

First Reading 11/29/2021
Passed 01/04/2022

County of Habersham
City of Demorest
State of Georgia

AN ORDINANCE NO. 2022 - 0104

**AN ORDINANCE ESTABLISHING A WATER AND SEWER SYSTEM
CONNECTION FEE AND INSTALLATION FEE FOR NEW WATER AND
SEWER CONNECTIONS WITHIN THE CITY OF DEMOREST'S WATER AND
SEWER SERVICE DELIVERY AREA**

WHEREAS; Funding of water and sewer system improvements is a shared responsibility between the City of Demorest as a water and sewer provider and businesses, land developers, land subdivisions and other water and sewer users who desire to connect to the City's water and sewer system; and

WHEREAS; The City desires to enact an ordinance to provide for a system connection fee and installation fee within the City's water and sewer service delivery area;

Now, Therefore, BE IT ORDAINED, and IT IS HEREBY ORDAINED that the following ordinance provisions are hereby adopted and shall hereafter be incorporated into the Code of Ordinances of the City of Demorest, Georgia.

Sec. 1. Authority.

Authority for the Mayor and City Council of the City of Demorest, Georgia, to adopt this Ordinance includes but is not limited to powers vested in it by the State of Georgia Constitution, the City Charter of the City of Demorest, Georgia, and applicable general laws of the State of Georgia including The Municipal Home Rule Act of 1965 (O.C.G.A. 36-35-1 et seq.).

Pursuant to O.C.G.A. 36-34-5, the City of Demorest as a municipal corporation has authority to construct, reconstruct, improve, better, and extend a water and sewer system, and to prescribe, revise, and collect rates, fees, tolls, or charges for the services, facilities, or commodities furnished to persons or users or made available by such systems to the property owner at such owner's property.

Sec. 2. Relationship to Connection Fees and Installation Fees.

The City of Demorest as a municipal corporation providing water and sewer service is authorized by O.C.G.A. 36-71-13(c) to collect a proportionate share of the capital cost of water and wastewater facilities by way of hook-up or connection fees as a condition of

water and sewer service to new or existing customers, without complying with the provisions of the Georgia Development Impact Fee Act of 1990, O.C.G.A. 36-71 et seq.

Sec. 3. Applicability.

The Connection Fee and Installation Fee specified by this ordinance shall apply only within the City of Demorest's Water and Sewer Service Delivery Area the boundaries of which are shown on one or more maps titled "City of Demorest Water and Sewer System" with boundaries of said area shown, which is hereby incorporated into this ordinance by reference.

Sec. 4. Definitions.

Equivalent Residential Unit (ERU): The ERU is a standardizing concept which allows demands for water consumption by different types of residential units and nonresidential uses to be compared to (and expressed in terms of) a single-family, detached, site-built dwelling. One ERU (Equivalent Residential Unit) is equal to the general average water consumption of a detached, single-family, site-built dwelling which is 100 gallons per capita per day or 300 gallons per unit. The ERUs for various uses are provided in Attachment "A"

Sec. 5. System Connection Fee Established.

Individual consumers, at the time they make application for water and sewer service to the City of Demorest, shall pay to the City of Demorest a connection fee and other related fees as outlined in Attachment "B" Water and Sewer Connection Fee. For domestic water meters 2" and larger, the connection fee for sewer will be determined on projected consumption at a rate of the Equivalent Residential Unit (ERU), as defined by this ordinance and exhibited in Attachment "C". Payment of said fee shall be in addition to required payment(s) according to any schedule of fees and charges and/or costs of meter and installation. Payment of the system connection fee shall be considered a condition of the City providing water and sewer service to said individual consumer.

Individual consumers at the time of application for water and/or sewer service shall submit sufficient information to the City Administrator so that the ERU's can be calculated. At minimum such information shall include a full and complete description of the proposed land use and development activity proposed on the site served by the water and/or sewer service, including, where applicable, the square footage of building(s) and/or square footage of each use within building(s) if different.

Sec. 6. Mixed Uses and Other Uses Not Specified.

If a water and/or sewer service is requested for a building with mixed uses, the fee shall be determined according to the combination of uses most closely approximating the uses listed in Attachment A under the definition of Equivalent Residential Unit provided in this Ordinance.

If the use of a building for which a water and/or sewer service is applied for is not specified in the table under the definition of Equivalent Residential Unit (ERU) provided in this Ordinance, the City Administrator shall use and apply the use listed in said table that is most nearly comparable to the proposed use.

Sec. 7. Change or Modification in Use.

In the case of change of use, redevelopment, or modification of an existing use which requires the issuance of or resizing of a water and/or sewer service, or a change in certificate of occupancy, the system connection fee for such change in use, redevelopment, or modification shall be based upon the net increase in the number of Equivalent Residential Units (ERUs) for the new use as compared to the previous use, as determined by the City Administrator.

Sec. 8. Remedy for Nonpayment of System Connection Fee and Installation Fee.

The Demorest Water Department may withhold installation of a water and/or sewer service or refuse to permit connection to the Demorest water and sewer system in cases where the system connection fee and installation fee required by this Ordinance has not been paid.

Sec. 9. Penalty for Omissions.

If it is discovered by the City through inspection or other means that an applicant did not accurately portray the land use at the time of water meter application, and the use on a given site would require a connection fee in an amount that exceeds the Equivalent Residential Unit specified in this Ordinance which was paid for said water and/or sewer service, the City of Demorest shall bill the individual consumer for the unpaid system connection fee at a rate of 1.5 times the system connection fee that would have been required under the terms of this Ordinance for said use. After the expiration of sixty (60) days from such notice being mailed or delivered to the individual consumer, the City of Demorest shall have the authority to withhold or discontinue future water service to the customer until the additional increment of the required system connection fee is paid.

Sec. 10. Exemptions.

The following may be exempted from payment of the system connection fee required by this Ordinance:

- (a) Application for the replacement of an existing water and/or sewer service, where there is no alteration or expansion of an existing building or use of land requiring the consumption of water, as determined by the City Administrator, or where no additional demand for water system improvement facilities will result.

- (b) All or part of the system connection fee for a particular project determined by the Mayor and City Council as constituting extraordinary economic development, which shall be considered to mean any nonresidential development activity determined by the City of Demorest to be a positive catalyst in shaping the City's economic stability.

Sec. 11. Refunds.

A refund of a system connection fee paid to the City of Demorest as required by this Ordinance may upon application be granted by the City Administrator when one or more of the following conditions exist:

- (a) If the actual gross square footage constructed after the issuance of the building permit is less than the amount specified in the application for water and/or sewer service, the applicant for the water and/or sewer service shall be entitled to a refund of the excess portion of the system connection fee.
- (b) In the event that system connection fee is paid but the water and/or sewer service or building permit for the use is abandoned, upon submission of adequate evidence to the Administrator that the fee was paid and received by the City of Demorest, and that the building permit was abandoned.

Sec. 12. Accounting.

The City of Demorest shall maintain all revenues derived from the collection of the system connection fees in a separate account.

Sec. 13. Limitations on Expenditures.

Revenues collected from the system connection fees pursuant to this Ordinance shall only be expended for water and sewer system improvements within the City of Demorest Service Delivery Area and capacity-related improvements to the water and wastewater treatment systems. Revenues from system connection fees may be used for the payment of principal and interest on bonds, notes or other financial obligations issued by or on behalf of the City to finance water and sewer system improvements within the City of Demorest Service Delivery Area or for capacity-related improvements to the water and wastewater treatment systems.

Sec. 14. Administration.

This Ordinance shall be administered by the City Administrator.

Sec. 15. Appeal.

Where it is alleged that the City Administrator or another City Official has made an error in the application or administration of this Ordinance, the person alleging the error may

appeal the administrative decision to the Demorest Mayor and City Council, which shall be authorized to overturn, reverse, or otherwise modify the decision of an administrative officer made pursuant to this Ordinance.

Any appeal received and all papers constituting the record upon which the action appealed from was taken shall forthwith be transmitted by the City Administrator to the City Clerk for consideration by the Demorest Mayor and City Council. Such appeal shall be taken to the Demorest Mayor and City Council for consideration within thirty-five (35) days of receipt by the City Administrator.

During consideration by the Demorest Mayor and City Council, any party may testify in person, or by agent or by attorney. The Demorest Mayor and City Council shall make findings and render a decision in writing within thirty-two (32) days after the initial meeting that it was first scheduled to hear the administrative appeal. The City Clerk shall notify the applicant, in writing, of the decision of the Demorest Mayor and City Council on the administrative appeal application within five (5) working days after the Demorest Mayor and City Council has rendered its decision.

Sec. 16. Repealer.

Any other ordinances, resolutions, parts of resolutions, or regulations in conflict herewith are repealed.

Sec. 17. Severability.

Should any section of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

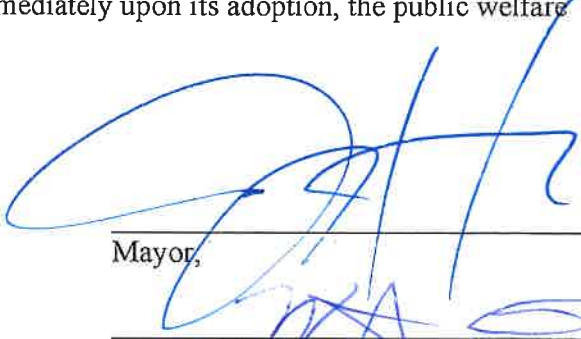
Sec. 18. Codification.

It is the intention of the Mayor and City Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Demorest, Georgia, and the sections of this Ordinance may be renumbered to accomplish such intention.

Sec. 19. Effective Date.

This Ordinance shall become effective immediately upon its adoption, the public welfare demanding it.

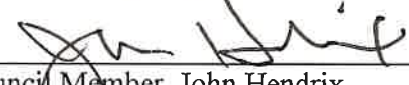
This 4 day of January, 2022



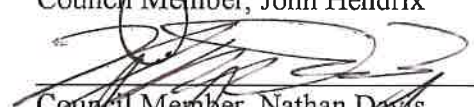
Mayor,



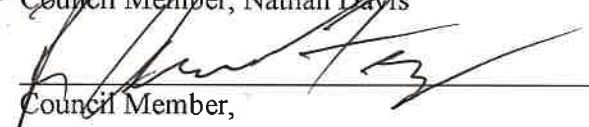
Council Member, Shawn Allen



Council Member, John Hendrix



Council Member, Nathan Davis



Council Member,

Council Member,

ATTEST:



City Clerk



APPROVED AS TO FORM:



City Attorney

CITY OF DEMOREST
DESIGN WASTEWATER FLOWS
ERU Schedule November 2021
Attachment A

<u>FACILITY</u>	<u>Gallons Per Day (GPD)</u>
Airport (Also RR and Bus Terminal) No food services	5/Passenger + 10/Employee
Assembly Hall (Also Stadium, Racetrack)	5/Seat
Bar/Lounge (No Food Service)	30/Seat
Barber Shop	100/Chair + 20/Employee
Bath House for Swimming Pool	10/Swimmer
Beauty Salon	125/Chair + 20/Employee
Bowling Alley (No Food Services)	50/Lane + 20/Employee
Car Wash (Self Operating) (Automatic)	100/Bay (If recycling – Reduce by 50%) 165/Bay (If recycling – Reduce by 50%)
Churches or other places of Worship (No Kitchen) (With Kitchen)	5/Sanctuary Seat 7/Sanctuary Seat
Country Club (No Food Service)	25/Member
Day Care Center (No Meals) (With Meals)	15/Person 20/Person
Dental Office	75/Chair + 20/Employee
Fitness Center/Spa (No Shower) (With Shower)	20/Person 50/Person

FACILITYGallons Per Day (GPD)

Food Service (Add 300 per machine if dishwasher machine is installed)	
Restaurant, less than 24-hours/day	50/Seat
Restaurant, 24-hours/day	75/Seat
Restaurants on Interstates	100/Seat
Drive-In Restaurants	50/Space
Carryout Only: Food Stands	50/1000-Sq Ft Floor Space + 20/Employee
Funeral Home	300/Embalming + 100/Staff Member + 5/Sanctuary Seat (No Kitchen) + 7/Sanctuary Seat (With Kitchen)
Grocery Store	200/1000-Sq Ft Floor Space
Hospital	250/Bed + 100/Resident Staff
Hotel/Motel (Add 300 per machine if washing machine is installed)	100/Room
With Kitchenette	150/Room
Industrial/Warehouse	35/Employee
Laundry, (Coin Operated)	400/Machine
(Commercial)	600/Machine
Medical Office	200/Exam Room + 20/Employee
Multi-Family Residential	300/Unit PLUS 75/for each bedroom over three
Nail Salon	100/Seat + 20/Employee
Nursing Home/Personal Care Home	150/Bed + 100/Resident Staff
Office	175/1000 Sq Ft
Pet Grooming Facility	400/Day + 20/Employee

<u>FACILITY</u>	<u>Gallons Per Day (GPD)</u>
Prison/Jail	125/Bed + 20/Employee
Rest Area	Determined from consultation with GDOT
Retail Stores, Convenience Stores (Freestanding)	Larger of 400/Restroom or 100/Commode or Urinal
Schools	20/Person + 40/person/dorm
Service Station	
24-Hour Operation	325/Commode and/or Urinal
Less Than 24-Hour Operation	250/Commode and/or Urinal
Shopping Center/Mall	100/1000 Sq Ft Enclosed Space
Theaters	5/Seat + 20/Employee
Veterinary Office/Animal Hospital	
(Add 300 per machine if washing machine is installed)	100/Run + 10/Cage + 20/Employee

NOTES

1. Facilities with multiple uses require additive flows. For example: A grocery store with a food service would utilize 200/1000 Sq Ft **PLUS** 50/Seat.
2. Applicants may submit alternative usage data when seeking to reduce system connection fees. The data must apply to an identical or closely similar facility.

City of Demorest
Water and Sewer Connection Fee Schedule
November 2021
Attachment B

WATER METER SIZE	METER COST	CONNECTION FEE	ADMIN FEE	CITY INSTALLATION (TAP FEE)	METER RELOCATION	ACCOUNT DEPOSIT
¾"	*	\$1,470	\$75	\$1,250 MINIMUM**	\$1,500 MINIMUM**	\$100
1"	*	\$2,450	\$75	\$1,500 MINIMUM**	\$2,000 MINIMUM**	\$100
2"	*	\$7,840	\$75	\$1,750 MINIMUM**	\$2,500 MINIMUM**	\$500
4"	*	\$24,500	\$75	ACTUAL COST**	ACTUAL COST**	\$1,000
6"	*	\$49,000	\$75	ACTUAL COST**	ACTUAL COST**	\$1,000
8"	*	\$78,400	\$75	ACTUAL COST**	ACTUAL COST**	\$2,000
10"	*	\$205,800	\$75	ACTUAL COST**	ACTUAL COST**	\$2,000

*METER TO BE BASED ON ACTUAL COST OF MATERIALS, LABOR, ETC., AT THE TIME OF INSTALLATION. **TAP TO BE BASED ON ACTUAL COST OF MATERIALS, LABOR, ETC., AT THE TIME OF INSTALLATION. ALL CONNECTIONS REQUIRE A BACKFLOW PREVENTER INSTALLED BY QUALIFIED PLUMBER. THE BACKFLOW PREVENTER MUST BE ON THE CUSTOMER'S SIDE OF THE METER.

METER RELOCATION – PROPERTY OWNER IS RESPONSIBLE FOR CONNECTING TO METER OR SETTER
DEVELOPER MUST INSTALL CUT-OFF VALVE AND NOT USE METER TO TURN WATER ON AND OFF
CONNECTION FEE – BASED ON POTENTIAL DEMAND OF WATER SYSTEM BASED ON METER SIZE (AWWA C700)

SEWER METER SIZE	CONNECTION FEE	CITY INSTALLATION (TAP FEE)
¾"	\$2,739	\$1,250 MINIMUM**
1"	\$4,656	\$1,500 MINIMUM**
2"	*	\$1,750 MINIMUM**
4"	*	ACTUAL COST**
6"	*	ACTUAL COST**
8"	*	ACTUAL COST**
10"	*	ACTUAL COST**

**TAP TO BE BASED ON ACTUAL COST OF MATERIALS, LABOR, ETC., AT THE TIME OF INSTALLATION.
CONNECTION FEE – BASED ON POTENTIAL DEMAND ON SEWER SYSTEM BASED ON ERU's.

*FOR DOMESTIC WATER METERS 2" AND LARGER, THE CONNECTION FEE FOR SEWER WILL BE DETERMINED ON PROJECTED CONSUMPTION. SEE ATTACHMENT "A" ERU SCHEDULE

1470
75
1250
\$ 2795

City of Demorest
Sewer System Asset Fee Schedule
November 2021
Attachment C

Total Assets for Sewer System - \$ 7,302,538

Capacity of Wastewater Treatment System - 800,000 gallons

Cost per gallon of wastewater collected and treated – Assets/Capacity = \$9.13 per gallon

1 ERU = 300 gallons

ERU cost at 300 gallons per ERU = \$2,739

Notes:

1. System Connection Fees are established by calculating the projected daily use (Attachment A) and multiplying by the current Fee (ERU)

Example: A Medical Facility with five examination rooms and ten daily employees
Total Flow would be (5 rooms x 200) + (10 employees x 20) = 1,200 GPD
1 ERU = 300 GPD
ERU Fee = \$2,739 per ERU
Total ERU's = 1,200/300 = 4 ERU's

System Connection Fee would be 4 x \$2,739 = \$10,956

City of Demorest
Water System Asset Fee Schedule
November 2021

Total Assets for Water System - \$ 25,796,704

Capacity of Water Treatment System – 5,250,000 gallons

Cost per gallon of water treated and delivered – $\text{Assets/Capacity} = \4.91 per gallon

ERU cost at 300 gallons per ERU = \$1,473