



STORMWATER UTILITY APPEALS MANUAL

City of Anderson, South Carolina

October, 2007

Chapter 1: Appeals Policies

It is the City's intent to encourage sound technical design practices which reduce the negative impact of development on the drainage system through a simple but effective appeals system. Certain policies have been developed to help maintain a balance between simplicity and effectiveness.

Where a property owner or customer can unequivocally document and demonstrate through appropriate engineering studies that his property's stormwater runoff impact on the public stormwater drainage system is significantly less than suggested by its assigned stormwater service charge (stormwater fee), the Public Works Director or his designee, has the authority to make adjustments consistent with the intent of the ordinance establishing charges for stormwater services. The Customer may appeal in the following manner:

- a. An appeal accompanied by an appeal review fee must be filed in writing with the City Engineer or his designee within thirty (30) days of the date of the notification of the fee. In the case of service charge appeals, the appeal shall include a survey prepared by a registered land surveyor or professional engineer containing information on the total property area, the impervious surface area, and any other features or conditions which influence the hydrologic response of the property to rainfall events.
- b. Using the information provided by the appellant, the City Engineer or his designee may conduct a technical review of the conditions on the property and respond to the appeal in writing within thirty (30) days.
- c. In response to an appeal the City Engineer should adjust the stormwater service charge applicable to a property in conformance with the general purpose and intent of the Stormwater Utility. The adjustment may be downward or upward as appropriate.
- d. A decision of the City Engineer or his designee, which is adverse to an appellant, may be further appealed to the City Manager within thirty (30) days of receipt of notice of the adverse decision. Notice of the appeal shall be served on the City Manager by the appellant, stating the grounds for the appeal. The City Manager shall issue a written decision on the appeal within thirty (30) days of the hearing date. All decisions of the City Manager shall be served on the appellant personally or by registered or certified mail, sent to the billing address of the appellant.
- e. Any person aggrieved by an adverse decision of the City Manager may appeal that decision to the court of common pleas within thirty (30) days of receipt of the decision.
- f. An appeal review fee of \$25.00 for residential parcels, or an appeal review fee of \$100 for non-residential parcels of land, shall be paid at the time the appeal is filed. Each parcel requires an additional appeal review fee. The appeal review fee may be refunded if the result of the appeal is in favor of the appellant. See "Section 3.9. Appeals" of the Stormwater Utility Ordinance for more information.