

**CITY OF RICHMOND HILL
STATE OF GEORGIA**

**AN AMENDMENT TO THE REVENUE ORDINANCE TO REVISE THE
UTILITY SERVICE FEES TO ADD A STORMWATER UTILITY FEE.**

The City Council of the City of Richmond Hill hereby ordains that the Revenue Ordinance of 2015 to Levy Taxes and Fees and Raise Revenue for the City of Richmond Hill Georgia, Article L. Utility Service Fees is hereby amended as follows:

Section 11. STORMWATER UTILITY FEES

(A) Stormwater Utility Customer Classes

- (a) The Stormwater Utility shall establish specified customer classes within the service area to reflect difference in impervious surface and stormwater runoff characteristics; stormwater management program services provided by the City to the Stormwater Utility customers; and the respective demand that those customers' properties place on the City stormwater management program and drainage system components. All publicly owned developed properties, other than streets or roads, are subject to the user fee charges on the same basis as private properties. The Stormwater Utility classes will encompass all developed and undeveloped properties within the City and are defined as follows:
- (1) The Single Family Residential (SFR) Class shall consist of all developed properties classified as SFR customers per the applicable definition.
 - (2) The Non-Single Family Residential (NSFR) Class shall consist of all developed properties classified as NSFR customers per the applicable definition.
 - (3) The Undeveloped Class shall consist of properties classified as undeveloped per the applicable definition.
- (b) Documentation pertaining to the Stormwater Utility customer classes shall be kept on file in the office of the Stormwater Utility Manager for public inspection.

(B) 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 area shall be equitably derived through methods which 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 by the City.

- (b) The basis for calculation of the stormwater user fee charge for developed properties within the City is established in this Ordinance. The City shall assign or determine the customer class, amount of impervious area and other pertinent factors as may be needed for the fair, reasonable and equitable allocation of the costs to deliver stormwater management services and to calculate the stormwater user fee charges for developed properties in the City.
- (c) 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 reasonable connection, or rational nexus, 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 as defined herein.
- (d) 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 and/or tenants which eliminate, mitigate or compensate for the impact that the property or person may have upon stormwater runoff discharged to public stormwater management systems and facilities which impact the proper function of public stormwater management systems and facilities.
- (e) The stormwater user fee charges shall accrue beginning February 15, 2016 and be billed in arrears each month to customers.

(C) Stormwater User Fee Charge Billing Rates

- (a) The Stormwater Utility shall impose a stormwater user fee charge on all developed properties within the service area in accordance with the provisions of this Ordinance. The Stormwater Utility shall apportion the cost of delivering stormwater services to all developed properties based on the demand the property places on the City's stormwater management program, the stormwater services provided by the City and the benefits derived by the property as a result of the provision of services.
- (b) The Mayor and City Council shall establish by resolution the stormwater user fee charge rates, and the billing rates may be modified by the Mayor and City Council from time to time to meet the financial and operational needs of the Richmond Hill Stormwater Utility. A current schedule of said rates shall be on file in the office of the City Clerk of Richmond Hill. In setting or modifying such rates, it shall be the goal of the City to establish rates that are fair, equitable and reasonable, and which, together with other funding sources available to the Richmond Hill Stormwater Utility for services, systems, and/or facilities related to stormwater management are sufficient to support the cost of the stormwater management program, 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 Stormwater Utility related costs as deemed appropriate by the City.
- (c) Stormwater user fee charges shall be based upon the total number of Equivalent Residential Units (ERUs) associated with developed properties within the City. Each ERU shall correspond to 3,300 square feet of impervious surface.

- (d) Gravel and compacted soil driveways, parking areas, and roads on developed property will be considered partial impervious surface and included in the customer's ERU calculation because of the hydrologic response characteristics of these materials. However, the total surface area associated with these materials will be calculated at 90% of the total ERUs to reflect the hydrologic response characteristics of these materials.
- (e) Calculation of User Fee Charges. The periodic stormwater user fee charges imposed on all developed properties shall be calculated by multiplying the stormwater user fee billing rate (per ERU) times the number of ERUs for each customer account. The number of ERUs that will be utilized to calculate the user fee charge for each customer account shall be in general accordance with the following:
- (1) SFR Customer Class: Each SFR customer account shall be charged 1.0 ERU per month unless the conditions outlines below applies.
 - i. If two customer accounts are assigned to a SFR property (i.e. a duplex) then each customer account on that parcel will be charged 0.5 ERU per month for billing purposes.
 - (2) NSFR Customer Class: Each NSFR customer shall be charged 1.0 ERU for each 3,300 square feet, or increment thereof, of impervious surface located on the property to establish the total number of ERUs for billing. Fractional ERUs will be rounded to one decimal place to establish the number of ERUs for billing each month.
 - (3) Undeveloped Land Customer Class: Undeveloped land shall be assigned 0 ERUs and will not receive a stormwater user fee bill.

(D) Stormwater User Fee Charge Exemptions

- (a) Except as provided in this section or otherwise provided by law, no developed public or private property located in the incorporated area of the City, containing more than 500 square feet of impervious surface, shall be exempt from the stormwater user fee charges. Publicly owned developed property of the Federal and State governments, their departments, agencies, boards, commissions, and authorities, shall not be exempt from stormwater user fee charges under this article. The Stormwater Utility user fee charge is not a tax and no exception, credit, offset, or other reduction in stormwater user fee charges shall be granted based on age, tax status, economic status, race, religion, disability, or other condition unrelated to the Stormwater Utility's cost of providing stormwater management program services and facilities.
- (b) Exemptions to the Stormwater user fee charges are as follows:
- (1) Parcels which contain 500 square feet, or less, of impervious surfaces or partial impervious surfaces shall be exempt from stormwater user fee charges.
 - (2) Linear railroad rights-of-way (i.e. tracks, rails, rail bed) outside of the defined rail yard limits shall be exempt from stormwater user fee charges. This exemption is in recognition of routine drainage system maintenance and capital construction activities undertaken by the rail road company associated with rail road company

associated with rights-of-way and drainage conveyance systems. However, railroad stations, rail yards, maintenance buildings and/or other improved property used for railroad operations shall not be exempt from stormwater user fee charges.

- (3) City of Richmond Hill streets and rights-of-way shall be exempt from stormwater user fee charges. The Stormwater Utility shall not charge the City a user fee charge for the impervious surface associated with City's streets and other impervious surfaces within the rights-of-way of the City's municipal street system. This exemption is granted in consideration of the City allowing the Stormwater Utility to utilize the City's existing streets, 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, diverts, and conveys surface water for the purposes of collecting, diverting, transporting, and controlling surface runoff and storm waters. All other developed property owned by the City shall be subject to the imposition of stormwater user fee charges in accordance with this article.
- (4) Bryan County roads and rights-of-way on the County Road System located within the City limits shall be exempt from stormwater user fee charges inasmuch as Bryan County has legal responsibility to perform all drainage system maintenance and capital construction activities with respect to such roads and rights of way. This exemption is in recognition of the drainage system maintenance and capital construction responsibilities undertaken by Bryan County. All other developed property owned by Bryan County that is within the service area shall be subject to the imposition of stormwater user fee charges in accordance with this Ordinance.
- (5) Georgia Department of Transportation (GDOT) highways, Federal Interstates, and rights-of-way on the State Highway System within the City limits shall be exempt from stormwater user fee charges. This exemption is in recognition of routine drainage system maintenance, NPDES regulatory compliance, and capital construction activities undertaken by GDOT in association with GDOT rights-of-way road and drainage conveyance systems. However, offices, maintenance buildings, and/or other developed property used for GDOT purposes shall not be exempt from stormwater user fee charges.

(E) Stormwater User Fee Charge Credits

- (a) The Stormwater Utility Manager may grant credits or adjustments based on the technical and procedural criteria set forth in the City of Richmond Hill Stormwater Utility Credit Manual (Credit Manual), which is incorporated into this Ordinance by reference and made a part hereof. Copies of the Credit Manual will be maintained by and made available from the Stormwater Utility Manager.
 - (1) Customers may apply for credits and/or adjustments in accordance with the Credit Manual.
 - (2) A stormwater user fee charge credit shall be determined based upon meeting all technical requirements, standards and criteria contained in the Credit Manual. The amount of credit, or reduction of the stormwater user fee charge, shall be in accordance with the criteria contained in the Credit Manual.

- (3) Any credit allowed against the stormwater user fee charge is conditioned on continuing compliance, including proper future maintenance of the stormwater management systems and facilities with design and performance standards as stated in the Credit Manual and upon continuing provision of the controls, systems, facilities, services, and activities provided, operated, and maintained by the customer. The Stormwater Utility Manager may revoke a credit at any time for noncompliance with applicable standards and criteria as established in the Credit Manual or this Article.
 - (4) In order to obtain a credit, the customer must make application to the City on forms provided by the Stormwater Utility Manager for such purpose, and in accordance with the procedures outlined in the Credit Manual.
 - (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 described in the Credit Manual. The customer's public utility account must be paid and current prior to review and approval of a Stormwater Utility credit application by the City. Incomplete applications will not be accepted for consideration and processing.
- (b) When an application for a credit is deemed complete by the Stormwater Utility Manager, they shall have 30 days from the date the complete application is received to approve the credit in whole, approve the credit in part, or deny they credit. The Stormwater Utility 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. Credits applied for by the customer and approved in whole or in part, shall apply to all stormwater user fee charges in accordance with the terms defined in the Credit Manual.

(F) Stormwater User Fee Charge Billing; Delinquencies and Collections; and Adjustments

- (a) Billing. The City shall bill the utility customer account holder or the property owner, as identified from City public utility billing database information, Bryan County Tax Digest, and other public records of the City and/or Bryan County, and the entity receiving the bill shall be obligated to pay the applicable stormwater user fee charge in a similar manner to other City utility services (i.e. water, sewer, sanitation, etc).
- (1) Stormwater user fee charges shall begin to accrue April 1, 2016, and shall be billed in arrears on the customer's monthly public utility bill thereafter beginning in the April 2016 billing cycle.
 - (2) The stormwater user fee charge will be billed and collected on a combined utility bill and collected along with other City utility services. If and when the account is closed or becomes delinquent, the bills for unpaid previous service as well as for current and future service shall be reverted to the property owner.
 - (3) Customers that do not have another utility service shall receive a utility bill with stormwater user fees only or shall be billed via another method and frequency established by the City.

- (4) The City reserves the right to bill the stormwater user fee charge to either the property owner or the utility customer account holder (i.e. the tenant) as described herein.
- i. The City shall reserve the right to bill the landlord or property owner for stormwater services where accurate and equitable apportionment of the user fee charges to multiple tenant accounts on a parcel is not practical as determined by the City, and/or to facilitate efficient billing and collection of customer stormwater use fee charges from multiple tenants.
 - ii. The City shall have the authority to bill the property owner's tenant for the stormwater user fee charge in situations where the tenant has opened an account with the City for public utility services, however, the property owner shall remain ultimately liable for payment of the stormwater user fee charges imposed on the property and the utility accounts associated with that property.
 - iii. In situations where an individual utility account holder is billed monthly for utility services on behalf of a property owner, the City may require that the landlord or property owner enter into an agreement with the City to remit payment for any unpaid stormwater user fee charges that are incurred during the City's fiscal year.
- (5) Frequency of the billing of stormwater user fee charges shall be specified by the Mayor and City Council.
- (6) Failure of the customer to receive a utility bill or a stormwater user fee charge shall not be justification for nonpayment. Regardless of the party to whom the bill is initially directed, the property owner of each developed property subject to stormwater user fee charges shall be ultimately obligated to pay stormwater user fee charges and any interest on delinquent stormwater user fee charge payments.
- (7) If a property is unbilled, or if no bill is sent for a particular tract of developed property, the Stormwater Utility may back bill for a period of up to three (3) years, but shall not be entitled to any interest or any delinquency charges during the back billed period.

(b) Delinquencies and Collections.

- (1) The Stormwater Utility user fee charge shall be billed and collected as an integral party of the City's billing for other utility services and the customer may not elect to separate such fee from the remainder of the utility bill for nonpayment. If the customer fails to include payment of the Stormwater Utility user fee charge portion of the utility bill when the utility bill is paid, or otherwise separates the Stormwater Utility user fee charge from the remainder of the bill for nonpayment, the entire billing will be in default notwithstanding any other payment made towards the bill, and, in addition to all other remedies which the City may have for nonpayment, any or all other utility services, including water service, may be terminated on the date printed on the bill in accordance with the procedures established in the City Code of Ordinances for such termination. Acceptance and retention by the City of any portion of the utility bill shall not constitute a waiver of the foregoing provisions.

- (2) All bills not paid by the due date are subject to the late payment charge in accordance with City policy for other utilities. In addition, all costs of collection, including attorney's fees and court costs, will be added.
 - (3) Unpaid stormwater service fees may also be collected by filing suit to collect on an unpaid account and by using all methods allowed by Georgia law to collect on any civil 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 or the property.
 - (4) In the event of non-payment and service cut-off, the customer must pay the bill in full, the late payment charge, a cut-off charge if applicable, and pay a deposit if it was either waived, previously refunded, or was used to make the payment, late payment charge, and/or the cut-off charge. The City Manager is authorized to work out a payment plan for customers that demonstrate the ability to pay. Such a payment plan can only be entered into once in a 12-month period. Failure to meet any payment date of a payment plan shall terminate the payment plan, and the City reserves the right to discontinue utility services to that customer account.
- (c) Adjustments. The Stormwater Utility Manager shall administer the procedures and standards for the adjustment of the stormwater user fee charge.
- (1) If a customer believes his stormwater user fee charge amount is incorrect, the customer may seek an adjustment of the stormwater user fee charge for the account at any time by submitting the request in writing to the Stormwater Utility Manager and setting forth in detail the grounds upon which relief is sought. The customer's public utility account must be paid and current prior to consideration of an adjustment request by the city.
 - (2) Customers requesting the adjustment shall be required, at their own expense, to provide accurate impervious area and other supplemental information to the Stormwater Utility Manager, including, but not limited to, a survey certified by a registered land surveyor or a professional engineer or as otherwise allowed by the Stormwater Utility Manager. 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 Utility Manager, as may be reasonably extended, may result in denial of the customer's adjustment request.
 - (3) Once a completed adjustment request and all required information are received by the Stormwater Utility Manager, the Stormwater Utility Manager shall within 30 calendar days render a written decision.
 - (4) In considering an adjustment request, the Stormwater Utility Manager shall consider whether the calculation of the stormwater user fee charge for the account is correct.
 - (5) The Stormwater Utility 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.

(6) 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 user fee charge bill.

All ordinances or parts of ordinance in conflict with this ordinance are, to the extent of such conflict, hereby repealed.

This Ordinance shall be effective upon its adoption.

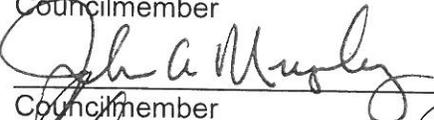
SO ORDAINED, this 6th day of September, 2016.



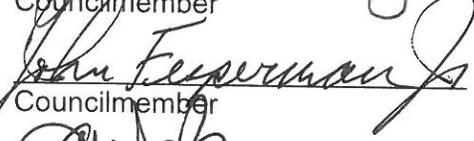
Mayor



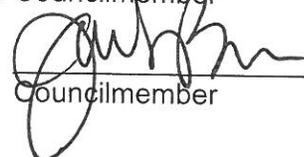
Councilmember



Councilmember

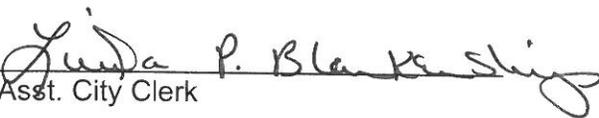


Councilmember



Councilmember

Attest:



Asst. City Clerk