

## ORDINANCE

The Mayor and Council of the City of Duluth hereby ordain that Section 15-20 of Article 2 of Chapter 15 of Code of the City of Duluth, Georgia shall be amended to remove section (a) (3) and renumber the Section 15-20 to read as follows:

### Article 2 Stormwater Fees

#### Section 15-20. Stormwater User Fee Billing, Delinquencies, Collections and Rates

(a) Billing.

1. A bill for stormwater user fee charges may be sent through the United States Postal Service or by alternative means, 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.
2. The City Council authorizes the City Clerk to bill and collect the Duluth Stormwater User Fee Charge as part of the property/ad valorem tax bill. The City Council further authorizes the City Clerk to charge and collect penalties and interest as set forth in Subsection (b) of this Section.
- ~~3. If the customer should submit a payment of less than the total amount of taxes and stormwater user fee charges billed, the customer may designate how the payment shall be applied to the bill. If the customer makes no designation, the payment shall be applied first to the stormwater user fee bill and then to the ad valorem tax bill.~~
3. If a bill for a stormwater user fee charge for a particular parcel is generated, failure of the customer 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 Gwinnett County, shall be obligated to pay the appropriate stormwater user fee charge for that property and any interest and/or penalties that have accrued.
5. If a property is unbilled, or if no bill is sent for a particular tract of improved property, the Duluth Stormwater Utility may back bill for a period of up to one (1) year, but shall not be entitled to any interest or any penalty charges during the back billed period.

(b) Delinquencies and collection.

1. A penalty or late charge in the amount of ten percent (10%) of the amount due and unpaid on the due date shall be assessed against the customer.
2. In addition to the penalty stated above, interest in the amount of one percent (1%) per calendar month (12% annually) shall accrue on all unpaid amounts beginning on December 1 of the year in which the payment is due.
3. The City shall assess all costs of collection, including attorneys' fees and court costs, against the property owner.
4. 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 user fee charge shall not constitute a direct lien against the owner and/or the property.

(c) Rates

1. All parcels in the City of Duluth shall be segregated into one of four customer classes: Detached Single Family Residential (DSFR), Attached Single Family Residential (ASFR), Non-Single Family Residential (NSFR) and undeveloped.
2. The Stormwater Utility shall establish that 1.0 Equivalent Residential Unit (ERU) equals 2,654 square feet of impervious surface area. The ERU of 2,654 square feet is the mean impervious surface footprint for a typical DSFR parcel within the City of Duluth. The stormwater user fee for one (1.0) ERU shall be thirty-six dollars (\$36.00).
3. All developed parcels with at least 500 square feet of impervious surface area shall be billed for Stormwater Management Program (SWMP) services and undeveloped parcels shall not be billed.
4. DSFR and ASFR parcels shall be billed a flat rate charge for SWMP services. All DSFR parcels will be charged 1.0 ERU or \$36.00 per year and all ASFR parcels will be charged 0.4 ERU or \$14.40 per year, per dwelling unit, except as otherwise provided in this section.
5. DSFR parcels with 7,962 square feet or more of impervious surface area (or 3.0 ERUs) shall be charged using the NSFR rate calculation method as outlined herein.

6. NSFR parcels shall be billed on a parcel specific basis based on the actual amount of impervious surface area. NSFR parcels shall be billed \$36.00 per year for each increment of 2,654 square feet impervious surface area, or fraction thereof.

This ordinance shall be and become effective upon its adoption by the City Council.

IT IS SO ORDAINED this 9 day of July, 2012.

Those voting in favor:

James T. Dugan  
Council member

Billy  
Council member

Greg  
Council member

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Council member

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Council member

Those voting in opposition:

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Council member

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Council member

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Council member

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Council member

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Council member

Attest: \_\_\_\_\_  
City Clerk

Andrew  
Mayor