, and shall include access across adjacent properties for operating, maintaining, cleaning, reconstruction, reshaping, and improving such drainage facility.

Section 5 Plans and Specifications

- A. The layout plans shall include the following:
 - 1. Layout of all elements of the entire drainage work project.
 - 2. Size, shape, length, type of pipe material and location of all pipe, swales, channels, and other drainage facilities.
 - 3. Existing and proposed easements.
 - 4. Existing and proposed contours of proposed development area, based on USGS mean sea level datum.
 - 5. Existing structures, utility lines, water and sewer lines.
 - 6. Location and description of reference bench mark.
 - 7. Watershed outline and watershed areas for each drainage segment.
- B. The profile plans shall include the following:
 - 1. A horizontal scale of 1"=100' or larger and a vertical scale of 1"=10' or larger.
 - 2. All elevations shall be shown relative to USGS mean sea level datum.
 - 3. Profile of natural ground and finish grade elevations.
 - 4. Proposed finish elevations.
 - 5. Proposed flowline elevations.
 - 6. Length and percent grade of each section.
 - 7. Location of each proposed junction box, catch basin, curb inlet and all other structures.
 - 8. Invert of existing grade at discharge point.
 - 9. Invert and location of any and all intersecting drainage facilities.
- C. Typical cross sections of all swales, ditches, and channels including the following:
 - 1. Width at bottom.
 - 2. Side slopes.
 - 3. Proposed surface treatment.
 - 4. Minimum and maximum depth.
- D. Typical trench detail for drainage pipe installation.
- E. Plan and cross section details of junction boxes, catch basins, curb inlets, valley gutters, detention basins, and all other structures.
- F. Technical specifications shall be placed on the drawings or presented on bound and typed 8.5" by 11" bond paper and shall include the following:
 - 1. Materials specifications
 - 2. Methods of construction
 - 3. Quality control requirements.
 - 4. Sampling and testing procedures

Section 6 Responsibilities of Developer

- A. The developer shall be responsible for installation of the proposed drainage work including all design and construction and for all cost associated therewith except in situations where cost sharing may be appropriate and is approved by the County.
- B. The developer shall provide all engineering services required for planning, design, investigation, inspection, testing, and related activities necessary for drainage work.

- C. Allow County personnel the right of access to the site during the plan review and construction phases of the project.
- D. Notify the County of any and all significant changes in the design or construction of the project. Significant changes in the plans and specifications shall be submitted to the County for approval. The County Judge shall be notified immediately of any and all significant field changes in order that a timely approval may be issued.
- E. Notify the County when construction is complete and arrange for a pre-final inspection. He shall also notify the County when any punch list items are complete and arrange for any necessary final inspection. If, upon inspection, the County Judge finds that the project still does not meet the requirements, a second punch list shall be prepared and submitted. This process shall continue until the constructed project conforms to the approved plans and specifications and all approved changes thereto.
- F. Acquire all permits necessary for construction of the drainage work project including, but not limited to, permits for work on State highway right-of-way, railroad right-of-way, wetlands permits, and storm water permits.

Section 7 Assurance for Completion and Maintenance of Improvements

- A. Performance and Payment Assurance
 - 1. The applicant shall post a bond, letter of credit, cash deposit, escrow, or other surety to guarantee that all required public improvements will be constructed as specified, that all project costs will be paid and will be free from defect for a period of one year following the acceptance of the last completed public improvements.
- B. Maintenance Assurance
 - 1. The applicant shall agree to maintain each required improvement and post a bond, letter of credit, cash deposit, escrow, or other surety to guarantee such maintenance for a period of one year following the acceptance of the dedicated and completed improvements. The maintenance bond shall guarantee the repair or replacement of all or any portion of the project which may prove inferior due to materials or workmanship.
 - 2. If the drainage facilities and any associated street work are part of a larger plan to develop and subdivide property in accordance with the Garland County Subdivision and Development Code, the developer may, subject to approval by the County Judge, incorporate these drainage maintenance assurance requirements into those requirements as specified in the Garland County Subdivision and Development Code.
- C. Surety Conditions
 - 1. Bonds, letters of credit, cash deposits, escrow, or other sureties shall:
 - a) Name Garland County, Arkansas as beneficiary.
 - b) Be in an amount determined by the County Judge to be 120% of the estimated cost of completion, maintenance or performance of the required improvements and held by the County Judge or his designated representative.

- c) Be issued by a surety company entered and licensed to do business by the State of Arkansas.
- d) Specify the time for the maintenance of improvements and installations.
- e) Letters of Credit shall:
 - (1) Be irrevocable and from a bank insured under the Federal Deposit Insurance Corporation;
 - (2) Be for a term sufficient to cover the maintenance period;
 - (3) Require only that Garland County present the credit with a sight draft and an affidavit signed by the County Attorney attesting to the county's right to draw funds under the credit.
- f) Cash Escrows shall provide:
 - (1) That the sub-divider will have no right to a return of any of the fund except as provided in Section 7.D;
 - (2) That the escrow agent shall have a legal duty to deliver the funds to the County whenever the County Attorney presents an affidavit to the agent attesting to the County's right to receive funds whether or not the developer protests the right.

D. Release or Reduction of Surety

- 1. Garland County will not accept dedication of required improvements, nor release or reduce the amount of any surety posted by the applicant until the County Judge has determined that all required improvements have been satisfactorily completed.

Section 8 Cost Estimates

- A. Where estimates of probable construction costs are required to form the basis for bonding amounts or required for any other reason in these specifications, the developer shall have such estimates prepared and submitted to the County Judge. The County Judge shall review such estimates and approve or reject such estimates. If a disagreement as to the estimated cost should occur, the developer may present his justifications to the County Judge for consideration. The County Judge's decision regarding such estimates, after thorough consideration, shall be final.

Section 9 Responsibilities of County

- A. The County Judge shall review request for approval and render a decision as to whether or not the proposed project meets the minimum requirements of these specifications.
- B. The County Judge may reject the plans and specifications for failure to meet the minimum specifications, approve the project as meeting the requirements, or approve the project with conditions. Such approval with conditions shall clearly state the changes necessary to bring the project into compliance. Approval shall constitute an issuance of permit.

- C. Approval, with conditions, shall constitute an approval of plans and specifications only if the developer incorporates the stated changes in the construction of the project.
- D. A permit shall be issued prior to commencing any construction work subject to fulfillment of assurance requirements specified in Section 7. Written approval to commence work shall not imply acceptance of the improvements for maintenance by the County.
- E. A permit to construct shall remain in effect for a period of one (1) year from the date of approval. After that time, a new request for approval and all required submittal documents may be submitted for a new approval and be reviewed in accordance with the ordinances and regulations in effect at the time of the new submittal.

Section 10 Design Criteria

A. General

- 1) The Rational Method shall be used as the standard hydrologic design method for Stormwater facilities.
- 2) At points where the upstream watershed is over 300 acres, or where lakes are included, other methods, such as the soil conservation service TR-55 hydrograph method may be required by the County Judge.
- 3) The rational method is based on the formula $Q=CIA$ for estimating rainfall runoff where:
 - Q = Discharge flow (cubic feet per second)
 - I = Rainfall intensity (inches per hour)
 - C = Runoff coefficient
 - A = Contributing upstream watershed (acres)
- 4) Rainfall intensity shall be based on the time of concentration, the design storm frequency, and the historical rainfall records as given in "Technical Paper No. 40, Rainfall Frequency Atlas Of The United States" as published by the Weather Bureau, U.S. Department of Commerce, or, as published by AHFD for Area III.
- 5) Time of concentration shall include the total time of overland flow, channel flow, and any delays due to lakes, basins or other water bodies. Types of surfaces, hydraulic gradient, and probable future development shall be utilized to arrive at the design time of concentration.
- 6) The runoff coefficient shall be based on the projection of the ultimate development of the upstream watershed, and the various surfaces of the watershed shall be composited together to arrive at the coefficient for the contributing watershed. The values given in Table No. 10.1.1 and Table No. 10.1.2 shall be used as a guide in calculating the runoff coefficient:

**TABLE NO. 10.1.1
RUNOFF COEFFICIENTS BY AREA TYPE**

Area Description	Runoff Coefficient		
	Minimum	Recommended *	Maximum
Business - Urban	0.70	0.90	0.95
Residential Urban - Single Family	0.30	0.40	0.50
Residential Urban - Multi-units Detached	0.40	0.50	0.60
Residential Urban - Multi-units Attached	0.60	0.65	0.75
Suburban - Single Family 1 acre or more units	0.25	0.35	0.40
Suburban - Single Family less than one acre	0.30	0.40	0.50
Industrial	0.50	0.70	0.80
Parks and Cemeteries	0.10	0.25	0.30
Playgrounds	0.20	0.30	0.35
Unimproved	0.10	0.20	0.30

* Recommended values may be used for ground slopes from three to five percent. Values shall be adjusted for steeper or flatter slopes within the ranges given.

**TABLE NO. 10.1.2
RUNOFF COEFFICIENTS BY SURFACE TYPE**

Surface Type	Runoff Coefficient		
	Minimum	Recommended *	Maximum
Asphalt, Concrete Pavement and Roofs	0.70	0.90	0.95
Gravel	0.25	0.50	0.70
Sandy Soils - Bare Vegetation	0.15	0.40	0.55
Sandy Soils - Light Vegetation	0.10	0.30	0.50
Sandy Soils - Dense Vegetation	0.05	0.20	0.30
Loam Soils - Bare Vegetation	0.20	0.40	0.60
Loam Soils - Light Vegetation	0.10	0.30	0.50
Loam Soils - Dense Vegetation	0.05	0.20	0.35
Clay or Silt Soils - Bare Vegetation	0.30	0.50	0.75
Clay or Silt Soils - Light Vegetation	0.20	0.40	0.70
Clay or Silt Soils - Dense Vegetation	0.15	0.30	0.50

TABLE NO. 10.1.2 RUNOFF COEFFICIENTS BY SURFACE TYPE			
Surface Type	Runoff Coefficient		
	Minimum	Recommended *	Maximum
Exposed Rock Soils	0.65	0.75	0.90

*Recommended values may be used for surfaces with slopes of three to five percent. Values shall be adjusted for steeper or flatter slopes within the ranges shown.

- 7) Stormwater management systems shall be designed such that the finished floor of all buildings shall be at least two feet (2') above the once in one hundred year flood elevation.
- 8) The design storm frequency for stormwater facilities shall be as given in Table No. 10.1.3.

TABLE NO. 10.1.3 MINIMUM DESIGN FREQUENCY STORM	
Area Description	Storm Frequency (yrs)
Local Street and Residential Land	10
Collector Street, Commercial and Industrial Land	25
Arterial Street and Highway	50
Railroad	100

- 9) All proposed lots or building sites in new developments, which lie within the one hundred year flood plain, shall have a minimum finished floor elevation shown on the final record plat of such development. Such minimum finished floor elevation shall be at least two feet above the water elevation of the base flood.
- 10) All Stormwater facilities shall be adequate to contain the runoff from the design storm from the project area to an existing waterway of adequate size to carry the runoff flows.

B. Flow in Conveyance Structures

- 1) The flow capacity of drainage structures shall be determined by the Manning formula.
- 2) The roughness coefficient to be used shall be as given in Table No. 10.2.1.

TABLE NO. 10.2.1 ROUGHNESS COEFFICIENT	
Material	Roughness Coefficient
Bed rock	0.030
Clay Pipe; Brick in cement mortar	0.013
Corrugated Plastic - Smooth Interior Lined	0.012
Corrugated Metal	0.023

TABLE NO. 10.2.1 ROUGHNESS COEFFICIENT	
Material	Roughness Coefficient
Corrugated Metal with paved invert	0.021
Earthen channels -Clean, straight, and smooth	0.020
Earthen channels natural with no weeds	0.030
Earthen channels with weeds or other vegetation	0.040
Concrete Pipe; Portland Cement Concrete Surface	0.013
Rip Rap	0.040
Smooth Plastic	0.010
Steel Pipe	0.015

C. Curbs and Gutters

- 1) Curbs and gutters shall be designed to convey the runoff from the design storm without flooding the street centerline, or overflowing the top of the curb, except where valley gutters are specifically authorized.
- 2) Surface water shall run no more than 600 feet in the gutter before being channeled off the road.
- 3) In high pedestrian areas, curb inlets shall be placed to prevent excessive amounts of runoff water in the pedestrian crosswalk.
- 4) The construction details for curbs and gutters shall be as shown in the Garland County Master Road Plan and Specifications.

D. Storm Sewers

- 1) Storm sewers may be underground circular, elliptical, or arch pipe or underground rectangular cast in place or precast concrete sections.
- 2) The minimum storm sewer pipe shall be 15 inches in diameter or an equivalent arch pipe except as otherwise provided in the Garland County Master Road Plan and Specifications.
- 3) Storm sewers shall be provided with a means of access at all horizontal bends and at all changes in pipe size. Access may be provided by means of curb inlets or junction boxes with manhole access or catch basins with removable grates.
- 4) Curb inlets, catch basins and junction boxes shall be constructed with details as shown in Attachment B, Appendix 'A'.
- 5) Storm sewers shall be designed to provide a minimum velocity of two (2) feet per second and a maximum velocity of twelve (12) feet per second when flowing full.

- 6) Provisions shall be made at the discharge points of storm sewers to prevent erosion of the receiving stream and the surrounding area.
- 7) The minimum cover over storm sewers shall be twelve inches (12") between the top of pipe and finish grade.

E. Open Channels

- 1) Open channel conveyance structures may consist of swales, constructed channels, or natural or improved creeks and streams.
- 2) Unpaved grass lined channels may be used where the design storm velocities do not exceed six feet per second. All unpaved channels shall be seeded, plugged, or sodded immediately after their construction and adequate measures taken to prevent erosion.
- 3) Side slopes of unpaved open channels shall be a minimum of three horizontal to one vertical. Side slopes for open channels that may be mowed by lawn mowers shall be a minimum of four horizontal to one vertical.
- 4) Special protection such as head walls or riprap may be required at all points in unpaved channels such as bends, junctions, inlets, and outlets where erosion may occur.
- 5) All open channels with a design velocity of more than six feet per second shall be paved with an erosion control material such as concrete, brick, rock or other lining material approved by the County Judge.
- 6) Paved open channels may utilize steeper side slopes with the following provisions:
 - a) Reinforced concrete lined channels may use vertical slopes. Reinforced concrete channels with side slopes steeper than three horizontal to one vertical and a depth of nine inches or more shall be provided with safety devices, such as hand rails, to prevent accidental falls into the channel.
 - b) Brick and rock (rip rap) lined open channels shall have minimum side slopes of one horizontal to one vertical.
 - c) Concrete lined open channels shall have a minimum of four inches thick concrete with a minimum of ten gauge wire reinforcing at six inches on center.
 - d) Brick lined open channels shall have standard thickness brick with full mortared joints.
 - e) Rock lined open channels shall be stone riprap meeting AHTD specifications and shall be installed over a minimum of six mil thickness of continuous polyethylene fabric.

Section 11 Drainage Facility Materials

A. Pipe Culverts and Storm Drainage Pipe

- 1) Materials for culverts and storm drainage pipe shall be as follows:
 - i. Reinforced concrete pipe
 1. Circular pipe: ASTM C76, Type III, minimum wall thickness "B".
 2. Arch shaped pipe: ASTM C506.
 3. Horizontal elliptical pipe: ASTM C114 or ASTM C507.
 4. Joints: Bell and spigot or tongue and groove, sealed with either pre-formed rubber gaskets or bitumen/butyl rubber gaskets conforming to ASTM M198.

ii. High Performance-Type polypropylene pipe.

1. Double-walled corrugated with smooth interior.
2. Conform to ASTM F2736, ASTM F2881, and AASHTO MP-21-11.
3. Bedding shall be crushed stone (3/8"-1 1/2") with a minimum of 12 inches (12") on top, and six inches (6") on sides and bottom.
4. Couplings, fittings and gaskets shall be as supplied and recommended by the manufacturer.
5. Ends shall be terminated with headwalls, catch basins, junction boxes, curb inlets, or reinforced concrete flared and sections.

iii. Closed Profile PVC (polyvinyl chloride) pipe.

1. Conform to ASTM D3034, ASTM F794 and Uni-Bell UNI-B-9.
2. Minimum wall thickness SDR 35.

iv. Metal drain pipe shall not be allowed.

- 2) Class of pipe and date manufactured shall be marked on each joint of pipe section.

B. Miscellaneous Materials

- 1) Portland cement concrete, 28-day compressive strength shall be the following minimums:
 - a. 3000 psi - paved liners, concrete anchors and blocking.
 - b. 4000 psi - manholes, catch basins, junction boxes and curb inlets.
- 2) Riprap shall meet requirements of AITD specifications.

Chapter 4 Definitions

(As used in this ordinance for the operation of the Garland County Inspections Division)

ADEQ means the Arkansas Department of Environmental Quality.

As built plans means drawings depicting conditions as they were actually constructed.

Best Management Practices or (**BMP's**) are physical, structural, and/or managerial practices that have been approved by Garland County, that when used singly or in combination, prevent or reduce pollution of water and that have been incorporated by reference into this ordinance as if fully set out therein.

Community water means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wetlands, wells and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of Garland County.

Discharge means dispose, deposit, spill, pour, inject, seep, dump, leak or place by any means, or that which is disposed, deposited, spilled, poured, injected, seeped, dumped, leaked, or placed by any means including any direct or indirect entry of any solid or liquid matter into Waters of the State.

Erosion means the removal of soil particles by the action of water, wind, ice or other geological agents, whether naturally occurring or acting in conjunction with or promoted by anthropogenic activities or effects.

FEMA means the Federal Emergency Management Agency

GC means Garland County.

GCID means the Garland County Inspections Division.

GCSWMP means the Garland County Stormwater Management Program.

Illicit Connections means illegal and/or unauthorized connections to the municipal separate Stormwater system whether or not such connections result in discharges into that system.

Illicit Discharge is defined as any discharge to a small municipal separate storm sewer system that is not composed of storm water, except discharges authorized under an NPDES permit.

Land Disturbing Activity means any activity on property that result in a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land-disturbing activities include, but are not limited to, development, re-development, demolition, construction, reconstruction, clearing, grading, filling, and excavation.

Maintenance means any activity that is necessary to keep a stormwater facility in good working order so as to function as designed. Maintenance shall include complete reconstruction of a stormwater facility if reconstruction is needed in order to restore the facility to its original operational design parameters. Maintenance shall also include the correction of any problem on the site property that may directly impair the functions of the stormwater facility.

Municipal Separate Storm Sewer System or (MS4) means the conveyances owned or operated by the municipality for the collection and transportation of stormwater, including the roads and streets and their drainage systems, catch basins, curbs, gutters, ditches, man-made channels, and storm drains.

National Pollutant Discharge Elimination System permit (NPDES) means a permit issued to a discharge pursuant to regulations for all point source discharges into surface waters.

Runoff means precipitation from rain or snowmelt flows over the ground. Impervious surfaces like driveways, sidewalks, and streets prevent stormwater from naturally soaking into the ground.

Sediment means solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface.

Stabilization means providing adequate measures, vegetative and/or structural, that will prevent erosion from occurring.

Small Municipal Separate Storm Sewer System (MS4's) refers to all small separate storm sewer systems that are owned or operated by the United States, a State, city, town, boroughs, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States, but is not defined as "large" or "medium" municipal separate storm sewer system. This term includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings.

Stormwater means stormwater runoff, snow melt runoff, surface runoff, street wash waters related to street cleaning or maintenance, infiltration and drainage.

Stormwater Management means the programs to maintain quality and quantity of stormwater runoff to pre-development levels.

Stormwater pollution prevention plan (SWPPP) means a written plan (including drawings or other graphic representations) that is designed to minimize the accelerated erosion and sediment runoff at a site during construction activities. Also known as the Erosion and Sediment Control Plan.

Stormwater Runoff means flow on the surface of the ground, resulting from precipitation.

Watershed means all the land area that contributes runoff to a particular point along a waterway.

Waters of the State means lakes, bays, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, and all other bodies of surface or underground water, natural or artificial, public or private.

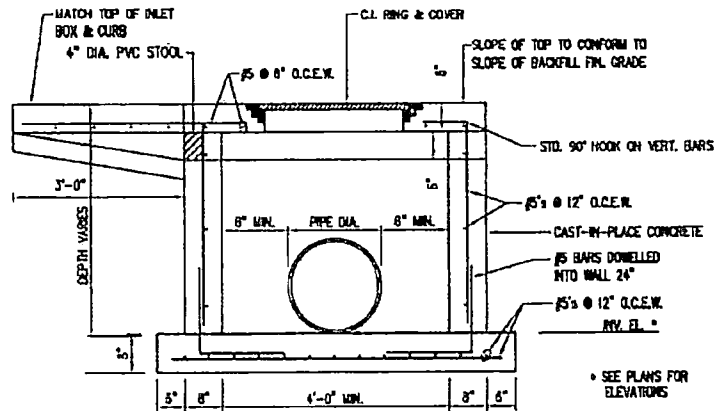
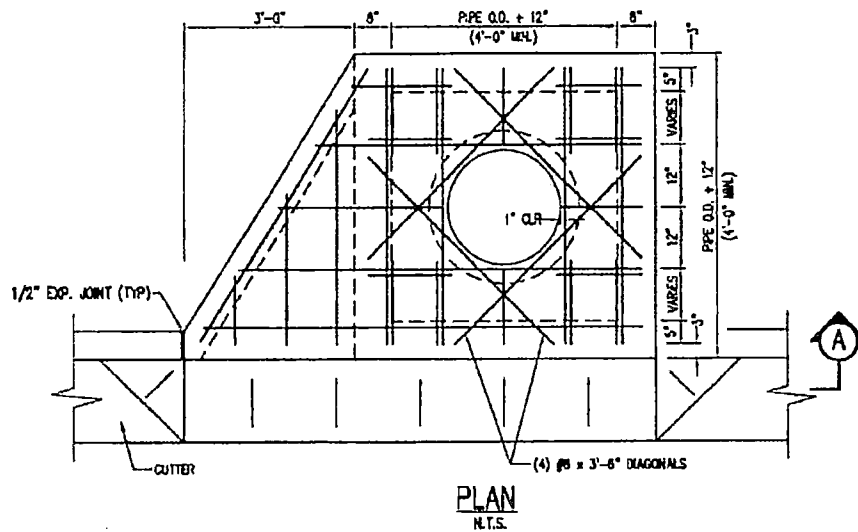
LIST OF DETAILS

Detail 1	Standard Curb Inlet
Detail 2	Single Throat Curb Inlet
Detail 3	Junction Box
Detail 4	Area Drain
Detail 5	Storm Drain & Culvert Trench

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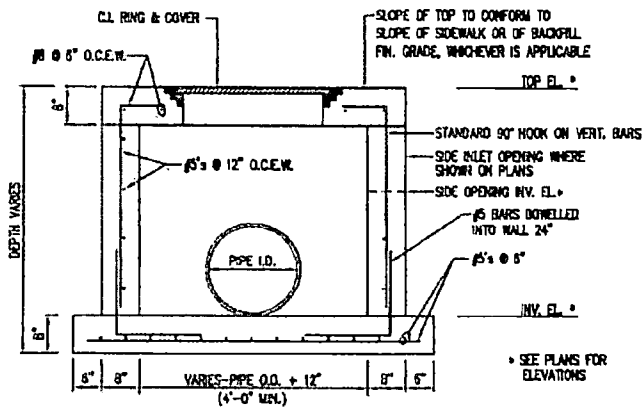
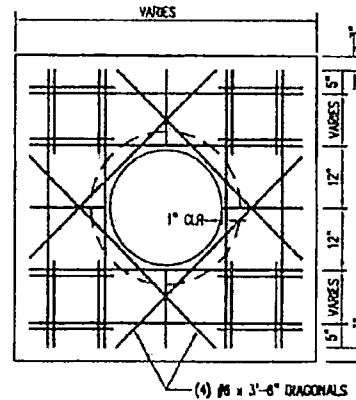
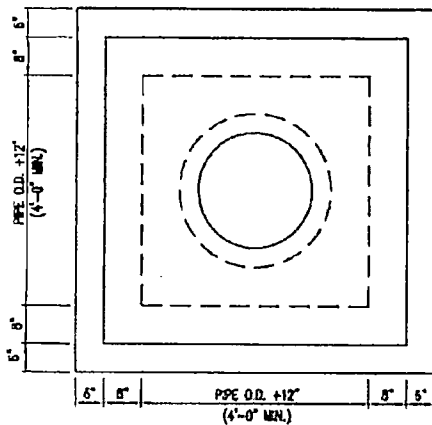
NOTES ON CURB INLETS

1. SLOPE FLOOR OF BOX MINIMUM OF 1% IN DIRECTION OF FLOW.
2. C.I. RING & COVER TO BE 24" STANDARD SIDEWALK TYPE IN GRASSED AREAS & TO BE HEAVY DUTY TRAFFIC TYPE IN PAVED AREAS.
3. RING & COVER TO BE MACHINED, MATCHED MATING SURFACES.
4. ALL REINFORCEMENT SHALL BE GRADE 60 NEW STEEL DEFORMED BARS, UNLESS OTHERWISE SHOWN.
5. CONCRETE TO BE 4,000 PSI MIN. @ 28 DAYS.
6. ROUND CAST IN PLACE BOXES W/ 8" WALLS OR ROUND PRECAST CONCRETE BOXES MAY BE USED WITH APPROVAL BY COUNTY JUDGE.
7. INSTALL DOUBLE THROAT INLET AS SHOWN ON THE PLANS. OTHERWISE INSTALL SINGLE THROAT INLET WITH THROAT ON UPSTREAM SIDE OF CURB INLET BOX.



SECTION A
N.T.S.

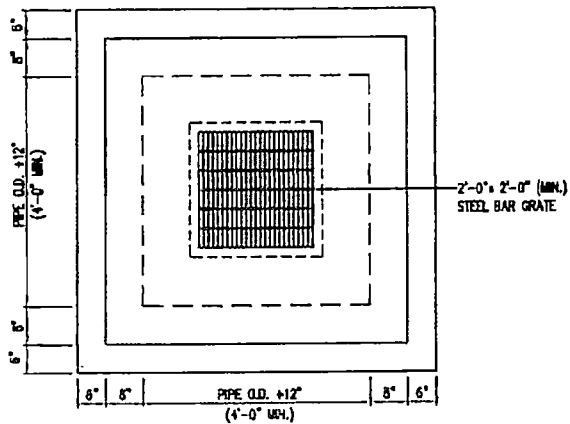
DETAIL 2
SINGLE THROAT CURB INLET
N.T.S.



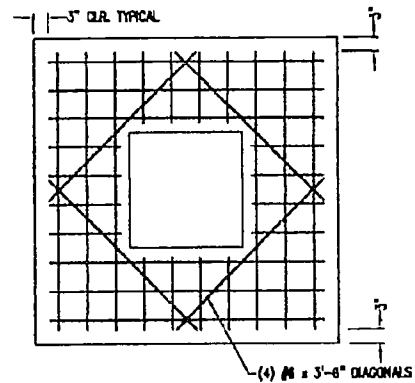
NOTES ON JUNCTION BOXES

1. SLOPE FLOOR OF BOX MINIMUM OF 1% IN DIRECTION OF FLOW.
2. CL RING & COVER TO BE 24" STANDARD SIDEWALK TYPE IN GRASSED AREAS & TO BE HEAVY DUTY TRAFFIC TYPE IN PAVED AREAS.
3. RING & COVER TO BE MATCHED, MATCHED MATING SURFACES.
4. ALL REINFORCEMENT SHALL BE GRADE 60 NEW STEEL DEFORMED BARS, UNLESS OTHERWISE SHOWN.
5. CONCRETE TO BE 4,000 PSI MIN. @ 28 DAYS.
6. ROUND CAST IN PLACE BOXES W/ 8" WALLS OR ROUND PRECAST CONCRETE BOXES MAY BE USED WITH APPROVAL BY COUNTY JUDGE.

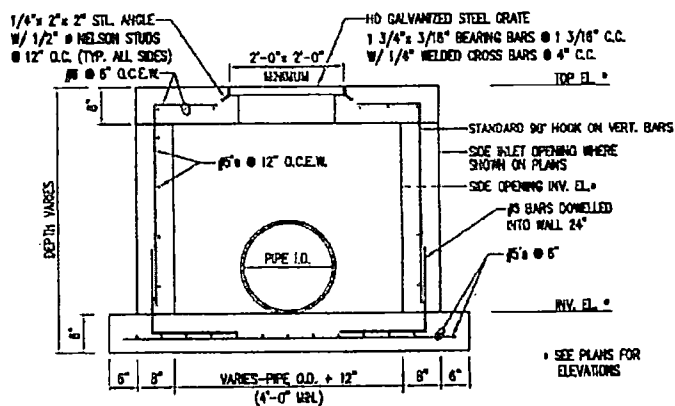
DETAIL 3
JUNCTION BOX
R.T.S.



PLAN



REINFORCING PLAN



SECTION

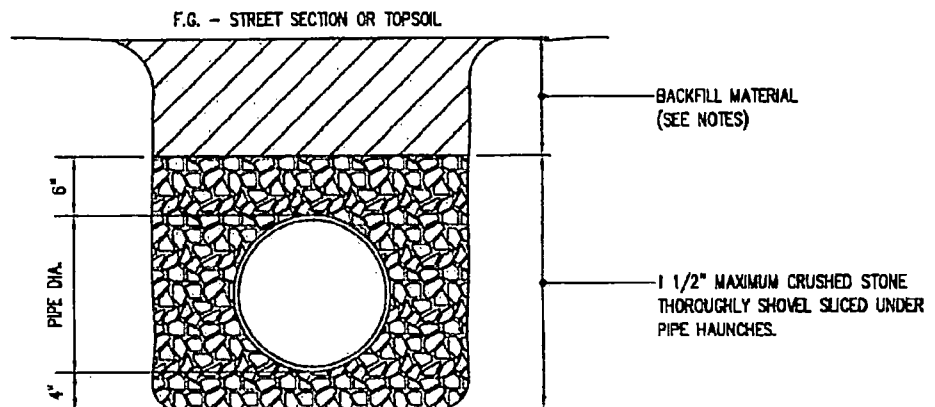
NOTES ON AREA DRAINS

1. SLOPE FLOOR OF BOX MINIMUM OF 1% IN DIRECTION OF FLOW.
2. ALL REINFORCEMENT SHALL BE GRADE 60 NEW STEEL DEFORMED BARS, UNLESS OTHERWISE SHOWN.
3. CONCRETE TO BE 4,000 PSI MIN. @ 28 DAYS.
4. AREA DRAIN IN TRAFFIC AREAS TO BE REMOVABLE 24" x 24" GALVANIZED STEEL BAR GRATE TYPE OR APPROVED EQUAL & SHALL BE BICYCLE SAFE.

DETAIL 4
AREA DRAIN
N.T.S.

NOTES ON STORM DRAIN TRENCH:

1. BACKFILL MATERIAL OUTSIDE OF ROAD RIGHT-OF-WAY MAY BE MATERIAL FROM TRENCH EXCAVATION.
2. SEE GARLAND COUNTY MASTER ROAD SPECIFICATIONS FOR TRENCH DETAIL IN ROAD CROSSINGS.



DETAIL 5
STORM DRAIN & CULVERT TRENCH
N.T.S

Nuisance Property Ordinance GC 0-17-34

ORDINANCE NO. 0-17-34

BE IT ENACTED BY THE QUORUM COURT OF GARLAND COUNTY, STATE OF ARKANSAS AN ORDINANCE TO BE ENTITLED,

"AN ORDINANCE TO AMEND THE NUISANCE PROPERTY ORDINANCE 0-07-22; AND FOR OTHER PURPOSES."

WHEREAS, the Environmental Services, Public Works and Buildings and the Public Health, Welfare & Safety Committees have reviewed Ordinance 0-07-22 for the purpose of making updates and revisions; and,

WHEREAS, the Environmental Services, Public Works and Buildings and the Public Health, Welfare & Safety Committees previously met in a joint meeting and recommended that the updates and revisions to Ordinance 0-07-22 listed below be ratified by the full Quorum Court.

NOW, THEREFORE, BE IT ENACTED BY THE QUORUM COURT OF GARLAND COUNTY, STATE OF ARKANSAS:

Section 1. Authorization

Arkansas Code Annotated 14-14-813 authorizes counties to regulate unsightly and unsanitary conditions on property and order property owners to remove unsightly and unsanitary conditions on property within the county. Further, this Ordinance is authorized pursuant to the principles of the police power to regulate the health, safety and welfare of the community conferred by Amendment 10, United States Constitution.

Section 2. Definitions

1. **Abandoned, dilapidated or burned out buildings or structures:** Any structure that is not occupied and for an extended period of time has been without proper upkeep sufficient to prevent structural decay and possible partial or complete collapse and/or has been partially burned out and not repaired for over one (1) year and is open to unauthorized entry.
2. **Abatement:** Any action the County may take or require on public or private property as may be necessary to remove or alleviate a nuisance property situation, including but not limited to cleanup, demolition, sale, removal, repair and boarding.
3. **County:** Garland County, Arkansas and any authorized representative thereof, including, Sheriff's Deputies, County Environmental Officers, Illegal Dumps Control Officers, and County Environmental Inspectors, are authorized by the County Quorum Court to enforce this ordinance and are serving in a capacity to protect the health, safety and welfare of the citizens of Garland County.
4. **Hazardous, safety or environmental or health threat:** Any situation on a property that is, or is likely to become, a threat to the health, safety and welfare of the residents of Garland County.
5. **Imminent safety hazard:** Any condition which creates a present, extreme and

- immediate danger to life, property, health or public safety.
6. **Junked or abandoned vehicles and mobile homes:** Automobiles, trucks, mobile homes or other mobile equipment that are no longer serviceable and operable and have been abandoned or stripped of parts and are not part of an established junkyard operation.
 7. **Junk:** This term shall have the definition set forth in Arkansas Code Annotated 27-74-402.
 8. **Mobile home:** Any type of house, office, dwelling or trailer that was originally manufactured to be capable of being towed down the highway on detachable axles and wheels.
 9. **Nuisance property:**
 - (a) Any property where it is determined an unsafe condition exists that poses a threat to the health, safety and welfare of the community.
 - (b) Any property where it is found that a party allows unsightly and unsanitary conditions of any building or structure, the area around any building, property, or accessory apparatus that is a hazardous, safety, environmental or health threat and is found in any way to adversely affect or devalue the surrounding properties.
 10. **Owner:** The owner of record based on the County Assessor's record.
 11. **Offending party:** A party who is determined by a County authorized representative to be responsible for a nuisance property.
 12. **Party:** Any person, owner, tenant, partnership, trust, corporation, firm, institution, association, city, town, municipal authority, agency, office, employee, venture or other legal entity or agent or organization thereof that owns or operates on a property within the County.
 13. **Property:** Any real property, premises and/or structures or apparatus thereon.
 14. All other terms set forth herein shall be given, and construed by, their common meaning.

Section 3. Offensive, Unsanitary, or Hazardous Conditions on Property

That it shall be unlawful and constitute a violation for any party to allow unsanitary and unsightly conditions or unsafe conditions of any building or structure, nor shall a party allow or cause the area around any building, property, or accessory apparatus to become a hazardous, safety, environmental or health threat. Such violating property shall be considered to be a Nuisance Property. This enumeration shall include but not be limited to the following:

1. Any abandoned, dilapidated or burned out building or structure, which imposes a threat to public safety, or is weakened and likely to collapse, or that is in any way a hazardous, safety or environmental or health threat.
2. Garbage, rubbish, junk, or accumulations of materials and/or articles, whether containerized or not, that pose an unsanitary and unsightly condition or unsafe condition.
3. The overt storage of more than three (3) junked or abandoned vehicles or mobile homes or any other large equipment unless reasonably out of sight.
4. The overt storage of more than 30 tires.
5. The overt storage of any white goods and other appliances or furnishings normally utilized inside a structure or dwelling.
6. The overt storage of any unprotected building or manufacturing supplies and materials in unsightly quantities and arrangements or in such a manner as to allow rapid

- deterioration or scattering.
7. Illegal storage, handling, or disposal of any solid or liquid household, automotive, commercial, demolition, or agricultural waste, whether improperly containerized, dumped, spilled, piped, burned, or abandoned, that risk present or future harm in any way to the neighboring area or to the waters of the state.

Section 4. Emergency Abatement

That whenever a nuisance found on any property in the County constitutes an imminent safety hazard to life or property, the County authorized representatives can immediately abate the nuisance in such manner as they may direct to rectify the hazard sufficiently so it no longer poses an imminent safety hazard to life or property.

Section 5. Contact and Action by County

That the following contact and action sequence shall be followed when County authorized representatives require a party to mitigate a nuisance within the County:

Initial Inspection: The County shall physically inspect the property in question and determine the seriousness of the situation and assess if there is a violation of this ordinance. If one exists, the owner of the property shall be determined utilizing County records.

First Contact: The County shall in written form notify any offending party who owns or operates on any property within the County of a nuisance found on the property with a written Notice of Pending Action. If the offending party is not the owner, an attempt will also be made to contact the owner. This notice shall define the nuisance found on the property and an expected method of remediation. Depending on the nature of the violation, and so long as there is no imminent serious danger or hazard to life or property, the County shall, in writing, give the offending party up to 30 days to remedy the violation on the property. In the case of imminent serious danger and hazard to life or property the County shall have the right to immediately begin emergency mitigation without notification of any party but shall attempt to in writing notify the offending party as soon as reasonably possible as to the reasons for the emergency corrective actions being implemented on said property.

Second Contact: If after the time allowed following the initial Notice of Pending Action, the violation is not adequately corrected a Notice of Violation shall be sent to the party by certified mail and be conspicuously posted on the egress to the property. This notice shall clearly define the seriousness of the violation and the possible penalties and fines that may be imposed if the violation is not immediately and properly addressed.

Third Contact: If after seven (7) days from the date of Notice of Violation the nuisance is not corrected properly or the offending party has not shown a concerted attempt to correct the violation, the party will be cited to appear in District Court to face charges of violation of this ordinance.

Extenuating Circumstances: If the offending party has shown a concerted effort to rectify the violation but needs more time, the County shall have the authority to extend a defined period of time commensurate to the proper mitigation of the violation. If the violation is not rectified within the extended defined period of time, the County shall serve a citation on the party to appear in district court to face charges of violation of this ordinance.

If any offending party operating on a property within the County neglects or refuses to abate the nuisance in accordance with such notice as provided in this subsection, the County authorized

representative, may abate said nuisance by any means necessary, including seeking a Quorum Court resolution of condemnation of a structure and selling, razing or boarding up, and assess net costs of abatement against the responsible offending party thereof, to be collected by payment, lien, attachment to property tax, or any other means allowed by law.

Section 6. Exemptions:

This Ordinance does not apply to:

- (a) Land valued as agricultural property that is being farmed or otherwise used for agricultural purposes; or
- (b) A parcel of land larger than ten (10) acres if the unsanitary and unsightly condition on the parcel is not visible from a public road or highway.

Section 7. Violation Fees, Penalties and Fines

That any offending party who maintains a violation in the County as defined under this Ordinance, shall, on conviction thereof, be punished by fine of not less than Fifty Dollars (\$50.00) nor more than Five Thousand Dollars (\$5,000.00), for any one (1) specified offense or violation, or double that sum for each repetition of the offense or violation. If an act prohibited or rendered unlawful is, in its nature, continuous in respect to time, the fine or penalty for allowing the continuance thereof, in violation of the ordinance, shall not exceed Two Hundred Fifty Dollars (\$250) for each day that it may unlawfully continue.

Section 8. Adoption of New Laws

Garland County through the Quorum Court may exercise the powers with respect to new state regulations and codes pertaining to unsightly and unhealthy properties or structures within the County and adopt any rules and regulations deemed necessary to accomplish the purposes of the Ordinance.


Section 9. Severability

If any portion of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of the Ordinance which can be given effect without the invalid provisions or application, and to this end, the provisions of this Ordinance are declared to be severable.


Section 10. Codification

This Ordinance shall be codified in the Garland County Code of Ordinances and the sections may be re-numbered and re-lettered to accomplish such intention.

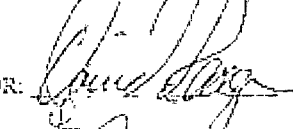

ATTEST:


Sarah Smith
County Clerk

APPROVED:


Rick Davis
Judge Davis

SPONSOR:



Larry Hargis

DATE: 07-10-2017

Garland County Inspections Division
501 Ouachita Ave, Suite B4
Hot Springs, Arkansas 71901



NPDES Permits Section
Office of Water Quality
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