

**Ordinance No. 2014-05-01**

**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.

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

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

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

#### **§ 53.02 PURPOSE:**

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

#### **§ 53.03 DEFINITIONS:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**§ 53.05 JURISDICTION.**

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

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

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

**§ 53.06 RATE STRUCTURE.**

(A) Every parcel within the Service Area shall be subject to a Stormwater Management Utility Service Charge derived from the rate structure described below. The rate structure to distribute the cost of services associated with the operation, repair, improvement and maintenance of public drainage systems and facilities through a schedule of rates, fees, charges, and penalties related to the operation of a Stormwater Management Utility and Stormwater Management Enterprise Fund as established in Section 4 shall be based on the following 3 rate components:

(1) Fixed Charge Per Account (**FCPA**) based on account existence which directly relates to certain administrative, billing, collections, public outreach, and other charges as may be allocated on a per parcel basis. **The FCPA shall be the same for each account throughout the county. Expenses for Stormwater Technician, GIS Mapping, and Floodplain Program Officer shall not be included in the FCPA.**

(2) Gross Parcel Area **Component** on a given land parcel, which is related to quantity of runoff and total pollutant loading of stormwater runoff discharged from that land parcel. ~~The gross area of parcels will be fall into 5 tiers of parcel size and will be assigned Gross Area Units (GAUs) as follows:~~ **The Gross Acreage Component shall equal the total number of acres per parcel multiplied by Watershed Rate Per Acre..**

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

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

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

(b) Each single family residential parcel shall be charged for one (1) ERU of impervious area.

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

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

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

**(e) All public and private parcels shall be billed for impervious surface by the number of ERU's multiplied by 40 times the Watershed Rate.**

~~(F) The Gross Acreage component represented by Gross Acreage Units (GAU), and Impervious Area component represented by Equivalent Residential Units (ERU) shall sThe~~

**Watershed Rate Per Acre used to determine the Gross Acre Component and Impervious Surface Component shall be set by the Board of Commissioners, upon recommendation by each of the watershed advisory committees and may vary for each watershed based on the level of service and annual budget for the respective watershed.**

#### **§ 53.07 SCHEDULE OF FEES AND CHARGES.**

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

#### **§ 53.08 BILLING AND COLLECTION.**

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

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

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

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

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

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

(2) Formal Appeal - Contested areas will be identified and the owner may complete a petition form and pay a fee to initiate a formal appeal. Upon a formal appeal Stormwater

Manager will visit the property and physically measure impervious surfaces. The staff measurement will be used to correct the calculation whether there is a decrease or increase.

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

### **§ 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) Publicly 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 Units or the Gross Acre Units Charge portions of the Stormwater Management Utility Service Charge, proportional to the extent those measures address the impacts of peak discharge and total runoff volume from the site.

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

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

(4) *The calculation of Gross Acreage Component for each parcel shall not include the number of acres of the parcel which are at or below 0.00 foot elevation as these areas provide storage and filtering areas for their respective watersheds.*

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

#### **§ 53.11 JOYCE CREEK ADDENDUM.**

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

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

(C) The South Mills Watershed budget shall include a line item referred to as the Joyce Creek Project equal to a two cent (\$0.02) ~~annual tax on the value of properties within the~~



boundaries of the Joyce Creek Service Area. Per One Hundred Dollar value which will be an annual fee based on the value of all property, both real and personal, with all current and/or future improvements as same may change each year, located within the boundaries of the Joyce Creek service area and a Any balances remaining at the end of each fiscal year shall be carried forward in that line item from year to year in addition to the annual tax calculation fee to be utilized for the Joyce Creek Project in the sole discretion of the Joyce Creek Management Board.

(D) The Camden County Tax Department shall maintain and manage the Joyce Creek Service Area fee information. The Joyce Creek serviced area fee shall be calculated annually by the Camden County Tax Department for the property located in the Joyce Creek Service Area. The calculated fee information will then be forwarded by the Tax Department to the South Mills Watershed District for their budget line item called the Joyce Creek Project.

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

#### § 53.12 MISCELLANEOUS.

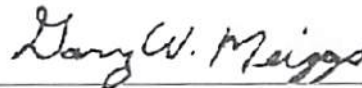
(A) This Ordinance supersedes all other County ordinances, or parts of ordinances in conflict herewith.

(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.

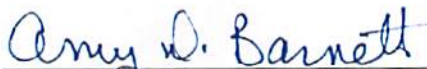
Adopted by the Board of Commissioners for the County of Camden this 5<sup>th</sup> day of May, 2014.

County of Camden



Garry Meiggs, Chairman  
Board of Commissioners

ATTEST:



Amy Barnett  
Assistant Clerk to the Board