

**CITY OF GROVETOWN
ORDINANCE TO ADOPT CHAPTER 17 OF THE CITY CODE
STORMWATER MANAGEMENT
ORDINANCE NO. 2018-09-01**

AN ORDINANCE TO ADOPT CHAPTER 17 OF THE CITY CODE; TO CREATE STORMWATER MANAGEMENT REGULATIONS; TO CODIFY ORDINANCE NO. 236 (9/9/2014) ESTABLISHING A STORMWATER ENTERPRISE FUND; TO PROVIDE FOR CODIFICATION; TO PROVIDE SEVERABILITY; TO PROVIDE FOR PENALTIES; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; TO PROVIDE AN ADOPTION AND EFFECTIVE DATE; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES.

WHEREAS, the duly elected governing authority of the City of Grovetown, Georgia is authorized under Article 9, Section 2, Paragraph 3 of the Constitution of the State of Georgia to adopt reasonable ordinances to protect and improve the public health, safety, and welfare of the citizens of the City of Grovetown, Georgia;

WHEREAS, the duly elected governing authority of the City of Grovetown, Georgia is the Mayor and City Council thereof;

WHEREAS, Official Code of Georgia Annotated (O.C.G.A.) Section 36-35-3 provides cities the power to adopt clearly reasonable ordinances, resolutions or regulations relating to the cities' property and affairs;

WHEREAS, the governing authority desires to create provisions in the City Code regulating stormwater management and stormwater facilities;

THE COUNCIL OF THE CITY OF GROVETOWN HEREBY ORDAINS AS FOLLOWS:

Section 1. Title.

This Ordinance shall be known and referred to as the Ordinance to adopt Chapter 17 of The Code of the City of Grovetown, Georgia.

Section 2. Purpose.

To adopt Chapter 17 of The Code of the City of Grovetown, Georgia regarding stormwater management and stormwater facilities.

Section 3. Amendment of City Code; Chapter 17.

The Code of the City of Grovetown, Georgia is hereby amended by adding a new Chapter 17, Articles I-IV, entitled “Stormwater Management”, as follows:

“Chapter 17

STORMWATER MANAGEMENT

ARTICLE I. IN GENERAL

Sec. 17-1. Findings of fact.

It is hereby determined that:

- (1) Land development projects and associated increases in impervious cover alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, and sediment transport and deposition. This stormwater runoff contributes to increased quantities of water-borne pollutants, and stormwater runoff, soil erosion and non-point source pollution can be minimized through the regulation of stormwater runoff from development sites.
- (2) The City of Grovetown establishes this chapter for the regulation of stormwater runoff for the purpose of protecting local water resources from degradation. It is determined that the regulation of stormwater runoff discharges from land development projects and other construction activities in order to control and minimize increases in stormwater runoff rates and volumes, soil erosion and sedimentation, stream channel erosion, and non-point source pollution associated with stormwater runoff is in the public interest and will prevent threats to public health and safety.

Sec. 17-2. Purpose.

The purpose of this chapter is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, environment and welfare of the public and protect water and aquatic resources. This article seeks to meet that purpose through the following objectives:

- (1) Minimize increases in stormwater runoff from any development in order to reduce flooding, siltation and stream bank erosion and maintain the integrity of stream channels;

- (2) Minimize increases in non-point source pollution caused by stormwater runoff from development, which would otherwise degrade local water quality;
- (3) Require that new development and redevelopment maintain the pre-development hydrologic response in their post-development state as nearly as practicable in order to reduce flooding, streambank erosion, non-point source pollution and increases in stream temperature, and maintain the integrity of stream channels and aquatic habitats;
- (4) Establish minimum post-development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;
- (5) Establish design and application criteria for the construction and use of stormwater control facilities that can be used to meet the minimum stormwater management standards;
- (6) Establish provisions for the long-term responsibility for and maintenance of stormwater control facilities and practices to ensure that they continue to function as designed, are maintained and pose no threat to public safety; and
- (7) Establish administrative procedures for the submission, review, approval and disapproval of stormwater management plans, and for the inspection of approved active projects, and long-term follow up.

Sec. 17-3. Compatibility with other permit and ordinance requirements.

This chapter is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. The requirements of this chapter should be considered minimum requirements, and where any provision of this chapter imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

Sec. 17-4. Variances and waivers.

Every applicant shall provide for stormwater management as required by this chapter unless they file a written request to waive the stormwater management plan requirements or request a variance to a specific requirement of this chapter. A formal, written application shall be filed with the city and shall include the specific variances sought and sufficient justification for granting the variance or waiver. Variances and waivers may only be granted if all of the following conditions apply:

- (1) Good and sufficient cause for the variance or waiver is shown by the applicant;
- (2) It is determined by the city that the failure to grant the variance or waiver could result in exceptional hardship to the applicant;
- (3) It is determined by the city that the granting of a variance or waiver will not result in increased flood heights or additional threats to public health or safety, water resources and aquatic life, or public or private property; and
- (4) It is determined by the city that the granting of a variance or waiver will not result in nuisances or conflict with existing local laws or ordinances.

Sec. 17-5. Development of a stormwater design manual.

- (a) The city may furnish additional policy, criteria and information, including regulations and standards, for the proper implementation of the requirements of this chapter and may provide such information in the form of a stormwater design manual.
- (b) This manual may include a list of acceptable stormwater management measures, including the specific design criteria for each stormwater management measure. The manual may be updated and expanded from time to time, at the discretion of the mayor and city council, based on changes in laws or ordinances, improvements in engineering, science, monitoring, and local maintenance experience. Stormwater management measures that are designed and constructed in accordance with the design and sizing criteria of the manual will be presumed to meet the minimum performance standards stated herein.

Sec. 17-6. Definitions.

- (a) The following definitions shall apply in the interpretation and enforcement of this article, unless otherwise specifically stated:

Applicant means any person, firm or governmental agency that submits the necessary forms and procedures for approval or a permit to carry out construction of a project.

Channel means a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

City or *City of Grovetown, Georgia* (used interchangeably) means municipality acting through the mayor and council and any persons that they designate, including the city administrator, city or mayor or council may be used interchangeably.

City administrator or *administrator* (used interchangeably) means the person designated by the mayor and council to review, approve, inspect, and perform other duties related to stormwater management referenced in this chapter. The city administrator may delegate such responsibilities to the city engineer or others qualified to perform the stated tasks.

Clearing means the removal of trees and brush from the land, but shall not include the ordinary mowing of grass.

Design professional of record means the engineer responsible for the design of the stormwater management facilities and measures. The engineer must be registered in the State of Georgia. A landscape architect or land surveyor, registered in the State of Georgia, may serve as the design professional of record only in the limited capacity permitted by the Official Code of Georgia (sections 43-23-1 and 43-15-2, respectively).

Detention means the temporary storage of stormwater runoff in a stormwater management facility for the purpose of controlling the peak discharge.

Detention facility means a permanent structure or detention basin for the purpose of temporary storage of stormwater runoff and its subsequent gradual discharge.

Developer means any person or persons owning or opting to own and proposing to develop or construct on a piece of property. Owner or developer may be used interchangeably.

Drainage area means the area contributing runoff to a single point measured in a horizontal plane, which is enclosed by a ridgeline.

Drainage easement means a legal right granted by a landowner to a grantee allowing the use of private land for stormwater management purposes.

Drainage structure means any storm drains, catchment basins, inlets, berms or other physical construction or provision for the storage or conveyance of stormwater runoff.

Easement means a grant or reservation by the owner of land for the use of such land by others for a specific purpose or purposes and which must be included in the conveyance of land affected by such easement.

Erosion means the process by which ground surface is worn away by the action of wind, water, ice, or gravity.

Erosion and sedimentation control plan means a plan for the control of soil erosion and sedimentation resulting from land-disturbing activities.

Exemptions means those land development activities that are not subject to the stormwater management requirements contained in this chapter.

Flooding means a volume of surface water that is too great to be confined within the banks or walls of a conveyance or stream channel and that overflows onto adjacent lands.

Grading means any act by which soil is cleared, stripped, stockpiled, excavated, scarified, filled or any combination thereof.

Impervious cover means a surface composed of any material that significantly impedes or prevents the natural infiltration of water into soil. Impervious surfaces include, but are not limited to, rooftops, buildings, streets and roads, and any concrete or asphalt surface.

Imperviousness means the degree to which a site contains impervious cover.

Infiltration means the passage or movement of water from the surface into the soil subsurface.

Inspection and maintenance agreement means a written agreement providing for the long-term inspection and maintenance of stormwater management facilities and practices on a site or

with respect to a land development project, which when properly recorded in the deed records constitutes a restriction on the title to a site or other land involved in a land development project.

Jurisdictional wetland means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

Land development means any of the following actions undertaken by a public or private individual or entity: the division of a lot, tract or parcel of land into two or more lots, plots, sites, tracts, parcels or other divisions by plat or deed, or the combination or recombination of two or more lots, tracts or parcels of land into a lesser number of lots, plots, sites, tracts, parcels or other combinations by plat or deed, and shall also mean any land change, including, without limitation, clearing, digging, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, construction, paving, and any other installation of impervious cover.

Land development activities means those actions or activities which comprise, facilitate or result in land development.

Land development project means a discrete land development undertaking.

Landowner means the legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

Maintenance means any action necessary to preserve stormwater management facilities in proper working condition, in order to serve the intended purposes set forth in this chapter and to prevent structural failure of such facilities.

Non-point source pollution means a form of water pollution that does not originate from a discrete point such as a sewage treatment plant or industrial discharge, but involves the transport of pollutants such as sediment, fertilizers, pesticides, heavy metals, oil, grease, bacteria, organic materials and other contaminants from land to surface water and groundwater via mechanisms such as precipitation, stormwater runoff, and leaching. Non-point source pollution is a byproduct of land use practices such as, but not be limited to, agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

Nonstructural stormwater management practice or *nonstructural practice* means any natural or planted vegetation or other nonstructural component of the stormwater management plan that provides for or enhances stormwater quantity and/or quality control or other stormwater management benefits, and includes, but is not limited to, riparian buffers, open and greenspace areas, overland flow filtration areas, natural depressions, and vegetated channels.

Off-site stormwater facility means any stormwater management facility located outside the property boundary described in the permit application for land development activity. Easements for the purpose of transporting and management of stormwater runoff shall be obtained for any off-site stormwater facility.

On-site stormwater facility means any stormwater management facility located within the subject property boundary described in the permit application for land development activity.

On-site stormwater management means the design, construction, and maintenance of a facility necessary to control stormwater runoff within and for a single development.

Overbank flood protection means measures taken to prevent an increase in the frequency and magnitude of out-of-bank flooding (i.e., flow events that exceed the capacity of the channel), and that are intended to protect downstream properties from flooding for the two-year through 25-year frequency storm events.

Owner means legal or beneficial owner of a site, including, but not limited to, a mortgagee or vendee in possession, receiver, executor, trustee, lessee or other person, firm or corporation in control of the site. Owner or developer may be used interchangeably.

Permit means the permit issued by the City of Grovetown to the applicant which is required for any land disturbance activity.

Post-development means the time period, or the conditions that may reasonably be expected or anticipated to exist, after completion of the land development activity on a site as the context may require.

Pre-development means the time period, or the conditions that exist, on a site prior to the commencement of a land development project and at the time that plans for the land development of a site are approved by the plan approving authority. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time prior to the first item being approved or permitted shall establish pre-development conditions.

Project means a land development project.

Redevelopment means a land development project on a previously developed site, but excludes ordinary maintenance activities, remodeling of existing buildings, resurfacing of existing paved areas, and exterior changes or improvements which do not materially increase or concentrate stormwater runoff, or cause additional non-point source pollution. Paving of a graveled parking lot shall be considered redevelopment for the purposes of this chapter.

Regional stormwater management facility or *regional facility* means stormwater management facilities designed to control stormwater runoff from multiple properties, where the owners or developers of the individual properties may assist in the financing of the facility, and the requirement for on-site controls is either eliminated or reduced.

Runoff means stormwater runoff.

Site means the parcel of land being developed, or the portion thereof, on which the land development project is located.

Stop-work order means an order issued that requires that all construction activity on a site be stopped. The stop-work order shall not include maintenance, installation, or repairing of erosion control practices.

Stormwater better site design means nonstructural site design approaches and techniques that can reduce a site's impact on the watershed and can provide for nonstructural stormwater management. Stormwater better site design includes conserving and protecting natural areas and greenspace, reducing impervious cover and using natural features for stormwater management.

Stormwater management means the collection, conveyance, storage, treatment and disposal of stormwater runoff in a manner intended to prevent increased flood damage, streambank channel erosion, habitat degradation and water quality degradation, and to enhance and promote the public health, safety and general welfare.

Stormwater management facility means any infrastructure that controls or conveys stormwater runoff.

Stormwater management measure means any stormwater management facility or nonstructural stormwater practice.

Stormwater management plan means a document describing how existing runoff characteristics will be affected by a land development project and containing measures for complying with the provisions of this chapter.

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.

Stormwater retrofit means a stormwater management practice designed for a currently developed site that previously had either no stormwater management practice in place or a practice inadequate to meet the stormwater management requirements of the site.

Stormwater runoff means the flow of surface water resulting from precipitation.

Structural stormwater control means a structural stormwater management facility or device that controls stormwater runoff and changes the characteristics of that runoff, including, but not limited to, the quantity and quality, the period of release or the velocity of flow of such runoff.

Subdivision means the division of a tract or parcel of land resulting in one or more new lots or building sites for the purpose, whether immediately or in the future, of sale, other transfer of ownership or land development, and includes divisions of land resulting from or made in connection with the layout or development of a new street or roadway or a change in an existing street or roadway.

Variance means the modification of the minimum stormwater management requirements for the specific circumstances such that strict adherence of the requirements would result in unnecessary hardship and not fulfill the intent of this chapter.

Waiver means the relinquishment from stormwater management requirements by the city for a specific development.

Water quality volume (WQ_v) means the storage needed to capture and treat 90 percent of the average annual stormwater runoff volume. Numerically (WQ_v) will vary as a function of long-term rainfall statistical data.

Watershed means the total drainage area contributing runoff to a single analytical point.

- (b) Construction of undefined terms. Terms not herein specifically defined shall be construed in the manner commonly accepted and the interpretation of the same will be furnished by the city of upon application.

Sec. 17-7. Applicability of chapter.

This chapter shall be applicable to all land development, redevelopment, and construction within the city with the following exemptions:

- (1) New developments or redevelopments that do not disturb or alter more than 2,000 square feet of land area provided that the amount of impervious cover created, added, or replaced does not exceed 1,000 square feet and further provided that the new developments or redevelopments meeting this criteria are not part of a larger common plan of development;
- (2) Individual single-family or duplex residential lots that are not part of a subdivision or phased development project;
- (3) Additions or modifications to existing single-family or duplex residential structures;
- (4) Agricultural or silvicultural land management activities within areas zoned for these activities; and
- (5) Repairs to any stormwater management facility deemed necessary by the city.

Sec. 17-8. Permit procedures and requirements.

(a) *Permit application requirements.*

- (1) No owner or developer shall perform any land development activities without first meeting the requirements of this chapter prior to commencing the proposed activity.
- (2) Unless specifically exempted by this chapter, any owner or developer proposing a land development activity shall submit to the city administrator a permit application for stormwater management in a format specified by the city for that purpose.
- (3) Unless otherwise exempted by this chapter, a permit application shall include the following items in order to be considered:
 - a. Stormwater management plan in accordance with subsection (b) of this section;
 - b. Inspection and maintenance agreement in accordance with subsection (c) of this section, if applicable;
 - c. Performance securities or bonds in accordance with subsection (d) of this section, if applicable; and
 - d. Plan review fees in accordance with subsections (e) and (f) of this section.

(b) *Stormwater management plan requirements.*

- (1) The stormwater management plan shall detail how post-development stormwater runoff will be controlled or managed and how the proposed project will meet the requirements of this chapter, including the performance criteria set forth in section 17-9.
- (2) This plan shall be in accordance with the criteria established in this section and must be submitted with the stamp and signature of the design professional of record, who must verify that the design of all stormwater management facilities and practices meet the submittal requirements contained herein, outlined in the stormwater management plan checklist form provided by the city, and contained in the stormwater design manual that may be developed and adopted by the city.
- (3) The stormwater management plan must ensure that the requirements and criteria in this chapter are being complied with and that opportunities are being taken to minimize adverse post-development stormwater runoff impacts from the development. The plan shall consist of maps, narratives, and supporting design calculations (hydrologic and hydraulic) for the proposed stormwater management system. The plan shall include, at a minimum, all of the information described herein and required in the stormwater management plan checklist form provided by the city. This includes:
 - a. Common address and legal description of site;
 - b. Vicinity map of adequate detail showing the site location relative to surrounding landmarks, highway intersections, rivers, and streams;
 - c. Existing conditions hydrologic analysis.
 1. The existing condition hydrologic analysis for stormwater runoff rates, volumes, and velocities, which shall include at a minimum:
 - (i) A topographic site plan of existing site conditions with the drainage area and sub-area boundaries indicated;
 - (ii) Acreage, soil types and land cover for each sub-area affected by the project (shown on the site plan if practical);
 - (iii) All perennial and intermittent streams and other surface water features (shown on the site plan as applicable);
 - (iv) All existing stormwater conveyances and structural stormwater controls (shown on the site plan as applicable);
 - (v) Direction of flow and exits from the site (shown on the site plan as applicable);
 - (vi) Analysis of runoff provided by off-site areas upstream of the project site; and

- (vii) Methodologies, assumptions, site parameters and supporting design calculations used in analyzing the existing conditions site hydrology.
2. The topographic site plan referenced above shall be dated and include, at a minimum, the following information:
- (i) A north arrow and graphic scale with the site plan drawn at a scale of not less than one inch equals 100 feet.
 - (ii) Delineation of property lines, tax map and parcel numbers, and deed record names of all adjacent property owners.
 - (iii) On site contours at intervals of two feet or less and off site contours at intervals of five feet or less. Elevation shall be based on the mean sea level (MSL) datum plane established by the U.S. Coast and Geodetic Survey and shall be stated on the topographic site plan.
 - (iv) The location of existing structures and the location and right-of-way of streets, roads, railroads, utility lines, and easements shall be shown.
 - (v) The location of all onsite easements and easements down gradient that may be impacted by this plan shall be shown.
 - (vi) The size and location of existing sewers, water mains, storm drains, culverts, or other underground facilities on site and within the right-of-way of streets or roads adjoining the site shall be shown. Grades, invert elevations, and top elevations of storm drains, sewers, and culverts shall be shown.
- d. Post-development hydrologic analysis.
1. The post-development hydrologic analysis for stormwater runoff rates, volumes, and velocities, which shall include:
- (i) A topographic site plan of developed site conditions with the post-development drainage area and sub-area boundaries indicated;
 - (ii) Total area of post-development impervious surfaces and other land cover areas for each sub-area affected by the project;
 - (iii) Calculations for determining the runoff volumes that need to be addressed for each drainage sub-area for the development project to meet the post-development stormwater management performance criteria in section 17-9;
 - (iv) Location and boundaries of proposed natural feature protection and conservation areas;

- (v) Methodologies, assumptions, site parameters and supporting design calculations used in analyzing the proposed conditions site hydrology.
- 2. The topographic site plan referenced above shall be dated and include, at a minimum, the following information:
 - (i) A north arrow and graphic scale with the site plan drawn at a scale of not less than one inch equals 100 feet.
 - (ii) Proposed on site contours at intervals of two feet or less and off site contours at intervals of five feet or less. Elevation shall be based on the mean sea level (MSL) datum plane established by the U.S. Coast and Geodetic Survey and shall be stated on the topographic site plan.
 - (iii) The proposed layout of streets, roads, alleys, drives, paved areas, and sidewalks with widths and other designations necessary to convey horizontal and vertical alignments, including profiles, cross-sections, and standard details as applicable, shall be shown.
 - (iv) The location of buildings with roof drainage plans and locations of downspouts, roof drains, and other means used to remove water shall be shown for buildings larger than 10,000 square feet in area or as otherwise required by the city.
 - (v) The site plan shall include all of the information, required for the existing site in subsection (b)(3)c of this section, that is also applicable to the post-development site.
- 3. Discharge of water concentrated at a point (such as outfall from a pipe, swale, or defined channel) across the property line requires an easement from adjacent property owners to such point that the concentrated water is fully dispersed to overland flow.
- 4. If the land development activity on a redevelopment site constitutes more than 50 percent of the site area for the entire site, then the performance criteria in section 17-9 must be met for the stormwater runoff from the entire site.
- e. Stormwater management system.
 - 1. The narrative description, scaled drawings and design calculations for the proposed post-development stormwater management system, which shall include:
 - (i) A map and drawings of the stormwater management facilities, including the location of nonstructural site design features and the placement of existing and proposed structural stormwater controls, including design water surface

elevations, storage volumes available from zero to maximum head, location of inlets and outlets, location of bypass and discharge systems, and all orifice/restrictor sizes;

- (ii) A narrative describing how the selected structural stormwater controls will be appropriate and effective;
 - (iii) Cross-section and profile drawings and design details for each of the structural stormwater controls in the system, including supporting calculations to show that the facility is designed according to the applicable design criteria;
 - (iv) A hydrologic and hydraulic analysis of the stormwater management system for all applicable design storms (including stage-storage or outlet rating curves, and inflow and outflow hydrographs);
 - (v) Documentation and supporting calculations to show that the stormwater management system adequately meets the post-development stormwater management performance criteria in section 17-9;
 - (vi) Drawings, design calculations, elevations and hydraulic grade lines for all existing and proposed stormwater conveyance elements including stormwater drains, pipes, culverts, catch basins, channels, swales and areas of overland flow; and
 - (vii) Where applicable, a narrative describing how the stormwater management system corresponds with any watershed protection plans and/or local greenspace protection plan.
2. For certain projects, it may be practical to show some of the information required in this subsection (b)(3)e on the post-development topographic site plan described in subsection (b)(3)d of this section.
- f. Post-development downstream analysis. A downstream peak flow and velocity analysis which includes the assumptions, results and supporting calculations to show safe passage of post-development design flows downstream. The analysis of downstream conditions in the report shall address each and every point or area along the project site's boundaries at which runoff will exit the property. The analysis shall focus on the portion of the drainage channel or watercourse immediately downstream from the project. In calculating runoff volumes, discharge rates and velocities, consideration may need to be given to any planned future upstream land use changes.
- g. Construction-phase erosion and sedimentation control plan. An erosion and sedimentation control plan in accordance with the city's Soil Erosion

and Sedimentation Control regulations and the National Pollutant Discharge Elimination System Permit for Construction Activities. The plan shall also include information on the sequence/phasing of construction and temporary stabilization measures and temporary structures that will be converted into permanent stormwater controls.

h. Landscaping and open space plan.

1. A detailed landscaping and vegetation plan describing the woody and herbaceous vegetation that will be used within and adjacent to stormwater management facilities and measures. The landscaping plan must also include: the arrangement of planted areas, natural and greenspace areas and other landscaped features on the site plan; information necessary to construct the landscaping elements shown on the plan drawings; descriptions and standards for the methods, materials and vegetation that are to be used in the construction; density of plantings; descriptions of the stabilization and management techniques used to establish vegetation; and a description of who will be responsible for ongoing maintenance of vegetation for the stormwater management facility and what practices will be employed to ensure that adequate vegetative cover is preserved.

2. Any portion of the site from which the natural vegetative cover has been either partially or wholly cleared or removed by development activities shall be revegetated within 14 days from the date on which such clearing or construction is temporarily or permanently ceased on that portion of the site. The following criteria shall apply to revegetation efforts:

(i) Reseeding must be done with an annual or perennial cover crop accompanied by placement of straw mulch, or its equivalent, of sufficient coverage to control erosion until such time as the cover crop is established over 90 percent of the seeded area.

(ii) Replanting with native woody and herbaceous vegetation must be accompanied by placement of straw mulch, or its equivalent, of sufficient coverage to control erosion until the plantings are established and are capable of controlling erosion.

(iii) The area of revegetation must exhibit survival of a minimum of 75 percent of the cover crop throughout the year immediately following revegetation. Revegetation must be repeated in successive years until the minimum 75 percent survival for one year is achieved.

i. Operations and maintenance plan. Detailed description of ongoing operations and maintenance procedures for stormwater management facilities and practices to ensure their continued function as designed and

constructed or preserved. These plans will identify the parts or components of a stormwater management facility or practice that need to be regularly or periodically inspected and maintained, and the equipment and skills or training necessary. The plan shall include an inspection and maintenance schedule, maintenance tasks, responsible parties for inspection and maintenance, funding, access and safety issues. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan. For subdivision developments, the applicant shall provide documentation to the city administrator that the homeowner's association bylaws, or another similar legally-binding document, contains adequate provisions to require the homeowner's association to collect funds needed to pay for the perpetual maintenance and inspection as described in the operations and maintenance plan.

- j. Maintenance access easements. The applicant must ensure access from public right-of-way to stormwater management facilities and measures requiring regular maintenance at the site for the purpose of inspection and repair by securing all the maintenance access easements needed on a permanent basis. Such access shall be sufficient for all necessary equipment for maintenance activities. Easement access shall not be blocked or obstructed by light poles, electrical transformer enclosures, curb and gutter inlet boxes or any other structure or utility equipment. Upon final inspection and approval, a plat or document indicating that such easements exist shall be recorded and shall remain in effect even with the transfer of title of the property. Determination of which stormwater facilities and measures will require regular maintenance shall be at the discretion of the city administrator.
- k. Inspection and maintenance agreements. Unless an on-site stormwater management facility or practice is dedicated to and accepted by the city as provided in subsection (c) of this section, the applicant must execute an easement and an inspection and maintenance agreement binding on all subsequent owners of land served by an on-site stormwater management facility or measure in accordance with subsection (c) of this section.
- l. Evidence of acquisition of applicable local and non-local permits. The applicant shall certify and provide documentation to the city administrator that all other applicable environmental permits, including, but not limited to, the NPDES permit, have been acquired for the site prior to approval of the stormwater management plan. The applicant shall also certify and provide documentation to the city administrator that a wetlands disturbance permit and/or stream buffer encroachment permit have been acquired for the site prior to approval of the stormwater management plan, if applicable.

- m. Evidence of acquisition of drainage easements. The applicant shall provide documentation to the city administrator that easements to discharge stormwater off-site or for on-site discharges that will affect off-site properties have been obtained and filed in the office of the Clerk of Superior Court of Columbia County, if applicable.

(c) *Stormwater management inspection and maintenance agreements.*

- (1) Prior to the issuance of any permit for a land development activity requiring a stormwater management facility or measure hereunder and for which the city requires ongoing maintenance, the applicant or owner of the site must, unless an on-site stormwater management facility or practice is dedicated to and accepted by the city, execute an inspection and maintenance agreement, and a conservation easement, if applicable, that shall be binding on all subsequent owners of the site. The determination of which stormwater facilities and measures will require formal inspection and maintenance agreements shall be at the discretion of the city administrator.
- (2) The inspection and maintenance agreement, and associated documents necessary to insure funding of the inspection and maintenance agreement, if applicable, must be approved by the city administrator prior to plan approval, and recorded in the deed records at the Columbia County Clerk of Superior Court office prior to final plat approval.
- (3) The inspection and maintenance agreement shall identify by name or official title the person responsible for carrying out the inspection and maintenance. Responsibility for the operation and maintenance of the stormwater management facility or measure, unless assumed by a governmental agency, shall remain with the property owner and shall pass to any successor owner. If portions of the land are sold or otherwise transferred, legally binding arrangements shall be made to pass the inspection and maintenance responsibility to the appropriate successors in title. These arrangements shall designate for each portion of the site, the person to be permanently responsible for its inspection and maintenance.
- (4) As part of the inspection and maintenance agreement, a schedule shall be developed for when and how often routine inspection and maintenance will occur to ensure proper function of the stormwater management facility or practice. The agreement shall also include plans for annual inspections to ensure proper performance of the facility between scheduled maintenance and shall also include remedies for the default thereof. Inspection reports shall be provided to the city administrator after each inspection.
- (5) In addition to enforcing the terms of the inspection and maintenance agreement, the city administrator may also enforce all of the provisions for ongoing inspection and maintenance in section 17-11.
- (6) The city, in lieu of an inspection and maintenance agreement, may accept dedication of any existing or future stormwater management facility for maintenance, provided such facility meets all the requirements of this chapter and

includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

(d) *Performance and maintenance bonds.*

(1) The city administrator may, at his discretion, require the submittal of a performance security or bond prior to issuance of a permit in order to ensure that the approved stormwater management measures are installed by the permit holder as required by the approved stormwater management plan. The amount of the installation performance security shall be the total estimated construction cost of the stormwater management measures approved under the permit, plus 25 percent. The performance security shall contain forfeiture provisions for failure to complete work specified in the stormwater management plan.

(2) The installation performance security shall be released in full two years after the land development project is completed to the extent shown in the stormwater management plan. The completion date shall be considered as the date on which "as built plans" and written certification by the design professional of record, that the stormwater management measures have been installed in accordance with the approved plan and other applicable provisions of this chapter, are submitted to the city. At such time, the city administrator may elect to make a final inspection of the stormwater management measures to ensure that they are in compliance with the approved plan and the provisions of this chapter.

(3) Three months prior to release of the security or bond, the city administrator shall conduct an inspection of the stormwater management measures to ensure that they remain in compliance with the approved plan and the provisions of this chapter. After this inspection, the city administrator shall notify the owner of any deficiencies, and the owner shall correct all noted deficiencies prior to the two- year anniversary of the completion date; or the security or bond will not be released. Provisions for a partial pro rata release of the performance security based on the completion of various development stages can be done at the discretion of the city administrator. The security or bond shall only be releasable by the city.

(e) *Application procedure.*

(1) The application form for the stormwater management plan shall be filed with the city to include fees in full at the time of application.

(2) Permit applications shall include the items set forth in subsection (a) of this section. Five copies of the stormwater management plan and the inspection and maintenance agreement shall be included.

(3) The city administrator shall review the permit application, including the stormwater management plan and inspection and maintenance agreement, and inform the applicant as to whether the application, including the stormwater management plan and inspection and maintenance agreement, is approved.

(4) If the city administrator determines that permit application, including the stormwater management plan or inspection and maintenance agreement, does not

meet the requirements of this chapter, the city administrator shall notify the applicant of such fact in writing. The applicant may then revise any item not meeting the requirements hereof and resubmit the same, in which subsection (e)(3) of this section and this subsection shall apply to such re-submittal.

- (5) Upon a finding by the city administrator that the permit application, including the stormwater management plan and inspection and maintenance agreement, if applicable, meet the requirements of this chapter, the city administrator may issue a permit for the project, provided all other legal requirements for the issuance of such permit have been met.
- (6) Notwithstanding the issuance of the permit, in conducting the land development project, the applicant or other responsible person shall be subject to the following requirements:
 - a. The applicant shall comply with all applicable requirements of the approved plan and this chapter, any other applicable approved plans, any other applicable ordinances, regulations, or requirements, and the applicant shall certify that all land clearing, construction, land development and drainage will be done according to the approved plan;
 - b. The land development project shall be conducted only within the area specified in the approved plan;
 - c. The city administrator shall be allowed to conduct periodic inspections of the project;
 - d. Easements shall be required to release stormwater discharges off-site or for on-site releases that will affect off-site property. Said easements shall be obtained and filed in the office of the Clerk of Superior Court of Columbia County prior to the issuance of a permit and documentations of said easements submitted as a component of the permit application;
 - e. No changes may be made to an approved plan without review and written approval by the city administrator; and
 - f. Upon completion of the project, the applicant or other responsible person shall submit the engineer's report and certificate and as-built plans required by section 17-10(b).
- (f) *Application review fees.* The fee for review of any stormwater management application shall be based on the fee structure established by the city and shall be made at the time of submittal of the permit application.
- (g) *Modifications for off-site facilities.*
 - (1) The stormwater management plan for each land development project shall provide for stormwater management measures located on the site of the project, unless

provisions are made to manage stormwater by an off-site or regional facility. The off-site or regional facility must be located on property legally dedicated for the purpose, must be designed and adequately sized to provide a level of stormwater quantity and quality control that is equal to or greater than that which would be afforded by on-site practices and there must be a legally-obligated entity responsible for long-term operation and maintenance of the off-site or regional stormwater facility. In addition, on-site measures shall be implemented, where necessary, to protect upstream and downstream properties and drainage channels from the site to the off-site facility.

- (2) A stormwater management plan must be submitted to the city administrator which shows the adequacy of the off-site or regional facility.
- (3) To be eligible for a modification, the applicant must demonstrate to the satisfaction of the city that the use of an off-site or regional facility will not result in the following impacts to upstream or downstream areas:
 - a. Increased threat of flood damage to public health, life, and property;
 - b. Deterioration of existing culverts, bridges, dams, and other structures;
 - c. Accelerated streambank or streambed erosion or siltation;
 - d. Degradation of in-stream biological functions or habitat; or
 - e. Water quality impairment in violation of state water quality standards, and/or violation of any state or federal regulations.

Sec. 17-9. Post-development stormwater management performance criteria.

The following performance criteria shall be applicable to all stormwater management plans, unless otherwise provided for in this chapter:

- (1) *Water quality.* Reserved.
- (2) *Stream channel protection.* Protection of stream channels from bank and bed erosion and degradation shall be provided by using all of the following three approaches:
 - a. Preservation, restoration and/or reforestation (with native vegetation) of the applicable stream buffer;
 - b. 24-hour extended detention storage of the one-year, 24-hour return frequency storm event if required to protect downstream channels from bank and bed erosion and degradation;
 - c. Erosion prevention measures such as energy dissipation and velocity control.
- (3) *Overbank flooding protection.* Downstream overbank flood and property protection shall be provided by limiting (attenuating) the post-development peak discharge rate to the pre-development peak discharge for the 25-year, 24-hour return frequency storm event. If extended detention of the one-year, 24-hour storm under subsection (2)b of this section is not provided, then peak discharge rate attenuation of the two-year, five-year, ten-year, and 25-year return frequency storm event must be provided. Refer to

section 17-8(b) for the required calculations to be submitted. For sites less than 2,000 acres, the SCS unit hydrograph method shall be used unless the city administrator provides prior approval of another method. The rational method may only be used for sites of less than 25 acres and may only be used to design storm sewer systems including gutter flow and inlets, storm drain pipes, culverts, and small ditches. In no case shall the rational method be used for designs involving the storage of stormwater runoff including detention ponds.

- (4) *Extreme flooding protection.* Extreme flood and public safety protection shall be provided by controlling and safely conveying the 100-year, 24 hour return frequency storm event such that flooding is not exacerbated. The 100-year event must be routed through the site without overtopping any dam. Refer to section 17-8(b) for the required calculations to be submitted. For sites less than 2,000 acres, the SCS unit hydrograph method shall be used unless the city administrator provides prior approval of another method. The rational method may only be used for sites of less than 25 acres and may only be used to design storm sewer systems including gutter flow and inlets, storm drain pipes, culverts, and small ditches. In no case shall the rational method be used for designs involving the storage of stormwater runoff including detention ponds.
- (5) *Structural stormwater controls.* All structural stormwater management facilities shall be selected and designed using criteria accepted by the city administrator. All structural stormwater controls must be designed appropriately to meet their intended function. In addition, if hydrologic or topographic conditions, or land use activities warrant greater control than that provided by the minimum control requirements, the city administrator may impose additional requirements deemed necessary to protect upstream and downstream properties and aquatic resources from damage due to increased volume, frequency, and rate of stormwater runoff or increased non-point source pollution loads created on the site in question.
- (6) *Drainage system guidelines.* Stormwater conveyance facilities, which may include, but are not limited to, culverts, stormwater drainage pipes, catch basins, drop inlets, junction boxes, headwalls, gutter, swales, channels, ditches, and energy dissipaters shall be provided when necessary for the protection of public right-of-way and private properties adjoining project sites and/or public rights-of-way. Stormwater conveyance facilities that are designed to carry runoff from more than one parcel, existing or proposed, shall meet the following minimum requirements:
 - a. Methods to calculate stormwater flows shall be in accordance with practices accepted by the city;
 - b. All culverts, pipe systems and open channel flow systems shall be sized in accordance with practices accepted by the city;
 - c. Design and construction of stormwater conveyance facilities shall be in accordance with the criteria and specifications accepted by the city; and
 - d. Documentation and supporting calculations shall be submitted as required in section 17-8(b).

- (7) *Dam design guidelines.* Any land disturbing activity that involves a site which proposes a dam shall comply with the Georgia Safe Dams Act of 1978 (O.C.G.A. § 12-5-370, et seq.) and the department of natural resources environmental protection division rules for dam safety (chapter 391-3-8), as applicable.

Sec. 17-10. Construction inspections of post-development stormwater management system.

- (a) *Inspections to ensure plan compliance during construction.*
- (1) Periodic inspections of the stormwater management system construction may be conducted, at the discretion of the city administrator, by the staff of the city or conducted and certified by a professional engineer who has been approved by the city. Construction inspections shall utilize the approved stormwater management plan for establishing compliance.
 - (2) All inspections shall be documented with written reports that contain the following information:
 - a. The date and location of the inspection;
 - b. Whether construction is in compliance with the approved stormwater management plan;
 - c. Variations from the approved construction specifications; and
 - d. Any other noted variations or violations of the conditions of the approved stormwater management plan.
 - (3) If any violations are found, the applicant shall be notified in writing of the nature of the violation and the required corrective actions.
- (b) *Final inspection and as built plans.* Upon completion of a project, and before a certificate of occupancy shall be granted, the applicant is responsible for certifying that the completed project is in accordance with the approved stormwater management plan. All applicants are required to submit actual "as built" plans for all stormwater management facilities and measures after final construction is completed. The plans must show the final design specifications for all stormwater management facilities and measures and must be certified by the design professional of record. A final inspection by the city administrator may, at the discretion of the city, also be required.

Sec. 17-11. Ongoing inspection and maintenance of stormwater management facilities and measures.

- (a) *Long-term maintenance inspection of stormwater management facilities and measures.*
- (1) Stormwater management facilities and measures included in a stormwater management plan which are subject to an inspection and maintenance agreement must undergo ongoing inspections to document maintenance and repair needs and

ensure compliance with the requirements of the agreement, the plan and this chapter.

- (2) A stormwater management facility or measure shall be inspected on a periodic basis by the responsible person in accordance with the approved inspection and maintenance agreement. The interval between inspections shall not be more than one year and a shorter interval may be required at the discretion of the city. Inspection reports shall be submitted to the city administrator subsequent to each inspection. In the event that the stormwater management facility has not been maintained and/or becomes a danger to public safety or public health, the city administrator shall notify the person responsible for carrying out the maintenance plan by registered or certified mail to the person specified in the inspection and maintenance agreement. The notice shall specify the measures needed to comply with the agreement and the plan and shall specify the time within which such measures shall be completed. If the responsible person fails or refuses to meet the requirements of the inspection and maintenance agreement, the city may correct the violation as provided in subsection (d) of this section.
 - (3) Inspection programs by the city may be established on any reasonable basis, including, but not limited to, routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to, reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in stormwater management facilities; and evaluating the condition of stormwater management facilities and measures.
- (b) *Right of entry for inspection.* The terms of the inspection and maintenance agreement shall provide for the city administrator to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when the city has a reasonable basis to believe that a violation of this chapter is occurring or has occurred and to enter when necessary for abatement of a public nuisance or correction of a violation of this chapter.
 - (c) *Records of maintenance activities.* Parties responsible for the operation and maintenance of a stormwater management facility shall provide records of all maintenance and repairs to the city on an annual basis unless requested otherwise by the city.
 - (d) *Failure to maintain.* If a responsible person fails or refuses to meet the requirements of the inspection and maintenance agreement, the city, after 30 days written notice (except that, in the event the violation constitutes an immediate danger to public health or public safety, 24 hours notice shall be sufficient), may correct a violation of the design standards or maintenance requirements by performing the necessary work to place the facility or measure in proper working condition. The city may assess the owner of the facility for the cost of repair work which shall be a lien on the property, and may be placed on the ad valorem tax bill for such property and collected in the ordinary manner for such taxes.

Sec. 17-12. Violations, enforcement and penalties.

Any action or inaction which violates the provisions of this chapter or the requirements of an approved stormwater management plan or permit may be subject to the enforcement actions outlined in this section. Any such action or inaction which is continuous with respect to time is deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described below shall not prevent such equitable relief.

(1) *Notice of violation.*

- a. If the city determines that an applicant or other responsible person has failed to comply with the terms and conditions of a stormwater management permit, an approved stormwater management plan, inspection and maintenance or the provisions of this chapter, it shall issue a written notice of violation to such applicant or other responsible person. Where a person is engaged in activity covered by this chapter without having first secured a permit therefor, the notice of violation shall be served on the owner or the responsible person in charge of the activity being conducted on the site.
- b. The notice of violation shall contain:
 1. The name and address of the owner or the applicant or the responsible person;
 2. The address or other description of the site upon which the violation is occurring;
 3. A statement specifying the nature of the violation;
 4. A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the stormwater management plan or this chapter and the date for the completion of such remedial action;
 5. A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed; and
 6. A statement that the determination of violation may be appealed to the city council by filing a written notice of appeal within 30 days after the notice of violation (except that, in the event the violation constitutes an immediate danger to public health or public safety, the written notice of appeal must be filed within 24 hours).

- (2) *Penalties.* In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed. Before taking any of the following actions or imposing any of the following penalties, the city shall first notify the applicant or other responsible person, in writing, of its intended action, and shall provide a reasonable opportunity, of not less than ten days (except that, in the event the violation constitutes an immediate danger to public health or public safety, 24 hours shall be sufficient) to cure such violation.

In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, the city may take any one or more of the following actions or impose any one or more of the following penalties.

- a. *Stop-work order.* The city administrator may issue a stop-work order which shall be served on the applicant or other responsible person. The stop-work order shall remain in effect until the applicant or other responsible person has undertaken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop-work order may be withdrawn or modified to enable the applicant or other responsible person to take the necessary remedial measures to cure such violation or violations.
- b. *Withhold certificate of occupancy.* The city administrator or building inspector may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has undertaken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.
- c. *Suspension, revocation or modification of permit.* The city administrator may suspend, revoke or modify the permit authorizing the land development project. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated, upon such conditions as the city administrator may deem necessary, to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.
- d. *Civil penalties.* In the event the applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten days, or such greater period as the city administrator shall deem appropriate (except that, in the event the violation constitutes an immediate danger to public health or public safety, 24 hours shall be the period) after the city administrator has taken one or more of the actions described above, the city may impose a penalty not to exceed \$1,000.00 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.
- e. *Criminal penalties.* For intentional and flagrant violations of this chapter, the city may issue a citation to the applicant or other responsible person, requiring such person to appear in Grovetown Municipal Court to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed \$1,000.00 or imprisonment for 60 days, or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

Sec. 17-13. Checklist for site plan.

- (a) Application information: Name, legal address and telephone number.
- (b) Common address and legal description of site.
- (c) Signature and stamp of registered engineer (or landscape architect or land surveyor where allowed by Georgia law) and designer/owner certification.
- (d) Vicinity map showing the site location relative to surrounding landmarks, highway intersections, rivers, and streams.
- (e) Existing and proposed mapping and plans (recommended scale of one inch equals 100 feet or greater detail) which illustrate at a minimum:
 - (1) Existing and proposed topography (minimum of two-foot contours for on-site topography required).
 - (2) A north arrow and graphic scale.
 - (3) Delineation of property lines, tax map and parcel numbers, and deed record names of all adjacent property owners.
 - (4) Perennial and intermittent streams.
 - (5) Mapping of predominant soils from USDA soil surveys as well as the location of any site-specific borehole investigations that may have been performed.
 - (6) Boundaries of existing predominant vegetation and proposed limits of clearing and grading.
 - (7) Location and boundaries of natural feature protection and conservation areas such as wetlands, lakes, ponds and other setbacks.
 - (8) The location of structures and other impervious surfaces, including the location and right-of-way of streets, roads, railroads, utility lines, and easements.
 - (9) Selection and location of structural stormwater controls.
 - (10) Location, and sizes and inverts, where applicable, of existing and proposed conveyance systems such as storm drains, inlets, catchbasins, culverts, channels, swales, and areas of overland flow.
 - (11) Flow paths.
 - (12) Location of floodplain/floodway limits and relationship of site to upstream and downstream properties and drainages.
 - (13) Location and dimensions of proposed channel modifications, such as bridge or culvert crossings.
 - (14) The location of buildings with roof drainage plans and locations of downspouts, roof drains, and other means used to remove water for buildings larger than 10,000 square feet in surface area.
- (f) Hydrologic and hydraulic analysis including:

- (1) Existing conditions hydrologic analysis for runoff rates, volumes, and velocities showing methodologies used and supporting calculations, including drainage basins, subbasins, and the area of existing impervious surfaces and other land cover areas for each subbasin affected by the project.
- (2) Proposed (post-development) conditions hydrologic analysis for runoff rates, volumes, and velocities showing the methodologies used and supporting calculations, including drainage basins, subbasins, and the area of existing impervious surfaces and other land cover areas for each subbasin affected by the project.
- (3) Hydrologic and hydraulic analysis of the stormwater management system for all applicable design storms.
- (4) Calculations for structural stormwater controls, including contributing drainage area, storage, and outlet configuration.
- (5) Stage-discharge or outlet rating curves and inflow and outflow hydrographs for storage facilities.
- (6) Analysis of potential downstream impact/effects of the project, where necessary.
- (7) Dam safety and breach analysis, where necessary.
- (g) Representative cross-section and profile drawings and details of structural stormwater controls and conveyances which include:
 - (1) Existing and proposed structural elevations (e.g., invert of pipes, manholes, etc.).
 - (2) Design water surface elevations.
 - (3) Structural details of structural control designs, outlet structures, embankments, spillways, grade control structures, conveyance channels, etc.
- (h) Applicable construction specifications.
- (i) Erosion and sediment control plan that at a minimum meets the requirements outlined in the Manual for Erosion and Sediment Control in Georgia.
- (j) Landscaping plans for structural stormwater controls and any site reforestation or revegetation.
- (k) Operations and maintenance plan that includes:
 - (1) Name, legal address and phone number of responsible parties for maintenance activities.
 - (2) Description and schedule of maintenance tasks.
 - (3) Description of applicable easements.
 - (4) Description of funding source.
 - (5) Access and safety issues.
 - (6) Procedures for testing and disposal of sediments, if required.

- (l) Evidence of acquisition of all applicable local and non-local permits.
- (m) Waiver or variance, if applicable.
- (n) Evidence of acquisition of all necessary legal agreements (e.g., easements, covenants, land trusts, etc.).

Note— Permit application also requires an inspection and maintenance agreement, performance securities or bonds, if applicable, and plan review fees.

(Secs. 17-14 —17-30. Reserved.)

ARTICLE II. STORMWATER MANAGEMENT MANUAL

Sec. 17-31. Adoption of manual.

The *Georgia Stormwater Management Manual*, 2016 Edition, Volume 1 and Volume 2, and all subsequent updates or revisions is hereby adopted for use in the city. In the event of a conflict between the provisions of this chapter and the Georgia Stormwater Management Manual, the provisions of this chapter shall control.

(Secs. 17-32 —17-45. Reserved.)

ARTICLE III. DETENTION PONDS

Sec. 17-46. Ownership and maintenance.

- (a) Ownership and maintenance of detention ponds will remain with the owner/developer until the pond has been accepted for ownership by the city. Any maintenance, cleaning, or repairs to the detention pond, prior to acceptance by the city, will be at cost of the owner/developer. In the event the city has accepted ownership of the pond, the city will be responsible for any cost incurred with the maintenance, cleaning and repairing of said pond.
- (b) Maintenance of the detention ponds, if accepted by the city, will include (but not be limited to) annual inspection, clearing of any trash or debris located in the pond, clearing of any trees that may have grown in the pond, clean out of silt accumulation from the pipes in the pond, and repairs/maintenance of any retrofit device in the pond.
- (c) If a pond exists where the city does not possess ownership of the detention pond, the city will notify the owner of the pond of the necessary maintenance that may be needed for the proper functioning of the pond. The owner will be notified by certified return receipt mail and will be allowed 30 days from receipt of notification in which to bring the pond into compliance. If compliance is not met within the 30 day period, the city will hire a licensed contractor to perform the necessary maintenance until compliance is met. The city will invoice/bill the owner of the pond, or place a lien on the property, until the city has been able to recover any costs that it may have incurred to bring the privately owned detention pond into compliance.

(Secs. 17-47 —17-60. Reserved.)

ARTICLE IV. STORMWATER UTILITY ENTERPRISE FUND

Sec. 17-61. Findings of fact.

- (a) The city of Grovetown is authorized by the Georgia Constitution of 1983, including, without limitation, Article IX, Section II, Paragraph III thereof and O.C.G.A. § 36-82-62 to provide stormwater management services throughout Grovetown.
- (b) In order to protect the health, safety and welfare of the public, the government of Grovetown hereby exercises its authority to establish a Stormwater Utility Enterprise Fund and establish rates for stormwater management services.
- (c) In promulgating the regulations contained in this section, Grovetown is acting pursuant to authority granted by the Constitution of the State of Georgia and the Charter of Grovetown to provide for stormwater collection and disposal.
- (d) Improper management of stormwater runoff may cause erosion of lands, threaten businesses and residences, and other facilities with water damage and may environmentally impair the rivers, streams and other bodies of water within Grovetown.
- (e) A system for the collection, conveyance, storage, treatment and disposal of stormwater provides services to all properties within Grovetown and surrounding areas.
- (f) Grovetown presently owns and operates stormwater management systems and facilities that have been developed over many years. The future usefulness and operational function of the existing stormwater management systems and facilities owned and operated by the city, and the additions and improvements thereto, rests on the ability of the city to effectively manage, protect, control, regulate, use, and enhance stormwater systems and facilities within the city in concert with the management of other water resources within the city. In order to do so, the city must have both a comprehensive stormwater management program as well as an adequate and stable funding source for its comprehensive program operation and drainage-related capital improvement needs.
- (g) Failure to effectively manage stormwater can adversely affect the operations of the sanitary sewer system operated by the city thereby increasing the likelihood of infiltration and inflow into the sanitary sewer system.
- (h) Failure to effectively manage stormwater contributes to the further degradation of the water quality in area waterbodies which may result in higher levels of treatment requirements imposed on the city and the city's wastewater treatment facilities and increased water treatment costs.
- (i) Proper management of stormwater is a key element of having clean water with adequate assimilative capacity for treated wastewater discharges and adequate potable drinking

water that are essential to support existing development as well as future development and redevelopment in the city.

- (j) The city is required under Federal and State regulations [i.e. the city's National Pollutant Discharge Elimination System (NPDES) Phase II Georgia Notice of Intent (NOI) and Stormwater Permit effective December 6, 2017] to provide enhanced management of stormwater runoff quality to mitigate the impacts of pollutants which may be discharged from the public municipal separate storm sewer system (MS4) and stormwater conveyance system into State of Georgia or United States' waters. Therefore, it is appropriate for the city to impose a stormwater user fee charge upon all improved properties that may discharge, directly or indirectly, into the public MS4 and stormwater conveyance system, whether the property is private or public in nature.
- (k) Compliance with the regulatory obligations of the NPDES permit, along with other city stormwater program activities, will substantially increase the cost of providing stormwater management services above what is currently being spent for water quality management, drainage system maintenance, flood control and other program activities.
- (l) The cost of operating and maintaining the Grovetown stormwater management system and financing necessary repairs, replacements, improvements and extensions thereof should, to the extent practicable, be allocated in relationship to the services received from the system.
- (m) The professional engineering and financing analysis, known as the Stormwater Utility Implementation Report (including amendments) and related documents, dated July 2013 and prepared by the city's consulting stormwater engineer, which report is incorporated herein by express reference, properly assesses and defines the city's stormwater management program problems, needs, goals, priorities as well as the stormwater management program funding strategy.
- (n) Given the stormwater management program problems, needs, goals, priorities and funding strategy identified in the aforementioned professional engineering and financing analysis, 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 management systems within the city in concert with other water resource management programs.
- (o) Stormwater management is applicable and needed throughout the incorporated areas of the city. While specific service and facility demands may differ from area to area at any given point in time, a stormwater management service area encompassing all lands and water bodies within the incorporated areas of the city is consistent with the present and future needs of the community.
- (p) The stormwater needs in the city include, but are not limited to, protection of the public health, safety, and welfare of the community. Provision of stormwater management services renders and/or results in both a service and a benefit to all properties, property

owners, citizens, and residents of the city in a variety of ways as described in the Stormwater Utility Implementation Report.

- (q) The services and benefits rendered, or resulting from provision of stormwater management services, may differ depending on many factors and considerations, including but not limited to location, demands and impacts imposed on the stormwater management systems and programs, and risk exposure. It is practical and equitable to allocate the cost of stormwater management among the owners of improved properties in proportion to the long term demands the properties impose on the city's stormwater management services which render or result in services and benefits to such properties and the owners thereof.
- (r) A Stormwater Management Program (SWMP) provides the most practical and appropriate means of properly delivering stormwater management services throughout the city, and the most equitable means to regulate the use of a higher level of stormwater management services within the city through stormwater user fee charges, user fees and other mechanisms as described in the Stormwater Utility Implementation Report, and the other related documents, which have been prepared for the city by its consultants.
- (s) A schedule of Stormwater Utility user fee charges based in part 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 city. Such user fee charges may be complemented by other types of charges that 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 city council.
- (t) 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 city's SWMP, and the Stormwater Utility's cost of providing stormwater management services and/or stormwater management systems and facilities, should be taken into account to reduce the user fee charge on that property either in the form of a direct reduction or credit, and such reduction or credit should be conditional 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 Manager. Reductions or credits for privately owned and maintained stormwater management systems, facilities, activities or assets shall be generally proportional to the affect such systems have on the peak rate of runoff from the property.
- (u) The area of impervious surfaces on each improved property is the most important factor influencing the cost of the stormwater management services provided by the city or to be provided by the city in the future, and the area of impervious surfaces on each property is therefore the most appropriate parameter for calculating a periodic stormwater user fee charge.
- (v) It is imperative that the proceeds from all user fee charges for stormwater management services, together with any other revenues raised or otherwise allocated specifically to

stormwater management services, be dedicated solely to those purposes, and such proceeds of user fee charges and revenues shall therefore be deposited into the enterprise accounting fund of the City 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. 17-62. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Act means and refers to the Clean Water Act as amended by the Water Quality Act of 1987 (33 U.S.C. § 1251 *et seq.*), as amended, and the rules and regulations promulgated by the United States Environmental Protection Agency pursuant thereto.

Attached Residential Property shall mean improved property containing individually owned, attached dwelling units such as duplexes, triplexes, quadplexes, townhouses, or other residential structures not listed herein where one or more family groups commonly and normally reside or could reside. Improved property may be classified as an Attached Residential Property despite the presence of incidental structures associated with residential uses such as garages, carports and small storage buildings. Improved property may be classified as an Attached Residential Property despite the presence of a commercial use. Attached Residential Property shall not include improved property containing: structures used primarily for non-residential purposes, hotels, motels, retirement centers, nursing homes and assisted living homes.

Credit means a reduction in the amount of a stormwater user fee charge to the owner of a particular property for the existence and use of privately owned, maintained and operated on-site or off-site stormwater systems or facilities, or continuing provision of services or activities that reduce or mitigate the city's cost of providing stormwater management services for that particular property.

Customers of the Stormwater Utility shall include all persons, properties, and entities serviced by and/or benefiting from the services provided by the city's SWMP and the Stormwater Utility. These services include, but are not necessarily limited to, the Stormwater Utility's administration, management, maintenance, expansion, and improvement of the public stormwater management systems for the handling of stormwater runoff of private and public properties, and the regulation of the public and private stormwater management systems, controls, facilities, and activities.

Detached single family residential property or *DSFR* means improved property containing one residential structure, which is not attached to another dwelling, and which contains one or more bedrooms, with bathroom and kitchen facilities, designed for occupancy by one family. A detached single family residential property may include a "stick-built," industrialized, or manufactured home located on one or more individual lots or parcels of land. Improved property may be classified as a detached single family residential property even if

there is present incidental structures associated with residential uses such as garages, carports, storage buildings, guest houses, servants or caretakers quarters, cottages or barns, or the presence of a commercial use within the residence, as long as such use does not result in additional areas of impervious surfaces. Detached single family residential properties shall not include improved property containing structures used primarily for nonresidential purposes, manufactured homes located within manufactured home parks where the land is owned by someone other than the owners of the manufactured homes, or multiple dwelling unit residential properties.

Improved property means property altered from its natural state by construction or installation of more than five hundred (500) square feet of impervious surfaces.

Dwelling Unit shall mean a structure, which contains one (1) or more bedrooms, a bathroom and a kitchen facility.

Equivalent runoff unit (ERU) means the statistical median horizontal impervious surface area of a detached single-family residential property within Grovetown as of the date of adoption of this article. The horizontal impervious surface area includes, but is not limited to, all areas covered by structures, roof extensions, patios, porches, driveways and sidewalks.

Hydrologic Response defines the manner and means whereby stormwater collects, remains, infiltrates, and is conveyed from a property. Hydrologic Response is dependent on several factors including, but not limited to, the presence of impervious surface, the parcel's size, the parcel's shape, the parcel's vegetative canopy, the parcel's groundwater, the parcel's antecedent moisture and the parcel's geologic condition.

Impervious surface means those areas that prevent or impede the infiltration of stormwater into the soil in the manner in which it entered the soil, in natural conditions, prior to development. Common impervious surfaces include, but are not limited to, rooftops, buildings or structures, sidewalks, walkways, patio areas, driveways, parking lots, storage areas, compacted gravel and soil surfaces, awnings and other fabric or plastic coverings, and other surfaces that prevent or impede the natural infiltration of stormwater runoff which existed prior to development.

Non-single family residential property or *NSFR* means improved property containing multiple dwelling unit residential properties, condominiums, apartments, commercial and office buildings, public buildings and structures, industrial and manufacturing buildings, storage buildings and storage areas, parking lots, parks, recreation properties, tennis courts, swimming pools, public and private schools and universities, research facilities and stations, hospitals and convalescent centers, airports, agricultural uses, water and wastewater treatment plants, and any other form of use not otherwise mentioned which is not a detached single family residential (DSFR), or attached residential (AR) property, and which has private parking lots and private drives or roads.

Public Water Influence Zone means those areas lying downstream of a culvert, or other stormwater management conveyance system. On the downstream side of the conveyance system, the public water influence zone will extend for a length of six (6) 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 public water influence zone shall extend 24 feet (6 times 48-inches) from the end of the culvert and for the specified width (i.e. typically the width of the creek). The Grovetown Stormwater Utility may perform maintenance and/or capital construction activities only within that portion of the public water influence zone that the city has an ownership interest in, or for which a dedicated easement has been granted to, and accepted by the city for such purpose.

Service area means the entire land area within the corporate limits of the city.

Stormwater management services mean all services provided by the city that relate to the:

- (1) Transfer, control, conveyance or movement of stormwater runoff through the incorporated portions of the city;
- (2) Maintenance, repair and replacement of existing stormwater management systems and facilities;
- (3) Planning, development, design and construction of additional stormwater management systems and facilities to meet current and anticipated needs;
- (4) Regulation of the use of stormwater management services, systems and facilities; and
- (5) Compliance with applicable State and Federal stormwater management regulations and permit requirements.

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

Stormwater management systems and facilities mean those natural and manmade channels, swales, ditches, rivers, streams, creeks, branches, reservoirs, ponds, drainage ways, inlets, catch basins, pipes, headwalls, storm sewers, lakes and other physical works, properties and improvements which transfer, control, convey, detain, retain, treat or otherwise influence the movement of stormwater runoff.

Stormwater Manager means the Water/Sewer Operations Manager or other person appointed by the city administrator to administer the provisions of this article.

Stormwater user fee charge means the periodic user fee charge imposed pursuant to this article by the Grovetown Stormwater Utility for providing stormwater management services. This term shall exclude special charges to the owners of particular properties for services, systems or facilities related to stormwater management, including, but not limited to, charges for development plan review, inspection of development projects, on-site stormwater control systems and other stormwater management services provided by Grovetown for which a corresponding fee is collected for the service rendered.

Undeveloped Land means land in its unaltered natural condition or which is modified to such a minimal degree as to have a Hydrologic Response comparable to land in an unaltered natural condition shall be deemed Undeveloped. Undeveloped Land shall have minimal Impervious Surface, which impedes the infiltration of stormwater runoff or causes stormwater runoff to collect, concentrate or flow in a manner materially different from what would occur if the land were in an unaltered natural condition. For purposes of this Article, Undeveloped Land includes property altered from its natural condition by the creation or installation of five hundred (500) square feet or less of Impervious Surface.

User is defined as any person who uses property, which maintains connection to, discharges to, or otherwise receives services from the city for stormwater management.

Sec. 17-63. Stormwater utility and enterprise fund established.

- (a) There is hereby established a Stormwater Utility to be known as the Grovetown Stormwater Utility, which shall be responsible for stormwater management services throughout the incorporated areas of the city, and which shall provide for the management, protection, control, regulation, use and enhancement of the city's stormwater management services.
- (b) There is hereby established a Stormwater Utility Enterprise Fund in the city budgeting and accounting systems for the purpose of dedicating and protecting all funding applicable to the purposes and responsibilities of the Grovetown SWMP and Stormwater Utility, including, but not limited to, rates, charges, and fees as may be established by the city council from time to time, and other funds that may be transferred or allocated to the Grovetown Stormwater Utility. All revenues and receipts of the Stormwater Utility shall be placed in the Stormwater Utility Enterprise Fund and shall be used solely for stormwater management services. All expenses and capital investments of the Stormwater Utility shall be paid from the Stormwater Utility Enterprise Fund; provided, however, that other revenues, receipts and resources not accounted for in the Stormwater Utility Enterprise Fund may be applied to stormwater management services as deemed appropriate by the city.
- (c) The city shall place responsibility with the Stormwater Manager for operation, maintenance and regulation of the SWMP and stormwater management services performed, owned and operated or maintained by Grovetown, and other related assets, including, but not limited to, properties, other than road rights-of-way, upon which such stormwater management systems and facilities are located, easements, rights-of-entry and access and certain equipment used solely for stormwater management.

Sec. 17-64. Scope of responsibility for stormwater management systems and facilities.

- (a) The city owns or has rights established by written agreements which allow it to operate, maintain, improve and access those stormwater management systems and facilities which are located:

- (1) Within public road rights-of-way;
 - (2) On private property but within easements granted to, and accepted by, Grovetown, or are otherwise permitted to be located on such private property by written agreements for rights-of-entry, rights-of-access, rights-of-use or other permanent provisions for operation, maintenance, improvement and access to the stormwater management system facilities located thereon;
 - (3) On private property but within a public water influence zone;
 - (4) On land dedicated to, and accepted by, the city solely for the operation, maintenance, improvement and access to the stormwater management systems and facilities located thereon; or
 - (5) On public land which is owned by the city and/or land of another governmental entity upon which the city has agreements providing for the operation, maintenance, improvement and access to the stormwater management systems and facilities located thereon.
- (b) Operation, maintenance and/or improvement of stormwater management systems and facilities that are located on private or public property not owned by the city, and for which there has been no written agreement granting easements, rights-of-entry, rights-of-access, rights-of-use or other form of dedication thereof to the city for operation, maintenance, improvement and access of such stormwater management and systems and facilities shall be and remain the legal responsibility of the property owner, except as otherwise provided for by the state and federal laws and regulations.
- (c) It is the express intent of this article to protect the public health, safety and welfare of people and property in general, but not to create any special duty or relationship with any individual person, or to any specific property within or outside the boundaries of the city. The city expressly reserves the right to assert all available immunities and defenses in any action seeking to impose monetary damages or equitable remedies upon the city, its elected officials, officers, employees and agents arising out of any alleged failure or breach of duty or relationship.
- (d) If any permit, plan approval, inspection or similar act is required by the city as a condition precedent to any activity or change upon property not owned by the city pursuant to this or any other regulatory ordinance, regulation or rule of the city, 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 it afford the basis for any action, including any action based on failure to permit, negligent issuance of a permit, negligent plan approval, or negligent maintenance of any permitted stormwater management system or facility not expressly dedicated to and accepted by the city for further maintenance in an action seeking the imposition of money damages or equitable remedies against the city, its elected officials, officers, employees or agents.

Sec. 17-65. Stormwater utility customer classes.

- (a) There shall be one Stormwater Utility service area in Grovetown with specified customer classes to reflect variations in services provided to Stormwater Utility customers and the respective demand that those customers' properties place on the city Stormwater Management Program and drainage system. The specified customer classes for the Grovetown Stormwater Utility are as follows:
 - (1) Detached Single Family Residential (DSFR) customers as defined in Section 17-62 of this article.
 - (2) Attached Residential (AR) customers shall consist of all properties as defined in Section 17-62 of this article.
 - (3) Non-single Family Residential (NSFR) customers shall consist of all properties located in Grovetown that are not classified as DSFR, or AR.
- (b) Documentation pertaining to the Grovetown Stormwater Utility customer classes shall be kept on file in the office of the Stormwater Manager for public inspection.

Sec. 17-66. Stormwater user fee charges.

- (a) It shall be the policy of the city that user fee charges for stormwater management services to be provided by the Stormwater Utility in the designated service areas shall be equitably derived through methods that have a demonstrable relationship to the varied demands and impacts imposed on the stormwater management services by individual properties and/or the level of service rendered by, or resulting from, the provision of stormwater management services. Stormwater user fee charge rates shall be structured so as to be uniform within the customer class, and the resultant user fee charges shall bear a substantial relationship to the cost of providing stormwater management services. User fee charge rates shall be in addition to other rates, charges, or fees employed for stormwater management within the incorporated areas of the city, including, but not limited to, plan review and inspection fees, fees for special services, fees in lieu of regulatory requirements, system development charges and special assessments.
- (b) To the extent practicable, credits against stormwater user fee charges shall be provided for on-site stormwater control systems and activities constructed, operated, maintained and performed to the city's standards by public and private property owners that eliminate, mitigate or compensate for the impact the property or person may have upon stormwater runoff discharged to public stormwater management systems and facilities or to private stormwater management systems and facilities that impact the proper function of public stormwater management systems and facilities.

Sec. 17-67. Stormwater user fee charge rates.

- (a) Stormwater user fee charge rates shall be set and may be modified from time to time by the city council. A schedule of said rates shall be on file in the office of the city clerk of the city. In setting or modifying such rates it shall be the goal of the city to establish rates that are fair and reasonable, and together with other sources of support available to the

Grovetown Stormwater Utility, 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 city.

- (1) *Detached Single Family Residential (DSFR) Customer Class.* All DSFR properties shall be charged a flat rate equivalent to one ERU.
- (2) *Attached Residential (AR) Customer Class.* All AR properties as defined herein shall be charged the rate applicable to one ERU times the number of dwelling units located on the property (ERU total) times an adjustment factor (AF). The adjustment factor (AF) has been determined to be 0.60. For each monthly user fee charge billing, the ERU total figure will be multiplied by the adjustment factor (AF) which adjusts the ERU total to equal the median impervious surface of a statistical comparison of AR properties versus DSFR properties in the city. Therefore, each attached residential dwelling unit will be charged a stormwater user fee of 0.60 ERU per dwelling unit per month.
- (3) *Non-Single Family Residential (NSFR) Customer Class.* All NSFR properties as defined herein shall be billed one ERU for every three-thousand-three-hundred-square-foot increment, or portion thereof, of impervious surfaces located on the improved property to establish the total number of ERUs for billing. Fractional ERUs for NSFR properties will be rounded to two decimal places to establish the actual number of ERUs for billing. If a NSFR property has less than 1.00 ERU, then the customer will be billed a minimum of 1.00 ERU.

(b) Stormwater User Fee Charge Rates shall be applied to customers as follows:

- (1) The DSFR stormwater user fee flat rate charge shall be \$4.95 per month.
- (2) The AR stormwater user fee flat rate charge shall be \$2.97 for each residential dwelling unit per month.
- (3) The NSFR stormwater user charge for each ERU, or fractional ERU, shall be \$4.95 per ERU (3,300 square feet) per month.

Sec. 17-68. Stormwater user fee charge exemptions.

Except as provided in this section or otherwise provided by law, no public or private property located in the incorporated area of Grovetown shall be exempt from the stormwater user fee charges. No exception, credit, offset, or other reduction in stormwater user fee 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 stormwater management services and facilities.

Exemptions to the stormwater user fee charges are as follows:

- (a) Parcels which contain five hundred (500) square feet, or less, of impervious surfaces shall be exempt from stormwater user fee charges.
- (b) Railroad rights-of-way (tracks) shall be exempt from stormwater user fee charges. However, railroad stations, maintenance buildings, and/or other improved property used for railroad purposes shall not be exempt from stormwater user fee charges.
- (c) Georgia Department of Transportation (GDOT) streets and rights-of-way shall be exempt from stormwater user fee 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 user fee charges. All other State, Federal, and County properties are subject to the user fee charges on the same basis as private properties.
- (d) Grovetown (city Owned) Public streets and rights-of-way shall be exempt from stormwater user fee charges. This exemption is in consideration for the city allowing the Utility to use the city's existing street, curbs, gutters, drainage ways and ditches, storm sewers, culverts, inlets, catch basins, pipes, head walls and other structures, natural and man-made within and owned by the city which controls and diverts surface water for the purposes of collecting, diverting, transporting and controlling surface and storm waters. However, other improved property used for city purposes shall not be exempt from stormwater user fee charges. Additionally, impervious surfaces installed and maintained for the purposes of access to private or public parcels (i.e. driveways) on public rights-of-way shall not be exempt from stormwater user fee charges.
- (e) Any property whereby one hundred (100) percent of the stormwater runoff is contained or infiltrated on the property and no stormwater runoff is discharged, via overland flow or manmade conveyance to adjacent properties or rights-of-way for all storm events up to and including the 100-year 24-hour storm event.

Sec. 17-69. Stormwater user fee charge credits.

- (a) The Stormwater Manager shall grant credits or adjustments based on the technical and procedural criteria set forth in the Stormwater Utility Non-Single Family Residential Technical Credit Manual or the Stormwater Utility Residential Technical Credit Manual. Copies of the Technical Credit Manuals will be maintained by and available from the Stormwater Manager.
 - 1. A stormwater user fee charge credit shall be determined based on the technical requirements, standards and criteria contained in the Technical Credit Manuals. The amount of credit, or reduction of the stormwater user fee charge, shall be in accordance with the criteria contained in the Technical Credit Manuals.

2. Any credit allowed against the stormwater user fee charge is conditioned on continuing compliance with the city's design and performance standards as stated in the Technical Credit Manuals and/or upon continuing provision of the controls, systems, facilities, services, and activities provided, operated, and maintained by the property owner or owners upon which the credit is based. The Stormwater Manager may revoke a credit at any time for noncompliance with applicable standards and criteria as established in the Technical Credit Manuals or this article.
 3. In order to obtain a credit, the property owner must make application to the city on forms provided by the Stormwater Manager for such purpose, and in accordance with the procedures outlined in the Technical Credit Manuals.
 4. Property owners may apply for any credits and/or adjustments in accordance with the Technical Credit Manuals.
 5. The application for any credit or adjustment must be in writing and must include the information necessary to establish eligibility for the credit or adjustment, and be in the format established by the Stormwater Manager. Incomplete applications will not be accepted for consideration and processing.
- (b) When an application for a credit is deemed complete by the Stormwater Manager, he shall have 30 days from the date the complete application is accepted to either grant the credit in whole, grant the credit in part, or deny the credit. Credits applied for by the property owner and granted in whole or in part, shall apply to all stormwater user fee charges in accordance with the terms defined in the Technical Credit Manuals.

Sec. 17-70. Enforcement methods and inspections.

- (a) All property owners of improved property within the incorporated areas of Grovetown shall provide, manage, maintain, and operate on-site stormwater management systems sufficient to collect, convey, detain, and discharge stormwater runoff in a safe manner consistent with all applicable city 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 Grovetown Municipal Court. Each day such violation exists shall constitute a separate offense, subject to the penalties set forth in the Grovetown Code of Ordinances.
- (b) Alternately, in the event a public nuisance is deemed to exist by the Stormwater Manager, the city may elect to sue in the Grovetown Municipal Court 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 Grovetown Municipal Court, the city may enter upon the property and cause work as is reasonably necessary to be performed, with the actual cost thereof assessed against the property owner in the same manner as a tax levied against the property. From date of filing of such abatement action, the city shall have lien rights which may be perfected, after judgment, by filing a notice of lien on

the general execution docket in the office of the Clerk of Columbia County Superior Court.

- (c) The city shall have the right for its designated officers and employees to enter upon public and private property during reasonable hours, and after reasonable notice to the owner thereof, in order to assure compliance with the provisions of this article, and State and Federal law. Such inspections shall generally be limited to the following purposes:
 - (1) Inspecting or conducting engineering analyses on existing stormwater management systems and facilities located on-site; or
 - (2) Determining that stormwater management systems and facilities need to be constructed.

Sec. 17-71. Stormwater user fee charge billing, delinquencies, collections, adjustments.

Failure to receive a Stormwater Utility bill is not justification for non-payment. The property owner, as identified from public land records of Columbia County, shall be ultimately obligated to pay the appropriate stormwater user fee charge for that property.

- (a) Billing.
 - (1) Stormwater user fee charges shall begin to accrue February 1, 2015, and shall be billed prospectively. The initial billing cycle will be February 1, 2015. 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.
 - (2) The stormwater user fee charge will be billed and collected as an additional line item on the city's utilities bills or other means deemed most effective and efficient by the city council.
 - a. For a property that receives multiple utilities (for example in the case of a shopping center with multiple tenants), a single bill shall be sent to property owner.
 - (3) Frequency of the billing of stormwater user fee charges shall be monthly or as specified by the city council.
 - (4) Failure to receive a bill shall not be justification for nonpayment. Regardless of the party to whom the bill is initially directed, the owner of each developed property subject to stormwater user fee charges shall be obligated to pay stormwater user fee charges and any interest on delinquent stormwater user fee charge payments.
 - (5) If a property is unbilled, or if no bill is sent for a particular tract of improved property, the Grovetown Stormwater Utility may back bill for a period of up to

one (1) year, but shall not be entitled to any interest or any delinquency charges during the back billed period.

(b) Delinquencies and collection.

- (1) Unpaid stormwater service fees shall be collected by filing suit to collect on an unpaid account and by using all methods allowed by Georgia law to collect on any judgment obtained thereby, including enforcement of any lien resulting from any such judgment. Unless reduced to a judgment and a writ of fieri facias issued, the unpaid user fee charge shall not constitute a direct lien against the owner and/or the property.
- (2) A late charge shall be assessed against the customer for the unpaid balance of any Stormwater Utility user fee charge that becomes delinquent in accordance with applicable State law. In addition, the city shall assess all costs of collection, including attorney's fees and court costs, against the property owner.
 - a. If a stormwater utility fee is billed to a tenant of a property and the tenant fails to pay the fee, then property owner shall become liable for all charges. In this event, the city shall not be entitled to late fees accrued by the tenant.

(c) Adjustments.

- (1) The Stormwater Manager shall administer the procedures and standards for the adjustment of the stormwater user fee charge.
 - a. If a customer believes their stormwater user fee is incorrect, the customer may seek an adjustment of the stormwater user fee charge allocated to a property at any time by submitting the request in writing to the Stormwater Manager and setting forth in detail the grounds upon which relief is sought.
 - b. Customers requesting the adjustment shall be required, at their own expense, to provide supplemental information to the Stormwater Manager, including, but not limited to, a survey certified by a registered land surveyor or a professional engineer. Submittal of this information will be required if the city staff cannot make a determination based on field inspection and/or review of existing city aerial photography. Failure to provide the required information within the time limits established by the Stormwater Manager, as may be reasonably extended, may result in denial of the adjustment request.
 - c. Once a completed adjustment request and all required information are received by the Stormwater Manager, the Stormwater Manager shall have 30 calendar days within which to render a written decision. Concurrent payment of any charges allocated to the property is not required as a

condition precedent to this request for review.

- d. In considering an adjustment request, the Stormwater Manager shall consider whether the calculation of the stormwater utility user fee charge for the property is correct.
- e. The Stormwater Manager's decision shall be in writing and will be mailed to the address provided on the adjustment request, and service shall be complete upon mailing.
- f. If the result of an adjustment is that a refund is due the applicant, the refund will be applied as a credit on the applicant's next stormwater bill. However, the credit shall not exceed an amount exceeding the amount paid within the past one (1) year and shall not be entitled to any interest or any delinquency charges during the back billed period.

If the result of an adjustment is that an increase in fees is warranted (due to under-billing), the city shall not be entitled to back charges, interest or any delinquency charges as a result of the error.

Sec. 17-72. Appeals, hearings.

- (a) Appeals. An appeal to the city administrator may be taken by any property owner or customer aggrieved by any decision of the Stormwater Manager. The appeal shall be taken within 30 days of the decision of the Stormwater Manager by filing with the city Administrator a notice of appeal in writing specifying the grounds thereof. Upon the filing of the notice of appeal, the Stormwater Manager shall forthwith transmit to the city Administrator all documentation constituting the record upon which the decision appealed from was taken.
- (b) Hearing. The city administrator shall fix a reasonable time for hearing the appeal and give written notice to the appellant at least ten days prior to the hearing date. The notice shall indicate the place, date and time of the hearing. The city administrator shall affirm, reverse, affirm in part, or reverse in part the decision of the Stormwater Manager after hearing the evidence. If the decision of the Stormwater Manager is reversed in whole or in part, resulting in a refund or credit due to the property owner, then such refund or credit shall be calculated retroactive to the date of the initial appeal.
- (c) The decision of the city administrator shall be final, and there shall be no further administrative action. Any person aggrieved or dissatisfied with the decision of the city Administrator may appeal that decision to the Superior Court of Columbia County by Writ of Certiorari.”

Section 4. Codification.

This Ordinance shall be codified in a manner consistent with the laws of the State of

Georgia and the City of Grovetown.

Section 5. Specific Repealer.

Chapter 9, Article I, Section 9-1 (Detention Ponds) of the City Code and Article III, Section 309 (Drainage) of the City's Subdivision Ordinance are hereby specifically repealed.

Section 6. Repealer.

All City Code provisions, ordinances, parts of ordinances, or resolutions in conflict with the provisions of this Ordinance are hereby repealed.

Section 7. Severability.

If any part of this Ordinance is determined by a Court of competent jurisdiction to be invalid, only such part of this Ordinance declared to be invalid shall become void and all other parts shall remain valid and enforceable.

Section 8. Effective Date.

The provisions of Chapter 17 of The Code of the City of Grovetown shall become effective the next business day following the adoption of this Ordinance.

Read, passed and adopted this 8th day of October, 2018.

Gary E. Jones, Mayor

Attested by: _____
Roxanne Brown
City Clerk

First reading: September 10, 2018

Second reading: October 8, 2018