

STATE OF GEORGIA  
EFFINGHAM COUNTY

AN ORDINANCE TO AMEND THE OFFICIAL CODE OF EFFINGHAM COUNTY,  
GEORGIA, CHAPTER 75- UTILITIES

BE IT ORDAINED by the Board of Commissioners of Effingham County, Georgia, in regular meeting assembled and pursuant to lawful authority thereof, as follows: Sections 57 and 58

**Sec.57. - Refunds of water connection service charge and/or sewer development fees paid.**

**57.1 Failure to provide service.**

- .1 Any water connection service charge and/or sewer development fees paid shall be refunded to the feepayor if capacity is available and service is denied.
- .2 In order to be eligible for a refund, a feepayor or successor in interest shall file a written application for a refund with the board of commissioners or their designee within one year of the date such fee was paid. If a successor in interest claims a refund of water connection service charge and/or sewer development fees, the board of commissioners or a designee may require written documentation that such rights have been conveyed to the claimant prior to issuing the requested refund.
- .3 Refunds shall be paid within 60 days after the date on which the board of commissioners or their designee determines that a sufficient proof of claim for a refund has been made.

**57.2 Failure to initiate development.** If a feepayor has paid a water connection service charge and/or sewer development fee required by this ordinance and has obtained a building permit, and the building permit for which the fee was paid later expires or is abandoned without the possibility of further extension, then the feepayor or the feepayor's successor in interest shall not be entitled to a refund of water connection service charge and/or sewer development fees paid, but shall instead be entitled to credit for the present value of the water connection service charge and/or sewer development fee against future water connection service charge and/or sewer development fees for the same parcel of land. In order to be eligible to receive this credit for future water connection service charge and/or sewer development fees, the feepayor or a successor in interest shall be required to submit an application for such credit to the board of commissioners or a designee within 30 days after the expiration of the building permit for which the fee was paid. If a successor in interest claims a refund of water connection service charge and/or sewer development fees, the board of commissioners or a designee may require written documentation that such rights have been conveyed to the claimant prior to issuing the requested refund.

**57.3 Limitations.** After a water connection service charge and/or sewer development fee has been paid pursuant to this ordinance [Appendix D], no refund of any part of such fee shall be made if the project for which the fee was paid is later demolished, destroyed, or is

altered, reconstructed, or reconfigured so as to reduce the size of the project or the number of units in the project.

**Sec. 58. - Credits against water connection service charge and/or sewer development fees.**

**58.1 Credits to be issued.** When a developer or his or her predecessor in title or interest has constructed system improvements for a county water or sewer capital facility element, or contributed or dedicated land or money towards the completion of water or sewer system improvements for a county capital facility element, and the county has accepted such construction, contribution, or dedication, the county may issue a credit against the water connection service charge and/or sewer development fees otherwise due for the same county capital facilities element in connection with the proposed development.

**58.2 Limitations.** Credits against water connection service charge and/or sewer development fees shall not be given for (a) project improvements, or (b) any construction, contribution, or dedication not agreed to in writing by the county prior to commencement of said construction, contribution, or dedication. No agreement shall be effective unless it is reduced to writing by the board in open and public meeting, and recorded in the board's minutes.

**58.3 Valuation of credit at present value.**

- 1 Land. Credit for qualifying land dedications shall not exceed the fair market value established by a private appraiser acceptable to the county in an appraisal paid for by the feepayor.
- 2 Improvements. The board of commissioners shall determine the amount of credit due in an amount not to exceed the actual cost of design and construction as reflected by invoices, receipts, or other proof acceptable to the board. The board may consider fair market value as determined by a qualified appraiser, replacement cost, depreciation, and any other information it deems relevant in determining the credit to be issued.

**58.4 When credits become effective.**

- 1 Approved credits for acquisition or construction of system improvements shall generally become effective when (a) all required design, permitting, construction, inspection, and testing has been completed and has been accepted by the county, (b) a suitable maintenance and warranty bond has been received and approved by the county, and (c) all land and infrastructure has been dedicated to and accepted by the board of commissioners in open and public meeting in compliance with all applicable requirements of the county and the State of Georgia. The land and/or improvements must be conveyed to the county in a form acceptable to the board, at no cost to the county, before credits may become effective. No dedication of land or improvements shall be deemed to have been accepted except upon affirmative action by the board, as reflected by its minutes, in open and public meeting. Upon request of the feepayor, the county shall issue a letter stating the amount of credit available.

**58.5 Application procedures.**

- .1 In order to obtain a credit against water connection service charge and/or sewer development fees otherwise due, a feepayor shall submit a written offer to dedicate to the board of commissioners or a designee for specific parcels of qualifying land or to

contribute or construct specific improvements to the county capital facilities in accordance with all applicable state or county design and construction standards, and shall specifically request a credit against the type of water connection service charge and/or sewer development fees for which the land dedication or improvement is offered. Such written request shall be filed prior to the time the feepayor begins construction of any improvements for which credit is requested, or the claim for the credit shall be waived. If no improvements are to be constructed, e.g. the credit requested is for only land value, the written request shall be filed prior to the issuance of the first building permit that creates an obligation to pay the type of fee against which the credit is requested, or the claim for credit shall be waived.

- .2 After receipt of the request for credit, the board of commissioners or a designee shall review the request and determine whether the land or improvements offered for credit will reduce the costs of providing county capital facilities by an amount at least equal to the value of the credit. If the board of commissioners or a designee determines that the offered credit satisfies these criteria, then the credit shall be issued.

**58.6 Transferability of credit.** A credit may only be transferred by the developer that has received the credit to a successor in interest pursuant to the terms of this ordinance. The credit may be used only to offset water connection service charge and/or sewer development fees for the same county capital facility element for which the credit was issued, and within the same service area for which the credit was issued. Credits shall be transferred by any written instrument clearly identifying which credits issued under this Ordinance are being transferred, the dollar amount of the credit being transferred, and the county capital facilities element and service area for which the credit was issued. The instrument of transfer shall be signed by both the transferor and transferee, and a copy of the document shall be delivered to the county administrator or a designee for documentation of the change in ownership before it shall become effective.

**58.7 Accounting of credits.** Each time a request to use approved credits is presented to the county, the county shall reduce the amount of the water connection service charge and/or sewer development fees for the type of fee for which the credit is provided, and shall note in the county's records the amount of credit remaining, if any. Upon request of the feepayor or successor in interest to whom the credit was issued, the county shall issue a letter stating the amount of credit remaining.

**58.8 Credits exceeding fee amounts.**

- .1 Credits issued for one county capital facilities element may not be used to reduce water connection service charge and/or sewer development fees due for a different capital facilities element, or to reduce water connection service charge and/or sewer development fees in a different service area.
- .2 Unless otherwise stated in an agreement with the developer, the county shall be under no obligation to use any county funds - other than water connection service charge and/or sewer development fees paid by other development for the same county capital facility element in the same service area - to reimburse the developer for any amount by which such developer's dedication, construction, funding, or contribution exceeds water connection service charge and/or sewer development fees otherwise due from such developer for any capital facilities element.

This ordinance shall be effective upon adoption.


EFFINGHAM COUNTY  
BOARD OF COMMISSIONERS

  
WENDALL KESSLER

FIRST READING: MAY 5, 2015

SECOND READING: MAY 19, 2015

ATTEST:

  
STEPHANIE JOHNSON, CLERK