

**AN ORDINANCE TO AMEND THE CODE OF THE CITY OF JOHNS CREEK, GEORGIA BY PROVIDING FOR HALTING OF INTEREST ACCRUAL ON CERTAIN ACCOUNTS AS SET FORTH IN SEC. 113-201. STORMWATER USER FEE CHARGE, BILLING, DELINQUENCIES AND COLLECTIONS; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO ESTABLISH AN EFFECTIVE DATE; AND FOR ALL OTHER LAWFUL PURPOSES.**

**WHEREAS**, the City of Johns Creek is authorized by O.C.G.A. § 36-35-3(a) to adopt clearly reasonable ordinances, resolutions or regulations related to its property, affairs and local government for which no provision has been made by general law and which are not inconsistent with the Constitution or any charter provision applicable thereto; and

**WHEREAS**, the City of Johns Creek pursuant to Section 1.12(b)(9) of its Charter is authorized to protect and preserve the natural resources, environment and vital areas of the City through the management of stormwater and establishment of a stormwater utility; and

**WHEREAS**, the City Council of the City of Johns Creek has the power by ordinance to assess and collect fees, charges and tolls for providing stormwater management services for the total cost to the City of providing or making said services available; and

**WHEREAS**, the City Council of the City of Johns Creek desires to exercise the above-stated powers to allow for revision concerning collection of interest on delinquent accounts in order to facilitate collection efforts.

**NOW THEREFORE**, the Council of the City of Johns Creek hereby ordains as follows:

**Section 1.** Article XIV (Stormwater Utility), Section 113-201 of Chapter 113 (Development Regulations) of the Code of the City of Johns Creek, Georgia is hereby repealed in its entirety and replaced as follows:

**Sec. 113-201. Stormwater user fee charge, billing, delinquencies and collections.**

**(a) *Billing.***

- (1)** A bill for stormwater user fee charges shall be sent through the United States Postal Service or by alternative means reasonably calculated to provide notice as may be determined by the city notifying the owner of the property being billed of the amount of the stormwater user fee charge, less credits, the date the payment is due and the date when payment is past due. Bills shall be mailed no later than July 1 of each year, and payments shall be due no later than August 31 of that same year. In the event the due date falls on a day when the City is not open for business, payments will be due the next day that the City is open for business.
- (2)** The mayor and city council authorizes the director or his/her designee to bill and collect the stormwater user fee charge as part of an annual bill or other method of billing as deemed appropriate by the city. The mayor and city council further authorizes the director or his/her designee to charge and collect penalties and interest as set forth in subsection (b) of this section.

- (3) If a bill for a stormwater user fee charge for a particular parcel is generated, failure to receive the bill shall not be justification for nonpayment.
- (4) Regardless of the party to whom the bill is initially directed, the owner of the property, as identified from the public land records of Fulton County, shall be obligated to pay the appropriate stormwater user fee charge for that property and any interest and/or penalties that have accrued and due and owing as set forth in this section. When a property is conveyed within a billing year, the City may prorate for each party the fee upon receipt of evidence showing the conveyance date and the names and current addresses of the parties to the conveyance.
- (5) If a property is unbilled, or if no bill is sent for a particular property, the city's stormwater utility may back bill for a period of up to three years, but shall not be entitled to any interest or any penalty charges during the back billed period.

(b) *Delinquencies and collection.*

- (1) The finance director and/or his/her designee shall be authorized to enter into written agreements to pay any amounts due and owing over a period of time.
- (2) A penalty or late charge in the amount of ten percent of the amount due and unpaid on the due date shall be assessed.
- (3) In addition to the penalty stated above, interest in the amount of one percent per calendar month (12 percent annually) shall accrue on all unpaid amounts beginning on December 1 of the year in which the payment is due, provided, however, that the finance director and/or his/her designee may halt interest accrual as follows:
  - A. On an account with an unpaid balance of \$1,000 or greater, interest may be halted as of the date the property owner enters into a written agreement with the city setting forth a schedule of payments to pay the amount owed as of the date of the agreement, including the assessed late penalty and interest accrued as of the date of the payment plan agreement. The one percent interest shall not accrue during the term of the payment plan agreement so long as payments are made as set forth in the agreement. If the terms of the agreement are not met due to a failure to pay and/or a failure to pay on time, interest shall no longer be halted and will be calculated by retroactively applying interest on the unpaid balance as of the date the payment plan agreement was entered and continuing to accrue thereon until the account is paid in full. Interest may be halted only as part of a payment plan agreement. If there is default of a payment plan agreement and interest retroactively resumes as set forth herein, no further halting of interest shall be allowed on that account.
  - B. On an account with an unpaid balance of less than \$1,000, there shall be no halt of interest.
- (4) The city may assess all costs of collection, including attorneys' fees and court costs, against the property owner, if collection efforts are pursued in court.
- (5) Unpaid stormwater user fee charges shall be collected in any manner permissible by Georgia law, including but not limited to: utilizing the services of a collection agency, by filing suit to collect on an unpaid account, or by using all methods allowed by Georgia law to collect on any judgment obtained, including enforcement of any lien resulting from any such judgment. Unless reduced to a judgment and a Writ of Fieri Facias (FiFa) issued, the unpaid stormwater user fee charge and any penalty and accrued interest shall not constitute a direct lien against the owner and/or the property.

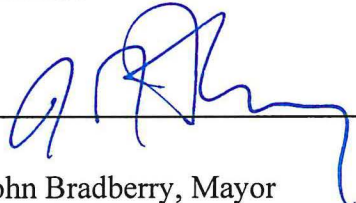
- (6) When a property is conveyed within a billing year, the city may waive any penalty, late charge and/or interest upon receipt of evidence showing the conveyance date and the names and addresses of the parties to the conveyance.

**Section 2.** If any paragraph, subparagraph, sentence, clause, phrase or any portion of this Ordinance shall be declared invalid or unconstitutional by any court of competent jurisdiction or if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of the Ordinance to other circumstances not so held to be invalid. It is hereby declared to be the intent of the City Council of the City of Johns Creek to provide for separate and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.


**Section 3.** All ordinances, resolutions or parts thereof in conflict with the terms of this Ordinance are hereby repealed to the extent of the conflict.

**Section 4.** This Ordinance shall be effective upon adoption by the City Council of the City of Johns Creek, Georgia, and signature of the mayor or the date of the next regularly scheduled council meeting, whichever is earlier.

SO ORDAINED this 24<sup>th</sup> day of March, 2025.

  
John Bradberry, Mayor

ATTEST:

  
Allison Tarpley, City Clerk

Allison Tarpley, City Clerk

APPROVED AS TO FORM:

  
Angela C. Couch, City Attorney

Angela C. Couch, City Attorney



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- (2) The mayor and city council authorizes the director or his/her designee to bill and collect the stormwater user fee charge as part of an annual bill or other method of billing as deemed appropriate by the city. The mayor and city council further authorizes the director or his/her designee to charge and collect penalties and interest as set forth in subsection (b) of this section.
- (3) If a bill for a stormwater user fee charge for a particular parcel is generated, failure to receive the bill shall not be justification for nonpayment.
- (4) Regardless of the party to whom the bill is initially directed, the owner of the property, as identified from the public land records of Fulton County, shall be obligated to pay the appropriate stormwater user fee charge for that property and any interest and/or penalties that have accrued and due and owing as set forth in this section. When a property is conveyed within a billing year, the City may prorate for each party the fee upon receipt of evidence showing the conveyance date and the names and current addresses of the parties to the conveyance.
- (5) If a property is unbilled, or if no bill is sent for a particular property, the city's stormwater utility may back bill for a period of up to three years, but shall not be entitled to any interest or any penalty charges during the back billed period.

(b) *Delinquencies and collection.*

- (1) The finance director and/or his/her designee shall be authorized to enter into written agreements to pay any amounts due and owing over a period of time.
- (2) A penalty or late charge in the amount of ten percent of the amount due and unpaid on the due date shall be assessed.
- (3) In addition to the penalty stated above, interest in the amount of one percent per calendar month (12 percent annually) shall accrue on all unpaid amounts beginning on December 1 of the year in which the payment is due, provided, however, that the finance director and/or his/her designee may halt interest accrual as follows:

A. On an account with an unpaid balance of \$1,000 or greater, interest may be halted as of the date the property owner enters into a written agreement with the city setting forth a schedule of payments to pay the amount owed as of the date of the agreement, including the assessed late penalty and interest accrued as of the date of the payment plan agreement. The one percent interest shall not accrue during the term of the payment plan agreement so long as payments are made as set forth in the agreement. If the terms of the agreement are not met due to a failure to pay and/or a failure to pay on time, interest shall no longer be halted and will be calculated by retroactively applying interest on the unpaid balance as of the date the payment plan agreement was entered and continuing to accrue thereon until the account is paid in full. Interest may be halted only as part of a payment plan agreement. If there is default of a payment plan agreement and interest retroactively resumes as set forth herein, no further halting of interest shall be allowed on that account.

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- B. On an account with an unpaid balance of less than \$1,000, there shall be no halt of interest.
- (4) The city may assess all costs of collection, including attorneys' fees and court costs, against the property owner, if collection efforts are pursued in court.
  - (5) Unpaid stormwater user fee charges shall be collected in any manner permissible by Georgia law, including but not limited to: utilizing the services of a collection agency, by filing suit to collect on an unpaid account, or by using all methods allowed by Georgia law to collect on any judgment obtained, including enforcement of any lien resulting from any such judgment. Unless reduced to a judgment and a Writ of Fieri Facias (FiFa) issued, the unpaid stormwater user fee charge and any penalty and accrued interest shall not constitute a direct lien against the owner and/or the property.
  - (6) When a property is conveyed within a billing year, the city may waive any penalty, late charge and/or interest upon receipt of evidence showing the conveyance date and the names and addresses of the parties to the conveyance.

(Ord. No. 2021-06-18, § 1(Exh. A, § 1.11), 6-21-2021; Ord. No. 2021-11-34, § I, 11-29-2021)