

### ARTICLE III. - ENVIRONMENTAL CONSERVATION, ON-SITE SEWAGE MANAGEMENT, AND PERMIT

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Sec. 16-56. - Wetlands protection regulations.

- (a) Findings of fact. The wetlands within Wayne County are indispensable and fragile natural resources with significant development constraints due to flooding, erosion and soil limitations. In their natural state, wetlands serve man and nature. They provide habitat areas for fish, wildlife, and vegetation; water quality maintenance and pollution control; flood control; erosion control, natural resource education; scientific study; open space; and recreational opportunities.
- (b) Reference map. The official maps to be used as the determinant for location of wetlands in Wayne County and to be regulated area under this article will be the U.S. Fish and Wildlife Service's National Wetlands Inventory Maps for Wayne County. These maps portray generalized wetlands inventory areas, and these wetlands inventory areas do not necessarily represent the boundaries of jurisdictional wetlands under the authority of the U.S. Army Corps of Engineers, and cannot serve as a substitute for a jurisdictional wetland determination or a wetland delineation by that agency.
- (c) Wetlands development permit requirements. No activity or use except those identified in section 16-66(d) shall be allowed within wetlands without a permit under this article. Activities or uses permitted under section 404 of the U.S. Clean Water Act may receive a local permit once any required federal permit, or if appropriate, letter of permission/determination, is obtained as described below, and any other applicable provisions of this article have been satisfied.
  - (1) If there is a determination in the administration of this article that a proposed activity, use, or development subject to permit herein would not be located in or near an identified wetlands inventory area and would not disturb an identified wetlands inventory area, no further action concerning this particular article section is necessary.
  - (2) If there is a determination in the administration of this article that a proposed activity, use, or development subject to permit herein may be located in or near an identified wetlands inventory area and might disturb wetlands which appear to be under the jurisdiction of section 404 of the U. S. Clean Water Act, a U. S. Army Corps of Engineers' jurisdictional wetlands determination shall be required prior to issuance of a permit under this article.
  - (3) If a U. S. Army Corps of Engineers' jurisdictional wetlands determination is required, no local permit under this article will be issued until the person requesting the permit, at their own expense, obtains either a section 404 permit, if so required, or a letter of permission/determination from the U. S. Army Corps of Engineers that no federal permit is required.
  - (4) No action in the administration of this article, or no local permit issued pursuant to this article relieves the landowner from any federal or state permitting requirements, including those relating to wetlands or land disturbance.
- (d) Permitted uses not requiring a permit. The following uses are permitted without permit within the wetlands of the county to the extent they are not prohibited by any other ordinance or law and provided they do not require structures, grading, fill, draining, or dredging except as provided herein.
  - (1) Forestry practices applied in accordance with best management practices approved by the Georgia Forestry Commission. (Section 404 does not require permits for normal, ongoing silvicultural activities. However, section 404 does list some required road construction best management practices that must be followed in order to qualify for such an exemption).
  - (2) Conservation or preservation of soil, water, vegetation, fish, or other wildlife, provided they do not affect waters of the State of Georgia or of the United States in such a way that would require a section 404 permit.
  - (3) Outdoor passive recreational activities, including fishing, bird watching, hiking, boating, horseback riding, and canoeing.
  - (4) Natural water quality treatment or purification.
  - (5) Normal agriculture activities including the planting and harvesting of crops and pasturing of livestock. Such activities shall be subject to best management practices approved by the Georgia Department of Agriculture.
- (e) Prohibited uses. In compliance with the Georgia Rules for Environmental Planning Criteria, the following uses are prohibited entirely and no permit shall be issued for them.
  - (1) Receiving areas for toxic or hazardous waste or other contaminants.
  - (2) Hazardous or sanitary waste landfills.

(Ord. of 10-19-00, § 6)