

Ord. No. 2026-22

A RESOLUTION AMENDING THE CODE OF ORDINANCES OF SPALDING COUNTY, GEORGIA, AT PART V – PUBLIC UTILITIES, TO ADD CHAPTER 4. – STORM WATER; REPEALING CONFLICTING ORDINANCES AND PARTS THEREOF; RESTATING THE CODE, AS MODIFIED BY THIS ORDINANCE; AND FOR OTHER PURPOSES.

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS FOR SPALDING COUNTY, GEORGIA, AND IT IS ESTABLISHED AS FOLLOWS:

Section 1. The Code of Ordinances of Spalding County, Georgia is hereby amended at PART V – PUBLIC UTILITIES, TO ADD CHAPTER 4. – STORM WATER, as follows:

Sec. 5-4001. - Short title, authority and applicability.

(a) This article shall be known and cited as the Spalding County Stormwater Utility Enterprise Fund Ordinance.

(b) The County provides essential stormwater management services and facilities throughout Spalding County (hereinafter "the County") in accordance with the Georgia Constitution of 1983, including, without limitation, Article IX, Section II, Paragraph I and III, and O.C.G.A. § 36-82-62, and is further authorized thereunder to collect revenue for provision of those services.

Sec. 5-4002. – Findings.

The Board of Commissioners of Spalding County, Georgia makes the following findings:

- (a) Stormwater management services as well as stormwater management systems and facilities assist the County in protecting the public health, safety and welfare, and the environment. Provision of stormwater management services, stormwater management systems and facilities and regulation of the use thereof renders and/or results in both service and benefit to individual parcels, parcel owners, citizens and residents of the County and to all parcels, parcel owners, citizens and the environment in a variety of ways.
- (b) The County is required under federal and state regulations (i.e. the Federal Clean Water Act and the County's National Pollutant Discharge Elimination System ("NPDES") Phase II Stormwater Permit) to provide management of stormwater runoff quality to mitigate the impacts of pollutants which may be discharged from the public municipal separate storm sewer system ("MS4") into State of Georgia or United States' waters.
- (c) The provision of stormwater management services and stormwater management systems and facilities in the County promotes an essential regulatory and public safety purpose by influencing where stormwater runoff flows and how it is managed, thereby reducing flooding, erosion, and water pollution caused by stormwater runoff.

- (d) Spalding County presently owns and operates stormwater management systems and facilities which have been developed over many years. The future usefulness of the existing stormwater management systems and facilities owned and operated by the County, and of additions and improvements thereto, rests on the ability of the County to effectively manage, protect, control, regulate, use, and enhance stormwater management systems and facilities in the County in concert with the management of other public utilities in the County. In order to do so, the County must have adequate and stable funding for its stormwater management program's operating needs and capital program.
- (e) In promulgating the regulations contained in this article, the County is acting pursuant to authority granted by the constitution and laws of the state and its County Charter to provide for stormwater management collection and disposal services for the collection, conveyance, storage, treatment and disposal of stormwater provides services to all properties within the County.
- (f) Therefore, the County hereby establishes a stormwater utility and enterprise fund. A stormwater user rate will be charged for all properties that may discharge, directly or indirectly, into the stormwater conveyance system, or may use stormwater services associated with County roads or other facilities, whether the property is private or public in nature.
- (g) It is practical and equitable to allocate the cost of stormwater management among the owners and/or tenants of properties in proportion to the demands the properties impose on the County's stormwater management systems and facilities which result in services to such properties and the owners and/or tenants thereof. The fair and equitable apportionment of costs via the stormwater user rate correlates to the stormwater management services provided to that property and the runoff demand that the property imposes on the public drainage system and the County stormwater management program.
- (h) The amount of pervious and impervious surfaces on each property is the most important factor influencing the stormwater runoff contribution of that property; the corresponding demand the property imposes on the stormwater management program; and the cost of providing stormwater management services to that property by the County. Therefore, the amount of pervious and impervious surface on each property is the most significant parameter for calculating an annual stormwater user rate; and the County deems it appropriate to impose a stormwater user rate upon all properties that may discharge, directly or indirectly, into the public drainage system whether the property is private or public in nature.
- (i) A schedule of stormwater utility user rates based primarily on the amount of pervious and impervious surface located on each property is the most appropriate and equitable means of allocating the cost of stormwater management services throughout the County. Stormwater utility user rates may be designed with specific modifiers to further enhance customer equity, as well as customer understanding of the user rate structure, while at the same time minimizing the County's customer account management and maintenance efforts.

- (j) Stormwater utility user rates may be supplemented by other funding which addresses specific needs, including, but not limited to, special district user rates, general fund allocations, revenue bonds, use of proceeds from special purpose local option sales taxes (SPLOST) and other forms of revenue, as deemed appropriate by the Board of Commissioners.
- (k) The existence of privately owned and maintained on-site stormwater control facilities, activities or assets which reduce, or otherwise mitigate, the impact of a particular property on the County's stormwater management program, 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 stormwater user rate on that property in the form of a credit or increase the rate in the form of a penalty. Credits should be conditioned 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 utility. Credits and penalties for privately owned and maintained stormwater management systems, facilities, activities or assets shall be generally proportional to the effect that such systems have on the reduction and mitigation of the stormwater runoff impacts from the property.
- (l) In order to protect the health, safety and welfare of the public, the Spalding County Board of Commissioners hereby exercises its authority to establish a stormwater utility enterprise fund, as the best available means of addressing stormwater management program needs and priorities. By means of this article, the County will enact a stormwater user rate structure and a procedure for the establishment of a user billing rate related to the provision of stormwater management services.

Sec. 5-4003. - Definitions.

The following definitions shall apply to this article. Any word or phrase not defined below but otherwise defined in this Code shall be given that meaning. All other words or phrases shall be given their common ordinary meaning unless the context clearly requires otherwise.

Credit shall mean a conditional reduction allowed against the stormwater user rate charged to an individual parcel based upon the technical requirements and the design and performance standards contained in the Spalding County Stormwater Utility Policy Manual which may be updated or amended from time to time. A credit is a special assessment reducing the stormwater user rate.

County standards shall mean the County ordinances that govern water quality and water quantity including but not limited to the development regulations; post development stormwater management ordinance; floodplain management ordinance; watershed protection ordinance; soil erosion, sedimentation and pollution control ordinance; illicit discharge detection and elimination ordinance; stream buffer protection ordinance; zoning ordinance; the Georgia Stormwater Management Manual (GSMM), and all procedures, rules and policies pertaining thereto as these may be updated or amended from time to time.

Customers shall include all persons, parcels, and entities served by the stormwater utility's management, maintenance, extension, and improvement of the public stormwater management

systems and facilities and regulation of public and private stormwater systems, facilities, and activities related thereto, and persons, parcels, and entities which will ultimately be served or benefited as a result of the stormwater management program.

Detached dwelling unit shall mean developed land containing one structure which is not attached to another dwelling and which contains one or more bedrooms, with a bathroom and kitchen facilities, designed for occupancy by one family. Detached dwelling units may include houses, manufactured homes, and mobile homes located on one or more individual lots or parcels of land. Developed land may be classified as a detached dwelling unit despite the presence of incidental structures associated with residential uses such as garages, carports, or small storage buildings, or the presence of a commercial use within the dwelling unit so long as such use does not result in additional impervious areas such as parking spaces, playgrounds, or structures or additions to the building which are used as offices, storage facilities, meeting rooms, classrooms, houses of worship, or similar nonresidential uses. Detached dwelling unit shall not include developed land containing: structures used primarily for nonresidential purposes, manufactured homes and mobile homes located within manufactured home or mobile home parks where the land is owned by others than the owners of the manufactured homes or mobile homes, or multiple dwelling unit (4 units and greater) residential properties.

Developed land shall be all real property altered from a natural state by grading, paving, compaction, construction of structures, impervious surfaces, or drainage works so that the hydrologic response of the property is changed from that which would occur in its original and natural undeveloped state to a meaningful extent as determined through the Policy Manual impervious surface assessment procedures.

Direct lien shall mean a lien enforced against an individual or parcel prior to obtaining a judgment against the individual or parcel, such as liens established by operation of law for unpaid taxes.

Director shall mean the director of public works or his/her designee.

Duplex and triplex mean developed land containing two (duplex) or three (triplex) attached residential dwelling units located on one or more parcels of land. In the application of stormwater service charge rates, duplexes and triplexes shall be treated as two and three (respectively) detached dwelling units.

Equivalent Residential Unit (ERU) is defined to serve as a common reference point for comparing various properties and attaining an equitable distribution of the cost of services and facilities through a stormwater management service charge. The Equivalent Residential Unit in Spalding County is determined through technical analyses to be represented by the average area of imperviousness of the approximate 75th percentile of detached dwellings of residential parcels of record, as provided in the Policy Manual. The ERU is the metric that shall be used to determine and compute the stormwater user rate for all developed properties within Spalding County.

Hydrologic response defines the manner and means whereby stormwater runoff collects, remains, diverts, infiltrates, and is conveyed from a property. Hydrologic response is dependent on several factors including, but not limited to, the amount of pervious and impervious surface, the parcel's

size, the parcel's shape, the parcel's topography, the parcel's vegetative canopy, the parcel's groundwater characteristics, the parcel's on-site operations, the parcel's stormwater controls, the parcel's antecedent moisture as well as the parcel's geologic and hydro-geologic characteristics.

Impervious surfaces shall mean any paved, hardened or structural surfaces, including but not limited to buildings, decks, driveways, parking areas, patios, streets, swimming pools, tennis courts, walkways or other structures and/or improvements on a property, which prevent or impede the infiltration of rainfall and stormwater into the soil.

Multiple dwelling unit residential properties means developed land whereon four or more attached residential dwelling units are located and shall include, but not limited to, apartment houses, condominiums, townhomes, attached single-family homes, boarding houses, group homes, hotels and motels, retirement centers, and other structures in which four or more family groups commonly and normally reside or could reside. In the application of stormwater service charge rates, multiple dwelling unit properties shall be treated as other developed lands.

Parcel shall mean a designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon.

Penalty shall mean a fee leveraged in excess of the stormwater user rate charged to an individual parcel based upon failure to adhere to the standards for private stormwater facility management referenced or contained in the Spalding County Stormwater Utility Policy Manual which may be updated or amended from time to time. A penalty is a special assessment added to the stormwater user rate.

Policy Manual shall mean the separately published Spalding County Stormwater Policy Manual, as last updated.

Private stormwater management systems and facilities shall mean those natural and manmade channels, swales, ditches, rivers, streams, creeks, branches, reservoirs, ponds, drainageways, inlets, catch basins, pipes, headwalls, storm drains, lakes and other physical works, properties and improvements which transfer, control, convey or otherwise influence the movement of stormwater runoff or water quality, which are not public. Inspection and maintenance of private stormwater management systems and facilities is the responsibility of the private owner of the property on which the infrastructure resides except as otherwise provided in the Policy Manual.

Public stormwater management systems and facilities shall mean those natural and manmade channels, swales, ditches, rivers, streams, creeks, branches, reservoirs, ponds, drainageways, inlets, catch basins, pipes, headwalls, storm drains, public streets, curbs and gutters, lakes and other physical works, properties and improvements which transfer, control, convey or otherwise influence either the movement of stormwater runoff or water quality, which are either owned by the County or other public entity, or over which the County has accepted an offer of dedication of a stormwater utility easement or other legally binding permanent right of use for stormwater drainage in accordance with the Policy Manual.

Stormwater management services may address the quality and the quantity of stormwater runoff and include all services provided by the County which relate to the MS4 program as applied throughout unincorporated Spalding County and incorporated jurisdictions therein where applicable based on effective mutual agreement.

Undeveloped land shall mean land in an unaltered natural state or land that has been modified to such minimal degree as to have a hydrologic response comparable to land in an unaltered natural state shall be deemed undeveloped. Undeveloped land shall have no pavement, asphalt, or compacted gravel surfaces or structures that create an impervious surface that would prevent infiltration of stormwater or cause stormwater to collect, concentrate, or flow in a manner materially different than that which would occur if the land was in an unaltered natural state.

- (1) Transfer, control, conveyance or movement of stormwater runoff through the incorporated portions of the County;
- (2) Operation, maintenance, repair, enhancement and replacement of existing public stormwater management system facilities;
- (3) Planning, development, design and construction of additional stormwater management and facilities to meet current and anticipated needs;
- (4) Regulation of the use of stormwater management services or of stormwater management systems and facilities;
- (5) Education of the public as to stormwater management issues;
- (6) Development plan review to require compliance with applicable County standards;
- (7) Inspection and/or monitoring for water quantity and water quality to assess compliance with applicable County, state and federal water quality standards and stormwater management program requirements; and
- (8) Other services as the director or his/her designee may deem appropriate.

Stormwater user rate shall mean the periodic service charge imposed by the County to a parcel of land pursuant to this article for providing the stormwater management services and stormwater management systems and facilities, which revenues shall be used only for the purpose of funding the Spalding County Stormwater Utility's cost of providing stormwater management services and stormwater management systems and facilities. Stormwater user rate charges shall be based on the relative contribution of each parcel to the demand for stormwater management services, shall be structured so as to be fair and reasonable and shall bear a substantial relationship to the cost of providing stormwater management services and stormwater management systems and facilities. The cost of operating expenses, capital investments, and reserve accounts may be included in the stormwater user rate.

Stormwater utility shall mean the enterprise-funded County stormwater utility as established in section 5-4004 of this article.

Stormwater Utility easement shall be an easement dedicated to the County giving the Spalding County Stormwater Utility the legally binding permanent right to use the easement for stormwater conveyance, storage, or treatment. This right shall include inspection, maintenance and/ or construction of a stormwater management system or facilities located within the easement.

Sec. 5-4004. - Stormwater utility enterprise fund established.

- (a) There is hereby established a stormwater utility enterprise fund to be known as the Spalding County Stormwater Utility Enterprise Fund, which shall be dedicated for the use and enhancement of the County's stormwater management systems and facilities and stormwater management program services.
- (b) The Spalding County Board of Commissioners shall place authority and responsibility with the director (or his/her designee) for the delivery of stormwater management program services as well as for the operation, maintenance, and regulation of the existing stormwater management systems and facilities owned and heretofore operated by the county and other related assets, including, but not limited to, county owned properties upon which such facilities are located, easements, rights-of-entry and access, and certain equipment.
- (c) The County shall establish a Stormwater Utility Enterprise Fund within the County accounting systems for the purpose of dedicating and protecting all funding generated by the stormwater utility user rate charge to the operation of the stormwater management program and stormwater utility, including, but not limited to, rates, charges, and fees as may be established by the Board of Commissioners and maintained in the Office of the County Clerk, and as described in the Spalding County Stormwater Utility Policy Manual, which may be updated from time to time.
- (d) All revenues and receipts generated from the stormwater user rate charges shall be segregated and placed into the stormwater utility enterprise fund, and be expended solely for stormwater management purposes; provided, however, such fund may also pay a reasonable allocation of costs provided to the stormwater utility by the County's general fund, or other utilities of the County, in order to account for applicable overhead costs. Revenue from stormwater utility users shall be used only for the operating expenses and/or capital investments of the stormwater utility. However, other forms of revenue and/or financial resources, not accounted for in the stormwater utility user rate revenue, may be allocated as deemed appropriate by the County, to provide supplemental funding to the stormwater management program and stormwater management services.
- (e) It is required that the revenue proceeds from all user rate charges for stormwater management services, systems or facilities, together with any other supplemental revenues raised or otherwise allocated specifically to stormwater management services, systems or facilities, be dedicated solely to those purposes. Such user rate charge revenue proceeds and other supplemental revenues shall be deposited into the County of Spalding County Stormwater Utility Enterprise Fund. The user rate charge proceeds and other supplemental revenues shall remain in the enterprise fund, and be dispersed only for stormwater management capital improvements, facilities, equipment, operating and non-operating costs, lease payments, debt service payments, or other indebtedness related to the stormwater management program.

Sec. 5-4005. - Stormwater utility service area.

The stormwater utility service area shall encompass the legal boundary of unincorporated Spalding County and any incorporated cities therein if County management of the city's stormwater is

performed under mutual agreement. The County has established that all developed parcels within the County boundary receive stormwater management program services, unless managed by an incorporated city absent any effective agreement for County participation. Developed properties within the defined service area will be assessed a stormwater user rate because they contribute stormwater runoff to the public drainage system, are directly or indirectly connected to the County's drainage system, and/or receive stormwater management services from the County to varying degrees.

Sec. 5-4006. - Scope of responsibility for the stormwater utility.

- (a) The stormwater utility shall provide stormwater management services for existing and proposed public stormwater management systems and facilities as defined in this article, subject to funding availability and to policy determinations as made by Spalding County in the best interest of public health, safety and general welfare. Additionally, the stormwater utility may accept the responsibility for providing stormwater management services to private stormwater management systems and facilities that connect to or drain to the public right-of-way, acceptance of which conforms to policies established in the Spalding County Stormwater Utility Policy Manual or as otherwise defined by private owner Memorandum of Understanding with Spalding County.
- (b) The County owns or has rights established by written agreements which allow the stormwater utility to provide stormwater management services and access those stormwater management systems and facilities which are located:
 - (1) On property owned by the County;
 - (2) On properly permitted facilities within the public road rights-of-way of the County road system and, where the County has by agreement with a city or the state to maintain public roads and highways on the city road system and/or state highway system;
 - (3) On private property but within legally dedicated stormwater utility easements that have been granted to and accepted by the County, or where the County is otherwise permitted to undertake activities on such private property by written agreement rights-of-entry, rights-of-access, rights-of-use or other permanent provisions;
 - (4) On public land which is owned by another governmental entity with whom the County has a written agreement providing for the operation, maintenance, improvement and access to the stormwater management systems and facilities located thereon.
- (c) Stormwater management systems and facilities which are located on private property or on public property not owned by the County or leased to the County by another political subdivision of the state, and for which there has been no written agreement granting easements which have been dedicated to and accepted by the County, rights-of-entry, rights-of-access, rights-of-use or other form of dedication thereof to the County for operation, maintenance, improvement and access of such stormwater management systems and facilities, shall be and remain the legal responsibility of the property owner, except as otherwise provided for by applicable state and federal laws.

- (d) The County shall place responsibility with the director or his/her designee for operation, maintenance and regulation of the stormwater utility and stormwater management systems and facilities owned and operated, or maintained by the County, 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.
- (e) The stormwater utility may provide periodic inspection, testing, or engineering assessment of privately-owned stormwater management systems and facilities to ascertain that said facilities are functioning as designed and approved. After notice to the property owner, the stormwater utility may provide for remedial maintenance of said private facilities based upon the severity of stormwater problems and potential hazard to the public health, safety, and welfare and the environment. In cases where such remedial maintenance is required to be performed by the County, the County shall have the right to bill the owner of said private facility for the costs of such maintenance.
- (f) It is the express intent of this article to protect the public health, safety and general welfare of people, property and the environment, in general, but not to create any special duty or relationship with any individual person, or to any specific parcel within or outside the corporate limits of the County. The County expressly reserves the right to assert all available immunities and defenses in any action seeking to impose monetary damages or equitable remedies upon the County, its Board of Commissioners, officers, employees and agents arising out of any alleged failure or breach of duty or relationship.
- (g) If any permit, plan approval, inspection, or similar act is required by the County as a condition precedent to any land disturbance or construction activity upon property not owned by the County pursuant to this or any other regulatory code, ordinance, regulation or rule of the County, 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, negligent construction of permitted system or facility, or negligent maintenance of any permitted stormwater management system or facility not expressly dedicated to and accepted by the County for further maintenance in an action seeking the imposition of money damages or equitable remedies against the County, its Board of Commissioners, officers, employees or agents.

Sec. 5-4007. - Rates of stormwater user rate charges to be established.

- (a) In order to recover the cost of providing stormwater services and stormwater management systems/facilities while fairly and reasonably apportioning the costs among properties throughout the County, the Board of Commissioners shall establish by adoption of a rate schedule for stormwater user charge rates, which shall apply uniformly throughout the stormwater utility service area encompassing the legal limits of the County. The rate schedule will be described in the Spalding County Stormwater Utility Policy Manual and may be updated from time to time.

- (b) The billing rates may be modified as needed by the Board of Commissioners, as described in the Spalding County Stormwater Utility Policy Manual, to meet the financial and operational needs of the Spalding County Stormwater Utility. In setting or modifying such rates, it shall be the goal of the County to establish rates that are fair, equitable and reasonable, and which, together with other funding sources available to the Spalding County 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 County.
- (c) Categories will be established, as described in the Spalding County Stormwater Utility Policy Manual, for parcels with detached dwellings and other impervious development.
- (d) Special assessments (credits and penalties) may be applied to the stormwater user rate charges as described in the Spalding County Stormwater Utility Policy Manual, which may be updated or amended from time to time.

Sec. 5-4008. – Effective date of stormwater user rate charges.

- (a) The stormwater utility user rate charges shall accrue beginning on the effective date of this Ordinance in an amount to be established by resolution of the Board of Commissioners, as may be amended from time to time, and shall thereafter be billed periodically as outlined in the Spalding County Stormwater Utility Policy Manual.

Sec. 5-4009. - Stormwater user rate charge exemptions and special assessments.

- (a) Except as provided in this section or otherwise provided by law, no developed public or private property located in Spalding County shall be exempt from the stormwater user rate assessment.
- (b) Special Assessments: The stormwater utility user rate charge is not a tax and no exception, credit, penalty, offset, or other reduction or penalty in stormwater user rate charges shall be granted or imposed 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. Special assessments (credits, and penalties and fees) are described in the Spalding County Stormwater Utility Policy Manual, as may be updated or amended from time to time.
- (c) Exemptions to the stormwater user rate charges are described in the Spalding County Stormwater Utility Policy Manual, as may be updated or amended from time to time.

Sec. 5-4010. - Stormwater user rate charge, billing, delinquencies and collections.

- (a) Billing.

(1) A bill for stormwater user rate charges shall be included on the Spalding County property tax bills, as convenience for collection purposes, and as such will follow the due dates determined by the Spalding County Tax Commissioner. User rate charges are calculated according to customer classification – detached residential dwellings and other properties as outlined in the Spalding County Stormwater Utility Policy Manual.

(2) The Board of Commissioners authorizes the director or his/her designee to charge and collect penalties and interest as set forth in subsection (b) of this section.

(3) If a bill for a stormwater user rate charge for a particular parcel is generated, failure to receive the bill shall not be justification for nonpayment.

(4) Regardless of the party to whom the bill is initially directed, the owner of the property, as identified from the public land records of Spalding County, shall be obligated to pay the appropriate stormwater user rate charge for that property and any interest and/or penalties that have accrued and due and owing as set forth in this section. When a property is sold within a billing year, the County may prorate for each party the rate upon receipt of evidence showing the sale date and the names and current addresses of the parties to the property sale.

(5) If a property is unbilled, or if no bill is sent for a particular property, the County's stormwater utility may back bill for a period of up to three years, but shall not be entitled to any interest or any penalty charges during the back billed period.

(b) Delinquencies and collection.

(1) The director or his/her designee shall be authorized to enter into written agreements to pay any amounts due and owing over a period of time.

(2) A penalty or late charge in the amount of ten percent of the amount due and unpaid on the due date shall be assessed.

(3) In addition to the penalty stated above, interest in the amount of one percent per calendar month (12 percent annually) shall accrue on all unpaid amounts beginning on July 1st of the year in which the payment is due, provided, however, that the director or his/her designee may halt interest accrual if a written agreement is reached.

(4) When a property is sold within a billing year, the County may waive any penalty, late charge and/or interest upon receipt of evidence showing the sale date and the names and addresses of the parties to the sale.

Sec.5-4011. - Stormwater utility inspections and enforcement.

(a) All owners of developed property within the County 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 County development regulations, ordinances, and state and federal laws, in accordance with the authority referenced in Sec.5-4001 herein. Any failure to meet this obligation shall constitute a violation of this article and be subject to citation and prosecution in the Spalding County Magistrate Court. Each day such violation exists shall constitute a separate offense.

(b) In the event a public nuisance is deemed to exist by the director or his/her designee, the County may elect to litigate in Magistrate 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 court, the County may enter upon the property and conduct work as is

reasonably necessary to be performed to remove any imminent threats to the health, safety and welfare of its citizens, with the actual cost thereof assessed against the property owner in a similar manner as a tax levied against the property. From date of filing of such abatement action, the County shall have lien rights which may be perfected, after judgment, by filing a notice of lien on the general execution docket of the County Magistrate court.

- (c) To the extent allowable by law, the County shall have the right for its employees or designated agents to inspect on-site stormwater management systems within the County to ensure 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;
 - (2) Verification and review of information contained within a stormwater utility policy manual application; and
 - (3) Determining that stormwater management systems and facilities need to be constructed.

Sec. 5-4012. - Stormwater user rate appeal and adjustments.

The director or his/her designee shall administer the procedures and standards for the appeal and adjustment of the stormwater user rate charge.

- (a) If a customer believes his/her stormwater user rate charge is incorrect, the customer may seek an adjustment of the user rate allocated to a property at any time by submitting the request in writing to the director or his/her designee on forms provided by the County and setting forth in detail the grounds upon which relief is sought. The customer's stormwater utility account must be paid and current prior to consideration of an adjustment request by the County, except during the period prior to issuance of the first bill.
- (b) If the County staff cannot make a determination based on field inspection and/or review of existing County aerial photography or digital data, customers may provide, at their own expense, accurate pervious and impervious area and other supplemental information to the director or his/her designee, including, but not limited to, a survey certified by a registered land surveyor or a professional engineer. Failure to provide the required information within the time limits established by the director or his/her designee, as may be reasonably extended, may result in denial of the customer's adjustment request.
- (c) Once a completed adjustment request and all required information has been received, the director or his/her designee shall within 60 calendar days render a written decision.
- (d) In considering an adjustment request, the director or his/her designee shall consider whether the calculation of the stormwater user rate charge for the property is correct.
- (e) The director's decision shall be in writing and will be mailed to the address provided on the adjustment request, and the decision shall be complete upon mailing.

- (c) Once a completed adjustment request and all required information has been received, the director or his/her designee shall within 60 calendar days render a written decision.
- (d) In considering an adjustment request, the director or his/her designee shall consider whether the calculation of the stormwater user rate charge for the property is correct.
- (e) The director's decision shall be in writing and will be mailed to the address provided on the adjustment request, and the decision shall be complete upon mailing.
- (f) If the result of an adjustment is that a refund is due to the applicant, the refund will be made to the applicant in a timely manner.

The within ordinance shall be and become effective immediately upon its approval by the Spalding County Board of Commissioners.

Approved on first reading this 21 day of July, 2026.

Approved on second reading this the 3 day of August, 2026.



Clay W. Davis, III, Chairperson



Steve Ledbetter, PhD, County Clerk