

First Reading:10/14/2019

Passed: 10/28/2019

**AN ORDINANCE NO. 2019-1020**

**AN ORDINANCE ESTABLISHING A WATER AND SEWER SYSTEM  
CONNECTION FEE AND INSTALLATION FEE FOR NEW WATER AND  
SEWER CONNECTIONS WITHIN THE CITY OF BALDWIN'S WATER AND  
SEWER SERVICE DELIVERY AREA**

WHEREAS; Funding of water and sewer system improvements is a shared responsibility between the City of Baldwin as a water and sewer provider and businesses, land developers, land subdivisions and other water and sewer users who desire to connect to the City's water and sewer system; and

WHEREAS; The City desires to enact an ordinance to provide for a system connection fee and installation fee within the City's water and sewer service delivery area;

Now, Therefore, BE IT ORDAINED, and IT IS HEREBY ORDAINED that the following ordinance provisions are hereby adopted and shall hereafter be incorporated into the Code of Ordinances of the City of Baldwin, Georgia.

**Sec. 1. Authority.**

Authority for the Mayor and City Council of the City of Baldwin, Georgia, to adopt this Ordinance includes but is not limited to powers vested in it by the State of Georgia Constitution, the City Charter of the City of Baldwin, Georgia, and applicable general laws of the State of Georgia including The Municipal Home Rule Act of 1965 (O.C.G.A. § 36-35-1 et seq.).

Pursuant to O.C.G.A. § 36-34-5, the City of Baldwin as a municipal corporation has authority to construct, reconstruct, improve, better, and extend a water and sewer system within its service areas, and to prescribe, revise, and collect rates, fees, tolls, or charges for the services, facilities, or commodities furnished to persons or users or made available by such systems to the property owner at such owner's property.

**Sec. 2. Relationship to Connection Fees and Installation Fees.**

The City of Baldwin as a municipal corporation providing water and sewer service is authorized by O.C.G.A. § 36-71-13(c) to collect a proportionate share of the capital cost of water and wastewater facilities by way of hook-up or connection fees as a condition of water and sewer service to new or existing customers, without complying with the

provisions of the Georgia Development Impact Fee Act of 1990, O.C.G.A. § 36-71 et seq.

**Sec. 3. Applicability.**

The Connection Fee and Installation Fee specified by this ordinance shall apply only within the City of Baldwin's Water and Sewer Service Delivery Areas the boundaries of which are shown on one or more pre-existing maps titled "City of Baldwin Water and Sewer System" as maintained within the office of the City Clerk, with boundaries of said areas shown, which is hereby incorporated into this ordinance by reference.

**Sec. 4. Definitions.**

**Equivalent Residential Unit (ERU):** The ERU is a standardizing concept which allows demands for water consumption by different types of residential units and nonresidential uses to be compared to (and expressed in terms of) a single-family, detached, site-built dwelling. One ERU (Equivalent Residential Unit) is equal to the general average water consumption of a detached, single-family, site-built dwelling which is 100 gallons per capita per day or 300 gallons per unit depending on household size. The ERUs for various uses are provided in Attachment "C" and which is incorporated by reference into this ordinance.

**Sec. 5. System Connection Fee Established.**

Individual consumers, at the time they make application for water and sewer service to the City of Baldwin, shall pay to the City of Baldwin a connection fee and other related fees as outlined in Attachment "A" Water and Sewer Connection Fee and which is incorporated by reference into this ordinance. For domestic water meters 2" and larger, the connection fee for sewer will be determined on projected consumption at a rate of the Equivalent Residential Unit (ERU), as defined by this ordinance and exhibited in Attachment "B" and which is incorporated by reference into this ordinance. Payment of said fee shall be in addition to required payment(s) according to any schedule of fees and charges and/or costs of meter and installation. Payment of the system connection fee shall be considered a condition of the City providing water and sewer service to said individual consumer.

Individual consumers at the time of application for a water meter, shall submit sufficient information to the City Administrator a/k/a City Manager so that the ERU's can be calculated. At minimum such information shall include a full and complete description of the proposed land use and development activity proposed on the site served by the water meter, including, where applicable, the square footage of building(s) and/or square footage of each use within building(s) if different.

**Sec. 6. Mixed Uses and Other Uses Not Specified.**

If a water meter is requested for a building with mixed uses, the fee shall be determined according to the combination of uses most closely approximating the uses listed in Attachment A under the definition of Equivalent Residential Unit provided in this Ordinance.

If the use of a building for which a water meter is applied for is not specified in the table under the definition of Equivalent Residential Unit (ERU) provided in this Ordinance, the City Administrator a/k/a City Manager shall use and apply the use listed in said table that is most nearly comparable to the proposed use.

**Sec. 7. Change or Modification in Use.**

In the case of change of use, redevelopment, or modification of an existing use which requires the issuance of or resizing of a water meter, or a change in certificate of occupancy, the system connection fee for such change in use, redevelopment, or modification shall be based upon the net increase in the number of Equivalent Residential Units (ERUs) for the new use as compared to the previous use, as determined by the City Administrator a/k/a City Manager.

**Sec. 8. Remedy for Nonpayment of System Connection Fee and Installation Fee.**

The Baldwin Water Department may withhold installation of a water meter or refuse to permit connection to the Baldwin water and sewer system in cases where the system connection fee and installation fee required by this Ordinance has not been paid.

**Sec. 9. Penalty for Omissions.**

If it is discovered by the City through inspection or other means that an applicant did not accurately portray the land use at the time of water meter application, and the use on a given site would require a connection fee in an amount that exceeds the Equivalent Residential Unit specified in this Ordinance which was paid for said water meter, the City of Baldwin shall bill the individual consumer for the unpaid system connection fee at a rate of 1.5 times the system connection fee that would have been required under the terms of this Ordinance for said use. After the expiration of sixty (60) days from such notice being mailed or delivered to the individual consumer, the City of Baldwin shall have the authority to withhold or discontinue future water service to the customer until the additional increment of the required system connection fee is paid.

**Sec. 10. Exemptions.**

The following may be exempted from payment of the system connection fee required by this Ordinance:

- (a) Application for the replacement of an existing water meter, where there is no alteration or expansion of an existing building or use of land requiring the consumption of water, as determined by the City Administrator a/k/a City Manager, or where no additional demand for water system improvement facilities will result.
- (b) All or part of the system connection fee for a particular project determined by the Mayor and City Council as constituting extraordinary economic development, which shall be considered to mean any nonresidential development activity determined by the City of Baldwin to be a positive catalyst in shaping the City's economic stability.

**Sec. 11. Refunds.**

A refund of a system connection fee paid to the City of Baldwin as required by this Ordinance may upon application be granted by the City Administrator a/k/a City Manager when one or more of the following conditions exist:

- (a) If the actual gross square footage constructed after the issuance of the building permit is less than the amount specified in the application for water meter, the applicant for the water meter shall be entitled to a refund of the excess portion of the system connection fee.
- (b) In the event that system connection fee is paid but the water meter or building permit for the use is abandoned, upon submission of adequate evidence to the Administrator that the fee was paid and received by the City of Baldwin, and that the building permit was abandoned.

**Sec. 12. Accounting.**

The City of Baldwin shall maintain all revenues derived from the collection of the system connection fees in a separate account.

**Sec. 13. Limitations on Expenditures.**

Revenues collected from the system connection fees pursuant to this Ordinance shall only be expended for water and sewer system improvements within the City of Baldwin Service Delivery Area and capacity-related improvements to the water and wastewater treatment plants. Revenues from system connection fees may be used for the payment of principal and interest on bonds, notes or other financial obligations issued by or on behalf of the City to finance water and sewer system improvements within the City of Baldwin

Service Delivery Area or for capacity-related improvements to the water and wastewater treatment plants.

**Sec. 14. Administration.**

This Ordinance shall be administered by the City Administrator a/k/a City Manager.

**Sec. 15. Appeal.**

Where it is alleged that the City Administrator a/k/a City Manager or another City Official has made an error in the application or administration of this Ordinance, the person alleging the error may appeal the administrative decision to the Baldwin Mayor and City Council, which shall be authorized to overturn, reverse, or otherwise modify the decision of an administrative officer made pursuant to this Ordinance.

Any appeal received and all papers constituting the record upon which the action appealed from was taken shall forthwith be transmitted by the City Administrator a/k/a City Manager to the City Clerk for consideration by the Baldwin Mayor and City Council. Such appeal shall be taken to the Baldwin Mayor and City Council for consideration within thirty-five (35) days of receipt by the City Administrator a/k/a City Manager.

During consideration by the Baldwin Mayor and City Council, any party may testify in person, or by agent or by attorney. The Baldwin Mayor and City Council shall make findings and render a decision in writing within thirty-two (32) days after the initial meeting that it was first scheduled to hear the administrative appeal. The City Clerk shall notify the applicant, in writing, of the decision of the Baldwin Mayor and City Council on the administrative appeal application within five (5) working days after the Baldwin Mayor and City Council has rendered its decision.

**Sec. 16. Repealer.**

The "Sewer Connection Fee" resolution dated June 17, 2003, as well as any other ordinances, resolutions, parts of resolutions, or regulations in conflict herewith are repealed, but any fees or assessments under said ordinances shall continue to be valid charges until paid by the applicable consumer.

**Sec. 17. Severability.**

Should any section of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

**Sec. 18. Compilation.**

It is the intention of the Mayor and City Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Compilation of Ordinances of the City of Baldwin, Georgia, and the sections of this Ordinance may be renumbered to accomplish such intention.

**Sec. 19. Effective Date.**

This Ordinance shall become effective immediately upon its adoption, the public welfare demanding it.

This 28<sup>th</sup> day of October, 2019

\_\_\_\_\_  
Mayor, Joe Elam

\_\_\_\_\_  
Council Member, Jeff Parrish

\_\_\_\_\_  
Council Member, Theron Ayers

\_\_\_\_\_  
Council Member, Larry Lewallen

\_\_\_\_\_  
Council Member, Alice Venter

ATTEST:

\_\_\_\_\_  
Council Member

Emily W. Wolf  
City Clerk

APPROVED AS TO FORM:

Howard Dyson  
City Attorney

**City of Baldwin  
Water and Sewer Connection Fee Schedule**

**Attachment A**

**WATER**

| METER SIZE | METER COST | CONNECTION FEE | ADMIN FEE | CITY INSTALLATION (TAP FEE) | METER RELOCATION  | ACCOUNT DEPOSIT |
|------------|------------|----------------|-----------|-----------------------------|-------------------|-----------------|
| ¾"         | \$800      | \$1,000        | \$50      | \$1,250 MINIMUM             | \$1,500 MINIMUM   | \$100           |
| 1"         | \$850      | \$1,200        | \$50      | \$1,250 MINIMUM             | \$2,000 MINIMUM   | \$100           |
| 2"         | \$1,000    | \$3,850        | \$100     | \$1,250 MINIMUM             | \$2,000 MINIMUM   | \$500           |
| 4"         | \$5,000    | \$24,000       | \$200     | CONTACT CITY HALL           | CONTACT CITY HALL | \$1,000         |
| 6"         | \$12,000   | \$48,000       | \$400     | CONTACT CITY HALL           | CONTACT CITY HALL | \$1,000         |
| 8"         | \$14,000   | \$75,000       | \$400     | CONTACT CITY HALL           | CONTACT CITY HALL | \$2,000         |

- METER PRICE INCLUDES METER, SETTER\*, BOX AND LID FOR ONE INCH METER AND LESS
- ALL CONNECTIONS REQUIRE A BACKFLOW PREVENTER INSTALED BY QUALIFIED PLUMBER. THE BACKFLOW PREVENTER MUST BE ON THE CUSTOMERS SIDE OF THE METER.
- METER RELOCATION – PROPERTY OWNER IS RESPONSIBLE FOR CONNECTING TO METER OR SETTER
- DEVELOPER MUST INSTALL CUT-OFF VALVE AND NOT USE METER TO TURN WATER ON AND OFF
- CONNECTION FEE – BASED ON POTENTIAL DEMAND ON WATER SYSTEM BASED ON METER SIZE

**SEWER**

| METER SIZE | CONNECTION FEE | CITY INSTALLATION (TAP FEE) |
|------------|----------------|-----------------------------|
| ¾"         | \$3,125        | \$800 MINIMUM               |
| 1"         | \$3,750        | \$800 MINIMUM               |
| 2"         | *              | \$800 MINIMUM               |
| 4"         | *              | \$800 MINIMUM               |
| 6"         | *              | CONTACT CITY HALL           |
| 8"         | *              | CONTACT CITY HALL           |

-ALL CONNECTIONS REQUIRE THE INSTALLATION OF A PVC SWINING CHECK VALVE / PVC BACKWATER VALVE BY A QUALIFIED PLUMBER.

-CONNECTION FEE – BASED ON POTENTIAL DEMAND ON SEWER SYSTEM BASED ON ERU's.

\*For domestic water meters 2" and larger, the CONNECTION Fee for Sewer will be determined on projected consumption. See attachment "B" ERU schedule.

---Under road boring and manhole boring will be charged at contractor's rate.---

This fee schedule is not all inclusive. Other fees and requirements may apply depending on complexity of work needed to complete a project.

City of Baldwin  
Sewer System Asset Fee Schedule  
Attachment B

Assets of Wastewater Treatment Plant - \$4,142,907  
Assets of Wastewater Collection System - \$4,198,039

Total Assets for Sewer System - \$ 8,340,946

Capacity of Wastewater Treatment System - 800,000 gallons

Cost per gallon of wastewater collected and treated – Assets/Capacity = \$10.42 per gallon

1 ERU = 300 gallons

ERU cost at 300 gallons per ERU = \$3,126

*The City will use \$3,125 per ERU for accounting purposes.*

Notes:

1. System Connection Fees are established by calculating the projected daily use (Attachment C) and multiplying by the current Fee (ERU)

Example: A Medical Facility with five examination rooms and ten daily employees Total Flow would be  $(5 \text{ rooms} \times 200) + (10 \text{ employees} \times 20) = 10,200 \text{ GPD}$

1 ERU = 300 GPD

ERU Fee = \$3,125 per ERU

Total ERU's =  $1,200/300 = 4 \text{ ERU's}$

System Connection Fee would be  $4 \times \$3,125 = \$12,500$



**CITY OF BALDWIN  
DESIGN WASTEWATER FLOWS ERU SCHEDULE  
Attachment C**

| <b>FACILITY</b>  | <b>Gallons Per Day (GPD)</b>         |
|--|--------------------------------------|
| Airport (Also RR and Bus Terminal)<br>No food services                     | 5/Passenger<br>+ 10/Employee         |
| Assembly Hall (Also Stadium, Racetrack)                                    | 5/Seat                               |
| Bar/Lounge (No Food Service)   | 30/Seat                              |
| Barber Shop  | 100/Chair<br>+ 20/Employee           |
| Bath House for Swimming Pool   | 10/Swimmer                           |
| Beauty Salon   | 125/Chair<br>+ 20/Employee           |
| Bowling Alley (No Food Services)   | 50/Lane<br>+ 20/Employee             |
| Car Wash (Self Operating)<br>(If recycling – Reduce by 50%)<br>(Automatic) | 100/Bay<br>165/Bay                   |
| (If recycling – Reduce by 50%)   |                                      |
| Churches or other places of Worship<br>(No Kitchen)<br>(With Kitchen)      | 5/Sanctuary Seat<br>7/Sanctuary Seat |
| Country Club (No Food Service)   | 25/Member                            |
| Dance Hall (No Food Service)   | 5/Person                             |
| Day Care Center (No Meals)<br>(With Meals)                                 | 15/Person<br>20/Person               |
| Dental Office  | 75/Chair<br>+ 20/Employee            |

|  |   |
|--|---|
| Fitness Center/Spa (No Shower)<br>(With Shower)  | 20/Person<br>50/Person  |
| Food Service<br>(Add 500 per machine if dishwasher machine is installed)                 |   |
| Restaurant, less than 24-hours/day   | 50/Seat   |
| Restaurant, 24-hours/day   | 75/Seat   |
| Restaurants on Interstates   | 100/Seat  |
| Drive-In Restaurants   | 50/Space  |
| Carryout Only: Food Stands   | 50/1000-Sq Ft<br>Floor Space<br>+ 20/Employee                                   |
| Funeral Home<br><br>(No Kitchen)<br>(With Kitchen)                                       | 300/Embalming<br>+ 100/Staff Member<br>+ 5/Sanctuary Seat<br>+ 7/Sanctuary Seat |
| Grocery Store  | 100/1000-Sq ft<br>Floor Space   |
| Hospital   | 250/Bed<br>+ 100/Resident Staff   |
| Hotel/Motel<br>(Add 500 per machine if washing machine is installed)<br>With Kitchenette | 100/Room<br>150/Room  |
| Industrial/Warehouse   | 35/Employee   |
| Laundry, (Coin Operated)<br>(Commercial)   | 400/Machine<br>600/Machine  |
| Medical Office   | 200/Exam Room<br>+ 20/Employee  |
| Multi-Family Residential   | 300/Unit PLUS<br>75/for each bedroom<br>over three                              |
| Nail Salon   | 100/Seat<br>+ 20/Employee   |
| Nursing Home/Personal Care Home  | 150/Bed<br>+ 100/Resident Staff   |

|  |  |
|--|--|
| Office   | 175/1000 Sq Ft                               |
| Pet Grooming Facility  | 400/Day<br>+ 20/Employee                     |
| Prison/Jail  | 125/Bed<br>+ 20/Employee                     |
| Rest Area<br>Determined from consultation with GDOT  |  |
| Retail Stores,<br>Convenience Stores (Freestanding) Larger of                              | 400/Restroom or<br>100/Commode or<br>Urinal  |
| Schools  | 20/Person                                    |
| Service Station<br>Interstate Location<br>24-Hour Operation                                | 3000 Minimum<br>325/Commode and/or<br>Urinal |
| Less Than 24-Hour Operation  | 250/Commode and/or<br>Urinal                 |
| Shopping Center/Mall   | 100/1000 Sq Ft<br>Enclosed Space             |
| Theaters   | 5/Seat<br>+ 20/Employee                      |
| Veterinary Office/Animal Hospital<br>(Add 500 per machine if washing machine is installed) | 100/Run<br>+ 10/Cage<br>+ 20/Employee        |

#### NOTES

Facilities with multiple uses require additive flows. For example: A grocery store with a food service would utilize 200/1000 Sq Ft **PLUS** 50/Seat.  
Applicants may submit alternative usage data when seeking to reduce system connection fees. The data must apply to an identical or closely similar facility.

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