

10-0-1059

(Do Not Write Above This Line)

AN ORDINANCE  
BY CITY UTILITIES COMMITTEE

AN ORDINANCE TO AMEND SECTION 173 (CHARGES FOR SEWERS LAID BY DEVELOPER FOR USE OF DEVELOPMENT), DIVISION 2 (ASSESSMENTS), CHAPTER 154 (UTILITIES), ARTICLE IV (SEWER CONSTRUCTION AND ASSESSMENTS), OF THE CITY OF ATLANTA CODE OF ORDINANCES TO INCREASE CERTAIN FEES AND IMPOSE NEW FEES FOR PIPE AND STRUCTURAL INSPECTION, EROSION CONTROL AND CONSTRUCTION INSPECTION, SITE PLAN REVIEW, AND OTHER SERVICES; TO CREATE A NEW SECTION 48 (EROSION CONTROL AND CONSTRUCTION INSPECTION FEES), ARTICLE II (SOIL EROSION AND SEDIMENTATION CONTROL), CHAPTER 74 (ENVIRONMENT) TO IMPOSE NEW FEES FOR EROSION AND SEDIMENTATION PLAN REVIEW AND OTHER REVIEWS; TO CREATE A NEW SECTION 318 (APPLICATION FEES), ARTICLE VII (RIPARIAN BUFFER REQUIREMENTS) CHAPTER 74 (ENVIRONMENT), TO IMPOSE A NEW FEE FOR RIPARIAN BUFFER AUTHORIZED ENCROACHMENT APPLICATION REVIEW; AND TO CREATE A NEW SECTION 521 (FEES), ARTICLE X (POST DEVELOPMENT STORMWATER MANAGEMENT) CHAPTER 74 (ENVIRONMENT) TO IMPOSE A NEW FEE FOR REVIEWS RELATED TO POST DEVELOPMENT STORMWATER MANAGEMENT PLANS; AND FOR OTHER PURPOSES.

- CONSENT REFER *substitute*
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred *06/21/10*

Referred To: *City Utilities*

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee *CITY UTILITIES*  
Date *JUNE 15 2010*  
Chair *Walter C. ...*  
Referred to *...*

Committee *CITY UTILITIES*

Date *JULY 29, 2010*

Chair

Action  
Fav, Adv, Hold (see rev. side)  
Other

Members

*Substituted  
AND HELD  
SEPT. 14, 2010*

Refer To

Committee

Date

Chair

Action  
Fav, Adv, Hold (see rev. side)  
Other

Members

Refer To

Committee

Date

Chair

Action  
Fav, Adv, Hold (see rev. side)  
Other

Members

*AUTOMATICALLY TERMINATED*

*FILED BY CLERK  
PER CHARTER SECTION 2-407  
DEC 02 2013*

Refer To

Committee

Date

Chair

Action  
Fav, Adv, Hold (see rev. side)  
Other

Members

Refer To

FINAL COUNCIL ACTION

- 2nd
- 1st & 2nd
- 3rd
- Readings
- Consent
- V Vote
- RC Vote

CERTIFIED

*CERTIFIED*  
DEC 02 2013  
ATLANTA CITY COUNCIL PRESIDENT  
*[Signature]*

*CERTIFIED*  
DEC 03 2013  
Randa Dushin Johnson  
MUNICIPAL CLERK

MAYOR'S ACTION

**AN ORDINANCE  
BY CITY UTILITIES COMMITTEE**

**AN ORDINANCE TO AMEND SECTION 173 (CHARGES FOR SEWERS LAID BY DEVELOPER FOR USE OF DEVELOPMENT), DIVISION 2 (ASSESSMENTS), CHAPTER 154 (UTILITIES), ARTICLE IV (SEWER CONSTRUCTION AND ASSESSMENTS), OF THE CITY OF ATLANTA CODE OF ORDINANCES TO INCREASE CERTAIN FEES AND IMPOSE NEW FEES FOR PIPE AND STRUCTURAL INSPECTION, EROSION CONTROL AND CONSTRUCTION INSPECTION, SITE PLAN REVIEW, AND OTHER SERVICES; TO ~~CREATE A NEW SECTION 48 (EROSION CONTROL AND CONSTRUCTION INSPECTION FEES), ARTICLE II (SOIL EROSION AND SEDIMENTATION CONTROL), CHAPTER 74 (ENVIRONMENT) TO IMPOSE NEW FEES FOR EROSION AND SEDIMENTATION PLAN REVIEW AND OTHER REVIEWS; TO CREATE A NEW SECTION 318 (APPLICATION FEES), ARTICLE VII (RIPARIAN BUFFER REQUIREMENTS) CHAPTER 74 (ENVIRONMENT), TO IMPOSE A NEW FEE FOR PLAN REVIEW RELATED TO RIPARIAN BUFFER AUTHORIZED ADMINISTRATIVE ENCROACHMENT APPLICATIONS REVIEW; AND TO CREATE A NEW SECTION 521 (FEES), ARTICLE X (POST DEVELOPMENT STORMWATER MANAGEMENT) CHAPTER 74 (ENVIRONMENT) TO IMPOSE A NEW FEE FOR PLAN REVIEWS RELATED TO POST DEVELOPMENT STORMWATER MANAGEMENT PLANS; TO CREATE A NEW SECTION 208 (FEES), ARTICLE VI (FLOOD AREA REGULATIONS) CHAPTER 74 (ENVIRONMENT) TO IMPOSE A NEW FEE FOR PLAN REVIEW RELATED TO FLOODPLAIN MANAGEMENT; TO CREATE A NEW SECTION 406 (FEES), ARTICLE VIII (WETLAND PROTECTION REGULATIONS) CHAPTER 74 (ENVIRONMENT) TO IMPOSE A NEW FEE FOR PLAN REVIEW RELATED TO WETLANDS PROTECTION; AND FOR OTHER PURPOSES.~~**

**WHEREAS**, the Department of Watershed Management performs plan reviews, site inspections, pipe and structural inspections, transportation system inspections, erosion control and construction inspections stormwater management system inspections, sanitary sewer management inspections, riparian buffer ~~authorized administrative~~ encroachment application reviews, post-development stormwater management reviews, and other services; and

**WHEREAS**, the Department of Watershed Management charges certain fees to recuperate the costs associated with some of these services and these fees have not been reviewed or updated to reflect actual costs since 2005 when Atlanta City Council adopted 04-O-1873; and

**WHEREAS**, pursuant to Section 154-173 of the Code, the Council is authorized to establish fees for inspection of sanitary sewers and storm sewers laid by developers for private development that are required to obtain a permit from the Commissioner of the Department of Watershed Management; and

**WHEREAS**, pursuant to Section 74-47(a) of the Code, the Council is authorized to establish fees for inspections, plan reviews, or other administrative or regulatory services required to ensure compliance with the City of Atlanta Erosion, Sedimentation, and Pollution Control Ordinance (§ 74-36 *et seq.* of the Atlanta City Code); and

**WHEREAS**, the Commissioner of the Department of Watershed Management recommends that adjustment of existing fees and creation of new fees is appropriate to capture the actual costs to the Department and make the water and sewer enterprise fund whole for services provided to its customers; and

**WHEREAS**, it is in the best interests of the City of Atlanta to update fees to reflect actual costs and to create new fees for services where actual costs are not yet being recovered by fees paid by the users of the aforementioned services;

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS** as follows:

**SECTION 1:** Pursuant to the authority granted in this ordinance and ~~of in~~ Atlanta City Code Article IV (Sewer Construction and Assessments), Division 2 (Assessments), Chapter 154 (Utilities), Section 173 Atlanta City Code § 154-173 (Charges for sewers laid by developer for use of development); Article II (Soil Erosion, Sedimentation, and Pollution Control), Chapter 74 (Environment), Section 47(a); and Article IV (Sewer Construction and Assessments), Division 2 (Assessments), Chapter 154 (Utilities), Section 168 (Payment for privilege of connecting to sewer when assessment not made) of the Code of Ordinances; the rates referenced in Sections 17, 18 and 19, and in Attachment G of 04-O-1873 are amended by repealing the rates established therein and imposing the "proposed" rates contained in Attachment A and Attachment B to this ordinance.

**SECTION 2:** \_\_\_\_\_

That Atlanta City Code § 74 47 entitled "LDA permit fees" is hereby amended to read as follows:

**"Sec. 74-47. Fees.**

(a) — ~~Land-disturbing activity fee.~~ In addition to any other fee charged in this Code of Ordinances, including, in particular, those fees set out in Appendix B of the Atlanta City Code entitled "Fees," there is assessed a fee of forty dollars (\$40.00) per disturbed acre payable to the City of Atlanta upon application to perform land-disturbing activities. This fee is adopted as required by the State of Georgia pursuant to O.C.G.A. § 12-5-23(5)(a), and the Rules and Regulations for Water Quality Control of the Georgia Department of Natural Resources. This fee

shall be collected as a separate and distinct charge for the purposes of administering the implementation of the state general permit, which has been delegated to the city as a local issuing authority pursuant to O.C.G.A. § 12-7-1 *et seq.*

(b) — *Re-inspection fee.* The Commissioner shall charge a fee of fifty dollars (\$50.00) for the re-inspection of a project if a re-inspection is requested prior to the end of a compliance period and the site is found to remain out of compliance upon that inspection. Such fees shall be allocated to cover administrative, field-inspection, and transportation costs, and said re-inspection fee shall be paid prior to the final sign-off.”

**SECTION 2:** \_\_\_\_\_

A new Section 74-48 of the Atlanta City Code entitled “Erosion Control Construction Inspection Fees” is created to read as follows:

**~~“Sec. 74-48. Erosion Control Construction Inspection Fees.~~**

~~Where inspections, plan reviews, or other administrative or regulatory services are required for compliance with this ordinance, fees shall be collected in accordance with the schedule of fees and charges established by the council from time to time, copies of which shall be kept on file in the office of the municipal clerk and the commissioner.”~~

**SECTION 3:** \_\_\_\_\_ Pursuant to the authority of Section 74-48 of the Code of Ordinances, rates, fees and charges are established and imposed to recover costs of services according to the “proposed” rates contained in Attachment A to this ordinance.

**SECTION 4:** That Atlanta City Code § 74-318 (Riparian Buffer Ordinance) entitled “Reserved” is hereby amended to read as follows:

**~~“Sec. 74-318. Application Fees.~~**

~~Where inspections, plan reviews, authorized encroachment application review and processing, or other administrative or regulatory services are required for compliance with this ordinance, fees shall be collected in accordance with the schedule of fees and charges established by the council from time to time, copies of which shall be kept on file in the office of the municipal clerk and the commissioner.”~~

~~Where review and processing of administrative encroachment applications are required for compliance with this ordinance, fees shall be collected in accordance with the schedule of fees and charges established by the council from time to time, copies of which shall be kept on file in the office of the municipal clerk and the commissioner.”~~

**SECTION 53:** A new Section 74-521 of the Atlanta City Code (Post-Development Stormwater Management Ordinance) is created to read as follows:

**"Sec. 74-521. Fees.**

Where inspections, plan reviews, or other administrative or regulatory services are required for compliance with this ordinance, fees shall be collected in accordance with the schedule of fees and charges established by the council from time to time, copies of which shall be kept on file in the office of the municipal clerk and the commissioner."

SECTION 4: A new Section 74-208 of the Atlanta City Code (Flood Area Regulations Ordinance) is created to read as follows:

"Sec. 74-208. Fees.

Where inspections, plan reviews, or other administrative or regulatory services are required for compliance with this ordinance, fees shall be collected in accordance with the schedule of fees and charges established by the council from time to time, copies of which shall be kept on file in the office of the municipal clerk and the commissioner."

SECTION 5: A new Section 74-406 of the Atlanta City Code (Wetland Protection Regulations Ordinance) is created to read as follows:

"Sec. 74-406. Fees.

Where inspections, plan reviews, or other administrative or regulatory services are required for compliance with this ordinance, fees shall be collected in accordance with the schedule of fees and charges established by the council from time to time, copies of which shall be kept on file in the office of the municipal clerk and the commissioner."

SECTION 6: Pursuant to the authority of Section 74-522 of the Code of Ordinances, rates, fees and charges are established and imposed to recover costs of services according to the "proposed 2010" rates contained in Attachment A to this ordinance.

SECTION 6: That the applicable fees listed in this ordinance and in the attachments hereto shall be doubled and charged for any building or land disturbing activity (as defined in § 74-37(21) of the Atlanta City Code) begun without a permit.

SECTION 77: ———That Volume II, Appendix B (Fees), shall be revised, as necessary, to reflect the imposition of fees in accordance with this ordinance.

SECTION 88: ———All Land Development Plan Review fees set out in Attachment A to this ordinance shall be deposited to the Water/Sewer Enterprise Fund in the following fund: 5051-

000002-3442703-0000000, Site Development Plan Review, or as otherwise directed by the Chief Financial Officer. Monies from fees in this ordinance shall be deposited in the general ledger of the fund from which services are rendered in accounts to be identified by the Chief Financial Officer.

**SECTION 9:** All Erosion Control and Construction Inspection fees set out in Attachment B shall be deposited to the Water/Sewer Enterprise Fund in the following fund: 5051-000002-3442711, Erosion Fees & Fines, or as otherwise directed by the Chief Financial Officer.

**SECTION 910:** ——— Nothing in this ordinance repeals any existing fee unless such repeal is specifically stated herein.

**SECTION 11:** In the case where a fee ordained herein is also ordained in a different ordinance, this ordinance shall not be construed to authorize said fee to be charged multiple times unless a duplicate charge is specifically authorized herein.

**SECTION 12:** If any provision, clause, sentence or paragraph of this ordinance, or the application thereof to any person or circumstances, shall be held invalid, such invalidity shall not affect the other provisions or application of the provisions of this ordinance which can be given effect without the invalid provisions or application and, to this end, the provisions of this ordinance are hereby declared to be severable.

**SECTION 130:** That this ordinance shall be effective upon approval by the Mayor or upon its becoming law without the Mayor's approval.

**SECTION 141:** That all ordinances or parts of ordinances in conflict herewith are hereby waived to the extent of the conflict.