

**ORDINANCE NO. \_\_\_\_\_**

**COUNTY OF BARROW    )**

**STATE OF GEORGIA     )**

AN ORDINANCE TO AMEND THE BARROW COUNTY STORMWATER ORDINANCE TO PROVIDE FOR STORMWATER CREDITS; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

**WHEREAS**, the Constitution of the State of Georgia, approved by the voters of the State in November of 1982, and effective July 1, 1983, provides in Article IX, Section II, Paragraph I thereof, that the governing authority of the county may adopt clearly reasonable ordinances, resolutions, and regulations; and

**WHEREAS**, O.C.G.A. § 36-1-20 authorizes counties to enact ordinances for protecting and preserving the public health, safety, and welfare of the population of the unincorporated areas of the County; and

**WHEREAS**, the governing authority of Barrow County, to wit, the Board of Commissioners, desires to exercise its authority in adopting this Ordinance;

**WHEREAS**, to incentivize stormwater management and water protection education, the Board of Commissioners desires to amend the Stormwater Ordinance to provide a stormwater service fee credit for properties that maintain on-site stormwater detention or retention facilities and for properties used as a site for public or private schools teaching a curriculum that includes water protection measures.

**NOW, THEREFORE**, BE IT ORDAINED AND RESOLVED BY THE BOARD OF COMMISSIONERS OF BARROW COUNTY, GEORGIA as follows:

1.

The Barrow County Code of Ordinances, Chapter 90, Article VI, is hereby amended by adding the following sections:

**Section 90-509. – Stormwater Credit**

A stormwater credit is a reduction in the stormwater service fee for properties that meet the following requirements. Such properties shall be eligible for a 40% percent reduction in the stormwater service fee, provided however, that no service fee shall be less than the established base rate. Where the 40% stormwater credit will cause the service fee to fall below the established base rate, the service fee shall be reduced only to the base rate. There shall be two categories of properties eligible for the stormwater credit, as follows:

(1)

Properties with on-site stormwater detention or retention facilities that are designed to properly manage the stormwater runoff from impervious surface areas in accordance with the stormwater criteria described in the Georgia Stormwater Management Manual, latest edition.

(2)

Properties used as a site for a public or private school, which school agrees to teach a general environmental science curriculum that includes water protection measures at the primary or secondary level. Recommended water protection programs include the Water Wise Program, the River Kids Program, Enviroscape Program, GLOBE (Global Learning and Observation to Benefit the Environment) Program or another such program approved by the stormwater coordinator, which will result in benefits to Barrow County as a result of teaching such program. Prior to the application deadline each year, the superintendent of the Barrow County School System, or in the case of private schools the chief executive officer of the school, shall certify to the stormwater coordinator the water protection measures curriculum being taught in each school for which an educational credit is being claimed; the grade levels, number of students, and percentage of total students being taught; and the number of contact hours. For purposes of this educational credit, a public school shall be any school operated by (1) the Barrow County School District or (2) a corporation or other legal entity holding a charter for such school from either the Barrow County School District or the State Charter Schools Commission, and a private school shall be a school operated by a private entity teaching some or all of the grades K through 12 at which are taught subject[s] commonly taught in the public schools operated by the Barrow County School District.

## **Section 90-510. – Stormwater Credit Application Procedures**

- (1) In order to obtain a credit, applicants must make application to the stormwater coordinator on forms provided by the stormwater coordinator for such purpose. The application package can be picked up at the Stormwater Department located at 30 North Broad St., Winder, GA 30680 or downloaded from the County website at [www.barrowga.org](http://www.barrowga.org).
- (2) Applicants must apply for any credits or adjustments that they believe apply.
- (3) 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, any application fee, and be in the format established by the stormwater coordinator. Incomplete applications will not be accepted by the stormwater coordinator.
- (4) Applicants that have on-site detention or retention must have an approved maintenance plan on file with the Stormwater Department.
- (5) Applicants that have on-site detention or retention must have a Licensed Engineer complete section 2 of the application.
- (6) When an application for a credit is deemed complete by the stormwater coordinator, the stormwater coordinator shall have 30 days from the date the complete application is accepted to grant or deny the credit. The applicant may appeal such determination by application for writ of certiorari before the superior court of Barrow County, filed within 30 days of the date of mailing of the decision of the stormwater coordinator.
- (7) The application deadline for each year is July 1. Applications submitted after the deadline will be processed during the next billing cycle. Applicants that obtain a credit for on-site detention or retention shall not have to reapply annually for the credit granted.
- (8) The stormwater coordinator may review the credit annually, and may terminate the credit if the stormwater coordinator determines that on-site detention or retention facilities are no longer in compliance with the Georgia Stormwater Management Manual or that the school is no longer teaching an environmental science curriculum that includes water protection programs approved by the stormwater coordinator. Properties no longer in compliance have 30 days to correct the deficiencies before such credit is terminated. If terminated, the applicant may, if possible, correct the deficiencies which caused the termination and reapply for the credit, or may appeal such determination by application for writ of certiorari before the superior court of Barrow County, filed within 30 days of the date of mailing of the decision of the stormwater coordinator.

2.

**Remaining Portions Unaffected.** All remaining portions of the Barrow County Code of Ordinances shall continue in full force and effect, and shall remain unaffected by this amendment.

3.

**Severability.** It is the express intent of the Barrow County Board of Commissioners that this Ordinance be consistent with both federal and State law. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

4.

**Conflicting Ordinances Repealed.** Any and all Ordinances or parts of Ordinances in conflict herewith shall be, and the same are, hereby repealed to the extent of such conflict.

5.

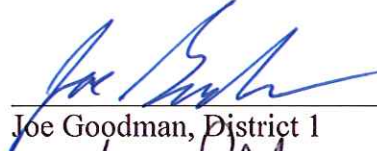
**Effective Date.** This Ordinance shall become effective immediately upon passage.

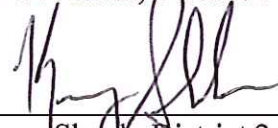
PASSED AND ADOPTED THIS 28 DAY OF July, 2015,  
the public health, safety, and welfare demanding it.

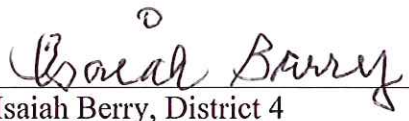
[SIGNATURES ON FOLLOWING PAGE]

**BARROW COUNTY BOARD OF  
COMMISSIONERS:**

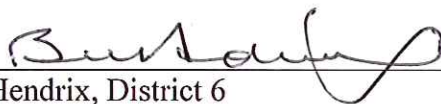
  
Pat Graham, Chair

  
Joe Goodman, District 1

  
Kenny Shock, District 2

  
Isaiah Berry, District 4

  
Billy Parks, District 5

  
Ben Hendrix, District 6



Attest:



Danielle Austin, Clerk to the Board