

BE IT ORDAINED by the Mayor and Council of the City of Covington in council duly assembled and it is ordained by the authority of same that Title 13 (Public Services) of the Covington Municipal Code be amended by adding Chapter 13.40 (Stormwater System) thereto, as follows:

Chapter 13.40

STORMWATER SYSTEM

Sections:

- 13.40.010 Findings of fact.**
- 13.40.020 Definitions.**
- 13.40.030 Establishment of utility.**
- 13.40.040 Establishment of enterprise fund.**
- 13.40.050 Establishment of stormwater utility fee.**
- 13.40.060 Public rights of way exemption.**
- 13.40.070 Adjustments.**
- 13.40.080 Credits.**
- 13.40.090 Appeals.**
- 13.40.100 Stormwater utility bills, payment, delinquency and collection.**
- 13.40.110 Stormwater utility inspections; enforcement.**

13.40.010 Findings of fact.

The mayor and council of the city find that it is in the best interest of the health, safety and welfare of the citizens of the city to fund improvements for maintaining and improving water quality and to mitigate and prevent flooding from stormwater runoff and that allocation of the cost of stormwater management among properties and entities in proportion to the long-term demands they impose on the city's stormwater management system is the most practical and equitable approach to such funding. Accordingly, a utility for stormwater management accounted for in the city budget as a separate enterprise dedicated solely to stormwater management provides the most appropriate

means of funding stormwater management services in the city.

13.40.020 Definitions.

As used in this chapter, the following words and phrases shall have the meanings set forth in this section unless the context specifically indicates otherwise.

“Channel Protection” shall have the same meaning as the term is defined in the Georgia Stormwater Management Manual.

“Credit” shall mean a conditional reduction in the amount of stormwater utility fee to an individual property based upon the terms and conditions of this chapter.

“Customer” shall mean all persons, properties, and entities served by the city’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.

“Developed Land” shall mean all property not deemed as Undisturbed Land.

“Disturbed Pervious Land” shall mean all property that has been cleared of its natural vegetation. Disturbed pervious land includes but is not limited to grassed lawns, landscaped areas, pastures, crop fields, golf courses, and bare soil.

“Equivalent Residential Unit (ERU)” shall mean the unit of measure which provides the basis for comparing the runoff generated by one parcel with that generated by another. An ERU shall be the median impervious coverage of a statistical sampling of single detached dwelling lots in the city, which has been determined to be two thousand six hundred (2,600) square feet of impervious area.

“Extreme Flood Protection” shall have the same meaning as the term is defined in the Georgia Stormwater Management Manual.

“Impervious Surfaces” shall mean those areas which prevent or impede the infiltration of stormwater into the soil as it entered in natural conditions prior to development. Common impervious surfaces include, but are not limited to, rooftops, sidewalks, walkways, patio areas, driveways, parking lots, storage areas, compacted gravel and soil surfaces, awnings and other fabric or plastic coverings.

“Infiltration” shall mean capture and temporary storage of stormwater runoff before allowing it to infiltrate into the soil over a period of time less than or equal to 72 hours.

“Multiple Dwelling Lot” shall mean a developed lot whereon more than one attached or detached residential dwelling units are located.

“Other Developed Land” shall mean, but shall not be limited to, commercial and office buildings, 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, and agricultural uses covered by impervious surfaces.

“Overbank Flood Protection” shall have the same meaning as the term is defined in the Georgia Stormwater Management Manual.

“Retention” shall mean procedures and schemes whereby stormwater is held for considerable periods causing water to continue in the hydrological cycle via infiltration, percolation, evapotranspiration, and not via direct discharge to watercourses.

“Stormwater Utility Fees” shall mean the fees applicable to a parcel of developed land, which charge shall be used to fund the city’s cost of providing stormwater management services.

“Single Dwelling Lot” shall mean a developed lot containing one (1) dwelling structure with its principal use being a residential dwelling.

“Stormwater Management System” means the entire set of structural and nonstructural stormwater management facilities and practices that are used to capture, convey and control the quantity and quality of the stormwater runoff from a site.

“Undisturbed Land” shall mean land in its unaltered natural state and which has 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.

“Water Quality Volume” shall have the same meaning as the term is defined in the Georgia Stormwater Management Manual.

“Wetlands” shall mean those areas that are inundated or saturated by surface or

ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

13.040.030 Establishment of stormwater utility.

There is hereby established a stormwater utility within the public works department of the city for the purpose of operation, maintenance and improvement of public stormwater systems and facilities.

13.40.040 Establishment of enterprise fund.

A. A stormwater enterprise fund shall be established in the city's budget and accounting system for the purpose of dedicating and protecting all funding applicable to the stormwater utility, including without limitation such rates, fees, charges and licenses as may be established by the city council.

B. Except as provided in subsection C. of this section, all revenues and receipts of the stormwater utility shall be credited to the stormwater enterprise fund and all expenses of said utility shall be paid from the stormwater enterprise fund, except that revenues from other sources may be applied to stormwater operations, maintenance and capital improvements as deemed appropriate by the city council.

C. All or any portion of revenue from operation of the stormwater utility may be pledged to the payment of principal or premium, if any, and interest on any revenue bonds or other obligations duly authorized by resolution of the city council.

13.40.050 Establishment of stormwater utility fee.

A Stormwater Utility Fee in the amount of \$3.23 per ERU per month is hereby established in order to recover the city's cost of providing stormwater services and to fairly and reasonably apportion such costs among properties within the corporate limits of the city.

13.40.060 Exemptions.

The following are exempt from imposition of Stormwater Utility Fees:

- (1) Rights of way of public streets, alleys, highways, roads and utilities.
- (2) Railroad rights of way (tracks). However, railroad stations, maintenance buildings, or other developed land used for railroad purposes shall not be exempt from stormwater utility fees.

13.40.070 Adjustments.

A. Adjustments to the Stormwater Utility Fee will be given to properties that demonstrate the following:

(1) The natural drainage features of the property results in stormwater runoff not contributing to the city's stormwater management system. Properties may receive an adjustment in the Stormwater Utility Fee equal to a 75 percent reduction in the fee for the portion of the property that does not drain to the city's stormwater management system; or

(2) The property includes Undisturbed Land, ponds or wetlands. The Stormwater Utility Fee for these properties will be adjusted by deducting such areas from the Disturbed Pervious Land value in the stormwater fee calculation.

B. Property owners seeking Stormwater Utility Fee adjustments must apply to the city for approval. During the year 2005 adjustment applications, which are submitted within 90 days after the first stormwater utility bill is mailed, will, upon qualification, receive an adjustment of the entire annual fee. Any Stormwater Utility Fee adjustment applications that are submitted after the first 90 days and approved by the city will, upon qualification, receive a prorated adjustment for the remainder of the year from the date that the successful application is submitted to the city.

13.40.080 Credits.

Property owners of Developed Land may receive a Stormwater Utility Fee credit for on-site systems or facilities, based on the technical requirements, design and performance standards contained in the Georgia Stormwater Management Manual and the City of Covington Stormwater Utility Credit and Adjustment Policy Manual. Stormwater Utility Fee credits may total up to eighty-five (85) percent of the utility fee applicable to a property, and shall be granted in the following increments:

A. 10% credit for on-site systems or facilities sized and functioning to meet Water Quality Volume in accordance with the Georgia Stormwater Management Manual.

B. 10% credit for on-site systems or facilities properly sized and functioning to meet the Channel Protection in accordance with the Georgia Stormwater Management Manual.

C. 10% credit for on-site systems or facilities sized and functioning to meet the Overbank Flood Protection in accordance with the Georgia Stormwater Management Manual.

D. 10% credit for on-site systems or facilities sized and functioning to meet the Extreme Flood Protection in accordance with the Georgia Stormwater Management Manual.

E. 5% credit for compliance with an existing NPDES permit for Industrial Activity.

-or-

F. 75% credit for 100% retention of the 100-year storm.

Public and private school systems with 200 or more students are eligible for an additional 10% credit for teaching an approved environmental science curriculum in grades Kindergarten (K) through twelve (12).

13.40.090 Appeals.

Any property owner aggrieved by a decision of the public works department upon an application for an adjustment or credit against a Stormwater Utility Fee as provided in Sections 13.40.070 or 13.40.080 of this chapter may appeal such decision to the Board of Zoning Appeals of the city in the manner provided in Sections 16.12.040 and 16.12.050 of this code.

13.40.100 Stormwater utility bills, payment, delinquency, and collection.

Bills for stormwater utility services shall be mailed to property owners at such intervals as deemed most practicable by the public works department, shall be due and payable within thirty days after such mailing and shall be delinquent thereafter. The city shall have a lien in the amount of such bills against the property for which such services have been provided,

which lien shall be perfected by filing a notice of same in the General Execution Docket of Newton County, Georgia, and may be collected, along with penalties and interest, in the same manner as provided for the collection of ad valorem taxes in Title 48, O.C.G.A.

13.40.110 Stormwater utility inspections; enforcement.

A. Every owner of property, any part of which lies within the corporate limits of the city, shall provide, maintain and operate on-site systems and facilities sufficient to collect, detain, control, convey and discharge stormwater in a manner consistent with the ordinances and regulations of the city and applicable state and federal laws and regulations. Failure to meet this obligation shall constitute a nuisance which may be abated under the procedure provided in Section 8.12.030, *et seq.* of this code.

B. The city, through its designated officers and employees, shall have the right to enter upon private property, upon reasonable notice to the owner thereof, for the purpose of inspecting the property and conducting surveys and engineering tests thereon in order to ensure compliance with this chapter.” and

BE IT FURTHER ORDAINED by the aforesaid authority that subsection A. of Section 16.12.030 (Powers) of Chapter 16.12 (Board of Zoning Appeals) of the Covington Municipal Code be amended so as to read:

“A. To hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made by an administrative official or by the planning commission in the enforcement of this title or Title 13 of this code.”

This ordinance shall become effective as of January 1, 2005. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

ENACTED AND ADOPTED this 18 day of October, 2004.

THE CITY OF COVINGTON

By: 

SAM RAMSEY, Mayor

Attest: 

JOHN H. GROTHEER, JR., City Clerk

(CITY SEAL)