

2025 CODE AMENDMENTS

Official Code of Cobb County Part I. – Chapter 122

Package I

Version I - distributed on October 3, 2025

Version II – distributed on November 13, 2025

Board of Commissioners Public Hearing Dates

November 12, 2025 – 9:00 a.m.

November 20, 2025 – 6:00 p.m.

Cobb County Community Development

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Chapter 122 – UTILITIES

ARTICLE II. – WATER AND WASTEWATER SYSTEMS

DIVISION 2. – ENFORCEMENT

Section 122-57 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 122-57. - Right to enter premises.

- (a) Duly authorized employees and representatives of the county and authorized representatives of applicable federal and state regulatory agencies bearing proper credentials and identification shall be allowed to enter all properties for the purpose of inspection, observation, measurement, sampling, monitoring, testing, identifying water service line material, and examination and copying of records pertinent to discharges to the county wastewater system in accordance with the provisions of this article. The county may, but is not required to, provide the user with prior notice of the entry.

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DIVISION 3. – FEES AND CHARGES

Section 122-84 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 122-84. - Miscellaneous charges.

- ~~(a) Delinquent billed accounts. All billed accounts are due and payable on the billing date. Billed accounts not paid within 30 days from the billing date are delinquent, and service may be disconnected by the county and a service charge added to the account. This delinquent service charge is applicable to each service call to discontinue service for delinquent accounts. The customer will be charged for the service call even if the service is not disconnected. Also, see section 122-47.~~
- ~~(b)~~ (a) Service calls. All customer service calls shall be charged to the customer requesting the service in accordance with a fee schedule established by the county reflecting as closely as possible the actual cost to the county for rendering the services. ~~Restoration of service will only be made during normal working hours.~~
- ~~(c)~~ (b) New customer service. Service charges shall be levied for the following new customer service:
 - (1) Regular water service turn-on, next workday after application or later.
 - (2) Emergency water service turn-on.
- ~~(d)~~ (c) Meter reinstallation due to nonpayment or failure to apply for service. A service charge to reinstall a meter shall be levied.
- ~~(e)~~ (d) Meter replacement, damaged. A charge ~~will~~ shall be ~~made~~ levied to replace a meter which has been damaged or frozen, or has in any way been made inoperative. This includes the service call. The damaged meter must be returned. Also see subsection 122-151(c).
- ~~(f)~~ (e) Meter missing or stolen, replacement. A charge, ~~based upon county cost, will~~ may be ~~made~~ levied to replace the meter.
- ~~(g)~~ (f) Miscellaneous service calls. Service calls to uncover meters, raise meters where the yard has been backfilled or landscaped, or repair meter boxes or meter connections shall be billed at county cost.

- (hg) *Returned checks.* A processing fee ~~will~~shall be charged for returned checks. If water service has been discontinued as a result of the returned check, ~~the services in subsections (a) and (d) of this section~~ fees in section 122-89 shall also apply.
- (ih) *Failure to apply for service.* A fee ~~will~~may be charged to water and/or wastewater system users who have not properly applied for service in their own name. A separate fee shall be charged for each trip made by the county in an effort to have the customer properly and successfully apply for service. Payment shall be made by the applicant for all water and wastewater services utilized subsequent to the former customer discontinuing service.
- (ji) *Water and wastewater deposits.* A deposit is required on all accounts at the time water and/or wastewater service is connected. This deposit shall be as defined within the rate schedule. The deposit shall be held on account for a period of not less than 24 months. After an account has established an excellent payment record for a consecutive 24-month period, the deposit shall be refunded. An excellent payment record shall mean there is no incident of delinquency, returned check, or a regular pattern of payment when past-due. The method of refund ~~will~~shall be as a credit to the account or as a separate payment(s). If a deposit has been refunded and the account subsequently becomes delinquent, a deposit shall be required to be reestablished on the account, or arrangements made, prior to reestablishment of service. If an account is closed prior to a deposit refund, the deposit amount shall be applied to the final bill and a balance mailed to the customer as a credit refund.
- (kj) *Unauthorized connection or usage.* Fees ~~will~~shall be charged for unauthorized water or wastewater system connections and also for the unauthorized use of county water or wastewater system services. Also see section 122-151.

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Section 122-89 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 122-89. - Late fees and delinquency for unpaid, past due invoiced accounts.

- (a) *Late Fee.* All invoiced water system accounts are due and payable on the billing date of invoicing. All invoiced accounts not paid within ~~30~~ 28 days from the billing date of invoicing are past due. A late fee ~~of ten percent of the invoiced amount shall~~ may be assessed ~~on for~~ on for all unpaid, past due ~~invoiced amounts~~. ~~This late fee provision shall not apply to billed accounts which are covered by subsection 122-84(a).~~
- (b) *Delinquent accounts.* All invoiced accounts not paid within 48 days from the billing date are delinquent. Delinquent accounts may be charged a processing fee and have service discontinued. This processing fee is applicable for any service order generated to discontinue service for a delinquent account. Once the service order is generated, the customer shall be charged even if the service is not discontinued. Also, see section 122-47.

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DIVISION 4. - CONSTRUCTION STANDARDS

Section 122-126 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 122-126. Wastewater lift station.

(a) *Public lift stations.*

- (1) For environmental, reliability, and economic reasons, public wastewater lift stations are generally discouraged. The county shall eliminate existing public lift stations where deemed feasible and appropriate by the department director.
- (2) The owner or developer of a new development or redevelopment shall not provide wastewater service by constructing a new public lift station.
- (3) The county shall not accept ownership of private lift stations.

(b) *Private lift stations.*

- (1) Private lift stations ~~which~~ that serve a single property may be acceptable if owned by the property owner and the station pumps to a manhole on said property from which sewage can then flow by gravity to public sewer. The department director may grant a variance to pump across one adjacent property for a limited distance provided it does not pose a public health risk.
- (2) The pumping capacity of a private lift station ~~that~~ which serves a single residential property shall not exceed 40 gallons per minute.
- (3) Force mains from private lift stations are not allowed in the public right-of-way.
- (4) Private lift stations serving more than one ~~residential or nonresidential properties~~ or multi-family residential property may be considered subject to the following conditions:
 - a. A single viable legal entity that is not a homeowner's association is responsible for ongoing costs associated with operation, maintenance, repair and replacement of the lift station and force main;
 - b. The station pumps to a manhole located on one of the properties served by the lift station from which sewage can then flow by gravity to public sewer;
 - c. No feasible means of serving the properties without use of a lift station is available;
 - d. Maintenance agreements are in place with a qualified firm to provide for no less than annual inspection and maintenance of the lift station ~~with report provided to the county;~~
 - e. ~~Provisions are in place, perhaps through a bond or escrow account, to ensure that future station costs are provided for in the event that the responsible entity is unable to meet its obligations;~~
 - ~~fe.~~ No public wastewater facilities are tributary to the private lift station;
 - ~~gf.~~ Appropriate notifications are provided in property covenants and titles stating to the effect that Cobb the County shall is not be responsible for the private lift station, force main or tributary collection system, and that the county does not guarantee continued wastewater service to the properties ~~which were to have been~~ served by the private system.
 - ~~hg.~~ The Environmental Protection Division of the Georgia Department of Natural Resources provides written approval of ~~approves~~ the plans for the onsite private sewer system.
 - h. Each multi-family residential development is one tax parcel with rental dwelling units, such as an apartment complex, not multiple tax parcels with fee-simple dwelling units, such as a condominium development.
- (5) No new private lift stations that serve more than one single-family residential property shall be approved for plans submitted after November 20, 2025.

Section 122-130 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 122-130. - Sewer considerations for new developments.

- (a) For new residential subdivisions ~~in areas which~~ that can be connected, regardless of distance or easements required, to active sewer by gravity sewer with an engineered design acceptable to the county water system and the county does not plan to construct additional sewers downstream of the subject property, then the property owner or developer shall comply with one of the following:
 - (1) An active sewer by gravity to serve the ground level floor of the dwelling shall be provided to all lots smaller than 80,000 square feet.
 - (2) Septic tanks may be utilized on lots of at least 80,000 square feet with the approval of the health department.
 - (3) The county may consider development of a private developer agreement or special sewer availability area.
- (b) For new residential subdivisions ~~in areas that~~ which can be connected to active sewer by gravity sewer and the county plans to construct additional sewers downstream of the subject property, then a property owner or developer shall comply with one of the following:
 - (1) Dry sewers, constructed in accordance with the county water system policy, shall be provided to all lots smaller than 80,000 square feet which are not provided with an active sewer. In all areas where dry sewers are required by this section, septic tanks shall also be provided. Approval of lot sizes and septic tank suitability must be obtained from the health department.
 - ~~(2) In all areas where dry sewers are required by this section, septic tanks must also be provided. Approval of lot sizes and septic tank suitability must be obtained from the health department.~~
 - ~~(3)~~ Septic tanks may be utilized on lots of at least 80,000 square feet with the approval of the health department.
 - ~~(4)~~ The county may consider development of a private developer agreement or special sewer availability area.
- (c) For new residential subdivisions ~~in areas which~~ that cannot be connected to active sewer by gravity with an engineered design acceptable to the county water system and the county does not plan to construct additional sewers downstream of the subject property, septic tanks may be utilized with the approval of the health department. Lot sizes shall meet health department requirements.
- (d) For new nonresidential developments that can be connected, regardless of distance or easements required, to active sewer by gravity with an engineered design acceptable to the county water system, an active sewer by gravity shall be extended by the property owner and/or developer to serve the development.
- ~~(e)~~ For new nonresidential developments ~~which~~ that cannot be connected to active sewer by gravity, the development must be eligible for and receive approval from both the county and the health department for the use of a septic system. Generally, the county will require that the property be at least 80,000 square feet and that the anticipated wastewater generation for the site is no more than one equivalent residential unit per 80,000 square feet.
- ~~(e)~~ Septic tanks shall be constructed and operated in accordance with the provisions of section 122-242.

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DIVISION 5. - GENERAL USE OF PUBLIC WATER AND WASTEWATER FACILITIES

Section 122-152 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 122-152. - Water System.

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(f) *Use of master meters.*

- (1) ~~Buildings containing two or more family dwelling units or an integrated complex of buildings containing the same shall be served by a water master meter.~~ Multi-family residential developments on a single tax parcel shall be served by a water master meter, unless otherwise authorized by the water system director or his representative. The parcel owner ~~of such buildings, or a homeowners association provided there are multiple owners,~~ shall be responsible for payment for all water and wastewater services rendered to such buildings and units ~~by the county as set forth in subsection 122-81(d).~~ Further, the parcel owner ~~or homeowners association~~ shall be responsible for the operation, maintenance, repair, and replacement of water facilities on the user side of the master meter. If an exception to this water master meter requirement is authorized, the building shall comply with section 122-113(b).
- (2) For new residential developments where there is more than one tax parcel contained within in a multi-story building, such as condominiums, a water master meter shall be used to serve each building.
- (23) For all new multifamily buildings where a water master meter is utilized, installation of a sub-unit water meter for each dwelling unit is required at the time of construction. Purchase and installation of sub-unit water meters are the responsibility of the owner. The owner, property owners' association, or a homeowners' association for such buildings provided there are multiple owners, shall be solely responsible for the operation, maintenance, repair and replacement of water facilities on the user side of the master meter. The county shall bill the owner or homeowners' association for water and wastewater service based on the master meter readings. The owner or homeowners' association shall seek reimbursement for water and wastewater usage by dwelling unit through an economic allocation methodology which is based on the measured quantity of water used by each unit.
- (34) For all new multiunit retail and light industrial buildings, installation of a sub-unit water meter for each unit is required at the time of construction. The county shall bill the owner or operator of such building's water and wastewater service based on the master meter readings. The owner or operator of the building shall seek reimbursement for water and wastewater usage by unit through an economic allocation methodology ~~which that~~ is based on the measured quantity of water used by each unit. This subsection is not intended to apply to newly constructed multiunit office buildings or office units in mixed use developments. The owner or operator of multiunit office buildings and mixed-use developments may seek reimbursement from office tenants for water and ~~waste-water-wastewater~~ use through an economic allocation which approximates the water use of each tenant based on square footage. Installation of a sub-unit water meter and reimbursement for water and wastewater usage for the retail units of a mixed-use development is required.
- (45) The total amount of the charges to the units or residences under paragraphs (23) and (34) of this subsection shall not exceed the total charges paid by the owner, operator, property owners' association, or homeowners' association for water and wastewater service for such building plus a reasonable fee for establishing, servicing, and billing for water and wastewater

service, except that the charges may include reimbursement for common area water and wastewater use through an economic allocation ~~which that~~ approximates the portion of the common area water and wastewater services to each unit. The terms of the charges shall be disclosed prior to any contractual agreement.

- (56) The water master meter provided in this section shall be installed at or near the customer's property line, unless otherwise authorized by as the water system director or his/her representative ~~may designate~~.

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DIVISION 6. - NONDOMESTIC USE OF PUBLIC WASTEWATER FACILITIES

Section 122-188 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 122-188. - Interceptors.

- (a) *Definitions and abbreviations.* The following definitions and abbreviations shall apply only to this section.

Access port. A structure that allows access to and inspection of the interior of the interceptor.

Automatic ~~grease removal~~ interior recovery device (AGIRD). A plumbing appurtenance that is installed in the sanitary drainage system to intercept free-floating fats, oils and grease from wastewater discharge. Such a device operates on a time- or event-controlled basis and has the ability to remove free-floating fats, oils and grease automatically without intervention from the user except for maintenance.

Change in food type. Any modification in the types of food or beverages offered that introduces new preparation methods, equipment, or FOG-producing processes not previously utilized.

Commissary. Any licensed commercial kitchen where food, containers, and supplies can be prepared, stored, and/or handled.

Discharge permit. A written authorization issued by the county water system to a person, business, or facility allowing the direct or indirect discharge of wastewater into the public sewer system.

Effluent tee. A T-shaped pipe extending from a passive exterior device at such a depth to allow recovery and discharge of water located under the separated layer of fats, oils and grease.

Fats, oils and grease (FOG). Any substance, such as a vegetable or animal product, that is used in, or is a by-product of, the food preparation process, that turns or may turn viscous or solidifies or may solidify with a change in temperature or other conditions.

Fixtures. A receptacle or device that discharges liquid waste or liquid-borne solid waste, oil and grease-laden wastes to a drainage system. Fixtures shall include but are not limited to pot sinks; prerinse sinks; soup kettles or similar devices; ~~wok~~ work stations; floor drains or sinks into which kettles are drained; automatic hood wash units and dishwashers.

Food Service Establishment (FSE). Any user involved in the stationary or mobile preparation and/or service of food and/or drink for commercial purposes including commissaries and mobile units.

Food Type. Foods and beverages that require similar methods of preparation and/or contain similar types of FOG producing ingredients.

Grease interceptor, gravity. Plumbing appurtenances ~~of not less than 750 gallons nor greater than 3,000 gallons capacity~~ that are installed in the sanitary drainage system to intercept free-floating fats, oils and grease from waste-water discharge. Separation is accomplished by air entrainment, buoyancy, interior baffling and/or gravity during a retention time of not less than 30 minutes.

~~*Grease interceptor, hydromechanical.* Plumbing appurtenances that are installed in the sanitary drainage system to intercept free floating fats, oils and grease from waste water discharge. Continuous separation is accomplished by air entrainment, buoyancy and interior baffling.~~

Grease-laden waste. Effluent discharge that is produced from food processing, food preparation or other sources where grease, fats and oils enter automatic dishwasher prerinse stations, sinks or other appurtenances.

Grease trap. See also grease interceptor or automatic ~~grease removal~~ interior recovery device.

Influent tee. A T-shaped pipe extending into a passive exterior device to a depth allowing grease-laden wastes to be discharged beneath the layer of separated grease in a controlled manner.

Interceptor. A device designed and installed to separate and retain for removal, by automatic or manual means, deleterious, hazardous or undesirable matter from normal wastes, while permitting normal sewage or wastes to discharge into the drainage system by gravity.

Manifest. A log or record of the volume, date of removal and disposal destination of pumped materials from a grease trap.

Mobile unit. Any food service establishment that can be a vehicle, trailer, or pushcart that cooks, prepares, or serves food and/or drinks.

Oil/water separator. An interceptor designed specifically to prevent petroleum oils from entering the sewage system or stormwater system.

Remodeling. Activities that require a building permit, significant changes to plumbing and/or fixtures in the kitchen, or addition or deletion of dishwashing machine(s) or food waste disposal unit(s.)

Passive exterior device (PED). A grease interceptor that requires pumping and is housed outside a building or structure.

Passive interior device (PID). A grease interceptor that requires pumping and is housed inside a building or structure.

Sand trap. An interceptor that prevents sand and/or grit from entering the sewage system.

Solids interceptor. A device installed to separate food wastes from the discharge prior to connecting to the grease interceptor.

User. Establishments such as food service ~~or food preparation~~ establishments, car washes, buildings with dumpsters, garages and other operations that receive county wastewater system service.

(e**b**) Permitting and notification requirements.

(1) Permitting requirements.

- a. Each user required to install an interceptor for the purpose of recovering oil, grease, or sand as set forth in paragraphs (c) or (d) of this section shall obtain a discharge permit from the county water system.
- b. When the name of the user operating an existing interceptor changes, the new user shall apply for a discharge permit from the county water system.
- c. When the ownership of a user operating an existing an interceptor changes, but the name of the user does not change, the new owner of the user shall notify the county water system to transfer the discharge permit.
- d. Discharge permit applications shall include the name, address, telephone number and email address of the applicant, and those factors indicating the potential for grease or grit laden waste to be introduced into the wastewater system. Following the review of the application and compliance with county requirements, the county water system shall provide the user with a discharge permit number, its expiration date, and the capacity and design requirements of a compliant interceptor. The county water system shall keep a continuous public log of all permitted users, including their registration number, address and contact name of the user.

- e. Users shall renew their discharge permit every three years by submitting a permit renewal application. The discharge permits of interceptors found to be in compliance with existing federal, state, and local laws and regulations may be renewed by the county water system.
- f. The county water system may review discharge permits annually.
- g. FSE users shall display the discharge permit certificate on a wall in an area visible to managers.

(2) Notification requirements.

- a. The user shall notify the county water system prior to the installation or repair of all interceptors. Should the interceptor be installed or repaired without proper notification, the user shall perform all necessary repairs or modifications to achieve compliance in accordance with standards developed by county water system.
- b. The user shall notify the county water system prior to remodeling or making changes to information submitted as part of the permit application including, but not limited to, changes in food type, an increase in seating, and/or modifications to business hours. Remodeling and/or changes to information without notification to the county water system shall be a violation and may result in enforcement action and a requirement to increase the interceptor capacity.

(b) Right to enter and inspect.

~~(1) Inspection and entry. Any authorized representative of the county water system bearing proper credentials and identification shall be permitted to enter and inspect all properties of nondomestic users, without prior notification, for compliance with code. This right of inspection shall include the right to measure, photograph, observe, monitor, sample, test, record, review and make copies of all pertinent documents in accordance with this section.~~

~~(2) Inspection fees. No fee will be charged for an annual inspection by the county water system of the interceptor for the discharge permit. However, if the grease interceptor is not in compliance with this section, a re-inspection fee will be charged for each inspection thereafter until the interceptor is in compliance and approved by the county water system. Failure to pay the re-inspection fee shall result in the forfeiture of the discharge permit.~~

(c) Food service establishment interceptor installation requirements.

~~(1) All users that are food service establishments (FSEs) involved in the preparation of food for commercial purposes shall provide oil/grease interceptors that must be connected to all fixtures excluding restrooms, unless exempted by the county water system determines that the user is not required to provide oil/grease interceptors. The county water system may exempt food service establishments that are determined by the county water system to not be a source of fats, oils or grease. All costs related permitting and installing grease interceptors shall be borne by the user. Interceptors with improper connections or modifications, as determined by the county water system, are in violation and shall be subject to enforcement.~~

~~(2) Technology required. An approved grease interceptor shall be installed consisting of one of the following methods:~~

- a. ~~Passive technology that is an approved passive exterior device (PED).~~
- b. ~~Passive technology that is an approved passive interior device (PID).~~
- c. ~~Active technology that is an approved automatic grease removal device (AGRD).~~

~~(3) Prohibited discharge.~~

- a. ~~Wastewater from dishwasher machines or wastewater that otherwise exceeds 130 degrees Fahrenheit shall not be introduced into any interior grease interceptor.~~
- b. ~~Food-waste grinders shall not discharge into the building drainage system through an interior grease interceptor unless preceded by a solids interceptor.~~

~~(4) Passive exterior device (PED) requirements.~~

- a. Each PED design, including size, type and location shall be reviewed ~~and approved by county water system~~ in for substantial conformity to with a grease trap detail approved and amended from time to time by the county water system. Such PED may not be used unless approved by county water system. PEDs shall:
 - i. Be sized and engineered based upon the anticipated load and/or conditions of actual use.
 - ii. Shall be constructed of sound durable material, not subject to excessive corrosion or decay, and shall be water and gas tight.
 - iii. Be traffic-worthy with at least one manhole opening over each of the influent and effluent tees. If the PED has more than two compartments, there must be a traffic-worthy manhole opening over the additional compartment(s).
 - b. *Sizing.* All passive exterior devices shall be sized by the county water system in accordance with standards developed by county water system. Changes to the FSE such as remodeling, changing food type, increasing seating, or increasing day and/or hours of operation, that alter the information submitted on the discharge permit application may result in the county water system requiring the capacity of the PED to be increased.
- (5) *Interior device requirements.* Interior devices may be allowed in lieu of PEDs in accordance with the following conditions:
- a. A technically logistical reason exists as to why a passive exterior device cannot be installed (i.e., conflicts with existing utilities, elevation disparities or location on a second floor).
 - b. The installation or use of all interior devices ~~shall not be used unless~~ must be approved by the county water system. The county water system may reject a discharge permit application if a PED cannot be installed and a PID is found not to be adequate.
 - i. Passive interior devices (PIDs) shall be sized by the county water system in accordance with standards developed by the county water system Changes to the FSE, such as remodeling, changing food type, increasing seating, or increasing day and/or hours of operation, that alter the information submitted on the discharge permit application may result in the county water system requiring the capacity of the PED to be increased.
 - ii. New Automatic grease removal interior recovery devices (AGIRD) shall not be sized permitted. The county water system may renew or transfer permits for existing AIRDs provided they are functioning properly and sized in accordance with standards developed by the county water system.
- (6) *Alternative technology/methods.* Engineered alternative technology or methods may be permitted, provided the technology or method meets the minimum performance standards set forth by this section or by the county water system.
- (d) ~~Facilities other than food service establishments.~~ Other interceptor installation requirements. All interceptors ~~for areas below types below~~ must have county water system approval. All costs related to the building's sewer installation, interceptor connection and registration shall be borne by the user. Interceptors with improper connections or modifications, as determined by the county water system, are in violation and shall be subject to enforcement.
- (1) *Sand traps.*
- a. All users whose wastewater stream is associated with unusually large quantities of grit, sand or gravel shall be required to install a sand trap. All users operating car/truck wash systems shall be required to install sand traps.
 - b. *Design criteria.* All sand traps used in conjunction with facilities other than eating establishments shall have a capacity that will provide not less than ten minutes nor more than 30 minutes retention time at the peak eight-hour flow rate. Flow-through velocities shall not exceed one foot per second at the peak eight-hour flow rate.

- c. *Compliance with plumbing code.* All sand traps shall be sized, located and constructed in accordance with the provisions of the duly adopted county plumbing code where such parameters have not been otherwise set forth in this article.
- (2) *Dumpster interceptor/dumpster pads.* Dumpsters/dumpster pads may be allowed to connect to the wastewater system under the following conditions:
 - a. The dumpster/dumpster pad ~~is shall be~~ covered and constructed in such a manner so as to ~~protect the drainage connection from prevent~~ stormwater runoff from entering the drainage connection; and
 - b. The drain ~~is shall be~~ connected to a PED passive exterior device which will be maintained by the user in the method prescribed by this section for other PEDs passive exterior devices. The trap shall be at least 750 gallons and shall comply with the dumpster trap detail approved and amended from time to time by the county water system.
- (3) *Oil/water ~~interceptor separator~~.*
 - a. All users whose wastewater stream may include oily and/or flammable liquid wastes shall install an interceptor.
 - b. *Design criteria.* All interceptors used in conjunction with facilities other than eating establishments shall have a capacity that will provide not less than ten minutes nor more than 30 minutes retention time at the peak eight-hour flow rate. Flow-through velocities shall not exceed one foot per second at the peak eight-hour flow rate.
- (e) *~~Interceptor user responsibilities and requirements.~~ This section applies to all interceptors permitted by the county water system. Maintenance requirements.*
 - (1) *~~Registration requirement.~~*
 - a. ~~Each user required to install an interceptor for the purpose of recovering oil, grease, or sand as set forth in paragraphs (c) or (d) of this section shall register its interceptor with the county water system for the purpose of obtaining a discharge permit. Such applications shall include the name, address, telephone number and email address of the applicant, and those factors indicating the potential for grease or grit laden waste to be introduced into the wastewater system. The county water system shall provide the user with a discharge permit number, its expiration date, and the capacity and design requirements of a compliant interceptor. The county water system shall keep a continuous public log of all permitted users, including their registration number, address and contact name of the user. The county water system may review discharge permits annually. The discharge permits of those found to be in compliance with existing federal, state, and local laws~~
 - (2) *~~User responsibility.~~*
 - a. ~~Users that are required to install an interceptor shall be responsible for the cleaning and maintenance of the interceptor located on the property.~~
 - b. ~~The user shall be responsible for maintaining any interceptor in such a manner that the oil and grease discharge shall not exceed a daily maximum discharge limit of 150 mg/L for discharges of 10,000 gallons per day and greater, nor 12.5 lbs/day for discharges less than 10,000 gallons per day. If the interceptor fails to prevent discharge over the daily maximum, the county water system will require the user to repair, replace or upgrade their interceptor at the user's expense.~~
 - c. ~~The user shall maintain accurate records (manifests and logs) of the dates of cleaning and the means of disposal of fats, oils and grease. These records are subject to inspection and review by the county water system pursuant to and in accordance with subsection (b)(1) above.~~
 - d. ~~Any removal and hauling of fats, oils, and grease shall be performed by a registered commercial waste transporter.~~
 - e. ~~The user is responsible for maintaining the structural integrity of the interceptor and for ensuring that the interceptor complies with the county water system's design criteria. The user will be required to make any repairs to the interceptor required by the county water system.~~

f. ~~All costs related to the building's sewer installation, interceptor connection and registration shall be borne by the user.~~

~~(3) Maintenance requirements.~~

~~a.(1) Interceptor maintenance.~~ All interceptors shall be cleaned and maintained by the user at the user's expense. All users shall maintain their interceptors in a proper and effective manner at all times. Maintenance shall include the complete recovery of all contents, including floating materials, wastewater and bottom sludges and solids. All interceptors shall be properly and adequately maintained so as to achieve the intended purpose of the device.

~~b.(2) Recovery and removal for all interceptors.~~ Users shall be responsible for the proper recovery, removal, and disposal by appropriate means of the captured material, and shall maintain records of the dates and means of disposal which are subject to review by the county water system. The user shall be responsible for maintaining any interceptor in such a manner that the oil and grease discharge shall not exceed a daily maximum discharge limit of 150 mg/L for discharges of 10,000 gallons per day and greater, nor 12.5 lbs/day for discharges less than 10,000 gallons per day. If the interceptor fails to prevent discharge over the daily maximum, the user shall be required to repair, replace or upgrade their interceptor at the user's expense.

~~c.(3)~~ All PEDs shall be completely pumped out at a minimum of once every three months unless the county water system requires more frequent pumping or approves less frequent pumping. The frequency of pumping shall be such as to ensure that there are no overflows of fats, oils or grease into the wastewater system. Decanting or discharging of removed waste back into the trap from which the waste was removed or to any other grease trap or sanitary sewer connection for the purpose of reducing the volume to be hauled is prohibited.

~~d.(4)~~ All PIDs shall be completely pumped out monthly unless the county water system requires more frequent pumping or approves less frequent pumping. The frequency of removal shall be such as to ensure that there are no overflows of fats, oils or grease into the wastewater system.

~~e.(5)~~ All AGIRDs shall be maintained in accordance with the manufacturer's recommendations and a copy of same shall be maintained at the site for review and inspection by the county water system.

~~f.(6)~~ All interceptors for facilities other than food service establishments shall be pumped out at a frequency established by the county water system to ensure that there are no overflows of sand, fats, oils or grease into the wastewater system.

(7) The user is responsible for maintaining the structural integrity of the interceptor and for ensuring that a PED interceptor complies with the county water system's design criteria and a PID interceptor complies with manufacturer specifications. The user shall make any repairs to the interceptor required by the county water system.

~~(4f)~~ Requirements for the proper disposal of collected materials. Any removal and hauling of the collected materials from a grease trap, grit trap, oil-water separator, grease waste drum/barrel, or sand trap, ~~which that~~ is not an AGIRD, ~~must shall~~ be performed by waste disposal firms holding a current registration and permit number as a commercial waste hauler under EPD rules. The collected materials shall not be returned to the wastewater system.

~~(5g)~~ Record keeping and reporting requirements. All users with an interceptor ~~must shall~~ keep a record of any cleaning, servicing (i.e., waste manifests), or maintenance of their interceptor (i.e., cleaning logs for AIRDs). These records are subject to review by the county water system and shall be submitted to the county water system as required. The following records must be kept on-site at the facility or, in the case of dumpster traps, at the office of the property management company for a minimum of three years:

~~A. (1)~~ Manifest. The removal of interceptor contents (PEDs or PIDs) ~~must shall~~ be tracked by a state approved manifest that confirms the pumping, transport, and disposal of the contents.

ia. This manifest shall contain the following information:

- Ai. Generator information, including name, address, volume pumped, date and time of the pumping and signature of the generator verifying the information.
- Bii. Transporter information, including company name, address, license plate number, permit number and driver's name and signature verifying transporter information.
- €iii. Receiving information, including the facility's name, address, date and time of receiving, EPD number and signature verifying receipt of the waste.
- b. The manifest shall be kept on-site at the facility or, in the case of dumpster traps, at the office of the property management company for a minimum of three years.
- ii.c. Completed grease trap cleaning manifests ~~must~~ shall be submitted to the county water system office of environmental compliance within 14 days after the trap is cleaned.
- A.(2) AIRD Maintenance log. For all AGIRDs, a continuous log indicating each cleaning and/or maintenance for the previous 12 months, including the disposal of the recovered grease and oil, shall be maintained. This log shall be kept in a conspicuous place where it can be inspected by the health department and/or county water system upon request. All FSEs with AIRDs installed shall submit a cleaning log quarterly to the county water system.
- (h) Right to enter and inspect.
 - (1) Inspection and entry. Any authorized representative of the county water system bearing proper credentials and identification shall be permitted to enter and inspect all properties of users, without prior notification, for compliance with code. This right of inspection shall include the right to measure, photograph, observe, monitor, sample, test, record, review and make copies of all pertinent documents in accordance with this section. The access port of the grease trap shall be accessible and without barriers such as heavy objects or dense flora.
 - (2) Inspection fees. No fee will be charged for an annual inspection by the county water system of the interceptor for the discharge permit. However, if the grease interceptor is not in compliance with this section, a re-inspection fee may be charged for each inspection thereafter until the interceptor is in compliance and approved by the county water system. Failure to pay the re-inspection fee shall result in the escalation of enforcement.
- (fi) Violations and enforcement.
 - (1) Violations. It shall be unlawful for any user or customer to discharge to the county wastewater system in a manner in violation of this section, or of any conditions set forth in this article. Any user who violates any provision of this section shall, in addition to the penalties specified herein, be subject to the provisions contained in sections 122-41 through 122-56 to the extent such violations, notice and penalties are not addressed in this section.
 - (2) Noncompliance. If it is determined that the user has failed to comply with the provisions of this section, a written notice of violation shall be given to the user, ~~the contractor named in the permit,~~ or the user's authorized agent. If the user is not a county water system customer (e.g., if the user is a tenant in a master-metered development), then the county water system customer for the property on which the user is located shall receive a copy of the notice of violation. The notice shall set forth the violation and the measure needed to achieve compliance. The user shall be given a reasonable time frame to comply. Where an emergency exists, a written warning shall be given to the user, and user will have 24 hours to comply.
 - (3) Failure to comply. Any user who fails to comply with a written notice of violation may be fined in an amount not to exceed \$1,000.00 per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Such fines may be added to the next scheduled sewer charge of the user or the customer for the property on which the user is located. The county water system shall have the power and authority to enter upon the property of any user who fails to comply with a notice of violation to terminate the user's water and/or wastewater service in any manner deemed necessary and appropriate by the county water

system. If a user who fails to comply with a notice of violation is not a customer, then the county water system shall have the power and authority to terminate the water and/or wastewater service of the customer for the property on which the user is located in any manner deemed necessary and appropriate by the county water system. Additionally, the county water system may request that the board of commissioners suspend or revoke the user's business license after a show cause hearing, pursuant to sections 122-44 and 78-45.

- (4) *Overflow charge.* Any sewer or manhole overflow traced to an inadequately operating interceptor or lack of an interceptor ~~will~~shall result in a service charge to the user or the customer for the property on which the user is located. The service charge shall include the cost of cleaning up the overflow and for cleaning grease out of the immediately adjacent contaminated wastewater system. A fine in an amount not to exceed \$1,000.00 may be added to the service charge for each successive overflow. These charges and fines shall not impede other enforcement actions as delineated in sections 122-41 through 122-60. Additionally, the user or customer for the property on which the user is located, shall be responsible for payment of any fine levied by the Georgia Environmental Protection Division against the county as a result of overflows in the county wastewater system caused by grease traced to any inadequate or absent interceptor.
- (5) *Alternative penalties.* Any violation of this section may also be enforced by a citation or accusation returnable to the magistrate court of the county pursuant to section 1-10.

Section 122-193 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 122-193. - Hauled wastes.

...

- (e) *Discharge of grease trap contents into county wastewater system prohibited.* The discharge of the materials collected from grease traps into the county wastewater system is prohibited. See also subsection 122-188-~~(d)~~(f).

...

DIVISION 9. – OUTDOOR WATER USE RESTRICTIONS

Section 122-265 of the Official Code of Cobb County, Georgia, is amended to read as follows:

Sec. 122-265. - Enforcement.

...

- (b) The Cobb County Water System (CCWS) shall be the enforcement authority for this Division. The county manager may also authorize other county departments as may be deemed necessary to support enforcement. Upon a first violation of the outdoor water use restrictions pursuant to this division, a written notice will be posted by a CCWS or other authorized representative at the property where the violation occurred. Thereafter, notice of said violation shall be sent by first class mail to the customer of record. Such notice shall constitute the initial warning to the customer at such address, and no administrative penalty will be imposed. Upon a subsequent violation at the same customer's address that occurs after such warning, notice will be posted and mailed in the same manner as the initial warning, and the customer receiving CCWS service will be subject to administrative penalties for unauthorized use of water and/or unauthorized use of service pursuant to section 122-84-~~(k)~~(j) on a schedule approved by the board of commissioners.

The Official Code of Cobb County, Georgia, is amended by adding Article III to Chapter 122, to be effective June 1, 2026, to read as follows:

ARTICLE III. – STORMWATER MANAGEMENT

DIVISION 1. – GENERALLY

Sec. 122-301. - Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Bond Resolution means the resolution adopted by the county board of commissioners on October 30, 1985, in connection with the authorization of the issuance and sale of the Cobb County Water and Sewerage Revenue Refunding and Improvement Bonds, Series 1985, as such resolution has been supplemented and amended from time to time, pursuant to which stormwater projects have been financed, and as it may be amended in the future, and any subsequent bond resolution applicable to stormwater.

County stormwater standards means the county ordinances that govern stormwater and floodplain management.

County water system means the administrative department within the county government that is responsible for the county water, wastewater, and certain stormwater systems and for administering Cobb County's Municipal Separate Storm Sewer System (MS4) permit.

Credit means a conditional reduction allowed against the stormwater service fee charged to an individual parcel based upon the technical requirements and the design and performance standards contained in the county's stormwater credit manual, as it may be updated or amended from time to time.

Customer means owner of a developed parcel(s) in unincorporated Cobb County and any person, company, or other entity contracted to pay for water and/or stormwater services on the owner's behalf.

Developed land or developed parcel means parcels with 500 square feet or more of impervious surface.

Director means the director of the county water system or designee.

Homeowners' association means the legal entity made up of property owners and formed for the purpose of exercising the powers of an owners' association and shall include homeowners' associations, property owners' associations, and/or condominium owners' associations.

Impervious surfaces means any paved, hardened, graveled, compacted, or structural surfaces, including, but not limited to, buildings, dams, decks, driveways, parking areas, patios, streets, tennis courts, walkways or other structures which prevent or impede the infiltration of stormwater into the soil. Pervious pavers, pervious pavement, and green roofs are considered 60% impervious.

Parcel means a designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon.

Private stormwater management systems and facilities means those natural and manmade channels, swales, ditches, rivers, streams, creeks, branches, reservoirs, ponds, drainageways, inlets, catch basins, pipes, headwalls, storm drains, lakes and other physical works, properties and improvements which transfer, control, convey or otherwise influence the movement of stormwater runoff or water quality that are not public.

Public stormwater management systems and facilities (or Cobb County's Municipal Separate Storm Sewer System) means collection and conveyance systems for stormwater runoff that are either owned by the county or have been dedicated to and accepted by the county for maintenance and operation, to include county maintained public roads and streets with drainage systems (e.g., catch basins, curbs, gutters, ditches), manmade channels, or storm drains.

Public water influence zone means the defined distance of open channel on residential property lying downstream of a stormwater culvert or pipe either owned by the county or dedicated to and accepted by the county for maintenance and operation. On the downstream side of the culvert/pipe, the public water influence zone is defined as a length of six times the diameter (or width) of the culvert/pipe. For example, if a four-foot diameter culvert is discharging to a private property, the public water influence zone shall extend 24 feet (six times four feet) from the end of the culvert.

Stormwater division manager means the manager of the county water system's stormwater management division or designee.

Stormwater service fees means the periodic service charge imposed by the county to a parcel of developed land pursuant to this article for providing the stormwater management services and stormwater management systems and facilities.

Undeveloped land means a parcel that has less than 500 square feet of impervious surface.

Sec. 122-302. - Purpose and policy.

(a) Objective. The objective of this article is to provide for the equitable distribution of the cost of stormwater management services by imposing a user fee based upon each user's contribution of stormwater runoff.

(b) Applicability. This article shall apply to developed parcels in unincorporated Cobb County, except as provided in Section 122-313. The director or the director's agent shall administer, implement, and enforce the provisions of the article.

(c) Findings.

- (1) The management of stormwater and other surface water discharges affects the health, safety and welfare of all residents and businesses in the unincorporated area of the county.
- (2) Failure to effectively manage stormwater may cause erosion of lands, threaten businesses and residences, and other facilities with water damage and may environmentally impair the rivers, streams, and other bodies of water.
- (3) Failure to effectively manage stormwater impacts the operations of sanitary sewer by, among other things, increasing the likelihood of infiltration and inflow into the sanitary sewer system.
- (4) Failure to effectively manage stormwater contributes to the further degradation of the water quality that may result in higher levels of treatment requirements imposed on wastewater treatment facilities and increased water treatment cost of potable water supplies.
- (5) Proper management of stormwater is a key element of having clean water with adequate assimilative capacity for treated wastewater discharges and adequate potable drinking water that are essential to the unincorporated area of the county.
- (6) The county is authorized by the Georgia Constitution Article IX, Section II, Paragraph I, and Article IX, Section II, Paragraph (a)(6), state law, and federal law to provide stormwater management services, systems, and facilities, as well as to protect and preserve the public health, safety, and welfare, including the protection of natural resources.
- (7) The Clean Water Act, as amended, and its resulting regulations place increased obligations of the county to address stormwater management.
- (8) The county is required to comply with state and federal regulatory requirements in its National Pollutant Discharge Elimination System (NPDES) Phase I Municipal Separate Storm Sewer System (MS4) permit, which requires the county to develop and implement a comprehensive Storm Water Management Program (SWMP) that includes pollution prevention measures, treatment or removal techniques, monitoring, and measures to control the quality of storm water discharged to the storm drains and thence to waters of the United States.

- (9) The service and benefit rendered or resulting from the provision of stormwater management services, systems and facilities may differ over time depending on many factors and considerations, including, but not limited to, location, demands and impacts imposed upon the stormwater management services, systems and facilities, and risk exposure. It is practical and equitable to allocate the cost of stormwater management among the owners of properties in proportion to the long-term demands the properties owned impose on the county's stormwater management services, systems and facilities that render or result in services and benefits to such properties and the owners and occupants thereof.
- (10) A stormwater utility provides the most practical and appropriate means of properly delivering stormwater management services, systems and facilities, and the most equitable means to regulate the use of a higher level of stormwater management services, systems and facilities in the county.
- (11) The existence of privately owned and maintained on-site or off-site systems, facilities, activities, or assets that are found to reduce or otherwise mitigate the impact of a particular property on the county's cost of providing stormwater management services and/or stormwater management systems and facilities should be taken into account to reduce stormwater service fee on that property.
- (12) It is imperative that the proceeds from stormwater service fee be dedicated to stormwater services, management, and facilities in accordance with this article.
- (13) The area of impervious surface on each parcel is the most important factor influencing the cost of the stormwater management services and stormwater management systems and facilities provided by the county water system or to be provided by the county water system in the future. The area of impervious surfaces on each parcel is, therefore, the most appropriate parameter for calculating a periodic stormwater service fee.

Sec. 122-303. - Establishment of stormwater utility.

There is hereby established a stormwater utility within the County water system in accordance with this article in the unincorporated area of the county. The stormwater utility shall be administered by the county water system. Upon the execution of a written intergovernmental agreement between the county and any municipality in the county, pursuant to the Georgia Constitution, Article 9, Section 2, Paragraph III(b) and Article 9, Section 3, Paragraph I, the county water system may provide services as provided herein within the corporate limits of said municipality in accordance with the terms of this Article, subject to funding availability and to policy determinations made in the best interest of public health, welfare and safety and the environment; provided, however, that no such intergovernmental agreement shall be construed as authorizing the county water system to operate outside of the boundaries of the county.

Sec. 122-304. - Scope of responsibility.

- (a) The county water system shall provide stormwater management services, in accordance with this Article, subject to ownership, funding availability, and policy determinations made in the best interest of public health, welfare, and safety and of the environment, which relate to the:
 - (1) Operation, maintenance, repair, enhancement and replacement of existing stormwater management systems and facilities owned and/or maintained by the county water system;
 - (2) Planning, development, design, and construction of additional public stormwater management systems and facilities to meet current and anticipated needs;
 - (3) Regulation of maintenance and use of public and private stormwater management systems and facilities as defined in Chapter 50, Environment, Articles IV and V and Chapter 58, Floods;

- (4) Education of the public as to stormwater issues;
- (5) Review of zoning applications and approval of new development and redevelopment;
- (6) Monitoring for water quantity and water quality to determine compliance with county stormwater standards and state water quality standards;
- (7) Compliance with applicable state and federal stormwater management regulations and permit requirements.
- (b) The county water system maintains those stormwater management systems and facilities:
 - (1) That are located in drainage easements dedicated to the public on single-family residential property not owned by a homeowner's association and are shown on the recorded subdivision final plat or have been dedicated to and accepted by the county for maintenance; or
 - (2) That have been dedicated in fee simple to and accepted by the county through the subdivision acceptance process; or
 - (3) That are located on private property and by which the county has a written agreement to own and/or maintain; or
 - (4) That are on land owned by the county and were constructed by the county water system; or
 - (5) That are on land transferred to and accepted by the county and accepted for maintenance by the county water system.
- (c) The county water system is not responsible for the aesthetic maintenance of stormwater management systems.
- (d) The county water system may perform channel stabilization work on residential property within the portion of the public water influence zone for which a dedicated easement has been granted to and accepted by the county for such purpose. The property owner is responsible for keeping the public water influence zone clear and free from obstructions and for the full maintenance of the remainder of the open channel.
- (e) Stormwater management systems and facilities located on county owned property that were not constructed by the county water system, shall be and remain the responsibility of the county department responsible of the maintenance of said property, except as provided otherwise in this division.
- (f) Generally, the county department of transportation is responsible for maintaining stormwater management facilities in county right-of-way, but the county water system may, as determined by the director, assist with the repair of such stormwater facilities.
- (g) The Georgia Department of Transportation is responsible for maintaining stormwater management facilities in state right-of-way.
- (h) Stormwater management systems and facilities located on private property or on public property not owned by the county that have not been dedicated to and accepted by the county for maintenance, shall be and remain the legal responsibility of the property owner, except as otherwise provided for by the laws of the state and the United States, even if such systems and facilities are located in a drainage easement. All maintenance shall be at the sole cost and expense of the owners thereof.
- (i) It is the express intent of this article to maintain and enhance the public health, safety and general welfare in order to be assured that such facilities are safe and will not result in injury or harm to persons or property, to reduce and minimize damage to public and private property, to reduce and minimize the impact of such facilities on land and stream channel erosion, to assist in the attainment and maintenance of water quality standards, to reduce local flooding, and to maintain, as nearly as possible, the preexisting development runoff characteristics of the area, but not to create any special duty or relationship with any individual person, or to any specific parcel within or outside the boundaries of the county. The county expressly reserves the right to assert all available immunities and defenses in any action seeking to impose monetary damages or equitable remedies upon the

county, its commissioners, officers, employees and agents arising out of any alleged failure or breach of duty or relationship.

- (j) If any permit, plan approval, inspection or similar act is required by the county as a condition precedent to any activity or change upon property not owned by the county pursuant to this or any other regulatory ordinance, regulation or rule of the county, or under federal or state law, the issuance of such permit, plan approval or inspection shall not be deemed to constitute a warranty, express or implied, nor shall it afford the basis for any action, including any action based on failure to permit or negligent issuance of a permit, seeking the imposition of money damages or equitable remedies against the county, its commissioners, officers, employees or agents.

Sec. 122-305. - Establishment of enterprise fund.

- (a) The county shall establish a stormwater enterprise fund in the county budget and accounting system for the purpose of dedicating and protecting all funding applicable to the purposes and responsibilities of the county water system as they relate to the provision of stormwater services within the unincorporated area or any municipality with whom the county has entered into an agreement to provide stormwater services, including, but not limited to, rentals, rates, charges, fees, and licenses as may be established by the county board of commissioners, subject to the terms of any governing Bond Resolution.
- (b) Any revenues and receipts of stormwater fees shall be placed in the stormwater enterprise fund(s). Subject to the terms of any governing Bond Resolution, the stormwater enterprise fund(s) shall be used exclusively to pay for county stormwater expenses and improvements. Other revenues, receipts, and resources not in the stormwater enterprise fund(s) may be applied to stormwater management operations expenses and capital investments as approved by the county board of commissioners.
- (c) Subject to the terms of any governing Bond Resolution, the county may pledge all or any portion of all income and revenue of any nature derived from the operation of the stormwater management systems and facilities owned and/or maintained by the county water department, including periodic stormwater service fees and other charges for stormwater service, to the payment of principal of premium, if any, and interest on any revenue bonds or other obligations lawfully issued for county water or stormwater system as may be provided in any Bond Resolution authorizing such bonds or obligations or in any trust instrument relating to such bonds or obligations.

Sec. 122-306-122-310 – Reserved.

DIVISION 2. - FEES AND CHARGES

Sec. 122-311. - Service charges, rates and fees generally.

- (a) *Purpose.* It is the purpose of this division to establish a fee mechanism whereby those who receive or benefit from various county water system stormwater management services, systems, and facilities are charged for the cost of providing those services in accordance with the estimated amount of stormwater generated from a property.
- (b) *Actual rates and fees published separately.* The actual rates and fees charged by the county water system for the stormwater management services, systems, and facilities shall be adopted by the board of commissioners and published in a separate rate or fee schedule. A copy of such rate or fee schedule shall be on file and available at the office of the county clerk and the office of the director.
- (c) *Changes in rates and fees.* The rates and fees charged by the county water system for stormwater management services may be revised from time to time by affirmative action of the county board of

commissioners as necessary. In modifying such rates and fees, the county board of commissioners shall establish rates and fees that are fair and reasonable, reflect the value of the stormwater management services, systems and facilities to those customers who benefit therefrom, and are sufficient to support the cost of the stormwater management services, systems and facilities.

(d) *Customer categories.* Customer categories are defined as follows:

- (1) Residential customer is the owner or occupant of a detached single-family dwelling unit or an owner or occupant of an attached single-family dwelling unit served by an individual water meter. In addition, the principal use of the property shall be residential.
- (2) Nonresidential customer is the owner, owner's agent, or occupant of a commercial, industrial, governmental, or institutional property; a property or community with multi-family dwelling units; a property or community with an attached single-family dwelling unit served by a master water meter; a mobile home park; or any other properties not meeting the requirements of subsection (1) above.

Sec. 122-312. – Stormwater management and miscellaneous charges and fees

- (a) *Stormwater service fee.* There are hereby levied and assessed rates, fees and/or charges for the service, maintenance, operation and amortization of public stormwater management systems and facilities, as well as other stormwater management services provided by the county water system. Stormwater service fees are based on measurable parameters that influence cost of providing services and facilities, with the most important factor being the amount of impervious area on each parcel of land. The use of impervious area as a stormwater service fee rate parameter shall not preclude the use of other parameters, or the grouping of properties having similar characteristics through the use of ranges or rounding up or down to a consistent numerical interval, or the use of flat-rate charges for one or more classes of similarly-situated properties whose impact on the stormwater utility's cost of providing stormwater management services and facilities is relatively consistent.
- (b) *Late fees.* Payment is due on the date listed on the bill. A late charge may be assessed for any balance unpaid after the due date in accordance with the rate or fee schedule on file and available at the office of the county clerk and the office of the director.
- (c) *Returned checks.* A processing fee will be charged for returned checks and returned electronic fund transfers.

Sec. 122-313. - Stormwater service fee exemptions

Exemptions to the stormwater service fee include the following:

- (1) *Undeveloped land.*
- (2) *Railroad right-of-way (tracks).* Railroad stations, maintenance buildings, and/or other improved property used for railroad purposes, however, shall not be exempt from the stormwater service fee.
- (3) *Public streets and right-of-way maintained by the county department of transportation and Georgia Department of Transportation (GDOT) shall be exempt from the stormwater service fee. Maintenance buildings and/or other improved property used by the departments of transportation, however, shall not be exempt from the stormwater service fee.*
- (4) *Public airport runways.* Maintenance buildings and/or other improved property used to support the runways, however, shall not be exempt from the stormwater service fee.
- (5) *Properties covered as part of Dobbins Air Reserve Base's stormwater permit with the State of Georgia.*

- (6) Basins used for the development or treatment of drinking water or wastewater, such as water reuse ponds, aerators, clarifiers, sedimentation, and flocculation tanks, in use by public utilities.
- (7) Any property whereby 100 percent of the stormwater runoff is contained or infiltrated on the property and no stormwater runoff is discharged, via overland flow or manmade conveyance, to adjacent properties or rights-of-way for all storm events up to and including the 100-year 24-hour storm event.

Cross reference: O.C.G.A. § 36-60-17.2.

Sec. 122-314. - Billing, payments, delinquencies, and adjustments.

- (a) Water and/or Sewer Account Holders. Stormwater services fees shall be billed monthly. Stormwater service fees shall be included on the parcel's monthly water and/or sewer bill. The water and/or sewer account holder is responsible for the stormwater service fees even if the account holder is not the property owner.
- (b) Customers without a Water and/or Sewer Account. The owner(s) of parcels not billed by the county water system for water and/or sewer shall receive a stormwater service fee only bill, which may be billed monthly, bi-monthly, or quarterly. When no homeowners' association parcels are billed by the county water system for water and/or sewer, the impervious area for any such parcel owned by such homeowners' association may be allocated among all parcels served by the impervious area (e.g., private drives, parking spaces, etc.).
- (c) Underbilling or Failure to Receive Bill. The bill may be sent through the United States mail or by alternative means notifying the customer of the amount of the bill and the date the payment is due. Failure to receive a bill is not justification for nonpayment. Regardless of the party to whom the bill is initially directed, the owner of each parcel of developed land shall be ultimately obligated to pay such fee. If a customer is underbilled or if no bill is sent for developed land, the county may back bill for a period of up to four years but shall not assess penalties for any delinquency due to the failure to send a bill or an under billing.
- (d) Payments. Any partial monthly payments made to the county water system shall be applied to stormwater fees before being applied to water and sewer fees. Customer shall be required to make payments necessary to keep the water and/or sewer fees current.
- (e) Delinquent accounts. Amounts due not paid within 30 days from the due date are delinquent.
- (g) Adjustments. The stormwater manager shall administer the procedures and standards for the adjustment of the stormwater service fee.
 - (1) If a customer believes their stormwater service fee is incorrect, the customer may seek an adjustment of the stormwater service fee allocated to a property at any time by submitting the request in writing to the stormwater manager and setting forth in detail the grounds upon which relief is sought.
 - (2) If necessary, customers requesting the adjustment shall be required, at their own expense, to provide supplemental information to the stormwater manager, including, but not limited to, a survey certified by a registered land surveyor or a professional engineer of the impervious surfaces on the subject property. Submittal of this information shall be required if stormwater manager cannot make a determination based on county water system staff inspection and/or review of existing county aerial photography.
 - (3) Once a completed adjustment request and all required information are received by the stormwater manager, the stormwater manager shall have thirty (30) calendar days within which to render a written decision. Concurrent payment of any charges allocated to the property is not required as a condition precedent to this request for review.

- (4) In considering an adjustment request, the stormwater manager shall consider whether the calculation of the stormwater service fee for the property is correct.
- (5) The stormwater manager's decision shall be in writing and will be mailed or emailed to the address provided on the adjustment request, and service shall be complete upon mailing or emailing.
- (6) If the result of an adjustment is that a refund is due the applicant, the refund will be applied as a credit on the applicant's next stormwater bill.

Sec. 122-315. - Credits.

Owners of developed land and customers may apply for a reduction in their stormwater service fee for certain activities that reduce the negative impact on the stormwater utility, help the county to comply with Cobb County's Municipal Separate Storm Sewer System permit, and/or have a reduced impact on the receiving surface waters downstream. Such activities are defined in the county's stormwater credit manual, approved by the board of commissioners pursuant to this division, as it may be updated or amended from time to time. A stormwater service fee credit shall be determined based on the technical requirements, standards, and criteria contained in the stormwater credit manual. The amount of stormwater service fee credit, or reduction of the stormwater service fee, shall be in accordance with the criteria contained in the stormwater credit manual. The stormwater credit manual shall be available on the county water system's website and on file and available at the office of the director.

Sec. 122-316. - Appeals.

- (a) An applicant for a stormwater service fee adjustment or credit may appeal a denial of a requested service fee adjustment or credit in accordance with this section.
- (b) An appeal shall be filed in writing with the director within 30 days of the date of the denial of the application. Such appeal shall be submitted on a form provided by the county water system and shall be accompanied by any documentation or other evidence the appellant wishes the director to consider in deciding the appeal.
- (c) The director shall conduct a technical review of the conditions on the parcel and respond to the appeal in writing within 30 days of receipt. In response to an appeal, the director may adjust the calculated impervious surface area applicable to a parcel in conformance with the general purpose and intent of this division.
- (d) Any person adversely affected by any determination made by the director relative to a stormwater service fee adjustment or credit may appeal such determination to the board of commissioners. The appeal shall be applied for within 30 days after notification of the director's determination is sent by the director. The county may approve, modify or reject the determination made by the director if the board of commissioners finds that the director abused his/her discretion in reaching the determination. Appeals from decisions of the board of commissioners made pursuant to the stormwater service fee adjustment or credit may be taken to the superior court of the county, in the manner provided by law.