

## ORDINANCE 2021 - 002

1st reading and Introduction: January 19, 2021

2nd reading and Public Hearing: February 1, 2021

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**AN ORDINANCE APPROVING AND AUTHORIZING THE CITY MANAGER TO DETERMINE THE MANNER AND METHOD OF COLLECTION OF UNPAID STORMWATER SERVICE FEES, PENALTIES AND INTEREST; AUTHORIZING THE CITY MANAGER TO NEGOTIATE SETTLEMENTS RELATED THERETO; EXECUTE ALL NECESSARY AGREEMENTS RELATED TO SUCH SETTLEMENTS AS MAY BE REQUIRED; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

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**WHEREAS**, the City of Powder Springs Mayor and Council did on October 2, 2017 adopt an ordinance amendment enacting Article IX of Chapter 11 entitled Stormwater Utility (Code Section 11-200 et al), as authorized by the Georgia Constitution of 1983, including without limitation, Article IX, Section II, Paragraph III thereof and O.C.G.A. 36-82-62 to provide stormwater management services throughout Powder Springs; and

**WHEREAS**, Code Section 11-200 (l) expressly authorizes the City to impose stormwater utility service fees; and

**WHEREAS**, further Code Section 11-208 (c) expressly authorizes the assessment and collection of late charges, interest and penalties, including but not limited to collection costs, attorney's fees and court costs, against the property owner; and

**WHEREAS**, the City has determined that the City Manager should be authorized to determine the manner and method of collection of unpaid stormwater service fee interest, penalties and late charges, and be authorized to waive said interest, penalties and late charges, and to execute all necessary documents as may be needed; and

**WHEREAS**, Code Section 11-208 should be amended to include Section 11-208 (d) providing the City Manager such authority; and

**WHEREAS**, further, the Mayor and City Council desires to ratify all actions taken by the City Manager consistent with the powers authorized herein.

**NOW THEREFORE, BE IT ORDAINED**, and it is so ordained by the Mayor and Council that

- (i) Section 11-208 shall be amended by adopting the following language,

“(d) The City Manager, after consultation with the Mayor and Council, is hereby authorized (i) to determine the manner and method of collection of unpaid stormwater service fees including interest, penalties and late charges; (ii) to waive the payment of interest, penalties and late charges imposed on such unpaid stormwater service fee; and (iii) to execute all related necessary documents as needed.”; and

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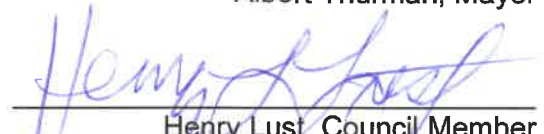
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- (ii) the City Manager is authorized to take all necessary steps to effectuate such amendment; and
- (iii) this Ordinance shall be effective upon adoption.

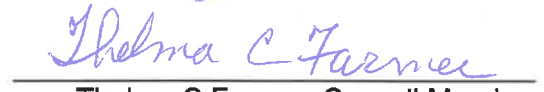
**BE IT FURTHER ORDAINED**, that all ordinances and parts of ordinances in conflict herewith hereby repealed, and this ordinance shall become effective immediately upon execution by the Mayor and City Council.


**SO ORDAINED** this 1st day of February, 2021.

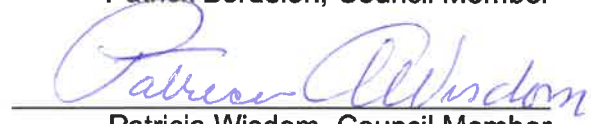
  
Albert Thurman, Mayor


  
Henry Lust, Council Member

  
Doris Dawkins, Council Member

  
Thelma C Farmer, Council Member

  
Patrick Bordelon, Council Member

  
Patricia Wisdom, Council Member

Attest:   
Kelly Axt, City Clerk