

**CITY OF CARTERSVILLE EMERGENCY MORATORIUM**

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

**AN ORDINANCE OF THE CITY OF CARTERSVILLE EXTENDING A MORATORIUM UPON THE ISSUANCE OF BUILDING PERMITS FOR CONSTRUCTION OF BUILDING PROJECTS DUE TO LOW RESIDUAL FLOWS AT FIRE HYDRANTS ON THE BARTOW COUNTY WATER SYSTEM, IN THE EFFECTED AREA; PROVIDING AN EFFECTIVE DATE, PROVIDING FOR SEVERABILITY; AND DECLARING THE SUBORDINANCE OF ALL ORDINANCES, RESOLUTIONS, AND ORDERS IN CONFLICT HEREIN.**

**WHEREAS**, the City of Cartersville is tasked with providing for the general welfare of the citizens of the City of Cartersville; and

**WHEREAS**, one of the primary and essential services provided by the City of Cartersville is to provide fire protection through the City of Cartersville’s Fire Department; and

**WHEREAS**, a critical and necessary component to provide said services is the need to create and maintain adequate water pressure and flow for fire hydrants, and a system that can handle the number of users; and

**WHEREAS**, too many users and hookups onto the system can cause a dangerous reduction in water pressure that adversely impacts the City’s ability to provide adequate fire protection; and

**WHEREAS**, Bartow County has conducted a fire flow test for the hydrants servicing the area referred to as the Carter Grove Subdivision as indicated on the map attached hereto as Exhibit “A;” and

**WHEREAS**, the result of the water flow in said area was 525 GPM, well below the City’s standard of 1,000 GPM for residential areas as required by the City of Cartersville Code of Ordinances Sec. 7.5-123(b); and

**WHEREAS**, the City Fire Department has studied the fire hydrant system in said area and determined that the system does not meet the code requirements, and as such, the decreased water pressure adversely and dangerously impacts the ability to provide emergency fire suppression services; and

**WHEREAS**, the inadequacy of the hydrants to have sufficient water pressure constitutes an imminent peril to the public health, safety, or welfare of the citizens of the City of Cartersville; and

**WHEREAS**, based on the above facts, the Mayor and City Council, on December 15, 2022, via Ordinance 32-22, adopted a moratorium on development as stated therein. Said moratorium expires on July 31, 2023; and

**WHEREAS**, Bartow County has notified the City that the required improvements to their system to address the water flow issues in Carter Grove will not be completed prior to July, 2023, or the current expiration of the current moratorium and are currently unable to provide a completion date; and

**WHEREAS**, the City Charter at Section 2.10, authorizes the City of Cartersville to adopt emergency ordinances if the Mayor and City Council finds that there is an imminent peril to the public health, safety and welfare; and

**WHEREAS**, the Mayor and City Council may upon such finding proceed to adopt or enter a moratorium responding thereto; and

**WHEREAS**, the adoption of a moratorium may be accomplished upon abbreviated notice of hearings as the Mayor and City Council deems practical; and

**WHEREAS**, Bartow County is aware of the situation and is currently installing a new water infrastructure to resolve said issues, the project was slated to be completed and operational by no later than July 2023; however, it has had delays and a specific completion date has not been provided to the City by Bartow County; and

**WHEREAS**, upon conducting said hearing, the Mayor and City Council have determined that an extension of the current moratorium is necessary.

**NOW, IT AND IT IS HEREBY ORDAINED**, by the Mayor and City Council of the City of Cartersville, Georgia, as follows:

1. Based on the above recitals and the facts and circumstances set forth therein, the Mayor and City Council find that there is an imminent peril to the public health, safety and welfare of the citizens of the City of Cartersville.
2. The foregoing recitals, being a true and accurate description of the imminent peril to the public health, safety, and welfare of the citizens of the City of Cartersville, a moratorium is hereby imposed upon the receipt, processing, and approval of applications for building permits on the Carter Grove area as depicted on Exhibit "A" attached hereto and incorporated herein which addresses the low water flow. This moratorium shall be in place until December 31, 2023.
3. The existing moratorium adopted on December 15, 2022 by Ordinance 32-23, is hereby readopted and extended until December 31, 2023.
4. This moratorium shall not apply to any permit that has already been issued, nor shall it apply to any permit for which related application has already been requested from, filed with, or issued by the City. This limitation shall not prohibit the Mayor and City Council from exercising the control it is otherwise authorized to exercise over any such permit or construction project.
5. During the moratorium the City shall monitor the construction and completion of the current Bartow County Water Project. If the project is completed earlier, then the Fire

Department may recommend the cessation of the moratorium, conversely, if it takes longer, they may recommend it be extended.

6. This moratorium shall be in full force and effect immediately upon the date of its passage.
7. This moratorium is hereby declared to be severable. If a portion hereof is declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and this ordinance shall be read to carry out the purpose of this moratorium before the declaration of partial invalidity.
8. If a conflict exists between this moratorium and any other ordinance, resolution, or order of the City of Cartersville, this moratorium shall control until its expiration or termination by the Mayor and City Council.
9. This ordinance is deemed an emergency ordinance only requiring one reading due to the fire hydrant water flow in the Carter Grove area depicted on Exhibit "A" being well below that required of the City ordinances, and the imminent peril to the public health, safety, or welfare of the citizens of the City of Cartersville.

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

ATTEST:

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MATTHEW J. SANTINI, MAYOR

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JULIA DRAKE, CITY CLERK