

RESOLUTION NO. 2026-01

TEMPORARY SUSPENSION EXTENSION RESOLUTION

A RESOLUTION TO PROVIDE ON A TEMPORARY BASIS, A SUSPENSION EXTENSION AS TO ALLOWING NEW WATER AND SEWER CONNECTIONS UPON THE SYSTEM OF THE CITY OF JASPER, GEORGIA (“CITY”); TO PROVIDE THE SPECIFIC PURPOSES TO BE ACHIEVED BY THE TEMPORARY SUSPENSION EXTENSION; TO PROVIDE THAT THE INTEREST OF THE PUBLIC REQUIRES THIS TEMPORARY SUSPENSION EXTENSION DUE TO A LACK OF CURRENT PERMIT AND OPERATIONAL CAPACITY OF THE WATER AND SEWER DISTRIBUTION AND COLLECTION SYSTEM OF THE CITY OF JASPER, GEORGIA; TO PROVIDE THAT THE SUSPENSION EXTENSION SHALL BE TEMPORARY; AND FOR OTHER PURPOSES.

WHEREAS, the City of Jasper, Georgia is authorized and directed by Section 1.13(22) of its Charter to have the general purpose of acquiring, equipping, constructing, maintaining, and operating adequate water supply, treatment, and distribution facilities and sewerage collection, treatment, and distribution facilities; making such facilities and the services thereof available to public and private consumers and users located in the City and surrounding community and doing all things deemed by the City Council necessary, convenient, and desirable for and incident to the efficient and proper development and operation for such type of undertaking;

WHEREAS, the City Council of the City of Jasper, pursuant to the authority granted to it by its Charter, and the authority of its water and sewer use regulations, as amended, may take those actions as is appropriate to operate its water and sewerage system on a sound basis, and in a fair and equitable manner;

WHEREAS, due to growth in its service area, the City, as of the effective date of this resolution, has approached the maximum water service and sewage treatment capacity and

distribution and collection capacity available under its current infrastructure and its current permits and imposed a temporary suspension, as extended, of new water and sewer connections through September 8, 2026, except for certain vested applicants;

WHEREAS, the City Council of the City of Jasper pursuant to the capacity evaluations as attached to the April 7, 2025 Extension Resolution (and incorporated herein), in light of nearing both the water capacity, the plant capacity and transport and distribution capacity for the water system and the sewerage treatment system and the distribution and collection capacity as well as being at capacity allowed under its current permits, desires to conserve the remaining capacity of the systems, in order to prevent loss of service to existing customers, unjust hardship in certain cases, and allow for the equitable and fair treatment of all applicants for water and sewer taps to the systems of the City and therefore finds that a further extension to the temporary suspension is appropriate.

NOW, THEREFORE, BE IT RESOLVED, and it is hereby resolved by the authority of the City Charter, and the legal authority possessed by the City of Jasper, Georgia, as follows:

SECTION 1. RECITALS.

The foregoing recitals are hereby incorporated by reference into this resolution, as if they were set out fully herein.

SECTION 2. TEMPORARY SUSPENSION EXTENSION.

The City Council of the City of Jasper, Georgia does hereby impose a temporary suspension extension as to the consideration of all new water and sewerage treatment applications for connection to the water and sewerage systems of the City of Jasper, Georgia, as of the effective date of this resolution. The temporary suspension extension shall be for a time period of 365 days from the ending date of the suspension as extended of September 8, 2026 (which remains in effect)

and continue until September 8, 2027. The temporary suspension extension shall apply to all applications for water or sewerage treatment capacity not presently filed and submitted to the City as of the date of this Resolution and/or that were submitted during the original suspension period and as extended through September 8, 2026. The staff of the City may continue to receive applications for water or sewerage capacity, but the staff shall indicate to the applicants that the City Council has imposed the temporary suspension extension, and no new connections will be granted during the time of the temporary suspension as extended, unless the Jasper City Council determines there is a vested right situation as provided hereinafter. The submittal of an application for service does not create a vested right to water and/or sewer capacity in light of the suspension being in effect since September 9, 2024. However, the City Council acknowledges certain specific common situations have created a right of continued service and being the following:

(1) All existing owner occupied residences within the service area of the City, and with residences being detached single family residential homes located on single family residential lots having an existing and operating water meter and an existing water account for the property as of September 9, 2024;

(2) All other residential units as of September 9, 2024 within the service area of the City and having an existing and operating water meter with the water account for said residential unit being subject to a landlord guaranty agreement approved by the City;

(3) All existing as of September 9, 2024, owner occupied commercial structures, subject to the limitations imposed herein, located on a properly zoned commercial lot within the service area of the City, having an existing and operating water meter and an existing water account for the property, but subject to the following:

(a) The size of the water meter cannot be changed during the time period of the suspension as extended; and

(b) The amount of water used cannot on a monthly basis exceed the average monthly amount of water used by the property during the time period of September 9, 2023 through September 8, 2024.

(4) All other commercial structures as of September 9, 2024 subject to the limitations imposed herein, located on a properly zoned commercial lot within the service area of the City, having an existing and operating water meter and an existing water account for the property subject to a landlord guaranty agreement approved by the City, but subject to the following:

(a) The size of the water meter cannot be changed during the time period of the suspension as extended; and

(b) The amount of water used cannot on a monthly basis exceed the average monthly amount of water used by the property during the time period of September 9, 2023 through September 8, 2024.

(5) Property developments approved for development by the City prior to September 9, 2024, as verified by the date of site plan approval, and which have also received EPD approvals for extension and/or modification of water and/or sewer lines prior to September 9, 2024, and the developers of which, have made a substantial change in position with substantial expenditures based upon said approvals;

(6) Such other legal claims of vested rights to service as determined by the City Council to be valid.

The foregoing situations are deemed to have vested rights so as to allow for connections and the transfer of the meter and water account for the property (the property and/or meter is relieved of the effect of the suspension and the extensions).

Due to the suspension and extensions, the City finds that the City requirement that any property within the service areas of the City connect to the City's water and/or sewer service be inapplicable due to the services not being available, and the property shall have the right to construct a well and septic tank so long as all Department of Health requirements are met.

Since an application for new connections and service inherently involves no current service being provided to the applicant by the City, no applicant has a property interest in any water and sewer service provided by the City. Legal claims of a vested right to water and/or sewer service of the City by an applicant may be considered by the City Council considering information provided within the legal claim by the applicant, and such other information available to the City, including but not limited to the property history, the development state of the property, past water and sewer usage by the property, projected water and sewer usage, landlord guaranty agreements, and other relevant information. Upon the determination of the legal claim by the Council, the Council shall provide written determination of the legal claim to the applicant (by email or otherwise) and confirm the determination in a public meeting of the City Council. The Jasper City Council acknowledges that those parties determined by the City Council to have a valid legal claim of vested rights to receive connections to the water or sewerage treatment system of the City of Jasper are relieved of the effect of the suspension and the extensions. Applications made prior to the effective date of the original resolution, but which were not approved by the Jasper City Council, shall have no vested rights to receive connections.

SECTION 3. PUBLIC PURPOSE OF THE SUSPENSION EXTENSION.

The temporary suspension extension is to allow the City of Jasper a reasonable interim period of time, being an additional 365 days, to increase the functional capacity of its water and sewerage treatment distribution systems, increase the permitted capacity, secure new raw water sources and investigate the necessary and appropriate connection fees and rates to fund necessary future capital improvements. The suspension extension also has the public purpose of protecting the remaining capacity of the water and sewerage treatment systems and distribution and collection systems, and protecting the functional ability of the systems to provide service to current customers. The suspension extension also has the purpose of allowing the City to treat all applicants for capacity in a fair and equitable manner, and recognize undue hardship to some applicants, and the vested rights of others to connections. Therefore, the Jasper City Council finds that it is appropriate for this temporary suspension extension to be imposed, and the Jasper City Council has narrowly tailored this suspension extension to achieve these purposes.

SECTION 4. APPLICATIONS DURING THE TEMPORARY SUSPENSION EXTENSION.

During the Temporary Suspension Extension as well as the remaining time period of the original suspension as extended, the City Staff will continue to receive water and wastewater treatment applications which applications will not be reviewed or considered during the original suspension and the Temporary Suspension Extensions. Any water or wastewater treatment applications so described, submitted as a preliminary engineering application, received during the original suspension and the Temporary Suspension Extensions (hereinafter the "Interim Applications") will be marked as received with the appropriate date and time of delivery to the City Staff. Upon receipt, City Staff will delivery of a copy of the dated Interim Application to the applicant and place the original Interim Applications on file until such time as the original

suspension and the Temporary Suspension Extensions are terminated. During the pendency of the original suspension and the Temporary Suspension Extensions, the City is not to review or consider the filed Interim Applications in any way. Upon the termination of the original suspension and the Temporary Suspension Extensions, City Staff and the City Council, in accordance with established policy, will consider the Interim Applications in the order received. Only after all Interim Applications have been considered will any new, non-Interim applications be considered.

City Staff is directed that any water and/or wastewater application forms requested during the original suspension and the Temporary Suspension Extensions will bear the following language on the first page of said application:

TEMPORARY SUSPENSION NOTICE

The Jasper City Council has placed a Temporary Suspension on the consideration of all new water or sewerage treatment applications for connection. No new water or sewerage treatment applications so described will be reviewed or considered by the City during the pendency of the Temporary Suspension. The submission of this water or sewerage treatment application does not vest the applicant with any right to capacity and should not be considered an approval by the City of the application, its form, or its content. A copy of the Temporary Suspension resolution and the Extensions thereof, dated September 9, 2024, April 7, 2025, and March 2, 2026 is available at the offices of the City, located at 200 Burnt Mountain Road, Jasper, Georgia.

Acknowledged by Applicant: _____

FOR STAFF USE ONLY

Application received by City this _____ day of _____, _____, at _____ a.m./p.m.
Received by: _____

SECTION 5. EFFECTIVE DATE.

This resolution shall be effective upon passage.

SO RESOLVED, this 02 day of March, 2026.

**THE CITY COUNCIL OF THE
CITY OF JASPER, GEORGIA**

By: [Signature]
Mayor

By: [Signature]
Council Member

By: [Signature]
Council Member

By: [Signature]
Council Member

By: [Signature]
Council Member

By: [Signature]
Council Member



Attest:

[Signature]
City Clerk Lorrie Waters