

AN ORDINANCE TO AMEND CHAPTER 34 OF THE CODE OF ORDINANCES OF THE CITY OF GARDEN CITY TO PROVIDE FOR AN ARTICLE REPLACING THE CURRENT ARTICLE IV PERTAINING TO THE ESTABLISHMENT OF THE CITY'S FIRE PROTECTION FEE RATE STRUCTURE AND BILLING RATE; TO PROVIDE FOR DEFINITIONS; TO PROVIDE FOR FIRE PROTECTION UTILITY CUSTOMER CLASSES; TO PROVIDE FOR FIRE PROTECTION FEE CHARGE RATES; TO PROVIDE FOR FIRE PROTECTION FEE CHARGE EXEMPTIONS; TO PROVIDE FOR FIRE PROTECTION FEE CHARGE CREDITS; TO PROVIDE FOR FIRE PROTECTION FEE BILLING, DELINQUENCIES, COLLECTIONS, AND ADJUSTMENTS; TO PROVIDE FOR APPEALS; TO PROVIDE FOR AN EFFECTIVE DATE; TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY The Mayor and Council Members of the City of Garden City, Georgia, and it is hereby ordained by the authority thereof that Chapter 34 of the Code of Ordinances of the City of Garden City is hereby amended by replacing the current Article IV entitled "Fire Protection Fee Rate Ordinance" with a new Article IV with the same title in accordance with the following Sections:

Section 1: Chapter 34 of the City Code, as amended, relating to fire protection services, is amended by replacing the current Article IV pertaining to the establishment of the Fire Protection Fee Structure and Billing Rate with the following Article IV:

**"ARTICLE IV.
FIRE PROTECTION FEE RATE ORDINANCE**

Sec. 34-101. Purpose

This ordinance shall serve the purpose of establishment and set up of the Fire Protection Fee Rate Structure and Billing Rate.

Sec. 34-102. Definitions

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Credit means a reduction in the amount of a customer's fire protection fee charge in recognition of a customer's efforts to mitigate the response burden imposed on the Garden City Fire Department, and the Fire Protection Utility's cost of providing fire protection and/or emergency management services.

Dwelling Unit shall mean a structure, regardless of the type or method of construction, which contains one (1) or more bedrooms, a bathroom, and cooking facilities, designed for occupancy by a one or more person(s) regardless of relationship, living as a single-family unit.

Manufactured Home Park means a common development (with a single property owner or entity) of more than one factory-built or prefabricated housing structures that have been partially or entirely assembled at another location and moved into the development.

Non-Single Family Residential (NSFR) Property shall mean a developed parcel of land that consists of various non-residential land uses including, but not limited to: (1) multi-family, commercial (including mixed commercial & residential), office/institutional, public, transportation, industrial, manufacturing and storage buildings and facilities; (2) parking lots, parks, public and private schools, universities and hospitals; (3) streets, roads, water and wastewater treatment plants; and (4) any other form of use not specifically defined as a single family residential property (SFR).

Non-Single Family Residential (NSFR) Customer shall mean a utility customer whose property meets the definition of NSFR whether such customer is the owner of the parcel or a tenant of the owner.

Single-Family Residential (SFR) Property means developed property containing one residential structure with no more than two dwelling units in or attached thereto, situated upon a single lot of record. Improved property may be classified as SFR even if supplemental accessory structures are present such as garages, carports, storage buildings, guesthouses, servants or caretakers' quarters, cottages or barns, or the presence of a commercial use within the residence, as long as such use does not materially alter the single-family residential structure or necessitate additional needed fire flow. SFR properties shall not include improved property containing structures used primarily for non-residential purposes and as defined herein; manufactured homes located within manufactured home parks where the land is owned by someone other than the owners of the manufactured homes; residential condominium developments with more than two units; or vacant/undeveloped property.

Single-family Residential (SFR) Customer means a utility customer of the City residing in a dwelling unit whether such customer is the owner of the dwelling unit, a tenant of the owner of the dwelling unit, or a resident of the dwelling unit.

Undeveloped Property means a parcel with no habitable structures located within the parcel boundaries.

Undeveloped Property Customer shall mean a utility customer whose property meets the definition of an undeveloped property.

Unless otherwise defined within this Article, the definitions included in the Fire Protection Enterprise Fund Ordinance (Code Section 34-71 et seq.) are adopted herein by reference.

The professional engineering and financing analysis documents entitled: *Technical Memorandum No. 1, dated September 29, 2022*, and the applicable supporting, project-related documents are incorporated herein by reference.

Sec. 34-103. Fire Protection Utility Customer Classes.

- (a) The Fire Protection Utility shall establish specified customer classes within the service area to reflect differences in building structure and contents; needed fire flow; fire protection services provided by the City to the Fire Protection Utility customers; and the respective demand that those customers' properties place on the Garden City Fire Department (GCFD), water supply system, and fire protection vehicles and equipment. All State, Federal, and County properties are subject to the user fee charges on the same basis as private properties. The Fire Protection Utility classes will encompass all developed and undeveloped properties within the City and are defined as follows:
 - (1) The Single Family Residential (SFR) Class shall consist of all developed properties classified as SFR customers per the applicable definition.
 - (2) The Non-Single Family Residential (NSFR) Class shall consist of all developed properties classified as NSFR customers per the applicable definition.
 - (3) The Undeveloped Class shall consist of properties classified as undeveloped per the applicable definition.
- (b) Documentation pertaining to the Fire Protection Utility customer classes shall be kept on file in the office of the Fire Protection Utility Manager for public inspection.

Sec. 34-104. Fire Protection Fee Charge Rates

- (a) The Fire Protection Utility shall impose a fire protection fee on all properties within the service area in a fair and equitable manner. The Fire Protection Utility shall apportion the cost of delivering fire protection services to all properties based on the demand the property places on the GCFD and the fire protection services provided.
- (b) Fire Protection fee charge rates shall be set and may be modified from time to time by the governing body of the City. A schedule of said rates

shall be on file in the office of the City Clerk of Garden City. In setting or modifying such rates, it shall be the goal of the City to establish rates that are fair, equitable and reasonable and, together with other funding sources available to the Garden City Fire Protection Utility for services, systems, and/or facilities related to fire protection services, are sufficient to support the cost of the GCFD, including, but not limited to, the payment of principal and interest on debt obligations, lease payments, operating expenses, capital outlays, non-operating expenses, provisions for prudent reserves and other costs as deemed appropriate by the City.

- (c) The basis for calculation of the fire protection fee charge to all property within the City is established in this Article. The City shall assign or determine the customer class, the acreage of each land parcel, the square footage of structures, and other pertinent factors as may be needed for the fair, reasonable and equitable allocation of the costs to deliver fire protection services and to calculate the fire protection fee charges for all properties in the City.
- (d) Fire protection fees shall be reflective of the following two important factors in establishing the City's cost to provide fire protection services to individual properties, including: (1) the acreage of each parcel of land and (2) the square footage of structures on each property.
- (e) The total fire protection fee for each SFR and NSFR property shall include two charges as described below:
 - a. Wildfire Charge: This charge shall apply to all properties within the Fire Protection Service Area. This charge shall be based upon the total acreage of the parcel. The annual rate per acre of land shall be established by resolution of the City Council.
 - b. Structure Charge: This charge shall be applied to all properties upon which any structure is built. This charge shall be based upon the square footage of all structures on the property. The annual rate per square foot of structure area shall be established by resolution of the City Council.
 - c. Undeveloped property shall only receive a wildfire charge.

Sec. 34-105. Fire Protection Fee Charge Exemptions.

- (a) Except as provided in this section or otherwise provided by law, no public or private property located in the incorporated area of the City shall be exempt from the fire protection fee charges. The fire protection fee charge is not a tax and no exception, credit, offset, or other reduction in fire

protection fee charges shall be granted based on age, tax status, economic status, race, religion, disability, or other condition unrelated to the Fire Protection Utility's cost of providing fire protection services and facilities.

- (b) Exemptions to the fire protection fee charges are as follows:
 - (1) Linear rights-of-way (i.e., roads, tracks, rails, roadbed) outside of defined parcel limits shall be exempt from Fire Protection fee charges. This exemption is in recognition of the right of the GCFD to collect emergency response fees for emergency response services provided within the right-of-way.

Sec. 34-106. Fire Protection Fee Charge Credits.

- (a) The Fire Protection Utility Manager shall grant credits or adjustments based on the technical and procedural criteria set forth in the Fire Protection Fee Credit Manual (Credit Manual), which is incorporated into this Ordinance by reference and made a part hereof. Copies of the Credit Manual will be maintained by and made available from the Fire Protection Utility Manager.
 - (1) Customers may apply for credits and/or adjustments in accordance with the Credit Manual.
 - (2) A Fire Protection fee charge credit shall be determined based on the technical requirements, standards and criteria contained in the Credit Manual. The amount of credit, or reduction of the Fire Protection fee charge, shall be in accordance with the criteria contained in the Credit Manual.
 - (3) Any credit allowed against the fire protection fee charge is conditioned on continuing compliance with the City's design and performance standards as stated in the Credit Manual and upon continuing provision of the controls, systems, facilities, services, and activities provided, operated, and maintained by the customer. The Fire Protection Utility Manager may revoke a credit at any time for noncompliance with applicable standards and criteria as established in the Credit Manual or this Article.
 - (4) In order to obtain a credit, the customer must make application to the City on forms provided by the Fire Protection Utility Manager for such purpose, and in accordance with the procedures outlined in the Credit Manual.
 - (5) The application for any credit or adjustment must be in writing and must include the information necessary to establish eligibility for

the credit or adjustment and be in the format described in the Credit Manual. The customer's public utility account must be paid and current prior to review and approval of a Fire Protection fee credit application by the City. Incomplete applications will not be accepted for consideration and processing.

- (b) When an application for a credit is deemed complete by the Fire Protection Utility Manager, he shall have 30 days from the date the complete application is received to approve the credit in whole, approve the credit in part, or deny the credit. The Fire Protection Utility Manager's decision shall be in writing and will be mailed to the address provided on the adjustment request, and service shall be complete upon mailing. Credits applied for by the customer and approved in whole or in part, shall apply to all fire protection fee charges in accordance with the terms defined in the Credit Manual.

Sec. 34-107. Fire Protection Fee Charge Billing, Delinquencies, Collections, Adjustments.

The property owner or utility customer account holder, as identified from City public utility billing database information, Tax Digest, and other public records of Chatham County, shall be obligated to pay the applicable fire protection fee charge.

- (a) Billing
 - (1) Fire Protection fee charges shall begin to accrue January 1, 2023, and shall be billed on the customer's annual Ad Valorem Property Tax bill starting with the billing cycle in September 2023.
 - (2) Customers that do not receive an Ad Valorem Property Tax bill from the Chatham County Tax Assessor shall be billed for fire protection services via another method and frequency established by the City.
 - (3) A bill for fire protection fee charges may be sent through the United States Postal Service or by alternative means, notifying the Fire Protection Utility customer of the following items (as a minimum): the fire protection fee charge amount (less any approved credits), the date the payment is due and the date when payment is past due.
 - (4) Frequency of the billing of fire protection fee charges shall be specified by the City.
 - (5) Failure to receive a bill shall not be justification for nonpayment. Regardless of the party to whom the bill is initially directed, the

owner of each property subject to fire protection fee charges shall be ultimately obligated to pay fire protection fee charges and any interest at the rate of eighteen (18%) percent per annum on delinquent fire protection fee charge payments.

- (6) If a property is unbilled, or if no bill is sent for a particular tract of property, the Fire Protection Utility may back bill for a period of up to three (3) years, but shall not be entitled to any interest or any delinquency charges during the back billed period.

(b) Delinquencies and Collections

- (1) Unpaid fire protection service fees shall be collected by filing suit to collect on an unpaid account and by using all methods allowed by Georgia law to collect on any judgment obtained thereby, including enforcement of any lien resulting from any such judgment. Unless reduced to a judgment and a writ of fieri facias issued, the unpaid user fee charge shall not constitute a direct lien against the owner or the property.
- (2) A late charge shall be assessed against the customer for the unpaid balance of any fire protection fee charge that becomes delinquent in accordance with applicable State law and City ordinance provisions. In addition, the City shall assess all costs of collection, including attorney's fees and court costs, against the property owner.

(c) Adjustments

- (1) The Fire Protection Utility Manager shall administer the procedures and standards for the adjustment of the fire protection fee charge.
 - a. If a customer believes his fire protection fee is incorrect, the customer may seek an adjustment of the fire protection fee charge allocated to a property at any time by submitting the request in writing to the Fire Protection Utility Manager and setting forth in detail the grounds upon which relief is sought. The customer's public utility account must be paid and current prior to consideration of an adjustment request by the City.
 - b. Customers requesting the adjustment shall be required, at their own expense, to provide accurate information to the Fire Protection Utility Manager, including, but not limited to, inspection reports from a certified fire protection

professional or building construction plans certified by a registered architect or a professional engineer. Submittal of this information will be required if the City staff cannot make a determination based on field inspection and/or review of existing City information. Failure to provide the required information within the time limits established by the Fire Protection Utility Manager, as may be reasonably extended, may result in denial of the customer's adjustment request.

- c. Once a completed adjustment request and all required information are received by the Fire Protection Utility Manager, the Fire Protection Utility Manager shall within 30 calendar days render a written decision.
- d. In considering an adjustment request, the Fire Protection Utility Manager shall consider whether the calculation of the fire protection fee charge for the property is correct.
- e. The Fire Protection Utility Manager's decision shall be in writing and will be mailed to the address provided on the adjustment request, and service shall be complete upon mailing.
- f. If the result of an adjustment is that a refund is due the applicant, the refund will be applied as a credit on the applicant's next fire protection fee charge bill.

Sec. 34-108. Appeals and Hearings

- (a) Appeals. An appeal to the City Manager may be taken by any property owner or customer aggrieved by any decision of the Fire Protection Utility Manager. The appeal shall be taken within 30 calendar days of the decision of the Fire Protection Utility Manager by filing with the City Manager a notice of appeal in writing specifying the grounds thereof. Upon the filing of the notice of appeal, the Fire Protection Utility Manager shall forthwith transmit to the City Manager all documentation constituting the record upon which the decision appealed from was taken.
- (b) Hearings. The City Manager shall fix a reasonable time for hearing the appeal and give written notice to the appellant at least ten (10) calendar days prior to the hearing date. The notice shall indicate the place, date, and time of the hearing. The City Manager shall affirm, reverse, affirm in part, or reverse in part the decision of the Fire Protection Utility Manager after hearing the evidence. If the decision of the Fire Protection Utility Manager

is reversed in whole or in part, resulting in a refund or credit due to the property owner or customer, then such refund or credit shall be calculated retroactive to the date of the initial appeal. The decision of the City Manager shall be final, and there shall be no further administrative appeal. Any person aggrieved or dissatisfied with the decision of the City Manager may petition the Superior Court of Chatham County for the issuance of a writ of certiorari.”

Section 2. Severability

If the provisions of any article, section, subsection, paragraph, subdivision, or clause of this ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this ordinance.


Section 3. Repealer

All ordinances or parts thereof which are in conflict with any provision or any section, subsection, paragraph, provision or clause of this ordinance are hereby repealed to the extent of the conflict.

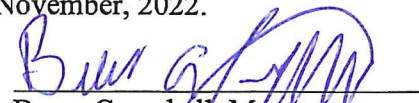
Section 4. Effective Date

This ordinance shall become effective on the date of passage.

ADOPTED this 7th day of November, 2022.


Rhonda Ferrell-Bowles
Clerk of Council

RECEIVED AND APPROVED this 7th day of November, 2022.


Bruce Campbell, Mayor

Read First Time: 11/7/22

Read Second Time and Approved: 11/7/22