

ORDINANCE 2021 - 013

1st reading, Introduction & Public Hearing: June 7, 2021

2nd reading, Public Hearing and Adoption: June 21, 2021

AN ORDINANCE BY THE CITY OF POWDER SPRINGS TO AMEND THE CODE OF ORDINANCES AND THE UNIFIED DEVELOPMENT CODE OF POWDER SPRINGS, GEORGIA RELATING TO STORMWATER MANAGEMENT AND MAINTENANCE; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Powder Springs (“City”) has previously adopted a stormwater management ordinance and utility defining the scope of responsibility the City will undertake;

WHEREAS, the City has previously adopted stormwater management regulations applicable to development occurring within the City;

WHEREAS, the City finds that it is in the best interest of public health, safety and welfare to redefine and clarify that scope of responsibility and governing applicable regulations and definitions pertaining to stormwater management;

NOW THEREFORE in the interest of public health, safety and welfare, the Mayor and Council do hereby ordain that the Code of Ordinances and Unified Development Code are amended as follows:

Section 1

Section 11-203(c) is amended by striking existing said section in its entirety and substituting the following new 11-203(c):

“ (c) The operation, maintenance or improvement of stormwater management systems and facilities located on private or public property not owned by the city, and for which there has been no written agreement granting easements, rights-of-entry, rights-of-access, rights-of-use or other form of dedication thereof to the city for operation, maintenance, improvement and access of such stormwater management systems and facilities shall be and remain the legal responsibility of the property owner, except as otherwise provided for by the state and federal laws and regulations. Notwithstanding anything to the contrary contained herein, should the owner of stormwater management systems and facilities fail to maintain such stormwater management systems and facilities, the city may perform such maintenance as is necessary in the public interest to keep the systems and facilities functional. In the case of residential subdivisions where title has not been assumed by the homeowner's association, or if there is no homeowner's association in existence, or when there is a homeowner's association which has title to the stormwater management systems and facilities but has failed to adequately maintain, the cost of the city's maintenance activities shall be a special assessment against the IMPROVED properties AUTHORIZED AND CONSTRUCTED UNDER THE LAND DISTURBANCE PERMIT ISSUED FOR THE DEVELOPMENT FOR WHICH THE STORMWATER MANAGEMENT SYSTEM INFRASTRUCTURE OR SYSTEM WAS INSTALLED TO CONTROL OR MANAGE POST-DEVELOPMENT STORMWATER RUNOFF ASSOCIATED WITH SUCH DEVELOPMENT. FOR THE PURPOSES OF THIS SUBSECTION, “DEVELOPMENT” SHALL HAVE THE SAME DEFINITION THAT IS HAS UNDER THE UNIFIED DEVELOPMENT CODE OF POWDER SPRINGS,

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GEORGIA. The city may place reasonable conditions upon such work, such as requiring temporary or permanent access and maintenance easements.

Section 2

The Unified Development Code is amended by adding the following definition:

“Development: (1) a land development project involving the construction of streets, utilities, buildings, or other improvements required for the habitation or use of property, such as a residential neighborhood, an apartment complex, a store, or a shopping center; (2) any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials; (3) the act of constructing or carrying out a land development project, including the alteration of land or vegetation in preparation for construction activity.”

Section 3

If any section, clause, sentence or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

Section 4

All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 5

The adoption and effective date of this ordinance is June 21, 2021.


SO ORDAINED, this 21st day of June, 2021.

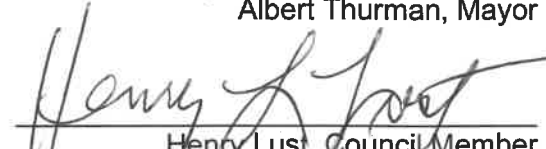
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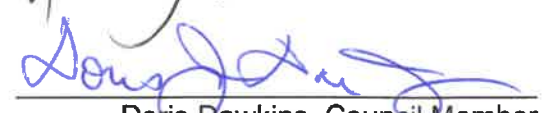
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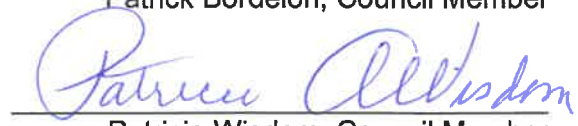

Albert Thurman, Mayor


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