COUNTY AGENDA REQUEST

Department:	Stormwater Management	Presenter(s):	Vanessa Birrell
Meeting Date:	Thursday, May 23, 2013	Type of Request:	New Business

Wording for the Agenda:

Consideration of staff's recommendation to adopt Ordinance 2013-03 amending Fayette County Code, Chapter 19, Article IV, Stormwater Management and changing the Stormwater Utility Credit Technical Manual.

Background/History/Details:

Proposed amendments to Chapter 19, Fayette County Utilities, Article IV, Stormwater Management, include deleting sections pertaining to filing a notice of liens as an enforcement method for collection of delinquent accounts, and adding language allowing for late payment penalties.

Proposed amendments to the Stormwater Utility Credit Technical Manual include removing watershed stewardship and rain barrel credits, while allowing an automatic no-impact credit by adding both a pond credit and a large-lot credit.

Attachment 1 of the supporting documents (pages 1-15) is a red-lined version that details amendments to Ordinance 2013-03. Attachment 2 of the support documents (pages 16-28) is a clean, final copy of Ordinance 2013-03. Attachment 3 of the supporting document (pages 29-58) is a copy of the current Stormwater Utility Credit Technical Manual with proposed amendments.

What action are you seeking from the Board of Commissioners?

Approval of staff's recommendation to adopt Ordinance 2013-03 amending Fayette County Code, Chapter 19, Article IV, Stormwater Management and changing the Stormwater Utility Credit Technical Manual.

If this item requires funding, please describe:

Not Applicable.

Has this request been considered within the past two years?	Yes	If so, when?	Thursday, September 22, 2011
Is Audio-Visual Equipment Required for this Request?*	No	Backup Provided with Request?	Yes

**** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.***

Approved by Finance	Not Applicable	Reviewed by Legal	
Approved by Purchasing	Not Applicable	County Clerk's Approval	Yes
Administrator's Approval			

Staff Notes:

The late payment is 10% of the outstanding balance. Since liens are not available, collection efforts will need to be implemented for balances exceeding $500.00.

Attachment 1

STATE OF GEORGIA

COUNTY OF FAYETTE

ORDINANCE NO.

2013-___

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF FAYETTE COUNTY, GEORGIA; TO AMEND ARTICLE VI OF CHAPTER 19 PERTAINING TO STORMWATER MANAGEMENT; TO AMEND THE REQUIREMENTS, INSPECTIONS, AND ~~ENFORCEMNT~~ENFORCEMENT METHODS OF THE STORMWATER UTILITY; TO PROVIDE FOR AN EFFECTIVE DATE; TO CLARIFY WHAT CONSTITUTES A DELINQUENCY; TO ASSESS A LATE CHARGE; TO MAKE GENERAL CHANGES AS TO FORM; TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY, GEORGIA, AND IT IS HEREBY ENACTED PURSUANT TO THE AUTHORITY OF THE SAME THAT ARTICLE VI OF CHAPTER 19 OF THE CODE OF ORDIANNCES OF FAYETTE COUNTY AS IT PERTAINS TO STORMWATER MANAGEMENT BE AMENDED AS FOLLOWS:

Section 1. By redesignating all the subsections in Section 19-96 of the Fayette County Code of Ordinances which are currently designated as (b) through (k), so that when redesignated the subsections shall be designated as subsections (a) through (j).

Section 2. By deleting subsections (d), (f), (g) and (h) from Section 19-96 pertaining to "Findings" in their entirety and by enacting in lieu thereof new subsections (d), (f), (g) and (h) to Section 19-96 pertaining to "Findings" to read as follows:

(d) The stormwater needs in unincorporated Fayette County, Georgia include, but are not limited to, protecting the public health, safety and welfare. ~~Provision~~Provisions of stormwater management programs and facilities ~~renders~~render and/or ~~results~~result in both service and benefit to all properties, property owners, citizens, and residents of Fayette County in a variety of ways as identified in the professional engineering and financial analyses. The service and benefit rendered or resulting from ~~provision~~provisions of stormwater management systems and facilities may differ depending on many factors and considerations, including but not limited to location, demands and impacts imposed on the stormwater systems and programs, and risk exposure.

(f) The Board of Commissioners finds, concludes and determines that a ~~Stormwater~~stormwater ~~Utility~~utility provides the most practical and appropriate means of properly delivering and funding stormwater management services in unincorporated Fayette County.

(g) An equitable approach to funding stormwater management services and facilities can be provided by adopting a schedule of service charges upon properties that ~~is~~are related to the burden of stormwater quality control service requirements and costs posed by properties throughout the County. Such schedule of service charges can be complemented by other

funding methods which address specific needs, including but not limited to, allocations of special purpose local option sales taxes to stormwater drainage improvement projects. A service charge credit is an appropriate means of adjusting service charges in recognition that private stormwater systems and/or actions can effectively reduce or eliminate the burden of stormwater quantity and quality control service requirements and costs that a property or properties pose for the County. Impervious area is the most important factor influencing stormwater service requirements and costs posed by properties throughout the County, and therefore is an appropriate parameter for calculating stormwater service charges and associated credits. In addition, the value to ~~the~~a stormwater utility of certain actions and practices performed by property owners and other stormwater utility customers may be recognized by credits based on other factors, including but not limited to, the avoided cost of public information and education realized by the utility when public information and education about stormwater management is provided by the public school system.

(h) A schedule of ~~Stormwater~~stormwater ~~Utility~~utility user fee charges based on the area of impervious surface located on each improved property is the most appropriate and equitable means of allocating the cost of stormwater management services throughout the County. Such user fee charges may be complemented by other types of charges which address specific needs, including but not limited to, special service fees, special assessments, revenue bonds, use of proceeds from special purpose local option sales taxes and other forms of revenue, as deemed appropriate by the Board of Commissioners.

Section 3. By deleting the definitions for *Impervious Area/Impervious Surface*, *Service*

Charge and *Stormwater Customers* from Section 19-97 in their entirety and by enacting in lieu thereof new definitions for *Impervious Area/Impervious Surface*, *Service Charge* and *Stormwater Customers* to Section 19-97 to read as follows:

Impervious Area/Impervious Surface. Areas or surfaces that prevent or impede the infiltration of stormwater into the soil. The following types of surfaces will be considered "impervious" for purposes of the ~~stormwater~~Stormwater ~~utility~~Utility: the projected area of buildings; asphalt-, concrete-, brick-, or stone-paved areas; improved vehicular drives and parking areas; compacted gravel and soil surfaces; fabric or plastic coverings; and other surfaces that prevent or impede the natural infiltration of stormwater runoff or that change the hydrologic response of the property that existed prior to development.

Service Charge. A periodic rate, fee, or charge applicable to a parcel of land, reflective of the service provided by ~~Fayette County~~the Stormwater Utility. Service charges are based on measurable parameters which influence the ~~stormwater~~Stormwater ~~utility's~~Utility's cost of providing services and facilities, with the most important factor being the amount of impervious area on each parcel of land, which is the user-rate fee charge. The use of impervious area as a service charge rate parameter shall not preclude the use of other parameters to determine the impact on the ~~stormwater~~Stormwater ~~utility's~~Utility's cost of providing stormwater management services and facilities. Stormwater service charges may also include special charges to the owners of particular properties for services or facilities uniquely related to stormwater management of that property, including but not limited to charges for development plan review, inspection of

development projects and on-site stormwater control systems, and enhanced level of stormwater services above those normally provided by the County.

Stormwater Customers. All persons, properties, and entities served by and/or benefiting from the Stormwater ~~utility's~~Utility's acquisition, management, maintenance, extension, and improvement of the public stormwater management systems and facilities and regulation of public and private stormwater systems, facilities, and activities related thereto, and persons, properties, and entities which will ultimately be served or benefited as a result of the stormwater management program.

Section 4. By deleting Section 19-98 pertaining to the Establishment of a Stormwater Utility and Enterprise Fund in its entirety and by enacting in lieu thereof a new Section 19-98 pertaining to the Establishment of a Stormwater Utility and Enterprise Fund to read as follows:

Section 19-98. Establishment of a Stormwater Utility and Enterprise Fund.

(a) There is hereby established a Stormwater Utility within the Fayette County Utility Services ~~which~~that shall be responsible for stormwater management services throughout the unincorporated County limits, and shall provide for the management, protection, control, regulation, use, and enhancement of the County's stormwater management system. Such ~~utility~~Utility shall be under the direction of a Stormwater Management Director.

(b) The County Administrator and the County Chief Financial Officer shall establish a Stormwater Enterprise Fund in the County budget and accounting system, separate and apart

from its General Fund, for the purpose of dedicating and protecting all funding applicable to the purposes and responsibilities of the ~~utility~~Utility, including but not limited to rentals, rates, charges, fees, and licenses as may be established by the Board of Commissioners. All revenues and receipts of the Stormwater ~~utility's~~Utility shall be deposited promptly upon receipt into the Stormwater Enterprise Fund, to be held and invested in trust for the purposes dedicated, and expended exclusively for purposes of the Stormwater ~~utility's~~Utility, including capital project construction. No other funds of the County shall be deposited in the Stormwater Enterprise Fund or commingled with dedicated stormwater revenues, except that other revenues, receipts, and resources not accounted for in the Stormwater Enterprise Fund, including but not limited to, grants, transfers of County funds, loans, and bond proceeds may be combined with and applied to stormwater management as deemed appropriate by the Board of Commissioners, upon recommendation of the County Administrator.

Section 5. By deleting subsection (a) of Section 19-99 pertaining to the Scope of Responsibility for the Stormwater Utility in its entirety and by enacting in lieu thereof a new subsection (a) to Section 19-99 pertaining to the Scope of Responsibility for the Stormwater Utility to read as follows:

(a) The ~~stormwater~~Stormwater ~~utility~~Utility shall be responsible for stormwater management throughout the unincorporated limits of Fayette County~~ government~~. The ~~utility~~Utility shall provide for the conservation, management, protection, control, use, and enhancement of stormwater through planning, acquisition, construction, installation, management, operation, maintenance, regulation, extension, and improvement of the public stormwater drainage

systems to collect, control, convey, store, detain, retain, recharge, and treat stormwater and through regulation of stormwater management systems on private property. It shall be the long-term objective of the County to provide a comparable and consistent level of stormwater service to similarly situated properties throughout the service area.

Section 6. By deleting Section 19-100 pertaining to the Requirements for Stormwater Systems; Inspections and Enforcement Methods in its entirety and by enacting in lieu thereof a new Section 19-100 pertaining to the Requirements for Stormwater Systems; Inspections and Enforcement Methods to read as follows:

Section 19-100. Requirements for Stormwater Systems; Inspections and Enforcement Methods.

The appropriate and efficacious management of the stormwater management system by the County on behalf of all its citizens and in compliance with applicable state and federal law places necessary and appropriate obligations on private property owners as well. The ~~stormwater~~Stormwater ~~utility~~Utility may provide for inspection of private stormwater drainage systems and/or facilities to ascertain that the stormwater drainage systems and/or facilities are functioning as designed and approved by the County.

(a) All property owners of improved property within ~~the incorporated areas of~~ unincorporated Fayette County shall provide, manage, maintain, and operate on-site stormwater management systems sufficient to collect, convey, detain, and discharge stormwater runoff in a safe manner consistent with all applicable County development regulations, ordinances, and

State and Federal laws. Any failure to meet this obligation shall constitute a violation of this article and be subject to citation and prosecution in the Fayette County ~~Municipal~~ State Court. Each day such violation exists shall constitute a separate offense, subject to the penalties set forth in Section~~?~~ 1-8 of the Code of Fayette County.

(b) The County shall have the right, pursuant to the authority of this ordinance, for its designated officers and employees to enter upon private and public property owned by entities other than the County, upon reasonable notice to the owner thereof, to inspect the property and conduct surveys and engineering tests thereon in order to assure compliance.

(c) ~~If determined by the Stormwater Management Department, undocumented drainage~~Drainage systems~~,~~ located on private property that are connected to the County's stormwater drainage system shall be permitted and improved by the property owner to ensure proper function to the public system.~~ This determination may be based upon on the severity of stormwater problems, current or potential damage to the publicly owned stormwater management system and potential hazards to the public health, safety and welfare.~~

(d) In the event a public nuisance is deemed to exist by the Stormwater Management Department, the County may elect to sue in the Superior Court of Fayette County to abate such nuisance.~~ In the event a public nuisance is found by the court to exist, which the property owner fails to abate within such reasonable time as allowed by the Superior Court, the County may enter upon the property and cause work as is reasonably necessary to be performed, with the actual cost thereof assessed against the property owner in the same manner as a tax levied against the property. From the date of filing of such abatement action, the County shall have lien rights which may be perfected, after judgment, by filing a notice of lien on the general~~

~~execution docket of the Superior Court of Fayette County.~~

~~(e) Any failure to meet the obligations set forth in this Ordinance shall constitute a nuisance and be subject to an abatement action filed by the County in the? Court. In the event a public nuisance is found by the Court to exist, which the owner fails to properly abate within such reasonable time as allowed by the Court, the County may enter upon the property and cause such work as is reasonably necessary to be performed. The actual cost thereof shall be assessed against the owner in the same manner as a tax levied against the property.~~

~~(f) The County shall have lien rights from the date of the filing of the abatement action by the County, and said lien rights may be perfected through:~~

~~(1) A judgment; and,~~

~~(2) The filing of a writ of fieri facias against all property of the person or entity against whom the assessment was made. Upon issuance of said fi. fa., and forwarding of same to the Sheriff, the Sheriff shall be authorized pursuant to Georgia law to levy same upon the property of the owner to satisfy the amount due on the judgment.~~

~~These enforcement methods shall be perfected by filing a Notice of Lien on the General Execution Docket of the Superior Court of Fayette County. A fi. fa. issued by any court in the State of Georgia can be recorded on the General Execution Docket of the Superior Court of any other county in the state in which the owner possesses property. When the execution has been entered upon the docket, the lien shall date from such entry.~~

~~State law reference — O.C.G.A. § 9-12-81 (b).~~

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Section 7. By deleting Section 19-101 pertaining to Stormwater Service Chares in its entirety and by enacting in lieu thereof a new Section 19-101 pertaining to Stormwater Service Charges to read as follows:

Section 19-101. Stormwater Service Charges.

(a) The ~~stormwater~~Stormwater ~~utility~~Utility shall recover the cost of providing stormwater services and facilities by imposing a stormwater user fee on all developed properties within the service area in a fair and equitable manner. The ~~stormwater~~Stormwater ~~management utility~~Utility shall apportion the cost of delivering stormwater services to all developed properties based on the demand the property places on the County's stormwater management program and the stormwater services provided by the County.

(b) It shall be the goal of the Board of Commissioners to establish stormwater user fee rates that are fair, equitable and reasonable.~~, and together with other funding sources available to the Fayette County stormwater management utility, such as special service fees and charges deemed appropriate by the Board of Commissioners to customers for services, systems, and/or facilities related to stormwater management (e.g. credit application fees, plan review fees, development inspection fees, regulatory compliance inspection fees, special assessments and other fees related to provision of stormwater management services),~~ Such fee shall be ~~are~~ sufficient to support the cost of the stormwater management services, including, but not limited to, the payment of principal and interest on debt obligations, lease payments, operating expenses, capital outlays, non-operating expenses, provisions for prudent reserves and other costs as deemed appropriate by the County. Additional funding sources are also available to offset this fee, such as special service fees and charges deemed appropriate by the Board of

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Commissioners to customers for services, systems, and/or facilities related to stormwater management (e.g., credit application fees, plan review fees, development inspection fees, regulatory compliance inspection fees, special assessments and other fees related to provision of stormwater management services).

(c) The basis for calculation of the stormwater user fee rate to all developed property within the County is established in this article. The County shall assign or determine the amount of impervious area and other pertinent factors as may be needed for the fair, reasonable and equitable allocation of the costs to deliver stormwater management services and to calculate the stormwater user fee charges for all developed properties in the County.

(1) User-Fee Rate Calculation.

(A) Properties shall be treated as containing one billing unit for each 1,000 square feet of impervious area located on the property to establish the total number of billing units ~~for billing~~. The total square footage of impervious area will be rounded down to the nearest 1,000-foot ~~ft.~~ increment. (Ex. A property with 1,990 square feet of impervious area shall ~~contain~~comprise one (1) equivalent runoff unit.)

(B) Gravel and compacted soils shall be calculated as 0.85 equivalent runoff units, because of the hydrologic response characteristics of these materials. (Ex. A property with 2,000 square feet of gravel area shall be equivalent to 1,700 square feet and then rounded down to one (1) equivalent runoff unit.)

(2) Calculation of Rate. The periodic stormwater use fee charges imposed on all developed properties shall be a rate of $0.35 per 1000 square feet of impervious surface per month.

Section 8. By deleting Section 19-102 pertaining to Stormwater User-Fee Billing/ Collections, and Delinquencies in its entirety and by enacting in lieu thereof a new Section 19-102 pertaining to Stormwater User-Fee Billing/Collections, and Delinquencies to read as follows:

Section 19-102. Stormwater User-Fee Billing, Collections, and Delinquencies.

(a) Billing and Collections.

(1) Stormwater user fee charges shall begin to accrue ~~(date)~~on January 1, 2012, and shall be billed periodically, thereafter to customers, except as specific exemptions and credits may apply. A bill for stormwater user fee charges may be sent through the United States Postal Service or by alternative means, notifying the owner of the property ~~being billed~~ of the amount of the stormwater user fee charge, less credits~~,~~; and the date the payment is due ~~and the date when payment is past due~~.

(b) Delinquencies.

~~(2)~~ (1) Failure to receive a bill shall not be justification for nonpayment. Regardless of the party to whom the bill is initially directed, the owner of each developed property is subject to stormwater user fee charges and shall be obligated to pay stormwater user fee charges and any interest on delinquent stormwater user fee

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charge payments on the date the bill is due.

~~(2) Any service charge or portion of a service charge not paid when due may be recovered in an action at law or equity by the County.~~

~~(3)~~(2) ~~No lien shall be imposed for delinquent collections unless a judgment is first obtained from a court of competent jurisdiction.~~ A late charge of ten (10%) percent shall be assessed against the customer for the unpaid balance of any Stormwater Utility fee charge that becomes delinquent. In addition, the County shall assess all costs of collection, including attorney's fees and court costs, against the property owner.

~~(4) Suits for collection shall be commenced by the County in the county of the owner's residence; provided, however, if the owner is not a resident of this state, suit may be filed in the Superior or State Court of Fayette County, Georgia. If a suit is instituted by the County for collection, the owner shall pay court costs, litigation expenses, and reasonable attorney's fees incurred by the County.~~

~~(5) If suit is instituted for the collection of any fees due hereunder or for the enforcement of this Ordinance, the owner shall pay the court costs, litigation expenses, and reasonable attorney's fees associated therewith.~~

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Section 9. By deleting subsection (a) (3) from Section 19-103 pertaining to Exemptions and Credits Applicable to Stormwater Service Charges in its entirety and by enacting in lieu thereof a new subsection (a) (3) to Section 19-103 pertaining to Exemptions and Credits Applicable to Stormwater Charges to read as follows:

(3) Fayette County-owned streets and rights-of-way shall be exempt from stormwater user fee charges. This exemption is in consideration for the County allowing the Stormwater Utility to use the County's existing street, curbs, gutters, drainage ways and ditches, storm sewers, culverts, inlets, catch basins, pipes, head walls and other structures, natural and man-made, that controls and diverts surface water for the purposes of collecting, diverting, transporting and controlling surface and storm waters. However, other improved property owned and used for County purposes shall not be exempt from stormwater user fee charges.

Section 10. By deleting subsection (a) of Section 19-105 pertaining to Appeals in its entirety and by enacting in lieu thereof a new subsection (a) to Section 19-105 pertaining to Appeals to read as follows:

(a) An appeal must be filed in writing with the Fayette County Stormwater Management Director. In the case of service charge appeals, the appeal shall include a survey prepared by a registered land surveyor or professional engineer containing information on the total property area, the impervious surface area, and any other features or conditions ~~which~~that influence the hydrologic response of the property to rainfall events.

Section 11. Should any word, phrase or sentence of this ordinance be deemed unconstitutional by a court of competent jurisdiction, it is the intent of the Board of Commissioners that such unconstitutional parts shall be severed from this

Ordinance and this Ordinance will continue to be in force and effect as if such unconstitutional parts had never been a part of this Ordinance.

Section 12. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith are hereby expressly repealed.

Section 13. The effective date of this Ordinance shall be May 23, 2013.

SO ORDAINED this ____ day of _____, 2013.

BOARD OF COMMISSIONERS
FAYETTE COUNTY, GEORGIA

(SEAL)

By: _____
Steve Brown, Chairman

ATTEST:

_____
Floyd Jones, Clerk

STATE OF GEORGIA

COUNTY OF FAYETTE

ORDINANCE NO.

2013-03

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF FAYETTE COUNTY, GEORGIA; TO AMEND ARTICLE VI OF CHAPTER 19 PERTAINING TO STORMWATER MANAGEMENT; TO AMEND THE REQUIREMENTS, INSPECTIONS, AND ENFORCEMENT METHODS OF THE STORMWATER UTILITY; TO PROVIDE FOR AN EFFECTIVE DATE; TO CLARIFY WHAT CONSTITUTES A DELINQUENCY; TO ASSESS A LATE CHARGE; TO MAKE GENERAL CHANGES AS TO FORM; TO PROTECT THE PUBLIC HEALTH, SAFETY AND WELFARE; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY, GEORGIA, AND IT IS HEREBY ENACTED PURSUANT TO THE AUTHORITY OF THE SAME THAT ARTICLE VI OF CHAPTER 19 OF THE CODE OF ORDIANNCES OF FAYETTE COUNTY AS IT PERTAINS TO STORMWATER MANAGEMENT BE AMENDED AS FOLLOWS:

Section 1. By redesignating all the subsections in Section 19-96 of the Fayette County Code of Ordinances which are currently chronologically designated as (b) through (k), so that when redesignated the subsections shall be chronologically designated as subsections (a) through (j), respectively.

Section 2. By deleting subsections (d), (f), (g) and (h) from Section 19-96 pertaining to Findings in their entirety and by enacting in lieu thereof new subsections (d), (f), (g) and (h) to Section 19-96 pertaining to Findings to read as follows:

(d) The stormwater needs in unincorporated Fayette County, Georgia include, but are not limited to, protecting the public health, safety and welfare. Provisions of stormwater management programs and facilities render and/or result in both service and benefit to all properties, property owners, citizens, and residents of Fayette County in a variety of ways as identified in the professional engineering and financial analyses. The service and benefit rendered or resulting from provisions of stormwater management systems and facilities may differ depending on many factors and considerations, including but not limited to location, demands and impacts imposed on the stormwater systems and programs, and risk exposure.

(f) The Board of Commissioners finds, concludes and determines that a stormwater utility provides the most practical and appropriate means of properly delivering and funding stormwater management services in unincorporated Fayette County.

(g) An equitable approach to funding stormwater management services and facilities can be provided by adopting a schedule of service charges upon properties that are related to the burden of stormwater quality control service requirements and costs posed by properties throughout the County. Such schedule of service charges can be complemented by other funding methods which address specific needs, including but not limited to, allocations of special purpose local option sales taxes to stormwater drainage improvement projects. A service

charge credit is an appropriate means of adjusting service charges in recognition that private stormwater systems and/or actions can effectively reduce or eliminate the burden of stormwater quantity and quality control service requirements and costs that a property or properties pose for the County. Impervious area is the most important factor influencing stormwater service requirements and costs posed by properties throughout the County, and therefore is an appropriate parameter for calculating stormwater service charges and associated credits. In addition, the value to a stormwater utility of certain actions and practices performed by property owners and other stormwater utility customers may be recognized by credits based on other factors, including but not limited to, the avoided cost of public information and education realized by the utility when public information and education about stormwater management is provided by the public school system.

(h) A schedule of stormwater utility user fee charges based on the area of impervious surface located on each improved property is the most appropriate and equitable means of allocating the cost of stormwater management services throughout the County. Such user fee charges may be complemented by other types of charges which address specific needs, including but not limited to, special service fees, special assessments, revenue bonds, use of proceeds from special purpose local option sales taxes and other forms of revenue, as deemed appropriate by the Board of Commissioners.

Section 3. By deleting the definitions for *Impervious Area/Impervious Surface*, *Service Charge* and *Stormwater Customers* from Section 19-97 in their entirety and by enacting in lieu thereof new definitions for *Impervious Area/Impervious Surface*,

Service Charge and *Stormwater Customers* to Section 19-97 to read as follows:

Impervious Area/Impervious Surface. Areas or surfaces that prevent or impede the infiltration of stormwater into the soil. The following types of surfaces will be considered "impervious" for purposes of the Stormwater Utility: the projected area of buildings; asphalt-, concrete-, brick-, or stone-paved areas; improved vehicular drives and parking areas; compacted gravel and soil surfaces; fabric or plastic coverings; and other surfaces that prevent or impede the natural infiltration of stormwater runoff or that change the hydrologic response of the property that existed prior to development.

Service Charge. A periodic rate, fee, or charge applicable to a parcel of land, reflective of the service provided by the Stormwater Utility. Service charges are based on measurable parameters which influence the Stormwater Utility's cost of providing services and facilities, with the most important factor being the amount of impervious area on each parcel of land, which is the user-rate fee charge. The use of impervious area as a service charge rate parameter shall not preclude the use of other parameters to determine the impact on the Stormwater Utility's cost of providing stormwater management services and facilities. Stormwater service charges may also include special charges to the owners of particular properties for services or facilities uniquely related to stormwater management of that property, including but not limited to charges for development plan review, inspection of development projects and on-site stormwater control systems, and enhanced level of stormwater services above those normally provided by the County.

Stormwater Customers. All persons, properties, and entities served by and/or benefiting from the Stormwater Utility's acquisition, management, maintenance, extension, and improvement of the public stormwater management systems and facilities and regulation of public and private stormwater systems, facilities, and activities related thereto, and persons, properties, and entities which will ultimately be served or benefited as a result of the stormwater management program.

Section 4. By deleting Section 19-98 pertaining to the Establishment of a Stormwater Utility and Enterprise Fund in its entirety and by enacting in lieu thereof a new Section 19-98 pertaining to the Establishment of a Stormwater Utility and Enterprise Fund to read as follows:

Section 19-98. Establishment of a Stormwater Utility and Enterprise Fund.

(a) There is hereby established a Stormwater Utility within the Fayette County Utility Services that shall be responsible for stormwater management services throughout the unincorporated County limits, and shall provide for the management, protection, control, regulation, use, and enhancement of the County's stormwater management system. Such Utility shall be under the direction of the Stormwater Management Director.

(b) The County Administrator and the County Chief Financial Officer shall establish a Stormwater Enterprise Fund in the County budget and accounting system, separate and apart from its General Fund, for the purpose of dedicating and protecting all funding applicable to the purposes and responsibilities of the Utility, including but not limited to rentals, rates, charges, fees, and licenses as may be established by the Board of Commissioners. All revenues and

receipts of the Stormwater Utility shall be deposited promptly upon receipt into the Stormwater Enterprise Fund, to be held and invested in trust for the purposes dedicated, and expended exclusively for purposes of the Stormwater Utility, including capital project construction. No other funds of the County shall be deposited in the Stormwater Enterprise Fund or commingled with dedicated stormwater revenues, except that other revenues, receipts, and resources not accounted for in the Stormwater Enterprise Fund, including but not limited to, grants, transfers of County funds, loans, and bond proceeds may be combined with and applied to stormwater management as deemed appropriate by the Board of Commissioners, upon recommendation of the County Administrator.

Section 5. By deleting subsection (a) of Section 19-99 pertaining to the Scope of Responsibility for the Stormwater Utility in its entirety and by enacting in lieu thereof a new subsection (a) to Section 19-99 pertaining to the Scope of Responsibility for the Stormwater Utility to read as follows:

(a) The Stormwater Utility shall be responsible for stormwater management throughout the unincorporated limits of Fayette County. The Utility shall provide for the conservation, management, protection, control, use, and enhancement of stormwater through planning, acquisition, construction, installation, management, operation, maintenance, regulation, extension, and improvement of the public stormwater drainage systems to collect, control, convey, store, detain, retain, recharge, and treat stormwater and through regulation of stormwater management systems on private property. It shall be the long-term objective of the County to provide a comparable and consistent level of stormwater service to similarly situated

properties throughout the service area.

Section 6. By deleting Section 19-100 pertaining to the Requirements for Stormwater Systems; Inspections and Enforcement Methods in its entirety and by enacting in lieu thereof a new Section 19-100 pertaining to the Requirements for Stormwater Systems; Inspections and Enforcement Methods to read as follows:

Section 19-100. Requirements for Stormwater Systems; Inspections and Enforcement Methods.

The appropriate and efficacious management of the stormwater management system by the County on behalf of all its citizens and in compliance with applicable state and federal law places necessary and appropriate obligations on private property owners as well. The Stormwater Utility may provide for inspection of private stormwater drainage systems and/or facilities to ascertain that the stormwater drainage systems and/or facilities are functioning as designed and approved by the County.

(a) All property owners of improved property within unincorporated Fayette County shall provide, manage, maintain, and operate on-site stormwater management systems sufficient to collect, convey, detain, and discharge stormwater runoff in a safe manner consistent with all applicable County development regulations, ordinances, and State and Federal laws. Any failure to meet this obligation shall constitute a violation of this article and be subject to citation and prosecution in the Fayette County State Court. Each day such violation exists shall constitute a separate offense, subject to the penalties set forth in Section 1-8 of the Code of

Fayette County.

(b) The County shall have the right, pursuant to the authority of this ordinance, for its designated officers and employees to enter upon private and public property owned by entities other than the County, upon reasonable notice to the owner thereof, to inspect the property and conduct surveys and engineering tests thereon in order to assure compliance.

(c) Drainage systems located on private property that are connected to the County's stormwater drainage system shall be permitted and improved by the property owner to ensure proper function to the public system.

(d) In the event a public nuisance is deemed to exist by the Stormwater Management Department, the County may elect to sue in the Superior Court of Fayette County to abate such nuisance.

Section 7. By deleting Section 19-101 pertaining to Stormwater Service Chares in its entirety and by enacting in lieu thereof a new Section 19-101 pertaining to Stormwater Service Charges to read as follows:

Section 19-101. Stormwater Service Charges.

(a) The Stormwater Utility shall recover the cost of providing stormwater services and facilities by imposing a stormwater user fee on all developed properties within the service area in a fair and equitable manner. The Stormwater Utility shall apportion the cost of delivering stormwater services to all developed properties based on the demand the property

places on the County's stormwater management program and the stormwater services provided by the County.

(b) It shall be the goal of the Board of Commissioners to establish stormwater user fee rates that are fair, equitable and reasonable. Such fee shall be sufficient to support the cost of the stormwater management services, including but not limited to, the payment of principal and interest on debt obligations, lease payments, operating expenses, capital outlays, non-operating expenses, provisions for prudent reserves and other costs as deemed appropriate by the County. Additional funding sources are also available to offset this fee , such as special service fees and charges deemed appropriate by the Board of Commissioners to customers for services, systems, and/or facilities related to stormwater management (e.g., credit application fees, plan review fees, development inspection fees, regulatory compliance inspection fees, special assessments and other fees related to provision of stormwater management services).

(c) The basis for calculation of the stormwater user fee rate to all developed property within the County is established in this article. The County shall assign or determine the amount of impervious area and other pertinent factors as may be needed for the fair, reasonable and equitable allocation of the costs to deliver stormwater management services and to calculate the stormwater user fee charges for all developed properties in the County.

(1) User-Fee Rate Calculation.

(A) Properties shall be treated as containing one billing unit for each 1,000 square feet of impervious area located on the property to establish the total number of billing units. The total square footage of impervious area will be rounded down to the nearest 1,000-foot increment. (Ex. A property with 1,990 square feet of impervious area shall comprise one (1) equivalent runoff unit.)

(B) Gravel and compacted soils shall be calculated as 0.85 equivalent runoff units, because of the hydrologic response characteristics of these materials. (Ex. A property with 2,000 square feet of gravel area shall be equivalent to 1,700 square feet and then rounded down to one (1) equivalent runoff unit.)

(2) Calculation of Rate. The periodic stormwater use fee charges imposed on all developed properties shall be a rate of $0.35 per 1000 square feet of impervious surface per month.

Section 8. By deleting Section 19-102 pertaining to Stormwater User-Fee Billing/ Collections, and Delinquencies in its entirety and by enacting in lieu thereof a new Section 19-102 pertaining to Stormwater User-Fee Billing/Collections, and Delinquencies to read as follows:

Section 19-102. Stormwater User-Fee Billing, Collections, and Delinquencies.

(a) Billing and Collections.

(1) Stormwater user fee charges shall begin to accrue on January 1, 2012, and shall be billed periodically, thereafter to customers, except as specific exemptions and credits may apply. A bill for stormwater user fee charges may be sent through the United States Postal Service or by alternative means, notifying the owner of the property of the amount of the stormwater user fee charge, less credits; and the date the payment is due.

(b) Delinquencies.

(1) Failure to receive a bill shall not be justification for nonpayment. Regardless of the party to whom the bill is initially directed, the owner of each developed property is subject to stormwater user fee charges and shall be obligated to pay stormwater user fee charges and any interest on delinquent stormwater user fee charge payments on the date the bill is due.

(2) A late charge of ten (10%) percent shall be assessed against the customer for the unpaid balance of any Stormwater Utility user fee charge that becomes delinquent. In addition, the County shall assess all costs of collection, including attorney's fees and court costs, against the property owner.

Section 9. By deleting subsection (a) (3) from Section 19-103 pertaining to Exemptions and Credits Applicable to Stormwater Service Charges in its entirety and by enacting in lieu thereof a new subsection (a) (3) to Section 19-103 pertaining to Exemptions and Credits Applicable to Stormwater Charges to read as follows:

(3) Fayette County-owned streets and rights-of-way shall be exempt from stormwater user fee charges. This exemption is in consideration for the County allowing the Stormwater Utility to use the County's existing street, curbs, gutters, drainage ways and ditches, storm sewers, culverts, inlets, catch basins, pipes, head walls and other structures, natural and man-made, that controls and diverts surface water for the purposes of collecting, diverting, transporting and controlling surface and storm waters. However, other improved property owned and used for County purposes shall not be

exempt from stormwater user fee charges.

Section 10. By deleting subsection (a) of Section 19-105 pertaining to Appeals in its entirety and by enacting in lieu thereof a new subsection (a) to Section 19-105 pertaining to Appeals to read as follows:

(a) An appeal must be filed in writing with the Fayette County Stormwater Management Director. In the case of service charge appeals, the appeal shall include a survey prepared by a registered land surveyor or professional engineer containing information on the total property area, the impervious surface area, and any other features or conditions that influence the hydrologic response of the property to rainfall events.

Section 11. Should any word, phrase or sentence of this ordinance be deemed unconstitutional by a court of competent jurisdiction, it is the intent of the Board of Commissioners that such unconstitutional parts shall be severed from this Ordinance and this Ordinance will continue to be in force and effect as if such unconstitutional parts had never been a part of this Ordinance.

Section 12. All ordinances or resolutions and parts of ordinances or resolutions in conflict herewith are hereby expressly repealed.

Section 13. The effective date of this Ordinance shall be May 23, 2013.

SO ORDAINED this ____ day of _____, 2013.

BOARD OF COMMISSIONERS OF
FAYETTE COUNTY, GEORGIA

(SEAL)

By:_____
Steve Brown, Chairman

ATTEST:

_____
Floyd Jones, Clerk

Attachment 3

Stormwater Utility Credit Technical Manual

Fayette County GEORGIA

Stormwater Management Department

April 2013

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SECTION 1 – GENERAL INFORMATION

Stormwater Utility user fee credits are given to property owners for being good stewards of the natural water resources in Fayette County by performing stormwater best management practices (BMPs). The cumulative effect of these BMPs are intended to reduce demand/impact on the Fayette County Stormwater Management Programs, improve water quality, reduce flooding, and provide a cleaner natural resource for Fayette County.

These credits, when applied to the customer's account, will reduce the customer's user fee amount. These credits will also be reviewed on a periodic basis by the County to insure compliance with this Stormwater Utility Credit Manual (the Manual.)

Summary of Stormwater User Fee Credits

Table 1 summarizes both structural and non-structural user fee credits available to the Stormwater Utility customers outlined in this manual. Per County policy, the maximum user fee credit that a customer account can receive is **100%** for No-impact parcels and **50%** for all other parcels**.**

Table 1- Stormwater User Fee Credits

Best Management Practice	Term[1]	Potential Stormwater User Fee Credit	
		Single Family Residential (SFR)	Non Single Family Residential (NSFR)
Residential Environmental Technology	3 YEARS	20 %	
Low-Impact Parcel			
2 acres[2]	5 YEARS	10 %	
5 acres[2]	5 YEARS	15 %	
10 acres[2]	5 YEARS	20%	
15 acres[2]	5 YEARS	25%	
No-impact Parcel	Never Expires	100 %	100%
Residential Pond	1 YEAR	10%	
Septic Tank Maintenance	5 YEARS	20 %	20%
Natural Area Preservation	Easement Duration	20%	20 %
Water Resources Education Programs	1 YEAR		50 %
NPDES Industrial Stormwater General Permit Compliance	1 YEAR		10 %
Unified Stormwater Sizing Criteria[3]			
Water Quality	3 YEARS		10 %
Channel Protection	3 YEARS		10 %
Overbank Flood Protection	3 YEARS		10 %
Extreme Flood Protection	3 YEARS		10 %

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Deleted: 5 YEARS
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Deleted: Watershed Stewardship
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1- Credits are applicable as long as the property owner of multiple owners (where applicable) account(s) are in good standing with Fayette County Stormwater Management.

2-Shall be automatically applied to all parcels which meet the condition, as long as the property owner's account is in good standing with Fayette County Stormwater Management.

3- Residential customers that are part of a larger common development (or subdivision) can collectively apply for credits related to the GSMM Unified Stormwater Sizing Criteria.

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SECTION 2 - Definitions

Except as specifically defined in this manual, all words used in this title have their customary dictionary definitions. For the purpose of this title, certain words or terms used are defined as follows:

Best Management Practice (BMP): Schedules of activities, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, flood controls, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Credit. A conditional reduction in the amount of a customer's stormwater user fee charge in recognition of a customer's efforts to mitigate the stormwater runoff impact that developed property has on the County stormwater management systems, and/or the efforts of a customer to offset the County's cost for implementation of the stormwater management program activities that include, but not limited to, public education, watershed stewardship, etc.

County. The unincorporated jurisdictional boundaries of Fayette County, Georgia. For purposes of this ordinance may also be referred to in this ordinance as Fayette County or the County.

Developed Land. All real property altered from its natural state by grading, paving, compaction, construction of structures, impervious services, or drainage works so that hydrologic response of the property is changed from that which would occur in the natural undeveloped condition.

Georgia Stormwater Management Manual. A stormwater technical guidance manual published by the Atlanta Regional Commission. The 'Georgia Stormwater Management Manual' is hereby incorporated by reference into this ordinance.

Impervious Area/Impervious Surface. Areas or surfaces that prevent or impede the infiltration of stormwater into the soil. The following types of surfaces will be considered "impervious" for purposes of the stormwater utility: the projected area of buildings; asphalt-, concrete-, brick-, or stone-paved areas; improved vehicular drives and parking areas; compacted gravel and soil surfaces; fabric or plastic coverings; and other surfaces that prevent or impede the natural infiltration of stormwater runoff or that change the hydrologic response of the property that existed prior to development.

Non-Single Family Residential Property (NSFR). Developed property that consists of various non-residential land uses including, but not limited to: (1) multi-family, commercial, office/institutional, public, transportation, industrial, manufacturing and storage buildings and facilities; (2) parking lots, parks, public and private schools, universities and hospitals; (3) streets, roads, water and wastewater treatment plants; and (4) any other form of use not specifically defined as a single family residential property.

Single-Family Residential Property (SFR). Developed property containing at least one dwelling with one (1) or more bedrooms, a bathroom, and cooling facilities, designed for occupancy by one or more persons, regardless of relationship, living as a single-family unit. Improved property may be classified as single-family residential even if supplemental detached dwelling units are present that include but not limited to garages, carports, storage buildings and barns.

Stormwater Customers. All persons, properties, and entities served by and/or benefiting from the utility's acquisition, management, maintenance, extension, and improvement of the public stormwater management systems and facilities and regulation of public and private stormwater systems, facilities, and activities related thereto, and persons, properties, and entities which will ultimately be served or benefited as a result of the stormwater management program.

Stormwater Drainage System. A system designed to provide adequate surface drainage that includes inlets, street and roadway gutters, ditches, small channels, swales and underground piping systems.

Stormwater Management Services. All services provided by the County that relate to the:

1. Transfer, control, conveyance or movement of stormwater runoff through the Fayette County Stormwater Management System;
2. Maintenance, repair and replacement of existing stormwater drainage systems;
3. Regulation of the use of stormwater management services and systems; and,
4. Compliance with applicable state and federal stormwater management regulations and permit requirements.

Stormwater management services may address the quality of stormwater runoff as well as the quantity thereof.

Stormwater Management System. The structural and nonstructural stormwater drainage systems, facilities, operations, and programs that address the issues of drainage management (flooding) and environmental quality (pollution, erosion and sedimentation) of receiving rivers, streams, creeks, lakes, ponds, and reservoirs through improvements, maintenance, regulation and funding of plants, works, instrumentalities and properties used or useful in the collection, retention, detention, and treatment of stormwater or surface water drainage.

Undeveloped Land. Land in its unaltered natural state or which has been modified to such minimal degree as to have a hydrologic response comparable to land in an unaltered natural state shall be deemed undeveloped. Undeveloped land shall have no pavement, asphalt, or compacted gravel surfaces or structures which create an impervious surface that would prevent infiltration of stormwater or cause stormwater to collect, concentrate, or flow in a manner materially different than that which would occur if the land was in an unaltered natural state.

Section 3 - Stormwater User Fee Credit Policies

The County has established the following general policies regarding consideration and approval of stormwater user fee credits. Please refer to Section 19-103 of the Stormwater Management Ordinance for additional guidance and requirements pertaining to the stormwater user fee credits.

- Credit applications for existing facilities may be submitted at any time. However, the credit will be applied retroactively to the first stormwater bill cycle only for those credit applications received within one year from the end of the month of the first stormwater billing. After that time it will be applied in the next billing cycle after the credit has been approved.

- Credit applications for new construction or redevelopment may be submitted once the BMPs are in place, approved by the County and the stormwater billing is scheduled.

- A group of customers can only apply for a credit if:

    - the property owners enter a Memorandum of Agreement (MOA);

    - all property signing the MOA are served by the same BMP(s), and;

    - the MOA is not canceled at any time during the term of the credit.

- A residential homeowner's association (HOA), or a common development such as a multi-family apartment complex and/or a manufactured home park, which has its own properly designed, constructed, and maintained stormwater BMP(s) should contact the County Stormwater Management Department to determine if the HOA members, or common development customers, are eligible for a credit. For the purposes of the credit, the BMP(s) must be located on a parcel that is platted within the common development and owned by the HOA (or a single property owner within the subdivision or common development). BMPs located on County owned properties are not eligible for credits to private property owners. Additionally, BMPs that the County maintains through a dedicated maintenance easement or other legal agreement though lying within private property cannot be used by the customer for credit purposes.

    - For the purposes of awarding the credit, the credit being applied for must be met for the entire common development and must meet the Manual criteria.

    - Any resulting credit awarded will be divided among eligible customers within the HOA or the common development.

Section 4 - Stormwater User Fee Credit Application Process

The application for a stormwater user fee credit is as follows:

1. The customer shall obtain a copy of this manual (available online or in the Fayette County Stormwater Management Office) and determine if a credit is applicable to their property.

2. If applicable, the customer shall submit a completed application package, which can be found in the appendices of this document, for review based on this manual and an executed right of Entry Agreement (if need for inspection purposes.)

3. The County will review the application package and notify the customer if the request is approved or denied within 30 days of receipt of the completed application. Incomplete application packages will not be considered by the County and will be returned to the customer for completion and/or revision. If the customer's application is not approved, the County send written notification explaining the denial.

4. If the credit application is approved, the County will apply the stormwater user fee credit to the next customer billing cycle, except those applications submitted and approved before June 1, 2012. Those applications submitted and approved before June 1, 2012 shall be retro-actively applied up to the time the user fee was initiated.

5. Once approved the County may choose to conduct an onsite inspection of the applicant's property, or review of non-structural practices, to ensure conformance to the manuals criteria. As such, part of a completed application the customer must grant the County a Right-of-Entry as outlined in Appendix X. This Right-of-Entry shall be valid for the entire time in which the credit is valid.

   Note: Stormwater user fee credits expire automatically at the end of the credit term. It will be the responsibility of the customer to renew the credit at the appropriate time by resubmitting the application package for review and approval by the County. If a customer's account is not in good standing with Fayette County Stormwater Management all credits (including shared credits) will be voided. The property(s) owner will need to reapply for the credits once the account is in good standing.

SECTION 5 – CREDIT POLICY AND PROCEDURES

This section explains the procedures involved in applying for a stormwater user fee credit. The procedures include step-by-step instructions and eligibility requirements for obtaining the Stormwater Utility credit.

Listed below are the stormwater user fee credits that Stormwater Utility customers are eligible to apply for and secure. Customers should follow the credit application procedures outlined herein for each credit they desire to secure.

- Residential Environmental Technology
- Low-Impact Parcel
- No-impact Parcel
-
- Residential Pond
- Septic Tank Maintenance
- Natural Area Preservation
- Water Resources Education Programs
- NPDES Industrial Stormwater General Permit Compliance
- Unified Stormwater Sizing Criteria
    - Management of Stormwater Runoff Water Quality Volume
    - Management of Stormwater Runoff Channel Protection Volume
    - Management of Stormwater Runoff Overbank Flood Protection Volume
    - Management of Stormwater Runoff Extreme Flood Protection Volume

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In order to receive credits, the customer shall continue to conduct maintenance on all structural credits and will provide Fayette County Stormwater with the appropriate information for all non-structural credits.

Residential Environmental Technology (10% credit for 3 years)

Eligible Customer Classes: SFR

This credit shall be applied to eligible, county approved residential environmental technologies. These may include but are not limited to cisterns, rain gardens, pervious pavements, etc. Home owners should work with the County Stormwater Utility manager to select the appropriate Residential Environmental Technology. All residential environmental technologies shall be designed using the GSMM standards; if the GSMM does not have a standard for a technology other technical documentation may be used at the discretion of the Stormwater Utility manager.

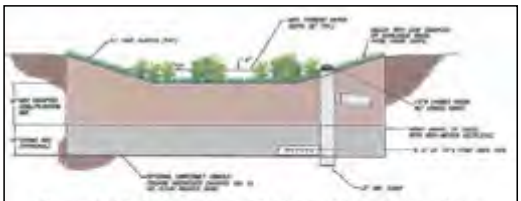

Figure 4.7-1 Cross Section of a Typical Rain Garden (stone bed is optional) (Source: PGDER, 2002)

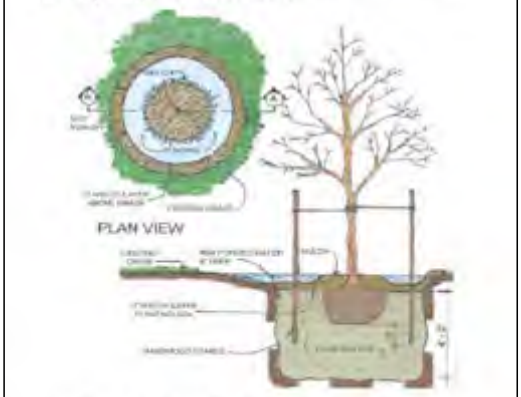

Figure 4.7-2 Tree Pit Bioretention (Source: PGDER, 2002)

The credit shall be applied once documentation has been given to the Stormwater Utility manager confirming installation of the Residential Environmental Technology.

The customer shall continue to maintain the Residential Environmental Technology during the full credit term of three years. Renewal of the stormwater user fee credit shall be in accordance with the procedures outlined in this Manual.

Deleted: Rain Barrels (up to 20% for 3 years) ¶

Eligible Customer Classes: SFR¶

<sp>The County recognizes that reducing the amount of runoff leaving a SFR property/site via interception and storage in rain barrels not only reduces the demand on the downstream drainage network but also reduces the need for irrigation water from the potable water system. As such, the County has implemented a credit for those SFR customers who install rain barrels on their property to intercept and store runoff. ¶

***<sp>*<sp>**A credit shall apply to those SFR customers who can provide documentation that either ½ or all of the downspouts from their roof gutter system are connected to a rain barrel of at least 40 gallons in size. For example, if a home has 4 downspouts then a total of 4 rain barrels would need to be installed such that a rain barrel has been placed under each discharge point in order to receive the maximum credit of 20% off their total stormwater user fee. If a homeowner is unable to install rain barrels on all downspouts, then they may install rain barrels on ½ of their downspouts and be eligible for a credit of 10%. Each SFR customer shall utilize the following procedures: ¶

The customer shall provide documentation via a sketch of the home and/or photographs of the rain barrels such that each downspout is connected to an approved rain barrel device. ¶

Approved rain barrels shall consist of a water tight barrel with a capacity of 40 gallons or more that intercepts runoff from a downspout. Additionally, the rain barrel must have a spigot where stored runoff water can be drained in a controlled manner at a later time. ¶

If the SFR customer meets all the requirements above, the customer will receive a stormwater user fee credit of up to 20% off their stormwater user fee as outlined herein for a period of five years. ¶

The customer shall continue to maintain the SFR rain barrels during the full credit term of five years. Renewal of the stormwater user fee credit shall be in accordance with the procedures outlined in this Manual. ¶

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Low-Impact Parcel (10% , ,15% 20%, or 25% credit for 5 years)

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Eligible Customer Classes: SFR

There are several areas in the County where the amount of impervious area, in comparison to the total lot size, is relatively small. The resulting impact is a reduction of runoff impacts since most of the parcel is in an undeveloped or low impact.

A credit of 10% shall apply automatically to all SFR customers whose parcels are larger than 2 acres and their impervious area is less than 10% of the total parcel.

A credit of 15% shall apply automatically to all SFR customers whose parcels are larger than 5 acres and their impervious area is less than 10% of the total parcel.

A credit of 20% shall apply automatically to all SFR customers whose parcels are larger than 10 acres and their impervious area is less than 10% of the total parcel.

A credit of 25% shall apply automatically to all SFR customers whose parcels are larger than 15 acres and their impervious area is less than 10% of the total parcel.

Note: If the stormwater utility fee is delinquent or in bad standings with the County, the credit will be revoked and the customer will have to reapply for the credit.

No-Impact Parcel (100%)

Eligible Customer Classes: SFR and NSFR

A property or site that does not contribute to the stormwater runoff to the County's public drainage system either directly or indirectly may be eligible for a No-impact stormwater user fee credit.

The No-impact Parcel credit is available to customers who can demonstrate that the following conditions exist with regard to their property/site:

Stormwater runoff after leaving the property does not drain or discharge to a County-owned drainage facility and/or system and ultimately drains or discharges to the drainage system of another local government or state waters such that the site discharge does not flow through the Fayette County public drainage system at any point downstream and/or Water Supply Watershed as defined by Rules of Georgia Department of Natural Resources Environmental Protection Division Chapter 391-3-16 Rules for Environmental Planning Criteria.

A credit of up to 100% will automatically be applied to all No-Impact Parcels.

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Deleted: off the stormwater user fee charge is available for No-impact parcel for a period of five years. ¶
The customer shall provide the County the necessary information pertaining to the drainage conveyance from their property to the appropriate downstream points. This information should be documented in the form of a topographical (Fayette County GIS LiDar base topology is acceptable) based drainage map and a statement of accuracy prepared by a Georgia Professional Engineer, or Land Surveyor, unless otherwise approved by the Stormwater Utility Manager. ¶

Deleted: Watershed Stewardship (10% for 1 year)¶
Eligible Customer Classes: SFR¶
<sp> ¶
The County believes that education and natural resource protection is a vital part of holistic stormwater management program and a customer can receive credit for their efforts in this watershed stewardship. This credit is given for customers who participate in County approved programs including but not limited to Rivers Alive, Adopt-A-Stream, storm drain marking, etc. To receive the credit the customer must provide the participatory certification for the County's Watershed Stewardship Program for each event. ¶
Please see the County for approval any event not conducted by or sponsored by the County.¶
¶
A 10% credit off the stormwater user fee is available for the Watershed Stewardship Credit for a period of one year. ¶

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Residential Pond Credit (10% credit for 1 years)

Eligible Customer Classes: SFR

Customers are eligible for a stormwater user fee credit if the customer owns a pond. The pond must meet the following criteria:

- have been constructed prior to 2010 or built in accordance with all Federal, State and Local regulations;
- Be located entirely on a parcel with more than 2 acres; and
- The ponds water surface area must be great than or equal to the amount of impervious area on the parcel;

The customer shall provide the county with all applicable documentation that supports the criteria listed above. All applicants for the residential pond credit will receive from the Stormwater Management Department information on pond and dam/impoundment maintenance.

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Septic Tank Maintenance (20% for 5 years)

Eligible Customer Classes: SFR and NSFR

Customers are eligible for a stormwater user fee credit if the customer conducts approved maintenance activities on existing septic systems utilized for the customer's property. Customers that have their septic tanks pumped out and/or maintained on a regular basis (minimum of every five years) can receive a credit.

The customer shall provide receipt documentation with maintenance preformed, date and address from a certified hauler of septic waste as long as the date of maintenance and address are noted on the documentation (including receipts). The inspection/ maintenance needs to be performed within 6 months of the date of the application for a credit.

A 20% credit off the stormwater user fee charge is available for five years for approved septic tank maintenance activities.

Natural Area Preservation (20% for the Easement Duration)

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Eligible Customer Classes: SFR and NSFR

A stormwater credit may be granted when undisturbed natural areas are conserved on a site, thereby retaining their pre-development hydrologic and water quality characteristics. These areas can include:

- Undeveloped land;
- Federally recognized wetlands;
- Lands containing Federally Endangered Species;
- Undeveloped lands within stream buffers and/or floodplains; and
- Constructed stormwater wetlands.

The natural area must have a minimum contiguous area of 1 acre and must be located within an acceptable conservation easement instrument that ensures perpetual protection of the proposed area.

The customer shall provide the County all applicable documentation regarding the conservation easement instrument, including but not limited to a plat of the proposed area, the page book and page number recorded at the Clerk's office.

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The customer is eligible to receive a 1% credit for every 1% of the total area of the parcel that is permanently protected. The customer can receive a maximum of up to a 20% credit for the time of the easement duration as indicated on the conservation easement instrument.

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Water Resources Education (50% for 1 years)

Eligible Customer Classes: NSFR

The County encourages and supports the efforts of both public and private organizations to educate and inform the public on the importance of water conservation and water resources issues.

The Water Resources Education Program credit is available for educational services in all public or private K-12 educational systems. The education program must be consistent with the County's approved stormwater management education program and must also be pre-approved by the County. The credit shall be available to eligible customers that teach at least 500 participants in an approved Water Resources Education Program.

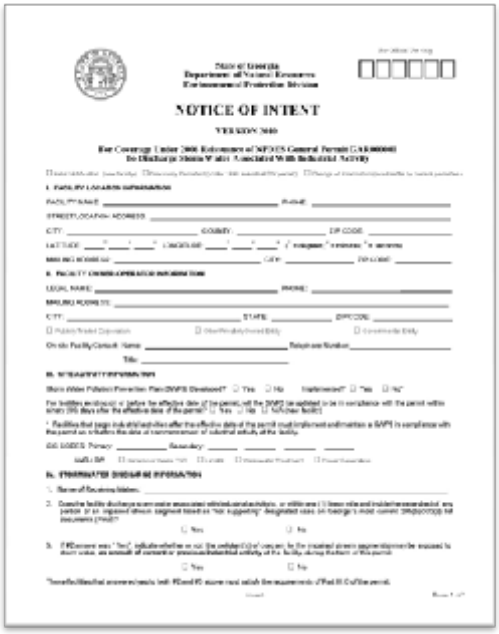
The program must address the following elements: stormwater runoff/pollution prevention or water conservation.

The person responsible for the customer account shall certify to the County Stormwater Utility Manager, that a water resources based curriculum is being taught at the facility and provide detailed documentation verifying the program.

A 50% credit off the stormwater user fee is available for the Water Resources Education credit for a period of five years.

NPDES Industrial Stormwater Permit (10% for 1 year)

Eligible Customer Classes: NSFR



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NSFR customers can receive a stormwater user fee credit by complying with applicable NPDES Industrial Stormwater General Permit requirements. Implementation of the applicable compliance requirements assists the County in addressing water quality impairment issues at the source prior to discharge into the County's Stormwater Management System and/or State Waters. If the NSFR customer has properly secured coverage under the NPDES Industrial Stormwater General Permit, and is in compliance with all applicable requirements, i.e. development and implementation of a Stormwater Pollution Prevention Plan (SWP3), a credit application may be filed with the County to secure a credit.

NSFR properties that operate NPDES Industrial Stormwater Permitted facility that must secure coverage per its Standard Industry Code (SIC) are eligible for a stormwater user fee credit. For information regarding NPDES Industrial Stormwater Permit compliance requirements, please go to the Georgia Environmental Protection Division website. (www.gaepd.org)

The credit amount available for NPDES Industrial Stormwater General Permit compliance is 10% off the stormwater user fee charge for a period of one year.

In order to maintain the credit, the NSFR customer shall provide a copy of the NOI filed with the sate and send a copy of the annual report to the County Stormwater Utility Manager each year. Failure to make the required submittals could result in forfeiture of the stormwater user fee credit.

Unified Stormwater Sizing Criteria (up to 40%)

Eligible Customer Classes: NSFR*

** SFR customers that are part of a larger common development (or subdivision) can collectively apply for the credits related to the GSMM Unified Stormwater Sizing Criteria after consultation with the Stormwater Utility Manager to establish potential eligibility.*

The Unified Stormwater Sizing Criteria is an integrated approach to addressing stormwater runoff impacts associated with both water quality and quantity issues. Each of the unified stormwater sizing criteria is intended to be used in conjunction with the others to address the overall stormwater runoff impacts from a development site. When used as an overall set of criteria, the unified stormwater sizing criteria control and manage the entire range of stormwater runoff events from the smallest storm events to the largest storm events (i.e. the 100- year storm).

The customer shall provide a hydrology report (or comparable document) prepared by and sealed by a Georgia Professional Engineer or Professional Hydrologist demonstrating compliance with the requirements and criteria outlined herein. Table 3 presents each treatment level with a description of each, as provided in the GSMM.

Table 3: Unified Stormwater Sizing Criteria

Treatment Level	Maximum Available Credit	Criteria Description
Water Quality	10%	Treat the runoff from 85% of the storms that occur in an average year. Per the GSMM, this equates to providing water quality treatment for the runoff resulting from a rainfall depth of 1.2 inches. Reduce average annual post-development TSS loadings by 80%.
Channel Protection	10%	Provide extended detention of the 1-year storm event released over a period of 24 hours to reduce bankfull flows and protect downstream channels from erosive velocities and unstable conditions.
Overbank Flood Protection	10%	Provide peak discharge control of the 25-year storm event such that the post-development peak rate does not exceed the predevelopment rate to reduce overbank flooding.
Extreme Flood Protection	10%	Evaluate the effects of the 100-year storm on the stormwater management system, adjacent property, and downstream facilities and property. Manage the impacts of the extreme storm event through detention controls and/or floodplain management.

Note: The criteria description for each stormwater runoff treatment level is in general accordance with information published in the GSMM and the CSS.

A 10% credit off the stormwater user fee charge per the unified stormwater sizing criteria element is available for a period of three years.

The customer shall continue to conduct maintenance as per the maintenance plan provided with the original application. The customer may reapply for the credit every three years. If a customer is reapplying for the unified stormwater sizing criteria user fee credit and site conditions have not changed since the original application, the application only needs to include a copy of the original design information and certification that all the necessary maintenance has been performed per the maintenance plan for re-issuance of the credit. If significant changes to the site layout and/or site stormwater controls has occurred, the County may request design information be updated to document compliance with Manual criteria.

In order to maintain eligibility for the credit, the customer must properly maintain the onsite stormwater controls that were documented in the user fee credit application for the term specified in the Manual. Furthermore, all stormwater control design, construction and maintenance shall be done in strict accordance with the County's current ordinances and design standards related to stormwater management.

STORMWATER USER FEE CREDIT APPLICATION FORMS & OTHER MISCELLANEOUS FORMS

Stormwater user fee credit applications are required to secure approval of all credits offered in this Manual. The forms and documents attached to the appendices are summarized below.

Appendix A includes the credit application form for the SFR stormwater user fee credits described in this Manual.

Appendix B includes the credit application form for the NSFR stormwater user fee credits described in this Manual.

Appendix C includes the credit application forms for each available credit.

Appendix D includes miscellaneous forms required as part of the stormwater user fee credit application process, including a Right-of-Entry Agreement.

Stormwater Utility Credit Technical Manual
Appendix A
SFR Credit Application

Stormwater Utility Credit Technical Manual
Appendix B
NSFR Credit Application

Stormwater Utility Credit Technical Manual
Appendix C
Credit Forms

Stormwater Utility Credit Technical Manual
Appendix D
Right-of-Entry Agreement