

01-03-22B

City of Bremen, Georgia
Wetland Protection
Ordinance

March 19, 2001

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Wetland Protection Ordinance

§1 Findings and Purpose

1.1 Findings of Fact

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

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

It is therefore necessary for the City of Bremen, Georgia to ensure maximum protection for wetlands by discouraging development activities that may adversely affect wetlands.

1.2 Title and Purpose

This Ordinance shall be known as the Wetland Protection Ordinance of the City of Bremen, Georgia. The purpose of this Ordinance is to promote wetland protection, while taking into account varying ecological, economic development, recreational and aesthetic values. Activities that may damage wetlands should be located on upland sites to the greatest degree practicable as determined through a permitting process. The objective of this Ordinance is to protect wetlands from alterations that will significantly affect or reduce their primary functions for water quality, floodplain and erosion control, groundwater recharge, aesthetic nature and wildlife habitat.

§2 Wetland Protection District

2.1 Wetland Protection District Boundaries

The Generalized Wetland Map is a general reference document, and wetland boundaries indicated on the map are approximations. The purpose of the Generalized Wetland Map is to alert developers/landowners if they are within proximity to a wetland, which means that there is a high likelihood of the presence of a jurisdictional wetland and a need for the developer/landowner to seek U.S. Army Corps of Engineers guidance as to whether a Section 404 permit will be required prior to any activity. The Generalized Wetland Map does not represent the boundaries of jurisdictional wetlands within the jurisdiction of the City of Bremen and cannot serve as a substitute for a delineation of wetland boundaries by the U.S. Army Corps of Engineers, as required by Section 404 of the Clean Water Act, as amended. Any local government action under this ordinance does not relieve the landowner from federal or state permitting requirements.

§3 Local Development Permit Requirements

3.1 Requirement for Local Permit or Permission

No regulated activity will be permitted within the Wetlands Protection District without written permission or permit from the City of Bremen. If the area proposed for development is within 50 feet of a Wetlands Protection District boundary, as determined by the building inspector using the Generalized Wetlands Map, a U.S. Army Corps of Engineers determination shall be required. If the corps determines that wetlands are present on the proposed development site, the local permit or permission will not be granted until a Section 404 Permit or Letter of Permission is issued.

3.2 Permissible Uses (Uses as of Right.)

The following uses shall be allowed as of right within a wetland to the extent that they are not prohibited by any other ordinance or law, including laws of trespass, and provided they do not require structures, grading, fill, draining or dredging except as provided herein.

3.2.1 Conservation or preservation of soil, water, vegetation, fish and other wildlife, provided they do not affect waters of Georgia or of the United States in such a way that would require an individual 404 Permit.

3.2.2 Outdoor passive recreational activities, including fishing, bird watching, hiking, boating, horseback riding and canoeing.

3.2.3 Forestry practices applied in accordance with best management practices approved by the Georgia Forestry Commission and as specified in Section 404 of the Clean Water Act.

3.2.4 The continued cultivation of agricultural crops. Agricultural activities shall be subject to best management practices approved by the Georgia Department of Agriculture

3.2.5 The pasturing of livestock, provided that riparian wetlands are protected, that soil profiles are not disturbed and that approved agricultural Best Management Practices are followed.

3.2.6 Education, scientific research and nature trails.

3.2.7 Temporary Emergency Permit. A temporary emergency permit can be issued by The City of Bremen or its designee for the following reasons:

- Maintenance or repair of lawfully located roads or structures and of facilities used in the service of the public to provide transportation, electric, gas, water, telephone, telegraph, telecommunication or other services, provided that such roads, structures or facilities are not materially changed or enlarged and written notice prior to the commencement of work has been given to the City of Bremen or their designee and provided that the work is conducted using best management practices to ensure that flow and circulation patterns and chemical and biological characteristics of the wetland are not impaired and that any adverse effect on the aquatic environment will be minimized.

- Temporary water-level stabilization measures associated with ongoing silvicultural operations.

- Limited ditching, tilling, dredging, excavating, or filling done solely for the purpose of maintaining or repairing existing drainage Systems necessary for the cultivation of agricultural crops, provided that the maintenance or repair activity does not result in the impairment, alteration or loss of wetlands not previously subject to agricultural and silvicultural use.

- Limited excavating and filling necessary for the repair and maintenance of piers, walkways, nature trails, observation decks, wildlife management shelters, boathouses or other similar water—related structures, provided that they are built on pilings to allow unobstructed flow of water and preserve the natural contour of the wetland.

3.3 Site Plans

Applications for a local development permit within the Generalized Wetland Protection District shall include a site plan, drawn at a scale of not less than 1" equals 50', with the following information:

3.3.1 A map of all planned excavation and fill, including calculations of the volume of cut and fill involved, cross-sectional drawings showing existing and proposed grades. Elevations, horizontal scale and vertical scale must be shown on the cross-sectional drawings.

3.3.2 A map of any wetland boundaries occurring within the site must be provided. This boundary may be included on other maps provided by the applicant.

3.3.3 Location, dimensions and area of all impervious surfaces, both existing and proposed, on the site and adjacent to the site for a distance of 100 feet.

3.3.4 The orientation and distance from the boundaries of the proposed site to the nearest bank of an affected perennial stream or water body.

3.3.5 Elevations of the site and adjacent lands within 200 feet of the site at contour intervals of no greater than two feet; and no greater than one foot for slopes less than or equal to two percent.

3.3.6 Location and detailed design of any spill and leak collection systems designed for the purpose of containing accidentally released hazardous or toxic materials.

3.3.7 All proposed temporary disruptions or diversions of local hydrology.

3.4 Activities to comply with site plan

All development activities or site work conducted after approval of the site plan shall conform with the specifications of said site plan. The site plan may be amended only with the approval of The City of Bremen or its designee. The City of Bremen or its designee may require additional information deemed necessary to verify compliance with the provisions of this ordinance or to evaluate the proposed use in terms of the purposes of this ordinance.

3.5 Subdivision Design Options in the Wetland Protection District

Any subdivision that includes Jurisdictional Wetlands shall be allowed and encouraged to use the following options:

3.5.1 Lot Size Averaging. Lot size averaging is encouraged in single-family detached subdivisions as a means to work around wetland areas. The City of Bremen or their designee may allow a reduction in lot size provided that the same number of lots in the same subdivision are oversized by an equal or greater area. The maximum permissible reduction shall not exceed 25 percent of the minimum required lot area. The number of lots with areas reduced shall not exceed 25 percent of the total number of lots in the subdivision. The City of Bremen or its designee shall require no more than a 25 percent adjustment of rear, side and front setbacks for each affected lot.

3.5.2 Cluster Development. Clustering of residential development is encouraged. When considering subdivision approval, the City of Bremen or its designee will allow incorporation of wetland or other significant natural areas as open space in the subdivision plan. Such plans should designate at least 25 percent of the gross land area as open space. Density shall be calculated by subtracting from the total acreage of a parcel all land dedicated or in use for private or public roads, including all vehicular rights-of-way. The resultant acreage will then be divided by the minimum allowed lot size of the district to derive the number of lots permissible.

3.6 Filing Fee

At the time of the application, the applicant shall pay a filing fee specified by the City of Bremen or its designee. Filing fees up to a maximum of \$100 may be required to evaluate the application. This fee may be used to retain expert consultants who will provide services pertaining to functional assessment, mitigation and wetland boundary determinations as deemed necessary by the City of Bremen or its designee.

3.7 Enforcement Authority

The Building Inspector is hereby established as the administrator of this Ordinance.

3.8 Review Procedures

The application shall be made to Building Inspector and will be reviewed within 30 days. The review period shall begin upon determination by Building Inspector that the application submitted is complete. The review period shall include the preparation of findings (approval or disapproval) by the Building Inspector. The applicant will receive written notification of

the findings of the City of Bremen or its designee. If the review process is not completed within 30 days, the application is considered to be approved.

3.9 Appeals

Decisions on permit applications made by the Building Inspector may be appealed to the Mayor and City Council of Bremen, Georgia. The appeal must be made within 30 days of the decision rendered by the Building Inspector. A public hearing shall be held for appeals. Public announcement of the hearing shall be printed in a local newspaper of general circulation at least 15 days prior to the hearing. Any person may offer testimony at the hearing. The decision of the Mayor and City Council of Bremen, Georgia may be appealed to a court of competent jurisdiction, as discussed in Section 6.

3.10 Duration of Permit Validity.

3.10.1 If construction described in the development permit has not commenced within 12 months from the date of issuance, the permit shall expire.

3.10.2 If construction described in the development permit is suspended or abandoned after work has commenced, the permit shall expire 12 months after the date that work ceased.

3.10.3 Written notice of the pending expiration of the development permit shall be issued by the Building Inspector.

§4 Monitoring and Enforcement

4.1 The City of Bremen or their designee, its agent, officers and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this ordinance and may take or cause to be made such examinations, surveys or sampling as the City of Bremen or its designee deems necessary.

4.1.1 All enforcement and monitoring activities conducted by the City of Bremen or its designee that involves entrance to privately owned land by the City of Bremen or its designee shall be preceded by written notification to the landowner. Said notification shall be issued at least 7 days prior to the activities specified in the notification.

4.1.2 The Building Inspector shall have authority to enforce this ordinance; issue permits hereunder; and address violations or threatened violations hereof by issuance of violation notices, administrative orders and civil and criminal actions. All costs, fees and expenses in connection with such actions may be recovered as damages against the violator.

4.1.3 Law enforcement officials or other officials having police powers shall have authority to assist the Building Inspector in enforcement.

4.1.4 The Building Inspector shall have authority to issue cease and desist orders in the event of any violation of this ordinance. Cease and desist orders may be appealed to a court of competent jurisdiction, as identified in Section 6.

4.2 The City of Bremen or its designee may require a bond in an amount of \$1,000 and with surety and conditions sufficient to secure compliance with the conditions set forth in the permit. The particular amount and the conditions of the bond shall be consistent with the purposes of this ordinance. In the event of a breach of any condition of any such bond, the City of Bremen or its designee may institute an action in a court of competent jurisdiction upon such bond and prosecute the same to judgment and execution.

§5 Penalties

5.1 Any person who commits, takes part in or assists in any violation of any provision of this Ordinance may be fined not more than \$2,500 for each offense. Each violation shall be a separate offense and, in the case of a continuing violation, each day's continuance shall be deemed to be a separate and distinct offense.

5.2 When a building or other structure has been constructed in violation of this Ordinance, the violator may be required to remove the structure at the discretion of the City of Bremen or its designee.

5.3 When removal of vegetative cover, excavation or fill has taken place in violation of this Ordinance, the violator may be required to restore the affected land to its original contours and to restore vegetation, as far as practicable, at the discretion of the City of Bremen or its designee.

5.4 If the City of Bremen or its designee discovers a violation of this ordinance that also constitutes a violation of any provision of the Clean Water Act as amended, the City of Bremen or its designee shall issue written notification of the violation to the U.S. Environmental Protection Agency, the U.S. Army Corps of Engineers and the landowner.

5.5 Suspension, Revocation

The City of Bremen or its designee may suspend or revoke a permit if it finds that the applicant has not complied with the conditions or limitations set forth in the permit or has exceeded the scope of the work set forth in the permit. The City of Bremen or its designee shall cause notice of denial, issuance, conditional issuance, revocation or suspension of a permit to be published in a daily newspaper having a broad circulation in the area where the wetland is located.

§6 Judicial Review

6.1 Jurisdiction.

All final decisions of the City of Bremen or its designee concerning denial, approval or conditional approval of a special permit shall be reviewable in the Haralson County Superior Court.

6.2 Alternative Actions

Based on these proceedings and the decision of the court, the City of Bremen or its designee may, within the time specified by the court, elect to:

1. Institute negotiated purchase or condemnation proceedings to acquire an easement or fee interest in the applicant's land;

2. Approve the permit application with lesser restrictions or conditions (i.e., grant a variance); or
3. Institute other appropriate actions ordered by the court that fall within the jurisdiction of the Building Inspector.

§7 Amendments

These regulations and the Generalized Wetland Map may from time to time be amended in accordance with procedures and requirements in the general statutes and as new information concerning wetland locations, soils, hydrology, flooding or plant species peculiar to wetlands becomes available.

§8 Assessment Relief

Assessors and boards of assessors shall consider wetland regulations in determining the fair market value of land. Any owner of an undeveloped wetland who has dedicated an easement or entered into a conservation program with the government or a nonprofit organization restricting activities in a wetland shall have that portion of land assessed consistent with those restrictions. Such landowner shall also be exempted from special assessment on the wetland to defray the cost of municipal improvements such as sanitary sewers, storm sewers and water mains.

§9 Separability and Abrogation

All sections and subsections of this ordinance are considered separate and distinct. Should any section, subsection, paragraph or part of this ordinance be declared by a court of jurisdiction to be invalid for any reason, it shall not invalidate any other section, subsection, paragraph or part of this ordinance.

All ordinances and regulations in conflict with this ordinance are hereby repealed.

§10 Definitions

Functions - The beneficial roles that wetlands serve, including: storage, conveyance and attenuation of floodwater and stormwater; protection of water quantity and quality and reduction of erosion; habitat for wildlife, including rare, threatened and endangered species; food chain support for a wide variety of wildlife and fisheries; educational, historical and archeological value protection; and scenic, aesthetic and recreational amenities.

Generalized Wetland Map - All wetlands within the jurisdiction of the City of Bremen, Georgia, as indicated on the National Wetlands Inventory Map.

Hydric Soils - Soils that form as a result of saturated soils conditions. A list of these soils is maintained by the Soil Conservation Service.

Hydrophytic Vegetation - Macrophytic plants tolerant of or dependent on saturated soil conditions.

Jurisdictional Wetland Determination - A delineation of jurisdictional wetland boundaries by the U. S. Army Corps of Engineers, as required by Section 404 of the Federal Clean Water Act.

Regulated Activity - Any activity which will, or which may reasonably be expected to, result in the discharge of dredged or fill material into waters of the U.S. excepting those activities exempted in Section 404 of the Federal Clean Water Act.

Temporary Emergency Permit - A temporary permit that may be issued in certain circumstances specified in Subsection 3.2.7.

Wetland - An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation. Wetlands generally include swamps, marshes, bogs and similar areas.

Wetland Protection District - All wetlands within the jurisdiction of the City of Bremen and shown on the Generalized Wetland Map.

NOTE: Where other terms or words require definition, please refer to the 1987 U.S. Army Corps of Engineers Wetlands Manual or call the District Corps office in Savannah, at 1-800-448-2402.

APPENDIX

Source Material for the Preparation of Generalized Wetland Maps

A. Available Map Resources

- I. National Wetlands Inventory Maps (NWI). NWI maps are the most commonly used maps. Most of these maps are at scales of 1:24,000 and correspond to United States Geologic Survey (USGS) topographic maps. The minimum area mapped is usually one to three acres. Small wetlands and very narrow wetlands in river corridors may be missed.

These maps were developed from interpretations of available aerial photographs; therefore, mapped boundaries of wetlands do not reflect jurisdictional boundaries (as would be determined if the federal delineation manual were used on the ground).

Only a small portion of the maps has been "ground-truthed," but nationwide efforts to assess the accuracy of the maps have been extensive. Accuracy varies upward from about 60 percent, with most maps being at least 90 percent accurate.

The strength of these maps is the spatial resolution (often to within one acre, which is relatively good). NWI maps identify the location of wetlands and indicate wetland type using the Cowardin classification scheme.

The limitations of these maps are that wetlands that were cultivated at the time of mapping are generally not depicted and forested wetlands are poorly discriminated. In some areas, these two wetland types are a major portion of the wetlands resource. Particularly in areas of rapid growth and accelerated wetlands loss, many maps have become quickly outdated.

Maps are available through:

- a. National Wetlands Inventory, U.S. Fish and Wildlife Service Regional Office, 1875 Century Boulevard, Atlanta, Georgia 30345. Telephone: 1-404-266-8500.

- b. Earth Science Information Center, U.S. Geological Survey, Reston, Virginia.
Telephone: 1-800-USA-MAPS.

Other information, including information about wetland functions and values and options for their protection, can be obtained from the EPA Wetland Protection Hotline, LABAT-ANDERSON, Inc., 2200 Clarendon Boulevard, Suite 900, Arlington, Virginia 22201. Telephone: 1-800-832-7828.

2. County Soil Survey Maps. These maps range in scale from 1:15,840 to 1:31,680. Soil maps do not delineate wetlands, but rather their presence may be inferred from the occurrence of soils classified as "hydric" by the Soil Conservation Service. From accompanying soil interpretation record data, wetlands might cautiously be classified by type. These maps were developed by trained soil scientists who examined vertical soil profiles at regular intervals along ground transects and generalized subjectively from them to the surrounding landscape on the basis of landform, vegetation and other factors.

These maps do not specify wetland type as do the NWI maps. Most published soil surveys report the acreage of each Soil series in the survey area. Soil survey maps are extensively used as a secondary data source for wetlands mapping. However, hydric soil inclusions (patches of hydric soil too small to map) are probably common in many soils mapped as non-hydric, but the extent to which this occurs is unknown. It should also be noted that some soils classified as hydric are not hydric everywhere they are mapped; marginally hydric soils indicate wetlands only in certain landscape positions. Caution should therefore be used when inferring the presence of wetlands from soils classified and mapped as hydric.

The advantage of using these maps is that they are sometimes available in areas where NWI maps are not yet available. Soil surveys might be used, with caution, to infer locations of cropped wetlands not included in NWI maps; to differentiate among some wetland functional types (alluvial seasonally flooded vs. isolated seasonally flooded) when linked with the SCS SOILS database which describes the physical properties of each soil series; and to categorize hydrologic and water purification function of specific wetlands.

Limitations of these maps are numerous. Many small but cumulatively significant areas that often are wetlands (with hydric soil inclusions) are not mapped because the soil classification systems used in soil survey maps classify soils in landscape groupings. Aquatic bed and many tidal or permanently flooded wetlands are typically mapped as open water, not wetlands, on SCS maps. Areas classified as having hydric soils are not always wetlands, in part because they may have been drained (either prior to or after the survey was conducted). This can lead to overestimation of current wetlands acreage. Many drained hydric soils can retain sufficient "hydric" features to result in their being classified by soil mappers as hydric even after decades of continuous drainage. Conversely, not all wetlands contain soils that are classified as hydric, and this can lead to underestimation of wetlands acreage. Wetlands may be the result of recent impoundment; in such areas, it typically takes at least a decade for hydric soil features to appear. Moreover, even the soils of some wetlands with hydric characteristics that have existed for decades do not appear on the SCS hydric soils list.

Maps are available through:

U.S. Department of Agriculture Soil Conservation Service field offices (generally located in the county seat of each county).

3. State Soil Geographic Data Base (STATSGO) and National Soil Geographic Data Base (NATSGO) maps.

STATSGO maps are available at 1:250,000 scale with about 100 acres resolution. Digital coverage maps will be available by late 1993. These maps include soils on federal land.

NATSGO maps are available at 1:3,000,000 and are currently available showing the entire United States. They do not include federal land.

STATSGO maps are generally based on soil surveys completed since 1960. SCS has determined the map unit composition (the groupings of soil types mapped as a single polygon or unit) by transecting or sampling areas on the more detailed SCS County Soil Survey maps and expanding the data statistically to characterize each whole map unit.

Wetlands themselves are not delineated; rather their presence may be inferred from the presence of soils officially considered "hydric". From accompanying SOILS data, which describe the physical properties of each soil series, these wetlands landscapes might cautiously be classified by function.

NATSGO maps are also generally based on soil surveys completed since 1960. Map units are the polygons of SCS's Major Land Resource Area (MLRA) map. The sample points of the National Resources Inventory (NRI) are statistically aggregated within each MLRA unit. Each NRI record is keyed to the soil interpretation record (SOILS) data base so that soil attributes relevant to wetlands function are available for each of the 300,000 NRI sample points.

These maps are relatively new and have not been tested extensively against wetlands field data.

Both map types are the only currently available maps from which the landscape-level water purification and flood control functions of wetlands might be inferred for all areas of the United States

The scale/resolution of the maps is inappropriate for most planning purposes at the local level. Also, these maps cannot be used to infer the functions of an individual wetland. Inferences of wetlands functions at the landscape level would be based on hydric soils, but not all hydric soils are wetlands. In the case of the STATSGO data, the soil mapping units do not necessarily coincide with physical boundaries that are relevant to defining landscape functional units (watersheds). This could lead to some imprecision in estimates compiled on that basis. The generation and compilation of thematic maps from STATSGO and NATSGO maps requires a mainframe computer with adequate storage, advanced data base management and GIS software and a skilled computer technician.

Maps are available from:

National Cartographic Center, USDA Soil Conservation Service, Fort Worth, Texas

4. Soil Conservation Service (SCS) Swampbuster Maps. These maps are mostly at a scale of 1:12,000 or 1:20,000 and primarily cover cropland and areas closely associated with cropland.

Most maps were completed since 1987 and largely represent a one-time assessment; about five percent may be reassessed annually.

Wetland boundaries were hand drawn on recent aerial photographs. The delineations were based on an overlay of hydric soils maps; hydrophytic vegetation and presence of surface water (as visible from aerial photographs from multiple years); and, in some cases, field checking to confirm wetlands status.

These maps probably represent the most extensive, detailed and up-to-date map source for wetlands in certain areas. However, because these maps are relatively new, they are not widely used because of limited distribution.

These maps are not for sale but can be viewed at state SCS offices.

The strength of these maps is that they are a useful complement to NWI maps because they include many of the wetlands that NWI misses, specifically, cropped and very small wetlands.

The limitation of these maps is that because wetland boundaries were drawn on aerial photographs not printed for mass distribution, the maps are difficult to access and compile and they often do not include prior converted wetlands.

5. FEMA Flood Hazard Maps. The scale varies depending on the locality and ranges from 1 in. = 2,000 ft. to 1 in. = 200 ft.

Maps show floodplains of 100 and 500-year storm events based on analyses conducted since 1968. Floodplains were delineated from topographic maps, stream flow data, channel cross-sectional measurements and aerial photographs supplemented with limited hydraulic modeling and ground-checking.

These maps are not extensively used to identify wetlands.

The strength of these maps is that they might be used to help identify dominant water sources and transport vectors for specific wetlands located near rivers. They also might be used to identify wetlands that, if they store floodwater, are likely to have greater value because they help protect downstream properties that otherwise are likely to be flooded.

Limitations are that FEMA maps are not available for all jurisdictions. The 100- and 500-year floodplains do not have any particular ecological or geomorphic significance (annual, two-year and five-year floodplains are probably more functionally important) and their correlation with wetlands or hydric soil extent or function is unknown. Their accuracy may be reduced in areas with very wide, flat floodplains and backwater flooding. Boundaries may be outdated on maps of communities that have experienced rapid development since mapping.

Maps are available through:

Flood Map Distribution Center, Federal Emergency Management Agency, Baltimore, MD.

6. USGS Land-Use Land Analysis Maps (LUDA). Most LUDA maps are at a scale of 1:250,000; some are at 1:100,000. The minimum map unit size for the former is generally 40 acres (ten acres for open water).

These maps are based on interpretation of aerial photographs at a scale of 1:62,500 and recognize only two types of wetlands: forested and non-forested wetlands. Additionally, each map represents only one time period, ranging from the late 1960s to the present.

The maps are seldom used in identifying wetlands.

The strengths of these maps are that they are the only source of digital wetlands data for nearly the entire United States and the only map data source that includes all landscape components, not just wetlands. This allows for better integration of wetlands data with other landscape data when interpreting the role of wetlands in the landscape.

The limitation of these maps is that wetlands are grossly underestimated, because the minimum map unit size is too coarse and also because a consistent, modern definition of wetlands was not used during the mapping. In particular, forested, cropped and aquatic bed wetlands appear to be ignored or severely underestimated.

Maps are available from:

Earth Science Information Center, U.S. Geological Survey, Reston, Virginia.

7. Georgia Department of Natural Resources (DNR) Landcover Maps. These maps show 15 types of land use, including seven wetland classes, and have been produced at a scale of 1:24,000. They are not available for general distribution, but are on file at RDC offices.

Digital versions of the landcover data are available from:

USGS Center for Spatial Analysis Technologies, Georgia Institute of Technology Research Institute, Baker Building, Atlanta, Georgia 30332. This information is derived from automated classification of Landsat satellite imagery. As with NWI maps, they cannot be used to determine jurisdictional wetlands as regulated by the Army Corps of Engineers. Although a useful complement to NWI maps, they were produced at an accuracy of 85 percent and have not been thoroughly field checked.

REFERENCE

Cowardin, LM., et al., **Classification of Wetlands and Deepwater Habitats of the United States**, Washington, D.C.: U.S. Fish and Wildlife Service, 1979.

LEGAL STATUS PROVISIONS OF THE ORDINANCE

Conflict with Other Ordinances. Portions of other ordinances that conflict with portions of this Ordinance are repealed. Non-conflicting parts of those ordinances remain in effect.

Validity. Should any section or provision of this Wetlands Protection Ordinance be declared by the courts to be unconstitutional or invalid, that declaration will not affect the validity of the Ordinance as a whole nor any part of the ordinance other than the part that was declared to be unconstitutional or invalid.

Effective Date. This Wetlands Protection Ordinance was adopted this 22nd day of March, 2001, by the City Council of Bremen, Georgia, and shall become effective on the 31st day of March, 2001.

CITY COUNCIL OF BREMEN, GEORGIA

BY: [Signature]
MAYOR

BY: [Signature]
MAYOR PRO TEM

BY: [Signature]
COUNCILMAN

BY: _____
COUNCILMAN

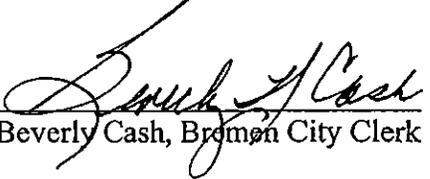
BY: _____
COUNCILMAN

ATTEST:
[Signature]
BEVERLY CASH, BREMEN CITY CLERK
SEAL

CITY OF BREMEN, HARALSON COUNTY, GEORGIA

CERTIFICATION OF ORDINANCE ADOPTION AND RECORDING

I, Beverly Cash, City Clerk of the City of Bremen, Georgia, as custodian of records for the City hereby certify that the attached is a true and correct copy of their *Wetlands Protection Ordinance* as adopted by the Bremen City Council on the 22nd day of March, 2001. It is also duly noted in the Bremen, Georgia Official Book of Minutes. The ordinance and its recording of minutes are on file in the City Clerk's Office at the Bremen City Hall, 232 Tallapoosa Street, Bremen, Georgia.


Beverly Cash, Bremen City Clerk