New Business #6

COUNTY AGENDA REQUEST

Department:	Environmental Management	Presenter(s):	Vanessa Birrell
Meeting Date:	Thursday, July 10, 2014	Type of Request:	New Business

Wording for the Agenda:

Consideration of staff's request to adopt Ordinance 2014-11 amending the Fayette County Code of Ordinances, Article VI of Chapter 19 pertaining to Stormwater Services, and consideration of the Stormwater Utility Credit Technical Manual and the Stormwater Utility Rate Schedule.

Background/History/Details:

The proposed revisions to the Stormwater Management Ordinance and the Stormwater Utility Credit Technical Manual resulted from the public comments received during a series of townhall meetings conducted in early 2013. These amendments refocus the overall use of utility enterprise funds from a stormwater management function to an exclusively stormwater operations and maintenance function.

Amendments proposed in this ordinance include: 1) Defining stormwater services and stormwater systems, and 2) Establishing a rate-fee schedule.

Revisions proposed in the Stormwater Utility Technical Manual include: 1) Removing credits for rain barrel, watershed stewardship and septic tank maintenance, 2) Adding credits for 10 and 15-acre lots and residential ponds, and 3) Changing no-impact parcel status to low impact parcel status.

A red-line version of the ordinance denoting proposed changes is located on pages 1-21 of the supporting document. The proposed, final form of Ordinance 2014-11 (second document) is located on pages 1-11. The proposed Stormwater Utility Credit Technical Manual (third document) is 17 pages long. The proposed Stormwater Utility Rate Schedule is located on the last page of the backup material.

What action are you seeking from the Board of Commissioners?

Approval of staff's request to adopt Ordinance 2014-11 amending the Fayette County Code of Ordinances, Article VI of Chapter 19 pertaining to Stormwater Services, and approval of the Stormwater Utility Credit Technical Manual and the Stormwater Utility Rate Schedule.

If this item requires funding, please describe:

Not Applicable.

Has this request been considered within the past two years?	Yes	If so, when?	Thursday, November 14, 2013
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		Reviewed by Legal	
Approved by Purchasing		County Clerk's Approval	Yes
Administrator's Approval			

Staff Notes:

RED-LINED ORDINANCE

Sec. 19-96. Findings.

The Board of Commissioners of Fayette County, Georgia makes the following findings:

~~(b)~~ (a) An independent professional engineering and financing analyses as prepared by Integrated Science and Engineering, Inc. properly assesses and defines the stormwater management problems, needs, goals, program priorities, and funding opportunities of unincorporated Fayette County.

Formatted: Line spacing: Double, No bullets or numbering

~~(c)~~(b) Given the problems, needs, goals, program priorities, and funding opportunities identified in the professional engineering and financing analyses, it is appropriate to authorize the formation of an organizational and accounting entity dedicated specifically to the management, maintenance, protection, control, regulation, use, and enhancement of stormwater systems in unincorporated Fayette in concert with other water resource management programs.

~~(d)~~(c) Stormwater ~~management~~services are ~~is~~ applicable and needed throughout the unincorporated boundaries of Fayette County. While specific service ~~and facility~~ demands may differ from area to area at any given time, a stormwater ~~management~~ service area encompassing all lands and water bodies within the unincorporated boundaries of Fayette County is consistent with present and future needs of the community.

~~(e)~~(d) The stormwater needs in unincorporated Fayette County include, but are not limited to, protecting the public health, safety, and welfare. ~~Provision of s~~Stormwater management ~~programs and facilities renders and/or results in both service and benefit to~~benefits 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 of stormwater management systems and facilitiesThese benefits 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)(e) Fayette County presently owns and operates stormwater management systems and facilities developed over many years. Future usefulness of existing stormwater systems owned and operated by the County, and of additions and improvements thereto, rests on the ability of the County toTo effectively and efficiently manage, protect, control, regulate, use, and enhance stormwaterthese systems and facilities in the County in concert with management of other water resources in the County. In order to do so, the County must haveis obligated to have adequate and stable funding for its stormwater management operating and capital investment needs.

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

(h)(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 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 creditsfees are calculated. In addition, the value to the 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. Credits may be available as provided herein.

(i)(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.The existence of privately-owned and –maintained systems that reduce or otherwise mitigate the cost of providing stormwater services can be taken into account to reduce the user fee.

(j) The existence of privately owned and maintained on-site or off-site systems, facilities, activities or assets that reduce or otherwise mitigate the impact of a particular property on the Stormwater Utility's cost of providing stormwater management services and/or stormwater management systems and facilities, can be taken into account to reduce the user fee charge on

Formatted: Line spacing: Double, No bullets or numbering

that property in the form of a credit, and such credit should be conditioned upon continuing provision of such services, systems, facilities, activities or assets in a manner complying with the standards and codes as determined by the Stormwater Utility Manager.

(k)(i) It is imperative that the proceeds from allStormwater utility user feefees charges for stormwater management services, systems or facilities, together with any other revenues raised or otherwise allocated specifically to stormwater management services, systems or facilities,shall be dedicated solely to stormwater services as provided herein those purposes, and such proceeds of user fee charges and revenues shall therefore be deposited into the enterprise accounting fund of the Stormwater Utility and shall remain in that fund and be dispersed only for stormwater management capital, operating and non-operating costs, lease payments and debt service of bonds or other indebtedness for stormwater management purposes.

Sec. 19-97. Definitions.

Except as specifically defined in this chapter, 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:

(a) *County.* The unincorporated jurisdictional boundaries of Fayette County, Georgia.

(b) *Credit.* A conditional reduction in the amount of a customer's stormwater uUser fFee charge in recognition of a customer's efforts to mitigate the stormwater runoff impact that a dDeveloped pProperty has on the County's sStormwater management sSystems, 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

Formatted: Font: 12 pt, Not Italic

Formatted: List Paragraph, Indent: Left: 0", First line: 0", Outline numbered + Level: 5 + Numbering Style: a, b, c, … + Start at: 1 + Alignment: Left + Aligned at: 1" + Indent at: 1.25", Tab stops: Not at 0.35"

Formatted: Font color: Black

Formatted: Font color: Black

Formatted: Font color: Black

Formatted: Font color: Black

Formatted: Font color: Black

Formatted: Font color: Black

Formatted: Font color: Black

Formatted: Font color: Black

Formatted: Font color: Black

~~of this ordinance may also be referred to in this ordinance as Fayette County or the County.~~

(c) *Developed ~~Land~~Property*. 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~~containing 1,000 square feet or more of Impervious Area.

Formatted: List Paragraph, Indent: Left: 0", First line: 0", Line spacing: Double, Outline numbered + Level: 2 + Numbering Style: a, b, c, … + Start at: 2 + Alignment: Left + Aligned at: 0" + Indent at: 0.05", Tab stops: Not at 0.35"

~~*Fayette County Stormwater Utility User Fee Credit Manual*. A technical guidance manual published by Fayette County that defines user fee credits available to private and public entities that undertake specific stormwater management activities and criteria and procedures for customers to secure and maintain stormwater user fee credit(s). The 'Fayette County Stormwater Utility User Fee Credit Manual' is hereby incorporated by reference.~~

(d) *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.

Formatted: List Paragraph, Line spacing: Double, Outline numbered + Level: 2 + Numbering Style: a, b, c, … + Start at: 2 + Alignment: Left + Aligned at: 0" + Indent at: 0.05"

(e) *Impervious Area/Impervious Surface*. Man-made ~~A~~areas or surfaces that prevent or impede the infiltration of stormwater into the soil, e.g., rooftops; ~~. 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; and all driveways and parking 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~~.

Formatted: List Paragraph, Line spacing: Double, Outline numbered + Level: 2 + Numbering Style: a, b, c, … + Start at: 2 + Alignment: Left + Aligned at: 0" + Indent at: 0.05"

~~*Hydrologic Response*. The manner and means whereby stormwater collects, remains, infiltrates,~~

~~and is conveyed from a property. It is dependent on several factors including, but not limited to, the presence of impervious area; the size, shape, topographic, vegetative, and geologic conditions of a property; antecedent moisture conditions; and groundwater conditions on a property.~~

~~*Non-Single Family Residential Property*. 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 propert~~y.

~~*Service Charge*. A periodic rate, fee, or charge applicable to a parcel of land, reflective of the service provided by Fayette County 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.~~

~~*Single-Family Residential Property*. 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 Influence Zone*. Areas lying downstream of a culvert, or other stormwater management conveyance system. On the downstream side of the conveyance system, the stormwater influence zone will extend for a length of six times the diameter (or width) of the culvert from which runoff is being discharged (Field Manual for Erosion and Sediment Control in Georgia, Third Edition, pg. 99), and within the horizontal limits set forth in the aforementioned field manual. For example, if a 48-inch diameter culvert is discharging to a private property, the stormwater drainage influence zone shall extend 24 feet (six times 48 inches) from the end of the culvert and for the specified width (i.e. typically the width of the creek). The County Stormwater Utility may perform maintenance and/or capital construction activities only within that portion of the public water influence zone which the County has an ownership interest in, or for which a dedicated easement has been granted to, and accepted by the County for such purpose.~~

(f) *Stormwater ~~Drainage~~ Systems*. All infrastructure, natural or otherwise, used for collecting and/or conveying stormwater, e.g., ~~A system designed to provide adequate surface drainage that includes inlets, street and roadway gutters,~~culverts, ditches, ~~small channels,~~ swales, etc ~~and underground piping systems~~.

(g) *Stormwater ~~Management~~ Services.* ~~All s~~Services provided by ~~the~~Fayette County that relate to the:

1. ~~Transfer, control, conveyance or movement of stormwater runoff through the Fayette County Stormwater Management System~~Calculation and collection of User Fees;
2. ~~Maintenance, repair and replacement of existing stormwater drainage systems~~Development and maintenance of a Stormwater Systems Database;
3. ~~Regulation of the use of stormwater management services and systems~~Repair, replacement and improvement of County-owned Stormwater Systems;~~ and,~~
4. ~~Compliance with applicable state and federal stormwater management regulations and permit requirements~~Assessment, prioritization and implementation of public stormwater projects; and

~~4.~~5.Performance of supporting administrative and technical functions.

~~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.~~

(h) *Undeveloped ~~Land~~Property*. ~~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.~~All real property with less than 1,000 square feet of Impervious Area.

(i) *User Fee.* A fee charged to a Developed Property for Stormwater Services. The User Fee is a function of the rate schedule applied to the Impervious Area.

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

(a) There is hereby established a Stormwater Utility ~~within~~in ~~the~~ Fayette County ~~Utility Services which 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 a Stormwater Management Director.~~

(b) ~~The County Administrator and the County Chief Financial Officer shall establish a~~A Stormwater Enterprise Fund ~~in the County budget and accounting system,~~shall be established separate and apart from ~~its~~the 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.~~

The Stormwater Enterprise Fund shall be used to provide Stormwater Services as provided herein.All revenues and receipts of the stormwater utility's 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, 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.

Sec. 19-99. Scope of Responsibility for the Stormwater Utility.

(a) The sStormwater uUtility: shall be responsible for stormwater management throughout the unincorporated limits of Fayette County government. 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.

Formatted: Line spacing: Double, No bullets or numbering

(b) The County owns or has legal access for purposes of operation, maintenance and improvements to those segments of the Fayette County Stormwater Management System that:

~~(1) Are located within public streets, rights-of-way, and easements;~~

~~(2) Are subject to easements, rights-of-entry, rights-of-access, rights-of-use, or other permanent provisions for adequate access for operation, maintenance, and/or improvement of stormwater drainage systems; or,~~

~~(3) Are located on public lands to which the County has adequate access for operation, maintenance, and/or improvement of stormwater drainage systems and facilities.~~

~~(c) Operation and maintenance of stormwater management systems located on private property or public property not owned by Fayette County and for which there has been no public dedication and acceptance of such systems and/or facilities for operation, maintenance, and/or improvement of the systems and facilities shall be and remain the legal responsibility of the property owner, or its occupant, except as that responsibility may be otherwise affected by the laws of the State of Georgia and/or the United States of America.~~

~~It is the intent of this ordinance to protect the public health, safety and general welfare of all properties and persons in general, but not to create any special duty or relationship with any individual person or to any specified property within or without the boundaries of Fayette County. Fayette County expressly reserves the right to assert all available immunities and defenses in any action seeking to impose monetary damages upon the County, its officers, employees and agents arising out of any alleged failure or breach of duty or relationship as may now exist or hereafter be created. To the extent any permit, plan approval, inspection or similar act is required by the County as a condition precedent to any activity by or upon property not owned by the County, pursuant to this or any other regulatory ordinance, regulation or rule of the County or under Federal or State law, the issuance of such permit, plan approval, or inspection shall not be deemed to constitute a warranty, express or implied, nor shall afford the~~

Formatted: No bullets or numbering

Formatted: Line spacing: Double, No bullets or numbering

basis for any action, including any action based on failure to permit or negligent issuance of a permit, seeking the imposition of money damages against the County, its officers, employees or agents.

(1) Calculate and collect User Fees.

(2) Develop and maintain a database of public (i.e., County-owned) and private Stormwater Systems.

(3) Fund the repair, replacement and/or improvement of County-owned Stormwater Systems.

(4) Assess, prioritize and implement public Stormwater System repairs, replacements and new construction projects.

(d)(5) Provide supporting administrative and technical functions (e.g., training).

These services may be provided in conjunction with other Fayette County Departments (e.g., Public Works), the use of private consultants and contractors, or other similar means.

Formatted: List Paragraph, Indent: Left: 0.5", Tab stops: Not at 0.35"

Sec. 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 sStormwater uUtility may provide for inspection ofinspect 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 Countyproperly.

(a) All property owners of improved property within the incorporated areas of unincorporated

Fayette County shall provide, manage, maintain, and operate on-site sStormwater management sSystems shall be 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 Court. Each day such violation exists shall constitute a separate offense, subject to the penalties set forth in Section? of the Code of the 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.

Formatted: Line spacing: Double, No bullets or numbering

(c)(b) If determined by the Stormwater Management Department, undocumented drainageStormwater sSystems, located on private property that are connected to the County's sStormwater drainage sSystems, shall be permitted and improved by the property owner to ensure proper function to the public systemproperly operated and maintained by the respective property owner. 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

Formatted: Line spacing: Double, No bullets or numbering

~~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 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.~~

Formatted: No bullets or numbering

Formatted: Line spacing: Double, No bullets or numbering

~~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).~~

Sec. 19-101. Stormwater Service Charges.

(a) The ~~s~~Stormwater ~~management u~~Utility shall recover the cost of providing ~~s~~Stormwater ~~s~~Services ~~and facilities~~ by imposing a ~~stormwater u~~User ~~f~~Fee on all ~~d~~Developed ~~p~~Properties ~~within the service area in a fair and equitable manner~~. The ~~s~~Stormwater ~~management u~~Utility shall apportion the cost of delivering ~~s~~Stormwater ~~s~~Services to all ~~developed properties~~stormwater customers based on the demand the property places on the County's ~~s~~Stormwater ~~management program and the stormwater services provided by the County~~System.

~~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 s**S**tormwater 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), 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.~~

(b) User Fee Rate. The ~~basis for calculation of the stormwater u~~User ~~f~~Fee ~~rate to~~imposed on all ~~d~~Developed ~~property~~Properties ~~within the County is established in this article. The County~~

shall ~~assign or determine~~be calculated based on the ~~amount of i~~Impervious ~~a~~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~~the utility rate schedule approved by the Board of Commissioners.

~~(a) User Fee Rate Calculation.~~

~~(1) 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 impervious area will be rounded down to the nearest 1,000 ft. increment. (Ex. A property with 1,990 square feet of impervious area shall contain 1 equivalent runoff unit.)~~

~~(2) 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 1 equivalent runoff unit.)~~

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

Formatted: No bullets or numbering

Formatted: Line spacing: Double, No bullets or numbering

Sec. 19-102. Stormwater User-fee Billing, Collections, and Delinquencies.

(a) Billing and Collections.

~~(1) The stormwater user fee charge will be billed and collected as deemed most effective and efficient by the County.~~

Formatted: Indent: Left: 0.75", Line spacing: Double, No bullets or numbering

(2) Stormwater uUser fFees 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, the date the payment is due and the date when payment is past 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, tThe owner of each dDeveloped pProperty subject to stormwater user fee charges as of the billing date shall be obligated to pay stormwateris responsible for the uUser fFee charges and any interest on delinquent stormwater user fee charge payments. A late charge of ten (10%) percent, compounded annually, shall be assessed against the property owner for the unpaid balance of any Stormwater Utility User Fee that becomes delinquent in accordance with applicable State law. In addition, the County shall assess all costs of collection, including attorney's fees and court costs, against the property owner.

Formatted: Indent: Left: 0.75", Line spacing: Double, No bullets or numbering

(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) No lien shall be imposed for delinquent collections unless a judgment is first obtained from a court of competent jurisdiction.

(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.

Sec. 19-103. Exemptions and Credits Applicable to Stormwater Service Charges.

Except as provided in this section or otherwise provided by law, no public or private owner of Developed Property located in the incorporated area of Fayette County shall be exempt from the stormwater uUser fFees charges. No exception, credit, offset, or other reduction in stormwater uUser fFees charges shall be granted based on age, tax status, economic status, race, religion or other condition unrelated to the Stormwater Utility's cost of providing sStormwater management sServices and facilities.

Formatted: Indent: First line: 0.5", Line spacing: Double

(a) Exemptions to the stormwater user fee charges are as follows:

(1) Railroad rights-of-way (tracks) shall be exempt from stormwater uUser fFees charges. However, railroad stations, maintenance buildings, and/or other improved property used for railroad purposes shall not be exempt from stormwater uUser fFees charges.

(2) Georgia Department of Transportation (GDOT) streets and rights-of-way shall be exempt from stormwater uUser fFees charges. This exemption is in recognition of routine drainage system maintenance and capital construction services undertaken by

GDOT in association with GDOT rights-of-way and road systems. However, maintenance buildings and/or other improved property used for GDOT purposes shall not be exempt from ~~stormwater u~~User ~~f~~Fees~~ charges~~. All other State, Federal, and County properties are subject to ~~the u~~User ~~f~~Fees~~ charges~~ on the same basis as private properties.

(3) Fayette County-owned streets and rights-of-way shall be exempt from ~~stormwater u~~User ~~f~~Fees~~ charges~~. This exemption is in consideration for the County allowing the Stormwater Utility to use the County's existing Stormwater Systems~~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 u~~User ~~f~~Fees~~ charges~~.

(b) Credits. ~~The Stormwater Management Department~~Fayette County shall grant credits ~~or adjustments~~ based on the ~~technical and procedural~~ criteria set forth in the Stormwater Utility Credit ~~Technical~~ Manual~~, which shall be adopted and amended by and at the discretion of the Board of Commissioners as an operating policy of the Stormwater Utility~~. ~~Copies of the Credit Technical Manual shall be maintained by and available from the Stormwater Management Department.~~A copy of the Stormwater Utility Credit Manual is attached hereto as Exhibit "A" and is by this reference incorporated herein.

Formatted: No bullets or numbering

~~**Sec. 19-104. Effective Date of Stormwater Charges.**~~

~~Stormwater service charges shall accrue beginning January 1, 2012, and shall be billed~~

~~periodically, thereafter to customers, except as specific exemptions and credits may apply.~~

~~Sec. 19-105.~~Sec. 19-104. **Appeals.**

~~Any customer who believes the provisions of this Article have been applied in error may appeal in the following manner.~~

(a) An appeal must be filed in writing with the Fayette County ~~Stormwater~~Environmental Management ~~Director~~Department. ~~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 influence the hydrologic response of the property to rainfall events.~~

(b) ~~Based on the information provided, a technical review shall be conducted by the Stormwater Management Director of the Stormwater Utility and a~~A written determination will be issued within ~~thirty (30)~~fifteen (15) days stating whether an adjustment to the ~~service charge~~User Fee is appropriate and, if so, the amount of such adjustment.

(c) ~~In response to an appeal, t~~The ~~Stormwater~~Environmental Management Director may adjust the ~~stormwater service charge~~User Fee applicable to a property in conformance with the general purpose and intent of this chapter.

(d) A decision of the ~~Stormwater~~Environmental Management Director ~~which~~that is adverse to an appellant may be further appealed to the ~~Director's supervisor within thirty (30)~~County Administrator with five (5) days of receipt of notice of the adverse decision. ~~Notice of the appeal shall be served on the Director's supervisor by the appellant, stating the grounds for the~~

appeal. The Director's supervisorCounty Administrator shall issue a written decision on the appeal within thirty (30)fifteen (15) days. All decisions of the Director's supervisorCounty Administrator shall be served on the appellant personally or by registered or certified mail, sent to the billing address of the appellant. The decision of the County Administrator shall be the final decision of the County.

(e) If the person or entity seeking adjustment or relief from the service charge desires,An appeal from the decision of the Stormwater Management Director's supervisorCounty Administrator may be appealed in writing to the Board of Commissionersshall lie with the Superior Court of Fayette County. Such appealsAny appeal to the Superior Court of Fayette County must be made within thirty (30) days of the decision of the Director's supervisorCounty Administrator and include a written basis for the appeal. The decision of the Board of Commissioners shall be final.

(f) This appeal process shall not interfere with the rights of the person or entity to seek judicial relief in a court of competent jurisdiction, but shall be exhausted before judicial relief is pursued. Any appeal to the Superior Court of Fayette County must be filed within thirty (30) days of the decision of the Board of Commissioners.

(g)(f) Notices of the appeal and decisions shall be served personally or delivered by registered or certified mail to the address of record.

Formatted: Line spacing: Double, No bullets or numbering

Proposed Ordinance

Final Form

STATE OF GEORGIA

COUNTY OF FAYETTE

ORDINANCE NO. 2014-11

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF FAYETTE COUNTY, GEORGIA; TO AMEND ARTICLE VI OF CHAPTER 19 PERTAINING TO STORMWATER SERVICES; 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 PROECT 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 ORDINANCES 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 (c), (d), (e), (f), (g), (h), (i) and (j) from Section 19-96 pertaining to “Findings” in their entirety and by enacting in lieu thereof new

subsections (c), (d), (e), (f), (g), (h) and (i) to Section 19-96 pertaining to "Findings" to read as follows:

(c) Stormwater services are applicable and needed throughout the unincorporated boundaries of Fayette County. While specific service demands may differ from area to area at any given time, a stormwater service area encompassing all lands and water bodies within the unincorporated boundaries of Fayette County is consistent with present and future needs of the community.

(d) The stormwater needs in unincorporated Fayette County include, but are not limited to, protecting the public health, safety, and welfare. Stormwater management benefits all properties, property owners, citizens, and residents of Fayette County in a variety of ways. These benefits may differ depending on many factors and considerations, including but not limited to location, demands and impacts imposed on the stormwater systems and risk exposure.

(e) Fayette County presently owns and operates stormwater systems developed over many years. To effectively and efficiently manage these systems, the County is obligated to have adequate and stable funding for its stormwater management operating and capital investment needs.

(f) A stormwater utility provides the most practical and appropriate means of providing stormwater services.

(g) Impervious area is the most important factor influencing stormwater service requirements and costs posed by properties throughout the County, and therefore is the basis upon which fees are calculated. Credits may be available as provided herein.

(h) The existence of privately owned and maintained systems that reduce or otherwise mitigate the cost of providing stormwater services can be taken into account to reduce the user fee.

(i) Stormwater utility user fees shall be dedicated to stormwater services as provided herein.

Section 3. By deleting the definitions for *Credit; County; Developed Land; Fayette County Stormwater Utility Credit Manual; Impervious Area/Impervious Surface; Sevice Charge; Stormwater Customers; Stormwater Drainage System; Stormwater Services; Stormwater System and Undeveloped Land* from Section 19-97 in their entirety and by enacting in lieu thereof new definitions for *Credit; County; Developed Property; Stormwater Utility Credit Manual; Impervious Area/Impervious Surface; User Fee; Stormwater Utility Services; Stormwater Systems and Undeveloped Property* to Section 19-97 to read as follows:

Section 19-97. Definitions.

Except as specifically defined in this chapter, 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:

(a) *County.* The unincorporated jurisdictional boundaries of Fayette County, Georgia.

(b) *Credit.* A reduction in the amount of a customer's User Fee in recognition of efforts to mitigate the stormwater runoff impact that a Developed Property has on the County's Stormwater Systems.

(c) *Developed Property.* All real property containing 1,000 square feet or more of Impervious Area.

(d) *Impervious Area/Impervious Surface.* Man-made areas or surfaces that prevent or impede the infiltration of stormwater into the soil, e.g., rooftops; asphalt-, concrete-, brick-, or stone-paved areas; and all driveways and parking areas.

(e) *Stormwater Systems.* All infrastructure, natural or otherwise, used for collecting and/or conveying stormwater, e.g., culverts, ditches, swales, etc.

(f) *Stormwater Utility Credit Manual.* A technical guidance manual that defines and provides criteria for credits available to property owners.

(g) *Stormwater Services.* Services provided by Fayette County that relate to the:

1. Calculation and collection of User Fees;
2. Development and maintenance of a Stormwater Systems Database;
3. Repair, replacement and improvement of County-owned Stormwater Systems;
4. Assessment, prioritization and implementation of public stormwater projects; and
5. Performance of supporting administrative and technical functions.

(h) *Undeveloped Property.* All real property with less than 1,000 square feet of Impervious Area.

(i) *User Fee.* A fee charged to a Developed Property for Stormwater Services. The User Fee is a function of the rate schedule applied to the Impervious Area.

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 in Fayette County.

(b) A Stormwater Enterprise Fund shall be established separate and apart from the General Fund. The Stormwater Enterprise Fund shall be used to provide Stormwater Services as provided herein.

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

Sec. 19-99. Scope of Responsibility for the Stormwater Utility.

The Stormwater Utility shall:

(1) Calculate and collect User Fees.

(2) Develop and maintain a database of public (i.e., County-owned) and private Stormwater Systems.

(3) Fund the repair, replacement and/or improvement of County-owned Stormwater Systems.

(4) Assess, prioritize and implement public Stormwater System repairs, replacements and new construction projects.

(5) Provide supporting administrative and technical functions (e.g., training).

These services may be provided in conjunction with other Fayette County Departments (e.g., Public Works), the use of private consultants and contractors, or other similar means.

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 Stormwater Utility may inspect private stormwater drainage systems to ascertain that the stormwater drainage systems are functioning properly.

(a) Stormwater Systems shall be 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.

(b) Stormwater Systems that are connected to the County's Stormwater Systems shall be properly operated and maintained by the respective property owner.

<u>Section 7.</u> By deleting Section 19-101 pertaining to Stormwater Service Charges 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 User Fees.

(a) The Stormwater Utility shall recover the cost of providing Stormwater Services by imposing a User Fee on all Developed Properties. The Stormwater Utility shall apportion the cost of delivering Stormwater Services to all stormwater customers based on the demand the property places on the County's Stormwater System.

(b) User Fee Rate. The User Fee imposed on all Developed Properties shall be calculated based on the Impervious Area and the utility rate schedule approved by the Board of Commissioners.

<u>Section 8.</u> 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. User Fees shall begin to accrue on January 1, 2012, and shall be billed periodically, thereafter to customers, except as specific exemptions and credits may apply.

(b) Delinquencies. The owner of each Developed Property as of the billing date is

responsible for the User Fee. A late charge of ten (10%) percent, compounded annually, shall be assessed against the property owner for the unpaid balance of any Stormwater Utility User Fee that becomes delinquent in accordance with applicable State law. 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 Section 19-103 pertaining to Exemptions and Credits Applicable to Stormwater Service Charges in its entirety and by enacting in lieu thereof a new to Section 19-103 pertaining to Exemptions and Credits Applicable to Stormwater Charges to read as follows:

Section 19-103. Exemptions and Credits Applicable to Stormwater User Fees.

Except as provided in this section or otherwise provided by law, no owner of Developed Property shall be exempt from User Fees. No credit in User Fees shall be granted based on age, tax status, economic status, race, religion or other condition unrelated to the Stormwater Utility's cost of providing Stormwater Services.

(a) Exemptions:

(1) Railroad rights-of-way (tracks) shall be exempt from User Fees. However, railroad stations, maintenance buildings, and/or other improved property used for railroad purposes shall not be exempt from User Fees.

(2) Georgia Department of Transportation (GDOT) streets and rights-of-way shall be exempt from User Fees. This exemption is in recognition of routine drainage system maintenance and capital construction services undertaken by GDOT in

association with GDOT rights-of-way and road systems. However, maintenance buildings and/or other improved property used for GDOT purposes shall not be exempt from User Fees. All other State, Federal, and County properties are subject to the User Fs on the same basis as private properties.

(3) Fayette County-owned streets and rights-of-way shall be exempt from User Fees. This exemption is in consideration for the County allowing the Stormwater Utility to use the County's existing Stormwater Systems. However, other improved property owned and used for County purposes shall not be exempt from User Fees.

(b) Credits. Fayette County shall grant credits based on the criteria set forth in the Stormwater Utility Credit Manual. A copy of the Stormwater Utility Credit Manual is attached hereto as Exhibit "A" and is by this reference incorporated herein.

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

Sec. 19-105. Appeals.

(a) An appeal must be filed in writing with the Fayette County Environmental Management Department.

(b) A written determination will be issued within fifteen (15) days stating whether an adjustment to the service charge is appropriate and, if so, the amount of the adjustment.

(c) The Environmental Management Director may adjust the User Fee applicable to a property in conformance with the general purpose and intent of this chapter.

(d) A decision of the Environmental Management Director that is adverse to an appellant may be further appealed to the County Administrator within five (5) days of receipt of notice of the adverse decision. The County Administrator shall issue a written decision on the appeal within fifteen (15) days. All decisions of the County Administrator shall be served on the appellant personally or by registered or certified mail, sent to the billing address of the appellant. The decision of the County Administrator shall be the final decision of the County.

(e) An appeal from the decision of the County Administrator shall lie with the Superior Court of Fayette County. Any appeal to the Superior Court of Fayette County must be filed within thirty (30) days of the decision of the County Administrator.

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 _____.

SO ORDAINED this ___ day of **_____,** 2014.

FAYETTE COUNTY BOARD OF COMMISSIONERS

By:_____

STEVE BROWN, Chairman

ATTEST:

_____
Floyd Jones, Clerk

Approved as to form:

_____
County Attorney

Proposed
Stormwater Utility
Credit Manual

Stormwater Utility Credit Manual

Fayette County

July 2014

SECTION 1 – GENERAL INFORMATION

Stormwater Utility user fee credits maybe given to eligible property owners who maintain stormwater best management practices. The cumulative effect of these best management practices are intended to reduce demand and impact on Fayette County stormwater services, reduce flooding, and provide cleaner water resources for Fayette County.

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

Credit applications for existing facilities may be submitted at any time. All credits must be applied for 90 days prior to the next billing cycle. Credit applications for new construction or redevelopment may be submitted once the best management practices are in place and approved by the County. Refer to Section 19-103 of the Fayette County Stormwater Services Ordinance for additional guidance and requirements pertaining to stormwater user fee credits.

Summary of Stormwater User Fee Credits

Table 1 summarizes user fee credits available to Stormwater Utility customers. The maximum user fee credit that a customer account can receive is **90%** for no-impact parcels and **50%** for all other parcels**.** Section 4 details each credit and eligibility requirements. Credits must be renewed after the term expiration period except for those credits that are automatically applied to all low-impact and no-impact parcels. Credits will not be applied to accounts with past-due amounts.

Table 1- Stormwater User Fee Credit Summary

Stormwater User Fee Credit	Credit Amount
Residential Environmental Technology	10 %
2 acre Parcel	10 %
5 Acre Parcel	15 %
10 acre Parcel	20%
15 acre Parcel	25%
No-impact Parcel	90%
Residential Pond	10%
Natural Area Preservation	1% for each % protected up to 20%
UNIFIED STORMWATER SIZING CRITERIA	
Water Quality	10%
Channel Protection	10%
Overbank Flood Protection	10%
Extreme Flood Protection	10%

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 document, certain words or terms used are defined as follows:

County. The unincorporated jurisdictional boundaries of Fayette County, Georgia.

Credit. A reduction in the amount of a customer's User Fee in recognition of efforts to mitigate the stormwater runoff impact that a Developed Property has on the County's Stormwater Systems.

Developed Property. All real property containing 1,000 square feet or more of Impervious Area.

Georgia Stormwater Management Manual. A stormwater technical guidance manual published by the Atlanta Regional Commission.

Impervious Area/Impervious Surface. Man-made areas or surfaces that prevent or impede the infiltration of stormwater into the soil, e.g., rooftops; asphalt-, concrete-, brick-, or stone-paved areas; and all driveways and parking areas.

Stormwater Systems. All infrastructure, natural or otherwise, used for collecting and/or conveying stormwater, e.g., culverts, ditches, swales, etc.

Stormwater Utility Credit Manual. A technical guidance manual that defines and provides criteria for credits available to property owners.

Stormwater Services. Services provided by Fayette County that relates to the:

1. Calculation and collection of User Fees;
2. Development and maintenance of a Stormwater Systems Database;
3. Repair, replacement and improvement of County-owned Stormwater Systems;
4. Assessment, prioritization and implementation of public stormwater projects; and,
5. Performance of supporting administrative and technical functions.

Undeveloped Property. All real property with less than 1,000 square feet of Impervious Area.

User Fee. A fee charged to a Developed Property for Stormwater Services. The User Fee is a function of the rate schedule applied to the Impervious Area.

SECTION 3 - STORMWATER CREDIT APPLICATION PROCESS

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

1. The customer shall review this manual (online at www.fayettecountyga.gov or obtain a copy from the Fayette County Environmental Management Department) to determine if a credit is applicable to their property.

2. The customer shall submit a completed application that includes:

   (1) Stormwater Utility Credit Application Form; and,
   (2) credit-specific application form and required documentation.

   These forms are contained in Appendix A.

3. Effective upon adoption of this manual by the Fayette County Board of Commissioners, 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.

4. If the credit application is approved, the County will apply the stormwater user fee credit to the next customer billing cycle.

5. Once approved, the County may choose to conduct an onsite inspection of the applicant's property to ensure all credit eligibility requirements are met.

RESIDENTIAL ENVIRONMENTAL TECHNOLOGY

Credit Factor: 10%

Credit Duration: 3 Years

Requirements:

All residential environmental technologies shall be designed using the Georgia Stormwater Management Manual (http://www.atlantaregional.com/environment/georgia-stormwater-manual); the Etowah Habitat Conservation Plan Runoff Limits Manual (http://www.etowahhcp.org), or any best management practice or manual found at http://www.lowimpactdevelopment.org

The customer shall continue to maintain the residential environmental technology for the full credit duration.

Examples:

Tree Pit Bioretention areas, Cisterns, Rain Gardens, Pervious Pavements, etc..

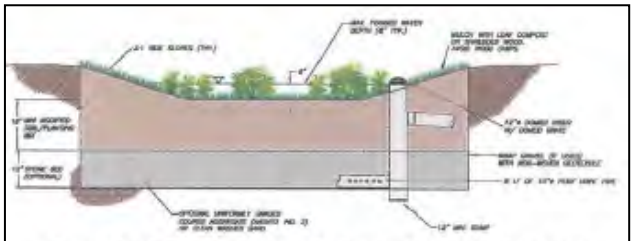

Figure 4.7-1 Cross Section of a Typical Rain Garden (stone bed is optional) (Source: PGDER, 2002)

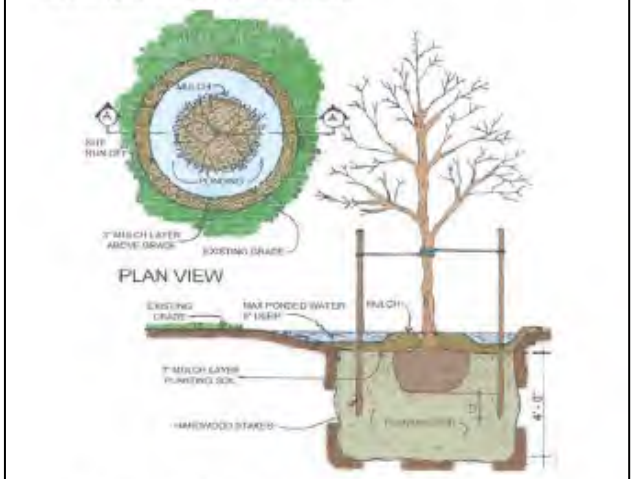

Figure 4.7-2 Tree Pit Bioretention (Source: PGDER, 2002)

LOW IMPACT PARCELS

Credit Factor: 2 Acre – 10%, 5 Acre – 15%, 10 Acre – 20%, 15 Acre – 25%

Credit Duration: Continual (unless the account is delinquent)

Requirements:

Parcel must have less than 10% impervious area.

Example:

NO-IMPACT PARCEL

Credit Factor: 90%

Credit Duration: Continual

Requirements:

A property or site that does not directly or indirectly contribute stormwater runoff to the County's public drainage system and/or does not discharge to a Water Supply Watershed (defined by Rules of Georgia Department of Natural Resources Environmental Protection Division Chapter 391-3-16 Rules for Environmental Planning Criteria) may be eligible for a no-impact stormwater user fee credit. Fayette County has identified no-impact parcels and automatically applies the credit to the stormwater utility bill.

Example: Stormwater drains to the Flint River <u>downstream</u> of the City of Griffin Water System intake on the Flint River.

RESIDENTIAL POND

Credit Factor: 10%

Credit Duration: 1 Year

Requirements:

The pond must have been constructed prior to 2010 or built in accordance with all Federal, State and Local regulations and located entirely on a parcel with more than 2 acres. The pond's water surface area must be greater than or equal to the amount of impervious area on the parcel.

All applicants for the residential pond credit can receive information on pond and dam/impoundment maintenance from the Georgia Department of Natural Resources Environmental Protection Division (http://epd.georgia.gov) or copies can be obtained through the Fayette County Environmental Management Department.

Example:

NATURAL AREA PRESERVATION

Credit Factor: 1% for each percent of the total parcel protected up to 20%

Credit Duration: Easement Duration

Requirements:

A stormwater credit may be granted when undisturbed natural areas, over one contiguous acre, are conserved on a parcel, thereby retaining their pre-development hydrologic and water quality characteristics. These areas include but are not limited to:

- Federally recognized wetlands;
- Lands containing Federally Endangered Species;
- Undeveloped lands within stream buffers and/or floodplains;
- Constructed stormwater wetlands;
- Conservation Easements as granted by the Fayette County Tax Commissioner, and
- Zoning Buffers

The customer shall provide the County all applicable documentation or instruments demonstrating the amount of area officially designated as a naturally preserved area.

Example: A 200-acre parcel contains 10 acres in a conservation easement. The credit applied would be 5%.

Unified Stormwater Sizing Criteria

Credit Factor: 10% for each criterion

Credit Duration: 3 years

Requirements:

The Unified Stormwater Sizing Criteria is an integrated approach to addressing stormwater runoff impacts associated with both water quality and quantity issues as detailed in the Georgia Stormwater Management Manual (www.northgeorgiawater.org/stormwater).

In order to receive this credit the customer shall meet one of the criteria and submit annual inspection reports demonstrating proper maintenance. The customer shall provide a hydrology report (or comparable document) prepared and sealed by a Georgia Professional Engineer or Professional Hydrologist demonstrating compliance with the following criteria:

- **Water Quality** - Reduce average annual post-development TSS loadings by 80%.
- **Channel Protection** - Provide extended detention for rainfalls up to the 24-hour, 1-year storm event.
- **Overbank Flood Protection** - Provide peak discharge control of the 24-hour, 25-year storm event such that the post-development peak rate does not exceed the predevelopment rate to reduce overbank flooding.
- **Extreme Flood Protection** - Evaluate the effects of the 24-hour, 100-year storm on the stormwater system, adjacent property, and downstream facilities and properties.

Note: The criteria description for each stormwater runoff treatment level is in general accordance with information published in the Georgia Stormwater Management Manual.

The customer shall conduct maintenance and submit annual maintenance inspection reports. The customer may reapply for the credit every three years. If a customer is reapplying for the unified stormwater sizing criteria credit and site conditions have not changed since the original application, the application only needs to include a copy of the original design information. 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 Georgia Stormwater Management Manual criteria.

All stormwater control design, construction and maintenance shall be done in strict accordance with the County's current ordinances and design standards related to post-development stormwater management.

Appendix A – CREDIT APPLICATION FORMS

Fayette County

Stormwater Utility Credit Application Form

General Customer Information

Name	
Street Address	
City ST ZIP Code	
Home Phone	
E-Mail Address	
Stormwater Utility Account Number	

Property Information

Parcel ID Number	
Parcel Street Address	
City ST ZIP Code	
Authorized Contact (if different than owner)	

Credit to be applied (please include applicable forms and include with this application)

- ☐ Residential Environmental Technology
- ☐ Pond
- ☐ Low Impact Parcel
- ☐ No Impact Parcel
- ☐ Natural Area Preservation
- ☐ Unified Sizing Criteria

Authorization

I hereby request Fayette County to review this application for a stormwater service fee credit. I further authorize the County to investigate the impervious area characteristics of the above identified parcel for the purpose of assessment for a stormwater user fee credit. I certify that I have authority to make such a request and grant such authority for this property. The attached information is true and correct to the best of my knowledge and belief. I agree to provide corrected information should there be any change in the information provided herein. (This form must be signed by the account's financially responsible person must or an officer, director, partner, or registered agent with authority to execute instruments for the financially responsible person of the account).

Type or print applicant's name	Title or Authority	
Applicant's Signature	Date	
Witness	Notary	Notary Seal
Fayette County Representative **Approved** ☐ **Denied** ☐	Date	

Fayette County

Residential Environmental Technology Application Form

General Information

Stormwater Utility Account Number	

Environmental Technology to be utilized

- ☐ Cistern(s)
- ☐ Rain garden(s)
- ☐ Pervious Pavement
- ☐ Bioretention Area(s)
- ☐ Vegetated (Green) Roof
- ☐ Other: _____

Submittal Requirements

- ☐ Site Plan
- ☐ Structural Design
- ☐ Maintenance Schedule
- ☐ Installation Date: _____

_____ _____

Type or print name Title or Authority

_____ _____

Signature Date

Approval:

_____ _____

Fayette County Representative Date

Fayette County

No and Low-Impact Parcel Application Form

General Information

Stormwater Utility Account Number	

Submittal Requirements

☐ Parcel Acreage: _____

☐ Impervious Area: _____

☐ Percent Imperviousness: _____

Type or print name

Title or Authority

Signature

Date

Staff Use Only

Credit Amount:

☐ **10% Credit** ☐ **15% Credit** ☐ **20% Credit** ☐ **25% Credit** ☐ **90% Credit**

Approval:

Fayette County Representative

Date

Fayette County

Residential Pond Application Form

General Information	
Stormwater Utility Account Number	

Submittal Requirements

☐ Pond Build Date: _____
(With supporting documentation)

☐ Parcel Acreage: _____

☐ Impervious Area: _____

☐ Pond Surface Area: _____
(With supporting documentation)

Type or print name

Title or Authority

Signature

Date

Approval:

Fayette County Representative

Date

Fayette County

Natural Area Preservation Application Form

General Information

Stormwater Utility Account Number	

Type of Natural Area for Preservation

- ☐ Undeveloped land in its natural state
- ☐ Federally recognized wetlands (must include documentation)
- ☐ Lands containing Federally Endangered Species (must include documentation)
- ☐ Undeveloped lands within stream buffers and/or floodplains
- ☐ Constructed stormwater wetlands (must include documentation)
- ☐ Zoning Buffer
- ☐ Other: _____

Submittal Requirements

- ☐ Map showing area in conservation
- ☐ Amount of area in preservation
- ☐ Documentation submitted to the Clerk's Office or agency
- ☐ Page Book: _____ ☐ Page Number: _____ (if applicable)

_____ _____

Type or print name Title or Authority

_____ _____

Signature Date

Approval:

_____ _____

Fayette County Representative Date

Fayette County

Unified Stormwater Sizing Criteria Application Form

General Information

Stormwater Utility Account Number	

Type Sizing Criteria

- ☐ Water Quality
- ☐ Channel Protection
- ☐ Overbank Flood Protection
- ☐ Extreme Flood Protection

Submittal Requirements

- ☐ Site Plan
- ☐ Hydrology Study
- ☐ Inspection and Maintenance Plan
- ☐ Installation and Maintenance Date: _____

_____ _____

Type or print name Title or Authority

_____ _____

Signature Date

Staff Use Only

Credit Amount:

☐ **10% Credit** ☐ **20% Credit** ☐ **30% Credit** ☐ **40% Credit**

Approval:

_____ _____

Fayette County Representative Date

Proposed
Rate Schedule

Fayette County Stormwater Utility Rate Schedule

The Fayette County Stormwater Utility Rate Schedule establishes the basis for calculating the stormwater user fee rate for developed property within the County. The below rate schedule was contained in the Stormwater Management Ordinance, Article IV, Chapter 19 adopted by the Board of Commissioners on September 22, 2011. The County shall assign the amount of impervious area for the fair, reasonable and equitable allocation of the costs to deliver stormwater services and shall use this assignment to calculate the stormwater user fee charges for all developed properties in unincorporated Fayette County.

User-Fee Rate Calculation.

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 impervious area will be rounded down to the nearest 1,000 ft. increment. (Example. A property with 1,990 square feet of impervious area shall contain 1 equivalent runoff unit and a property with less than 1,000 square feet of impervious area shall contain 0 equivalent runoff unit.)

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

Calculation of Rate.

The periodic stormwater user fee charges imposed on all developed properties shall be a rate of $0.35 per 1 equivalent runoff unit.