

ORDINANCE NO.: 2024-002

AN ORDINANCE TO AMEND *CHAPTER 38 UTILITIES AND SERVICES, ARTICLE III. SEWERS, DIVISION 3. BUILDING SEWERS AND CONNECTIONS, SEC. 38-118 CONNECTION COSTS AND EXPENSES; INDEMNITY; PORTION TO BE PERFORMED BY CITY; TAP FEES*; TO PROVIDE FOR COSTS, TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the governing authority of the City of Eastman is the City Council;

WHEREAS, the governing authority of the City of Eastman desires to adopt an amendment to providing access to sewer line from property owners to the city; and,

WHEREAS, the health, safety, and welfare of the citizens, commercial, governmental, institutional, business or industrial premises of Eastman, Georgia, will be positively impacted by the adoption of this Ordinance; and

WHEREAS, the City of Eastman, Georgia, has the legislative power to adopt ordinances, resolutions or regulations relating 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 of or any charter provision applicable thereto; and

WHEREAS, the governing authority of the City of Eastman has read and considered the proposed ordinance;

NOW THEREFORE IT IS HEREBY ORDAINED by the City Council of the City of Eastman, pursuant to the authority vested in that body under the laws of the State of Georgia that:

Section 1. *Chapter 38, Article III. Sewers, Division 3. Building Sewers And Connections, Sec. 38-118 Connection Costs And Expenses; Indemnity; Portion To Be Performed By City; Tap Fees* is hereby amended with the provisions attached hereto as set forth in Exhibit A.

Section 2. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 3. It is hereby declared to be the intention of the City Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Council to be fully valid, enforceable and constitutional.

Section 4. In the event any phrase of this Ordinance shall, for any reason, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Council that such invalidity, unconstitutionality or unenforceability shall, to the extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases and that all remaining phrases shall remain valid and of full force and effect.

Section 5. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 6. The effective date of this Ordinance shall be the date of its second reading.

ORDAINED by the City Council of the City of Eastman, pursuant to the authority vested in that body under the laws of the State of Georgia:

INTRODUCED the _____ day of _____ 2024, the first reading.

ADOPTED the _____ day of _____ 2024, the second reading.

EFFECTIVE on the date of the Second Reading.

CITY OF EASTMAN

Graham Snyder, Chairman

ATTEST:

April Sheffield, City Clerk

Ordinance 2024-002

“EXHIBIT A”

Presently, the Eastman City Code provides as follows:

Sec. 38-118. - Connection costs and expenses; indemnity; portion to be performed by city; tap fees.

(a) The purpose of this section is to transfer the expense of installation and maintenance of sewer lines from the property owner to the city for that portion of the sewer line beginning at the property line of the land owner and extending to the city trunk line. Distance would be limited as specified in section 38-53. The property owner shall be responsible for all cost and expense incident to the connection of the sewer line from the owner's building to the property line and the installation of a clean-out plug at that point. Property owners presently receiving sewer service will be required to install a clean-out plug at the property line. In the event that the city trunk line is located on the property of the owner it shall be the owner's responsibility for the cost of installation and maintenance of the entire line into the city trunk line. Any work performed by the customer or his designated contractor must be inspected by the city building inspector for proper installation and sealing, prior to closing. The owner shall pay the city a standard sewer tap fee of \$300.00 for residential tap and \$1,000.00 per inch for commercial tap.

(b) In the event property owners without a clean-out plug experience sewer line problems the city water department will install a clean-out plug. Property owners will be assessed a fee of \$30.00 for this service.

Section 38-118 is amended to read as follows:

(a) The purpose of this section is to transfer the expense of installation and maintenance of sewer lines from the property owner to the city for that portion of the sewer line beginning at the property line of the land owner and extending to the city trunk line. Distance would be limited as specified in section 38-53. The property owner shall be responsible for all cost and expense incident to the connection of the sewer line from the owner's building to the property line and the installation of a clean-out plug at that point. Property owners presently receiving sewer service will be required to install a clean-out plug at the property line. In the event that the city trunk line is located on the property of the owner it shall be the owner's responsibility for the cost of installation and maintenance of the entire line into the city trunk line. Any work performed by the customer or his designated contractor must be inspected by the city building inspector for proper installation and sealing, prior to closing. The owner shall pay the city a standard sewer tap fee for residential tap and per inch for commercial tap ***in accordance with a rate schedule kept and maintained by the city clerk, said rates are subject to change by the city council from time to time and in its discretion.***

(b) ***Property owners shall install a clean out plug at their own cost and expense at the time of installation of and/or connection to sewer service.***