

Revised October 4, 2021

**A RESOLUTION/ORDINANCE OF THE CITY COMMISSION OF THE CITY OF
BUFORD TO ADOPT A WASTEWATER ALLOCATION SCHEME FOR FUTURE
DEVELOPMENT IN THE CITY OF BUFORD AND PROPERTIES SERVED BY THE
CITY'S SYSTEM; AND OTHER PURPOSES**

Section 1: Purpose and Findings.

- (a) The City of Buford's land use has grown substantially in recent years encompassing industrial, commercial and residential development. With the increase in growth has come a drastic and dramatic increase in the volume of wastewater treatment which is required to be treated by the City's plants.
- (b) Federal and state regulations along with other variables outside the City's purview restrains the City from obtaining additional capacity to treat wastewater and severely undermine the prospects of such future treatment which will be necessitated in light of the City's growth patterns and Future Land Use Plan 2012. (See Report authorized by Charles C. Corbin, Jr., P.E., P.L.S., Keck & Wood, Inc., City of Buford Engineer which analyzes *future* demand and capacity. Said report is incorporated herein by reference).
- (c) Regulation of the future allocation of wastewater treatment is necessary for the welfare of the City and its inhabitants along with the financial viability and integrity of the wastewater system. Accordingly, it is the intention of the City to establish regulations and a scheme governing future wastewater allocation which will:
 - (1) Promote and protect the public health, safety, and general welfare.
 - (2) Enhance the economy and the business and industry of the City by establishing the reasonable, orderly, equitable, and effective means to allocate wastewater treatment.
 - (3) To assist in uniform and balanced future development to serve the needs of the community and City's tax digest.
- (d) The City of Buford finds that the implementation of the Livable Centers Initiative Program (LCI) which encompasses the City's downtown development district encourages quality growth, enhances livability in these areas, links transportation improvements, and promotes economic vitality and business within the City's downtown district justifying varying standards as to allocation and capacity.

Section 2: Definitions

- (1) *Future Land Use Plan*: The City of Buford Future Land Use Plan and Map – 2012, Keck & Wood, 2000.
- (2) *Commercial*: Zoning categories and parcels consisting of C-2 General Businesses, O-1, and OBP classifications.
- (3) *Industrial*: Zoning categories and parcels consisting of M-1 and M-2 Industrial classifications.

- (4) *Low Density Residential*: Zoning categories and parcels consisting of RA-200, R-140, and R-100 classification.
- (5) *Medium Density Residential*: Zoning categories and parcels consisting of RM-6, and RMD classification.
- (6) *High Density Residential*: Zoning categories and parcels of RM-8 and greater classifications.
- (7) *Peak to Average Ratio*: The ratio of the maximum wastewater discharge rate to the monthly average daily discharge rate.

Section 3: Maximum Daily Wastewater Generation Allowance

Properties located within the corporate limits of the City of Buford on the effective date of this ordinance and those properties outside the corporate limits which are served by the City's system on the effective date of this ordinance will be assigned a maximum daily wastewater generation allowance based on the land use of the property indicated on the City's adopted Future Land Use Plan or its current zoning. The allowances will consist of:

Commercial	400 gallons per acre
Industrial	750 gallons per acre
Low Density Residential	400 gallons per acre*
Medium Density Residential	1,200 gallons per acre
High Density Residential	1,600 gallons per acre
DDA/LCI District \$1000/lot – R - 100 and CSO Residential Districts Only	

Properties not located within the corporate limits of the City of Buford on the effective date of this ordinance and those properties outside the corporate limits which are not served by the City's system on the effective date of this ordinance will be assigned a maximum daily wastewater generation allowance of zero gallons per acre.

A petitioner of a future land development shall maintain an average wastewater generation at or below the established allowance set forth above. The peak to average ratio must not exceed 3.0.

*Single Family Low Density Residential lots 1 acre or less are assigned 400 gallons.

Section 4: Determination of Daily Average Usage

City of Buford water meter readings shall be determinative and govern daily average usage. Nothing herein shall prevent the developer from installing and maintaining a meter, provided however that such meter shall be of a type approved by the City of Buford and shall measure water consumed on

site and not returned to the City's wastewater system. Annual calibration of such meter by an independent entity shall be part of the developer's ongoing responsibility.

Section 5: Compliance

Upon issuance of a Certificate of Occupancy, the City shall monitor the water consumption of the project/development for a period of time necessary to establish the normal usage pattern of the facility. Should the daily average usage be greater than the maximum daily wastewater generation allowance established for the project/development, the facility shall be assessed a fine for exceeding ordinance limits. Such fine shall be determined by subtracting the daily average usage from the maximum daily wastewater generation allowance and multiplying the result by \$21.00 per gallon. An administrative fee of \$1,500.00 shall also be due and payable.

Section 6: Appeal

If the proposed project/development exceeds the maximum daily wastewater generation allowance set forth above and the City maintains present capacity for the project, the applicant may petition the City of Buford for a waiver of said restrictions. Upon review by the City staff and City Engineer, the application and recommendation shall be presented to the City Commission for consideration. Technical factors to be considered by the City Engineer shall include:

- (a) Current performance of the City's wastewater treatment facilities;
- (b) Character and nature of wastewater to be discharged compared to the provisions of the City's Sewer Ordinance;
- (c) Current daily flow at the City's treatment plant which would receive the flow from the project;
- (d) Impact of additional flow on receiving treatment plant's ability to achieve NPDES permit limits;
- (e) Available hydraulic capacity of sewers and other sewer system components, and;
- (f) Current daily flows (gallons per capita per day) shall be generally accepted utilizing industry standards as approved by staff (e.g. Atlanta Regional Commission/MNGWPD, Gwinnett County).

If wastewater treatment capacity is available and the project is in accordance with the City's Comprehensive Plan and if the capacity is not greater than ten percent (10%) of the total available capacity, the City Manager or his designee may authorize the additional portion of daily wastewater volume. If such waiver is granted by the City Manager or his designee, the applicant shall remit a one-time fee of \$18.00 for each gallon of additional volume over the maximum daily wastewater generation allowance.