

Ordinance No. 2013-05-02

**An Ordinance
Amending the Camden County
Code of Ordinances**

Camden County, North Carolina

BE IT ORDAINED BY THE CAMDEN COUNTY BOARD OF COMMISSIONERS as follows:

Article I: Purpose

The purpose of this Ordinance is to add new Chapter 53 of the Camden County Code of Ordinances of Camden County, North Carolina.

Article II. Construction

For purposes of this Ordinance, underlined words (underline) shall be considered as additions to existing Ordinance language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. New language of proposed ordinance shall be shown in italics (*italics*) and underlined.

**Article III. Add Chapter 53 to the Camden County Code of Ordinances
which shall read as follows:**

CHAPTER 53: STORMWATER MANAGEMENT UTILITIY

§ 53.01 FINDINGS.

(A) Stormwater runoff is a critical concern for Camden County due to the potential for flood damage to residential and commercial structures and productive agricultural land as well as its potential pollutant damage to the surrounding creeks, rivers, and sound.

(B) Water quality standards by state and federal law requiring that local governments develop more detailed, advanced, and costly stormwater programs are being mandated in an ever increasing number of cities and counties in North Carolina.

(C) Heretofore maintenance of conveyances has been the sole responsibility of private property owners, with the exception of road side ditches maintained by the NCDOT, with no concern for the overall performance of the natural water courses and manmade ditches and canals that make up the stormwater system.

(D) Effective stormwater management should be provided to protect, to the extent practicable, the citizens of the County from the loss of life and property damage from flooding.

48 (E) Chapter 153A, Article 15 of the North Carolina General Statutes, authorizes the
49 County to acquire, construct, establish, enlarge, improve, extend, maintain, own, operate, and
50 contract for the operation of Stormwater Management Programs designed to protect water
51 quality by controlling the level of pollutants in, and the quantity and flow of, stormwater and
52 structural and natural stormwater and Drainage Systems of all types.

53
54 (F) The establishment of a Stormwater Management Utility that would be accounted for as
55 a separate enterprise fund and would facilitate the provision of a Stormwater Management
56 Program is reasonable and in the public interest.

57
58 (G) North Carolina General Statute 153A-277 authorizes Camden County to establish and
59 revise from time to time, a schedule of rates and charges to fund the Stormwater Management
60 Program activities including both structural and natural stormwater conveyance and Drainage
61 System services provided by the Stormwater Management Utility.

62
63
64 **§ 53.02 PURPOSE:**

65
66 (A) A Stormwater Management Utility is hereby created as an identified fiscal and
67 accounting fund for the purpose of comprehensively addressing the Stormwater management
68 needs of the County. The County's Stormwater management needs are met herein (1) through
69 programs designed to protect and manage water quality and quantity by controlling the level of
70 pollutants in Stormwater runoff, and the quantity and rate of Stormwater received and conveyed
71 by structural and natural Stormwater and Drainage Systems of all types, (2) by establishing a
72 schedule of charges, (3) by defining the control, collection, and disbursal of funds, and (4) by
73 setting forth penalties, methods of appeals and exemptions.

74
75 **§ 53.03 DEFINITIONS:**

76
77 (A) For the purpose of this Article, the following words, terms, and phrases shall have the
78 meanings given to them in this section, except where the context clearly indicates a different
79 meaning:

80
81 **DEVELOPED LAND.** A land parcel altered from its Natural State.

82
83 **DRAINAGE SYSTEM.** Natural and structural channels, swales, ditches, swamps, rivers,
84 streams, creeks, wetlands, branches, reservoirs, ponds, drainage ways, inlets, catch basins,
85 gutters, pipes, culverts, bridges, head walls, storm sewers, lakes, and other physical works,
86 properties, and improvements that transfer, control, convey or otherwise influence the movement
87 of storm water runoff.

88
89 **EQUIVALENT RESIDENTIAL UNIT (ERU).** A unit of measure of impervious surface (in
90 square feet) that represents the impervious surface area on the average Single Family
91 Residential Parcel in the underlying jurisdiction as a unit of comparison. ERU shall mean for
92 the purposes of this Ordinance 4,500 square feet of impervious surface.

93 **GROSS PARCEL AREA.** *The property area contained within the legally described boundaries*
94 *of a property or the total lot size of a property, in acres.*

95 **IMPERVIOUS SURFACE.** *Developed areas of land that prevent or significantly impede the*
96 *infiltration of Stormwater into the soil. Typical Impervious Surfaces include, but are not limited*
97 *to: roofs, sidewalks, walkways, patios, private driveways, parking lots, access extensions, alleys*
98 *and other paved, engineered, compacted or gravel surfaces containing materials that prevent or*
99 *significantly impede the natural infiltration of Stormwater into the soil. Impervious Surface Area*
100 *is synonymous with Built Upon Area (“BUA”) as defined by the North Carolina Department of*
101 *environment and natural Resources.*

102
103 **NATURAL STATE.** *Existing undeveloped land where the soil and vegetation characteristics*
104 *have not been substantially modified or disturbed by human activities and the hydrologic*
105 *function is in an unaltered or natural condition.*

106
107 **SERVICE AREA.** *All land within Camden County and will be divided based on the topography*
108 *and outfalls, into 4 watershed subareas as shown in Exhibit A as South Mills Sawyers Creek,*
109 *Shiloh, and North River watersheds.*

110
111 **SERVICE CHARGE.** *A stormwater management service charge, applicable to a land parcel,*
112 *which generally reflects the impact on or demand for Stormwater management services provided*
113 *by the County to properly control and manage stormwater runoff quantity and/or quality*
114 *associated with the land parcel. The Service Charge will vary from one land parcel to another*
115 *based on the impervious surface and gross parcel areas. The Service Charge may vary for the*
116 *same class of service in different areas of the Service Area and may vary according to classes of*
117 *service.*

118
119 **SINGLE FAMILY RESIDENTIAL PARCEL.** *A parcel with a single family residential*
120 *structure used as a single family dwelling and whose primary use is as a single family residence.*

121
122 **STORMWATER.** *The runoff from precipitation that travels over natural state or developed*
123 *land surfaces and enters a drainage System.*

124
125 **STORMWATER MANAGER.** *A person working for or on behalf of the County to administer*
126 *the Stormwater Management Program*

127
128 **STORMWATER MANAGEMETN PROGRAM.** *An identified set of measures and activities*
129 *designed to reduce and/or manage stormwater quantity by controlling velocity, volume, and rate*
130 *– and to protect, restore and/or manage stormwater quality by controlling and/or reducing*
131 *pollutant.*

132
133 **STORMWATER MANAGEMENT UTILITY.** *An organizational structure that is responsible*
134 *for funding, administering, and operating the County’s Stormwater Management Program, and*
135 *that is supported through a rate structure based on the impervious surface area and gross area*
136 *found on land parcels located within the service area.*

137

138 UNDEVELOPED LAND. All land that is not altered from its natural state.

139
140 **§ 53.04 ESTABLISHMENT OF A STORMWATER MANAGEMENT UTILITY AND**
141 **STORMWATER MANAGEMENT ENTERPRISE FUND.**

142
143 (A) There is hereby established a Camden County Stormwater Management Utility that
144 shall be responsible for implementing, operating, and administering the County's Stormwater
145 Management Program as defined herein.

146
147 (B) There is hereby established a Camden County Stormwater Management Enterprise
148 Fund for the purpose of dedicating and protecting funding applicable to the responsibilities of
149 the Stormwater Management Utility including, but not limited to, rents, rates, fees, charges, and
150 penalties as may be established after due notice having been given and a public hearing held by
151 the Board of Commissioners. Funding may also include other funds transferred or allocated to
152 the Stormwater Management Utility by the Board of Commissioners. All revenues and receipts
153 of the Stormwater Management Utility shall be placed in the Stormwater Management
154 Enterprise Fund and all expenses of the Stormwater Management Utility shall be paid from the
155 Stormwater Management Enterprise Fund, except that other revenues, receipts, and resources
156 not accounted for in the Stormwater Management Enterprise Fund may be applied to stormwater
157 management activities as deemed appropriate by the Board. The Stormwater Management
158 Enterprise Fund accounting shall include the revenues and expenses attributed to each
159 watershed subarea as separate departments and no inter-departmental transfers shall be
160 permitted without the consent of the respective watershed committees and approval by the Board
161 of Commissioners.

162
163 **§ 53.05 JURISDICTION.**

164
165 (A) The jurisdiction of the Stormwater Management Utility shall extend throughout the
166 Service Area.

167
168 (B) The countywide stormwater program shall be managed as four (4) distinct watersheds
169 with an advisory committee for each: South Mills, Shiloh, Sawyers Creek, and North River.

170
171 (C) The Board of Commissioners shall appoint or reappoint 5 members to each watershed
172 advisory committee with 2 year terms, with 2 members appointed in even years and 3 members
173 in the odd years. These committees shall make recommendations to the Board of Commissioners
174 related to Level and Extent of Services and the annual program and budget.

175
176 **§ 53.06 RATE STRUCTURE.**

177
178 (A) Every parcel within the Service Area shall be subject to a Stormwater Management
179 Utility Service Charge derived from the rate structure described below. The rate structure to
180 distribute the cost of services associated with the operation, repair, improvement and
181 maintenance of public drainage systems and facilities through a schedule of rates, fees, charges,
182 and penalties related to the operation of a Stormwater Management Utility and Stormwater

183 Management Enterprise Fund as established in Article 53.04 shall be based on the following 3
184 rate components:

185
186 (1) Fixed Charge Per Account based on account existence which directly relates to
187 certain administrative, billing, collections, public outreach, and other charges as may be
188 allocated on a per parcel basis.

189
190 (2) Gross Parcel Area on a given land parcel, which is related to quantity of runoff and
191 total pollutant loading of stormwater runoff discharged from that land parcel. The gross area of
192 parcels will be fall into 5 tiers of parcel size and will be assigned Gross Are Units (GAUs) as
193 follows:

- 194 (a) A parcel of 0 to <2 acres in gross area is 1 GAU.
195 (b) A parcel of 2 to <5 acres in gross area is 2 GAUs.
196 (c) A parcel of 5 to <10 acres in gross area is 3 GAUs.
197 (d) A parcel of 10 to <100 acres in gross area is 4 GAUs.
198 (e) A parcel of 100 or greater acres in gross area is 5 GAUs.

199
200 (3) Impervious Surface Area on a given land parcel, which directly relates to the volume,
201 rate and pollutant loading of stormwater runoff discharged from that land parcel to the
202 County's structural and natural drainage systems and facilities. An Impervious Area Units
203 Charge for stormwater costs shall be allocated to impervious area on an Equivalent Residential
204 Unit (ERU) basis. Impervious Surface Area rates will apply to each unit or part thereof of
205 impervious area.

206
207 (a) Based on an analysis by the County of Impervious Surface Area on properties
208 throughout the County, an Impervious Surface Area of 4,500 square feet is hereby designated as
209 one (1) Equivalent Residential Unit (ERU).

210
211 (B) Each single family residential parcel shall be charged for one (1) ERU of impervious
212 area.

213
214 (C) Each residential unit in a townhome, condominium, or other multifamily structure with
215 individual unit ownership and duplexes shall be billed for one (1) ERU of impervious area.

216
217 (D) There will be no Impervious Area Units Charge for land parcels with fewer than 450
218 square feet of Impervious Surface Area.

219
220 (E) The Fixed Cost Per Account (FCPA) component shall be the same for each account
221 throughout the county.

222
223 (F) The Gross Acreage component represented by Gross Acreage Units (GAU), and
224 Impervious Area component represented by Equivalent Residential Units (ERU) shall vary for
225 each watershed based on the level of service and annual budget for the respective watershed.

226
227 § 53.07 SCHEDULE OF FEES AND CHARGES.
228

229 (A) The schedule of rates, fees, charges, and penalties related to this Ordinance shall be
230 adopted after notice and a public hearing as required by N.C. Gen. Stat. §153A-277. As set out
231 in N.C. Gen. Stat. §153A-277, the hearing may be held concurrently with the public hearing on
232 the County's proposed budget. The schedule of rates, fees, charges, and penalties shall apply to
233 all land parcels within the Service Area, except as may be altered by credits or exemptions
234 provided in this Article.

235
236 **§ 53.08 BILLING AND COLLECTION.**

237
238 (A) Method of billing. Billing and collection of the Stormwater Management Utility Service
239 Charges for stormwater management services and facilities shall be billed annually under the
240 general administration of the County Manager and shall be payable in the same manner as
241 property taxes.

242
243 (B) Delinquencies. Stormwater Management Utility Service Charge billings that are not
244 paid within the time allowed for the payment of property taxes shall be collected by any remedy
245 provided by law for collecting and enforcing private debts or in any other manner authorized by
246 law.

247
248 (C) Application of payment. Payment will be applied to a customer's bill in the following
249 order:

- 250 (1) Civil penalties assessed pursuant to this Ordinance.
251 (2) Stormwater Management Utility Service Charge.

252
253 (D) Appeal of disputed bills and adjustments. If any citizen wishes to dispute a Stormwater
254 Utility Service Charge billing or any other rents, rates, fees, charges, or penalties adopted
255 pursuant to this Article, that citizen must submit a written appeal within 60 days from the date of
256 billing, stating the reasons for the appeal, and providing information pertinent to the calculation
257 of the billed charge. A timely appeal shall stay the penalty deadlines. An appeal of a disputed bill
258 shall be filed with the Stormwater Manager for review and disposition. The appeal will follow a
259 three step process as follows:

260
261 (1) Over the shoulder appeals – Property owners are welcome to visit the Planning
262 Department and view their own individual properties to see what was drawn and measured as
263 impervious surface. Obvious errors will be corrected administratively.

264
265 (2) Formal Appeal - Contested areas will be identified and the owner may complete a
266 petition form and pay a fee to initiate a formal appeal. Upon a formal appeal Stormwater
267 Manager will visit the property and physically measure impervious surfaces. The staff
268 measurement will be used to correct the calculation whether there is a decrease or increase.

269
270 (3) Final Appeal - If the owner still contests the measurement, the owner may submit a
271 survey performed and sealed by a North Carolina licensed professional a surveyor or engineer,
272 or landscape architect. The surveyor shall use the definition of impervious surface from the state
273 Division of Water Quality.

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§ 53.09 DISPOSITION OF SERVICE CHARGES AND FEES.

(A) Stormwater Management Utility Service Charge and fee revenues shall be assigned and dedicated solely to the Stormwater Management Enterprise Fund in the County budget and accounting system, which shall be and remain separate from other funds, and shall be used only to fund identified Stormwater Management Program activities. The services charges and fees paid to and collected by virtue of the provision of this Article shall not be used for general or other governmental or proprietary purposes of the County, except to pay for costs incurred by the County in rendering services associated with the Stormwater Management Utility. The Stormwater Management Enterprise Fund accounting shall include the revenues and expenses attributed to each watershed subarea as separate departments and inter-departmental transfers shall not be permitted without the consent of the respective watershed committees and approval by the Board of Commissioners.

§ 53.10 EXEMPTIONS AND CREDITS APPLICABLE TO STORMWATER MANAGEMENT SERVICE CHARGES.

(A) Statement of Policy. Except as provided in this section, no public or private property shall be exempt from Stormwater Management Service Charges or receive a credit or offset against such Stormwater Management Service Charges. No exemption or reduction in Stormwater Management Service Charges shall be granted based on the age, tax or economic status, race, or religion of the customer, or other condition unrelated to the cost of providing stormwater services and facilities.

(B) Exemptions. No public or private property shall be exempt from Stormwater Management Utility Service Charges, with the following exceptions:

(1) Publically dedicated roads, streets, greenways, sidewalks and other publically dedicated rights of way and easements for vehicular or pedestrian traffic that are available for use by the general public for transportation purposes, shall be exempt from County Stormwater Management Utility Service Charges. This exemption shall not apply to internal site roadways within public facilities.

(2) Railroad rights-of-way used or formerly used for trackage shall be exempt from County Stormwater Management Utility Service Charges. This exemption shall not be construed to apply to railroad stations, maintenance buildings, or other developed land used for railroad purposes.

(C) Credits. The following credits may be allowed upon adoption of a Credit Application Instruction Manual by the Board:

(1) Non single family residential parcels that provide measures to mitigate the impacts of runoff on the stormwater system may be eligible for one or more credits to the Impervious Area

321 Units or the Gross Acre Units Charge portions of the Stormwater Management Utility Service
322 Charge, proportional to the extent those measures address the impacts of peak discharge and
323 total runoff volume from the site.

324
325 (2) The Credit Application Instruction Manual may be approved by the Board and
326 placed on file with the County Clerk at which time it shall be followed in establishing applicable
327 credits to a customer's Impervious Area Units Charge or Gross acre Units portion of the
328 Stormwater Management Utility Service Charge.

329
330 (3) Each credit allowed against a portion of the Stormwater Management Utility Service
331 Charge shall be conditioned on continuing compliance with the performance standards set forth
332 in the Credit Application Instruction Manual and/or the applicable standards set out in the
333 County's Unified Development Ordinance existing at the time of construction of such facilities
334 and may be rescinded for noncompliance with those standards.

335
336 (4) Each credit for which a customer applies shall be subject to review and approval by
337 the Stormwater Manager. The Stormwater Manager may approve or reject any application for a
338 credit in whole or in part.

339
340 **§ 53.11 JOYCE CREEK ADDENDUM.**

341
342 (A) The Joyce Creek Special Assessment Tax for property owners within the tax district
343 boundaries shall be eliminated, and replaced with the Stormwater Utility Fee for the South Mills
344 Watershed, provided, however in the event that the stormwater utility fee for South Mills
345 Watershed is itself eliminated or discontinued, the Joyce Creek special assessment tax for
346 property owners within the tax district boundaries would be automatically reinstated under the
347 same terms and conditions as it exists at the time this Ordinance is approved.

348
349 (B) The Joyce Creek Management Board shall remain in place to and shall have complete
350 autonomy and discretion in carrying out maintenance activities on Joyce Creek, and the Cypress
351 and Mill Run tributary canals in accordance with standards established by the Army Corp of
352 Engineers. The Joyce Creek Management Board will use its best efforts to coordinate activities
353 with the South Mills Watershed Advisory Committee but shall not be controlled by nor answer to
354 said Committee.

355
356 (C) The South Mills Watershed budget shall include a line item referred to as the Joyce
357 Creek Project equal to a two cent (\$0.02) annual tax on the value of properties within the
358 boundaries of the Joyce Creek Service Area. Any balances remaining at the end of each fiscal
359 year shall be carried forward in that line item from year to year in addition to the annual tax
360 calculation to be utilized for the Joyce Creek Project in the sole discretion of the Joyce Creek
361 Management Board.

362
363 (D) The Joyce Creek Management board shall have sole autonomy and discretion in the
364 utilization of the Joyce Creek Project line item. The Joyce Creek Management Board shall
365 continue to be elected and operate in the same manner as it has operated in the past pursuant to
366 the Camden County Ordinance establishing said management board.

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§ 53.12 MISCELLANEOUS.

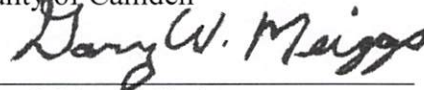
(A) This Ordinance supersedes all other County ordinances, or parts of ordinances in conflict herewith.

(B) Any part or provision of this Ordinance found by a court of competent jurisdiction to be in violation of the Constitution or laws of the United States or of the State of North Carolina is hereby deemed severable and shall not affect the validity of the remaining provisions of the Ordinance.

(C) This Ordinance shall become effective upon adoption.

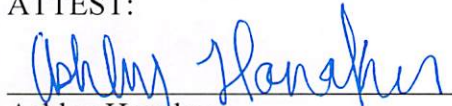
Adopted by the Board of Commissioners for the County of Camden this 17 day of June, 2013

County of Camden



Garry Meiggs, Chairman
Board of Commissioners

ATTEST:



Ashley Honaker
Clerk to the Board

