

1. Agenda

Documents:

[BOMC-3-9-22-RM-AGENDA.PDF](#)

2. Meeting Called To Order/Adoption Of Agenda

3. Commissioner Comments

4. Approval Of Minutes

5. Resolution To Authorize The Purchase Of Police Radios

6. Resolution To Amend Classification & Compensation Plan To Include Capital Projects Manager

7. First Reading Of Ordinance To Amend Code For Stormwater Extent Of Service Policy

Documents:

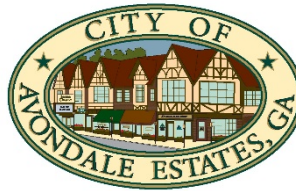
[AVONDALE ORD. TO AMEND STORMWATER EXTENT OF SERVICE DRAFT  
3.4.22.PDF](#)

[AMENDED\\_SEC.\\_20\\_33\\_SCOPE\\_OF\\_RESPONSIBILITY.PDF](#)

8. First Reading Of Ordinance To Require Sewage Service For New Construction

9. Public Comment

10. Adjournment



**BOARD OF MAYOR AND COMMISSIONERS  
REGULAR MEETING  
MARCH 9<sup>TH</sup>, 2022  
5:30 p.m.  
VIA ZOOM**

**AGENDA**

- Item #1 Meeting Called to Order
- Item #2 Adoption of Agenda
- Item #3 **Commissioner Comments**
- Item #4 **Approval of Minutes**  
February 9<sup>th</sup> regular meeting  
February 9<sup>th</sup> work session  
February 23<sup>rd</sup> regular meeting  
February 23<sup>rd</sup> work session
- Item #5 **Resolution to Authorize the Purchase of Police Radios**
- Item #6 **Resolution to Amend Classification & Compensation Plan to Include Capital Projects Manager**
- Item #7 **First Reading of Ordinance to Amend Code for Stormwater Extent of Service Policy**  
These policies concern stormwater infrastructure maintenance and repair on public versus private property. This has been discussed at several previous work sessions.
- Item #8 **First Reading of Ordinance to Require Sewage Service for New Construction**  
This ordinance will put the city in compliance with the Metro North Georgia Water Planning District Water Resource Management plan.
- Item #9 Public Comment\*
- Item #10 Adjournment

**\*Comments are limited to one per person, two minutes per comment.**

**\*Any questions are to be directed to the BOMC, not city staff.**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE BY THE CITY OF AVONDALE ESTATES TO AMEND CHAPTER 20 OF THE CITY CODE, REGARDING STORMWATER, IN ORDER TO REFLECT THE CITY'S EXTENT OF SERVICE POLICY REGARDING MAINTENANCE OF CERTAIN STORMWATER SYSTEMS AND FACILITIES LOCATED ON PRIVATE PROPERTY.**

**WHEREAS**, the Board of Mayor and Commissioners has adopted by resolution an Extent of Service Policy designating certain stormwater systems and facilities that are located on private property but are connected to and integral to the proper functioning of the City's public stormwater system;

**WHEREAS**, the Extent of Service Policy is intended to protect the public investment in the City's stormwater system, as well as to protect public investments in streets and other public infrastructure.

**NOW THEREFORE, BE IT ORDAINED BY** the City of Avondale Estates as follows:

**SECTION 1.** Section 20-33 of Chapter 20 of the City of Avondale Estates Code of Ordinances is hereby amended to read as follows:

**"Sec. 20-33. Scope of responsibility for the city stormwater system and facilities.**

- (a) The city owns or has legal access for purposes of operation, maintenance and improvement of those stormwater systems and facilities which:
  - (1) Are located within public streets, rights-of-way and easements;
  - (2) Are subject to easements, rights-of-entry, rights-of-access, rights-of-use or other permanent provisions for adequate access for operation, maintenance and/or improvement of systems and facilities; or
  - (3) Are located on public lands to which the city has adequate access for operation, maintenance and/or improvement of systems and facilities.
- (b) The City may take responsibility for maintenance of stormwater systems or facilities located on private property pursuant to an extent of service policy adopted by resolution of the board of mayor and commissioners. The City reserves the right to amend the extent of service policy by subsequent resolution of the board of mayor and commissioners at any time. Regardless of the extent of service policy, the City shall have no responsibility to maintain stormwater systems or facilities located on private property where the City cannot physically access the system or facility, or if the owner of the private property denies access to the system or facility.

- (c) Operation, maintenance and/or improvement of stormwater systems and facilities which are located on private property (and not designated for maintenance by the City under its extent of service policy) or public property not owned by the city and for which there has been no public dedication of such systems and facilities for operation, maintenance and/or improvement of the systems and facilities shall be and remain the legal responsibility of the property owner, except as that responsibility may be otherwise affected by the laws of the State of Georgia and the United States of America.
- (d) It is the express intent of this article to protect the public health, safety and welfare of all properties and persons in general by regulation of the stormwater system and facilities, but not to create any special duty or relationship with any individual person or to any specific property within or outside the boundaries of the city. The city expressly reserves the right to assert all available immunities and defenses in any action seeking to impose monetary damages upon the city, its officers, employees and agents arising out of any alleged failure or breach of duty or relationship as may now exist or hereafter be created.
- (e) To the extent any permit, plan approval, inspection or similar act is required by the city as a condition precedent to any activity or change upon property not owned by the city, pursuant to this or any other regulatory ordinance, regulation, or rule of the city or under federal or state law, the issuance of such permit, plan approval or inspection shall not be deemed to constitute a warranty, express or implied, nor shall it afford the basis for any action, including any action based on failure to permit or negligent issuance of a permit, seeking the imposition of money damages against the city, its officers, employees or agents.”

**SECTION 2.** The effective date of this ordinance is the date of adoption.

SO ORDAINED this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

ATTEST:

CITY OF AVONDALE ESTATES

By \_\_\_\_\_  
Gina Hill, City Clerk

\_\_\_\_\_  
JONATHAN ELMORE, Mayor

Approved as to Form

\_\_\_\_\_  
Stephen G. Quinn, City Attorney

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- (a) The city owns or has legal access for purposes of operation, maintenance and improvement of those stormwater systems and facilities which:
  - (1) Are located within public streets, rights-of-way and easements;
  - (2) Are subject to easements, rights-of-entry, rights-of-access, rights-of-use or other permanent provisions for adequate access for operation, maintenance and/or improvement of systems and facilities; or
  - (3) Are located on public lands to which the city has adequate access for operation, maintenance and/or improvement of systems and facilities.
- (b) **The City may take responsibility for maintenance of stormwater systems or facilities located on private property pursuant to an extent of service policy adopted by resolution of the board of mayor and commissioners. The City reserves the right to amend the extent of service policy by subsequent resolution of the board of mayor and commissioners at any time. Regardless of the extent of service policy, the City shall have no responsibility to maintain stormwater systems or facilities located on private property where the City cannot physically access the system or facility, or if the owner of the private property denies access to the system or facility.**
- (c) Operation, maintenance and/or improvement of stormwater systems and facilities which are located on private property **(and not designated for maintenance by the City under its extent of service policy)** or public property not owned by the city and for which there has been no public dedication of such systems and facilities for operation, maintenance and/or improvement of the systems and facilities shall be and remain the legal responsibility of the property owner, except as that responsibility may be otherwise affected by the laws of the State of Georgia and the United States of America.
- (d) It is the express intent of this article to protect the public health, safety and welfare of all properties and persons in general by regulation of the stormwater system and facilities, but not to create any special duty or relationship with any individual person or to any specific property within or outside the boundaries of the city. The city expressly reserves the right to assert all available immunities and defenses in any action seeking to impose monetary damages upon the city, its officers, employees and agents arising out of any alleged failure or breach of duty or relationship as may now exist or hereafter be created.
- (e) To the extent any permit, plan approval, inspection or similar act is required by the city as a condition precedent to any activity or change upon property not owned by the city, pursuant to this or any other regulatory ordinance, regulation, or rule of the city or under federal or state law, the issuance of such permit, plan approval or inspection shall not be deemed to constitute a warranty, express or implied, nor shall it afford the basis for any action, including any action based on failure to permit or negligent issuance of a permit, seeking the imposition of money damages against the city, its officers, employees or agents.