



City of Tucker

Stormwater Management

Extent of Service

Infrastructure Repairs and Maintenance

DECEMBER 12, 2023

City of Tucker

Stormwater Inspection and Maintenance Policy

1.0 Purpose and Authority

The goal of the Stormwater Management System Inspection and Maintenance Policy is to define the rights and responsibilities of the property owner(s) for maintaining the water quantity and quality functions of Stormwater Best Management Practices (BMPs), as well as provide for City guidance to ensure their proper functioning. This policy is based upon the City of Tucker's Stormwater Utility Ordinance (Article I, Chapter 15, Ordinance No. 2023-03-03).

The Metro North Georgia Water Planning District (MNGWPD) and the Georgia Environmental Protection Division's (EPD) National Pollutant Discharge Elimination System (NPDES) Permit requires municipalities to have fully implemented stormwater facility maintenance programs for public and private facilities. This Stormwater Inspection and Maintenance Policy is also implemented at the direction and requirement of *40 CFR 122.34 (b)(5)(i)(C)* of the Environmental Protection Division's Code of Federal Regulations regarding the National Pollutant Discharge Elimination System (NPDES) Program.

Nothing contained in this policy shall be construed to release in any way the responsibility of DeKalb County to maintain infrastructure not formally conveyed to the City of Tucker per the holding of the Georgia Supreme Court in *Fulton County v. City of Sandy Springs*, 295 Ga. 16 (2014) and *City of Norcross v. Gwinnett County*, 355 Ga. App. 662 (2021).

2.0 Definitions

Roadway - The paved portion of a street from back-of-curb to back-of-curb (or edge to edge of pavement for streets not having curbs) but excluding driveway aprons, bridges, and large single and multi-cell culverts, which in a hydrologic sense can be considered to function as a bridge.

Stormwater Management System - Any one (1) or more of the various devices used in the collection, treatment, or disposition of storm, flood or surface drainage waters, including all manmade structures or natural watercourses that convey or transport runoff. Such devices may include detention areas, berms, swales, improved watercourses, open channels, bridges, gulches, streams, gullies, flumes, culverts, gutters, pumping stations, pipes, ditches, siphons, catch basins, junction boxes and street facilities; all inlets; collection, drainage or disposal lines; intercepting sewers; disposal plants; outfall sewers; all pumping, power, and other equipment and appurtenances; all extension, improvements, additions, and alterations thereof; and any and all rights or interests in such stormwater facilities. Stormwater facilities expressly exclude any of the foregoing which exist for, or are used exclusively for the purpose of collection, treating, measuring, supplying, or distributing potable water within or as part of the County water supply and treatment system, or any of the foregoing which exist for or are used exclusively for the

purpose of collecting, treating, or measuring effluent within or as part of the County sanitary sewer system.

Structural Stormwater Control - A structural stormwater management facility or device that controls stormwater runoff and changes the characteristics of that runoff including, but not limited to, the direction, quantity, quality, period of release or velocity of flow of such runoff. Structural Stormwater Controls include but are not limited to junction boxes (including buried), yard inlets, headwalls, weirs, pipe collar, water quality devices, and outlet control devices.

3.0 Inspection and Maintenance Responsibilities

For all existing and new developments, the following inspection and maintenance responsibilities shall apply:

Private Stormwater Management Facilities

Private stormwater management facilities shall be privately owned, and the owner(s) shall be responsible for ensuring the proper function of the stormwater management facilities located on their property. This program shall be accomplished through periodic inspections and routine maintenance by the responsible party. The owner(s) shall maintain a perpetual, non-exclusive easement that allows access for inspection and emergency maintenance activities.

Public Stormwater Facilities

The City of Tucker is responsible for inspecting and maintaining stormwater management facilities located on municipal property and within the public right-of-way (ROW). This includes stormwater structural controls on properties owned by the City of Tucker and in the public ROW; and some pipes draining City streets. Pipes draining City streets are publicly maintained in the upstream direction to the nearest stormwater structural control (typically junction box or headwall) from the public ROW. In the upstream direction drainage infrastructure beyond the nearest stormwater structural control to the public ROW, shall be privately maintained. In the downstream direction, pipes draining city streets are maintained to the nearest stormwater structural control from the public ROW. Figure 1 and 2 provide a visual representation of the City's extent of service responsibility.

When a public drainage responsibility exists to a downstream headwall, the area just downstream of the headwall, may be city maintained as necessary for 10 feet to ensure the free flow of water and prevent erosion around the headwall.

Figure 1. Aerial View of City's Stormwater Extent of Service

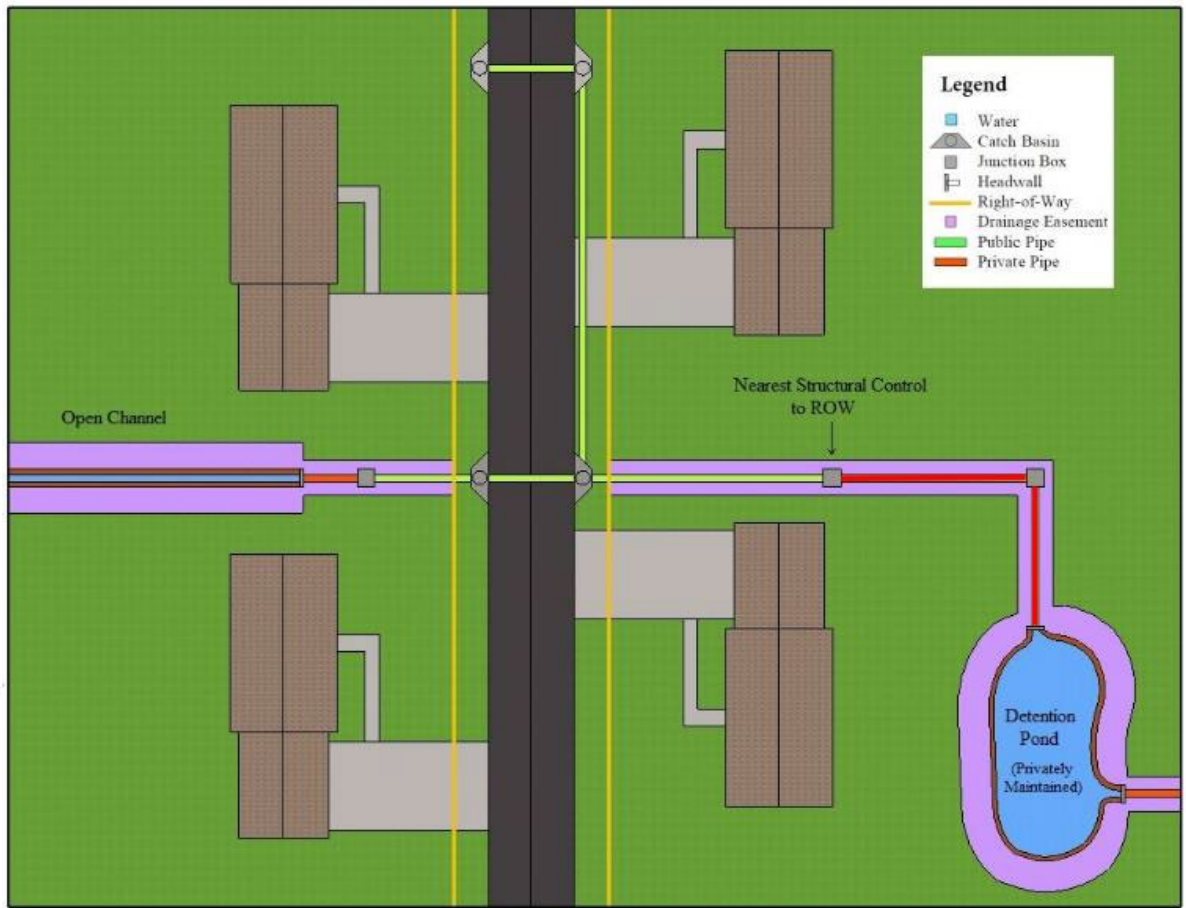
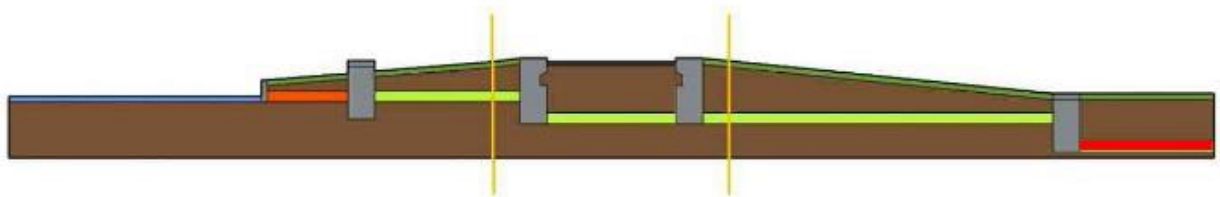


Figure 2. Cross Section View of City's Stormwater Extent of Service



Extensions to City Maintenance Responsibility

Extensions to the stated city maintenance responsibility shall only be made when one or both of the following criteria are met:

- A permanent maintenance agreement exists between the City of Tucker and a private property owner. If such an agreement exists, the stated responsibilities in the permanent maintenance agreement shall take precedence to the City's Extent of Service Policy. If such an agreement does not exist, then the City's Extent of Service Policy will govern. Maintenance agreements made prior to the existence of the City of Tucker or between parties that do not include the City of Tucker do not meet these criteria.
- Specific field conditions are encountered where the City of Tucker has demonstrated legal drainage maintenance responsibility.

3.1 Detention / Retention Ponds and Underground Stormwater Storage Facilities

The following statements identify who will be responsible for structural stormwater controls on private property. All correspondence and violations will be addressed to the responsible party.

In subdivisions with an established homeowners association (HOA) - The HOA shall be the responsible party.

In subdivisions without an established HOA - The owner(s) of the property that the facility is on or serviced by shall be the responsible party. The City will only issue maintenance requests and violations to the responsible party. This in no way shall hinder the rights of the property owner(s) to involve the other property owners that the facility serves.

In commercial and industrial developments - The property owner(s) shall be the responsible party.

In properties with a Stormwater Management Inspection and Maintenance Agreement - The responsible party as well as the responsibilities shall be described in the agreement.

The City of Tucker has a maintenance responsibility only if the facility is located on property owned by the City of Tucker, is located on Public ROW, or a maintenance agreement exists between the City of Tucker and the private property owner. Maintenance agreements made prior to the existence of the City of Tucker or between parties that do not include the City of Tucker do not apply to the City's maintenance responsibility.

Additionally, per Tucker's Municipal Code Section 22-775.

Maintenance by owner of stormwater management systems predating current GSMM (Georgia Stormwater Management Manual).

For any stormwater management systems approved and built based on requirements predating the current GSMM and that is not otherwise subject to an inspection and maintenance agreement, such stormwater management systems shall be maintained by the owner so that the stormwater management systems perform as they were originally designed.

3.2 Pipes

Residential - Pipes draining City streets are publicly maintained in the upstream direction to the nearest stormwater structural control (typically junction box or headwall) from the public ROW. In the upstream direction drainage infrastructure beyond the nearest stormwater structural control to the public ROW, shall be privately maintained. In the downstream direction, pipes draining city streets are maintained to the nearest stormwater structural control outside of the public ROW. See Figure 1 and 2 for a visual representation of the City's extent of service responsibility.

Stormwater Infrastructure not connected to pipes draining City Streets shall be privately maintained. Driveway pipes or pipes supporting the driveway apron to access residential property shall be privately maintained.

Commercial - The property owner(s) shall be responsible for any pipes that are located on private commercial property. For any pipe that crosses a property line between private and public property, the City will determine the responsible owner for maintenance on a case-by-case basis. For any pipe that crosses a property line between private property and public ROW, the City will maintain to the first stormwater structural control located outside of the ROW. Driveway pipes or pipes supporting the driveway apron to access commercial property shall be privately maintained.

3.3 Driveway Aprons

Residential and Commercial - The property owner(s) shall be responsible for the maintenance and repair of all driveway aprons including driveway pipes.

3.4 Open Channels

Residential and Commercial - The property owner(s) shall be responsible for maintaining the normal unobstructed flow of any open channel(s) on private property. This may include, but not be limited to ditches, swales, and creeks.

3.5 Records of Maintenance Activities

The responsible party shall keep documentation of all their inspections and maintenance activities and provide this documentation to the Stormwater Division of the Department of Public Works upon request.

4.0 City Inspection Program for Privately-Owned Facilities

The City of Tucker's Public Works Department has established inspection and maintenance procedures for privately-owned stormwater facilities. In accordance with Federal and State regulations, the City will, at minimum, perform routine inspections on any private stormwater management structures designed after the December 9, 2008 deadline for municipalities to adopt the Georgia Stormwater Management Manual. Other scenarios that may initiate an inspection are random site visits, citizen requests, complaints, or joint investigations with local, state, and federal agencies of a potential environmental violation. Inspection procedures may include: visual and structural evaluations; review of design, construction or maintenance records; and water quality sampling.

- The City will not engage itself in private property disputes or other legal actions between property owner(s).
- The City may provide technical assistance to assist with the maintenance and stabilization of stormwater management facilities that is within the capacities of City Staff.
- The City's inspection program has a goal of inspecting 100% (20% annually) of the City's stormwater infrastructure within the five-year MS4 permit cycle.

4.1 Emergency Maintenance / Failure to Maintain

Per Section 16-36 of the City's Stormwater Utility Ordinance, the Stormwater Division of the Department of Public Works may conduct emergency maintenance if the responsible party fails or refuses to maintain their stormwater management facility properly order. The City may correct a violation by performing the necessary work to place the facility in proper working condition. The City may assess the responsible party for the repair work cost, which shall be a lien on the property and may be placed on the ad valorem tax bill for such property and collected in an ordinary manner for such taxes.

5.0 Categorizing Project Request

The order of response to these projects will be determined by the category of the request. Requests for projects will be categorized as:

- Category I: Posing an immediate danger or threat to public safety,
- Category II: Poor condition: rapidly degrading to a public safety threat,
- Category III: Poor condition: no threat to public safety, or

- Category IV: Routine maintenance or cosmetic repair.

Projects in Category I will receive priority.

City Public Works staff will review project requests and will perform the initial project categorization. Public Works staff will periodically monitor the conditions at the project location, prior to repair/maintenance, and will modify the categorization when needed.