

## AN ORDINANCE

**AN ORDINANCE TO AMEND CHAPTER 22, ARTICLE VI OF THE GRIFFIN CITY CODE STATING FINDINGS OF FACT, DEFINING CERTAIN TERMS, ADOPTING A STORMWATER UTILITY SERVICE CHARGE; PROVIDING FOR STORMWATER UTILITY SERVICE CHARGE CREDITS, SPECIFYING HOW STORMWATER UTILITY SERVICE CHARGE BILLS MAY BE DELIVERED AND COLLECTED; SPECIFYING HOW DELINQUENT STORMWATER SERVICE CHARGES MAY BE COLLECTED; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES**

**WHEREAS**, the City of Griffin has obtained independent professional assistance in projecting the need for stormwater management services and facilities for the foreseeable future and defining a program strategy for attaining effective stormwater quantity and quality control throughout the City has acted previously to amend Chapter 22 of the City Code to establish a stormwater utility within the public works department for the purposes of managing and funding the stormwater management program, and has received and reviewed cost of service and rate analysis prepared by independent professionals detailing the funding requirements of the stormwater management program;

**NOW THEREFORE, BE IT ORDAINED** by the Board of Commissioners of the City of Griffin, Georgia and it is established as follows:

**SECTION 1.** Article VI of the Griffin City Code shall be amended to include the following additions to existing Sections and additional Sections:

***Section 22-135 FINDINGS***

The Board of Commissioners makes the following additional findings which shall be codified in the Section 22-135 of the Griffin City Code as follows:

"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 burden of stormwater quality control service requirements and costs posed by properties throughout the City. 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 options 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 City. Impervious area is the most important factor influencing stormwater service requirements and costs posed by properties throughout the City, and therefore is an appropriate parameter for calculating stormwater service charges and associated credits. 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."

## ***Section 22 - 137 DEFINITIONS***

As used in this Chapter, unless the context clearly indicates otherwise, the following definitions apply, which shall be codified as amendments to Section 22-137 of the Griffin City Code as follows:

"f. Credit shall mean a conditional reduction in the amount of a stormwater service charge to an individual property based on the provision and continuing presence of an effectively maintained and operational on-site stormwater system or facility or the provision of a service or activity by property owner, which system, facility, service, or activity reduces the stormwater utility's cost of providing stormwater services and facilities. Credits for on-site stormwater systems shall be generally proportional to the affect that such systems have on the peak rate of runoff from the site.

- a. Detached dwelling unit shall mean developed land containing one structure which is not attached to another dwelling and which contains one or more bedrooms, with a bathroom and kitchen facilities designed for occupancy by one family. Detached dwelling units may include houses, manufactured homes and mobile homes located on one or more individual lots or parcels of land. Developed land may be classified as a detached dwelling unit despite the presence of incidental structures associated with residential uses such as garages, carports, or small storage buildings, or the presence of a commercial impervious area such as parking spaces, playgrounds, or structures or additions to the building which are used as offices, storage facilities, meeting rooms, classrooms, houses of worship, or similar non-residential uses. Detached dwelling unit shall not include developed land containing: structures used primarily for non-residential purposes, manufactured homes and mobile homes located within manufactured home or mobile home parks where the land is by others than the owners of the manufactured homes or mobile homes, or multiple-unit residential properties.
- b. Developed land shall mean property altered from its natural state by construction or installation of more than 200 square feet of impervious surfaces as defined in this chapter.
- c. Duplexes and triplexes shall mean developed land containing two (duplex) or three (triplex) attached residential dwelling units located on one or more parcels of land.
- d. Equivalent residential unit (ERU) or impervious area shall mean the median average impervious coverage of detached dwellings unit properties in the City of Griffin as determined by the City, and shall be used as the basis for determining stormwater service charges to detached dwelling unit properties or classes of detached dwelling unit properties and other properties. Two thousand two (2,200) square feet of impervious area shall be one equivalent unit.
- e. Multiple dwelling units residential properties shall mean developed land whereon four or more attached residential dwelling units are located and shall include, but not limited to, apartment houses, condominiums, townhomes, attached single-family homes, boarding houses, group homes, hotels and motels, retirement centers and other structures in which four or more family groups commonly and normally reside or could reside. In the application of stormwater service charge rates, multiple dwelling unit properties shall be treated as other developed lands.
- f. Other developed land shall mean, but shall not be limited to, multiple dwelling unit

residential properties, manufactured home and mobile home parks, commercial and office buildings, public buildings and structures, industrial and manufacturing buildings, storage buildings and storage areas covered with impervious surfaces, parking lots, parks, recreation properties, public and private schools and universities, research stations, hospitals and convalescent centers, airports, agricultural uses covered by impervious surfaces, water reservoirs, and water and wastewater treatment plants.

- g. Service charges shall mean the stormwater management service charge or charges applicable to a parcel of developed land, which charge shall be reflective of the City of Griffin stormwater utility's cost of providing stormwater management services and facilities. Service charges will be based on measurable parameters which influence the stormwater utility's cost of services and facilities, and may include but are not necessarily limited to the amount of impervious area on each parcel of developed land. The use of impervious area as a service charge rate parameter shall not preclude the use of other parameters, or of grouping of properties having similar characteristics through the use of ranges or rounding up or down to a consistent numerical interval, or the use of flat-rate charges for one or more classes of similarly-situated properties whose impact on the stormwater utility's cost of providing stormwater management services and facilities is relatively consistent. Stormwater service charges may also include special charges to individual customers for services or facilities related to stormwater management, including but not limited to charges for development plan review, inspection or development projects and on-site stormwater control systems, and enhanced levels of stormwater services above those normally provided by the City."

### ***"Section 22-140 DETERMINATION AND MODIFICATION OF STORMWATER SERVICE CHARGES***

Stormwater service charges may be determined and modified from time to time by the City Commission so that the total revenue generated by said charges and any other sources of revenue that may be made available to the stormwater utility will be sufficient to meet the cost of services and facilities, including but not limited to the payment of principal and interest on revenue bond obligations incurred for consideration and improvements to the stormwater system.

### ***Section 22-141 EFFECTIVE DATE OF STORMWATER SERVICE CHARGES***

Stormwater service charges shall accrue beginning July 1, 1998 and shall be billed periodically thereafter to customers, except as specific exemptions and credits may apply.

### ***Section 22-142 STORMWATER SERVICE CHARGES***

In order to fully recover the cost of providing stormwater services and facilities while fairly and reasonably apportioning the cost among developed properties throughout the City, the following stormwater rates shall apply:

- a. Detached dwellings units. Two classes of detached dwelling units shall be billed, based on the amount of impervious surfaces on the individual properties. The class of larger detached dwelling units shall include all detached dwelling unit properties having one thousand six hundred (1,600) square feet of impervious area or more, which shall be charged the rate applicable to one (1) equivalent residential unit as specified below in Section 22-142(c), or

as amended by Ordinance in the future. The class of smaller detached dwelling units shall include all such properties having less than one thousand six hundred (1,600) square feet of impervious area, which shall be charged the rate applicable to six-tenths (.6) equivalent residential unit as specified below in Section 22-142(c) or as amended by Ordinance in the future.

- b. Other developed lands. All developed lands not classified as detached dwelling units shall be billed for one equivalent residential unit (ERU) for each two thousand two hundred (2,200) square feet of impervious surface or increment thereof.
- c. Stormwater service charge rate per equivalent residential unit (ERU) or increment thereof. The stormwater service charge per equivalent residential unit shall be \$2.95 per month.

### ***Section 22-143 EXEMPTIONS AND CREDITS APPLICABLE TO STORMWATER SERVICE CHARGES***

Except as provided in this Section, no public or private property shall be exempt from stormwater utility service charges or receive a credit or offset against such service charges. No exception, credit, offset, or other reduction in stormwater service charges shall be granted based on the age, tax, or economic status, race, or religion of the customer, or other condition unrelated to the stormwater utility's cost of providing stormwater services and facilities. A Stormwater Utility Service Charge Credit Technical Manual shall be prepared by the department of public works specifying the design and performance standards of on-site systems, facilities, activities, and services which qualify for application of a service charge credit, and how such credits shall be calculated.

- a. Undeveloped land as defined in this Chapter shall be exempt from stormwater service charges.
- b. Railroad tracks shall be exempt from stormwater service charges. However, railroad stations, maintenance buildings, or other developed land used for railroad purposes shall not be exempt from stormwater service charges.
- c. Developed land other than individual detached dwelling units, including but not limited to multiple dwelling unit residential properties, manufactured home and mobile home parks, commercial and office buildings, public buildings and structures, industrial and manufacturing buildings, storage buildings and storage areas covered with impervious surfaces, parking lots, parks, recreation properties, public and private schools and universities, research stations, hospitals and convalescent centers, airports, agricultural uses covered by impervious surfaces, water reservoirs, and water and wastewater treatment plants may receive a stormwater service charge credit. The stormwater service charge credit shall be determined based on the technical requirements and standards contained in the Stormwater Utility Service Charge Credit Technical Manual. The stormwater service charge credit may be up to fifty (50) percent of the service charge applicable to a property, and shall be proportional to the extent that on-site systems, facilities, services, and activities provided, operated, and maintained by the property owner reduce or mitigate the stormwater utility's cost of providing services and facilities.
- d. Groups of detached dwelling units represented by an incorporated homeowner's association providing on-site systems, facilities, services, or activities which reduce or mitigate the

stormwater utility's cost of providing services and facilities may receive a stormwater service charge credit. The stormwater service charge credit shall be determined based on the technical requirements and standards contained in the Stormwater Utility Service Charge Credit Technical Manual. The stormwater service charge credit available to groups of detached dwellings units may be up to fifty (50) percent of the service charge applicable to the individual properties, and shall be proportional to the extent that on-site systems, facilities, services, and activities provided, operated, and maintained by the homeowners association reduce or mitigate the stormwater utility's cost of providing services and facilities.

- e. Any credit allowed against the service charge is conditioned on continuing compliance with the City's design and performance standards as stated in the Stormwater Utility Service Charge Credit Technical Manual and/or upon continuing provision of the systems, facilities, services, and activities provided, operated, and maintained by the property owner or owners upon which the credit is based. A credit may be revoked by the City at any time for non-compliance.

### ***Section 22-144 STORMWATER SERVICE CHARGE BILLING, DELINQUENCIES, COLLECTIONS***

A stormwater service charge bill may be sent through the United States mail or by alternative means notifying the customer of the amount of the bill, the date the payment is due, and the date when past due. Failure to receive a bill is not justification for non-payment. Regardless of the party to whom the bill is initially directed, the owner of each parcel of developed land shall be ultimately obligated to pay such fee. If a customer is underbilled or if no bill is sent for developed land, the City may backbill for a period of up to one year, but shall not assess penalties for any delinquency. A one and one-half percent (1.5%) late charge shall be billed based on the unpaid balance of any stormwater utility service charge that becomes delinquent.

### ***Section 22-145 STORMWATER UTILITY SERVICE CHARGES BILLED IN COMMON***

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 City of Griffin Department of Public Works. 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. Using the information provided by the appellant, the director of the department of public works shall conduct a technical review of the conditions on the property and respond to the appeal in writing within thirty (30) days.
- c. In response to an appeal the director of the department of public works may adjust the stormwater service charge applicable to a property in conformance with the general purpose and intent of this Article.
- d. A decision of the public works director which is adverse to an appellant may be further appealed to the City Manager within thirty (30) days of the adverse decision. Notice of the appeal shall be delivered to the City Manager by the appellant, stating the grounds for the

further appeal. The City Manager shall issue a written decision on the appeal within thirty (30) days. All decisions of the City Manager shall be served on the customer personally or by registered or certified mail, sent to the billing address of the customer.

- e. All decisions by the City Manager shall be final.
- f. The appeal process contained in this section shall be a condition precedent to an aggrieved customer seeking judicial relief. Any decision of the city Manager may be reviewed upon Application for Writ of Certiorari before the Superior Court of Spalding County, filed within thirty (30) days of the date of service of the decision."

***SECTION 2.***

THIS ORDINANCE SHALL BECOME EFFECTIVE UPON ITS ADOPTION ON SECOND AND FINAL READING.

APPROVED AS TO FORM:

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Andrew J. Whalen, III

City Attorney

Pubic Hearing and First Reading: August 12, 1997

Second Reading: August 26, 1997