

**AN ORDINANCE TO AMEND THE CITY'S HEALTH AND SAFETY
REGULATIONS ADOPTED BY REFERENCE**

WHEREAS, the City has reviewed its policies and procedures with respect to certain Health and Safety Regulations; and

WHEREAS, the certain portions of the Health and Safety Regulations are administered in cooperation with State and County agencies, including the Georgia Department of Public Health; and

WHEREAS, the Department of Public Health has recently adopted revisions and updates to certain regulations codified in the City Code and has recommended that the City adopt the same updates for uniformity, efficiency and to aid enforcement; and

WHEREAS, it is in the best interest of the health, safety and welfare of the citizens of the City of Dacula to amend the City Code to adopt by reference the updates to the City's Health and Safety Codes as outlined herein;

NOW THEREFORE, THE MAYOR AND COUNCIL OF THE CITY OF DACULA HEREBY ORDAINS that the City Health and Safety Codes be amended as follows:

SECTION 1

The existing Chapter 8, Sections 8-19, 8-42, 8-73; new Chapter 8, Section 8-206 with subsequent section numbering amended; and existing Chapter 12, Section 12-510 are amended as marked on Exhibit "A" attached hereto and incorporated herein by reference.

SECTION 2

The City Administrator and Director of Planning and Economic Development are further authorized to correct typographical errors in the text of the existing Development Regulations and to produce and publish a final codified version of the Development Regulations with the amendments and revisions outlined herein.

SECTION 3

In the event any Court of competent jurisdiction determines that any portion of the foregoing amendment is invalid, unconstitutional or otherwise illegal, such rulings shall not impair the validity of the rest and remainder of this amendment.

SECTION 4

All laws and parts of laws in conflict with this Ordinance are hereby repealed.

SECTION 5

This Ordinance and the amendments outlined herein shall be effective immediately upon their adoption by the Mayor and City Council.

SO ORDAINED by the governing authority of the City of Dacula, this _____ day of June, 2025.

AYES: ____

NAYES: ____

ATTEST:

HUGH D. KING, III
MAYOR, CITY OF DACULA

BRITTNI NIX,
CITY ADMINISTRATOR

EXHIBIT “A”

Revisions from DPH

Chapter 8 - ARTICLE II. ADOPTION OF COUNTY SWIMMING POOLS, PUBLIC SPA POOLS AND BATHHOUSES ORDINANCE

Sec. 8-19. Adoption by reference.

The Gwinnett County Swimming Pools, Public Spa Pools and Bathhouses Ordinance, adopted by ordinance of the county board of commissioners on November 17, 2009, as the health regulations governing swimming pools, public spa pools and bathhouses containing sections 9-7001 through 9-7072, together with all subsequent revisions thereto, is hereby adopted for the City and is incorporated herein as fully as though set out at length.

The regulations of the county board of health, adopted by resolution April 9, 2018, containing sections 1 through 26 and having been adopted by ordinance of the board of commissioners on May 14, 2024, as the health regulations governing public swimming pools, spas and recreational water parks are made a part of this Code as though fully set out at length in this section. Copies of the regulations are on file in the office of the clerk of the board of commissioners.

Chapter 8 - ARTICLE III. ADOPTION OF COUNTY FOOD SERVICE ORDINANCE

Sec. 8-42. Adoption by reference.

The regulations of the county board of health, adopted by resolution February 12, 2024, based upon rules of the state's department of public health, as referenced in chapter 511-6-1, as now or hereafter amended, and having been adopted by resolution of the board of commissioners on May 14, 2024, as the health regulations governing food service for the county are made a part of this Code as though fully set out at length in this section. Copies of the food service regulations are on file in the office of the clerk of the board of commissioners.

Chapter 8 - ARTICLE IV. TOURIST COURTS

Sec. 8-73. Regulations adopted by reference.

The regulations of the county board of health, adopted by resolution February 12, 2024, based upon rules of the state's department of public health, as referenced in chapter 511-6-2, as now or hereafter amended, and having been adopted by resolution of the board of commissioners on May 14, 2024, as the health regulations governing tourist accommodations for the county are made a part of this Code as though fully set out at length in this section. Copies of the tourist accommodations regulations are on file in the office of the clerk of the board of commissioners.

Chapter 8 - ARTICLE VIII. ON-SITE SEWAGE MANAGEMENT

Sec. 8-206. State Law Adopted by Reference

- (a) Rules and regulations of the state department of public health; adopted. The regulations of the county board of health, adopted by resolution February 12, 2024, based upon rules of the state's department of public health, as referenced in chapter 511-3-1, as now or hereafter amended, as now or hereafter amended, and having been adopted by resolution of the board of commissioners on May 14, 2024, as the health regulations governing on-site sewage management systems for the county are made a part of this Code as though fully set out at length in this section. Copies of the on-site sewage management systems regulations are on file in the office of the clerk of the board of commissioners.
- (b) Rules and regulations of the state department of public health; enforcement.
 - (1) The rules and regulations cited in subsection (a) of this section shall be enforced by the county board of health as a duly adopted ordinance of the county.
 - (2) Violations of this section may be prosecuted upon citations issued by officers of the county police department, the county department of water resources, or by designated employees of the county board of health. Any person violating any provision in these regulations shall be guilty of violating a duly adopted ordinance of the county, and upon conviction by a court of competent jurisdiction shall be punished either by a fine not to exceed \$1,000.00, or by confinement in the county jail for a total term not to exceed 60 days, or both. The court shall have the power and authority to place any person found guilty of a violation of this regulation on probation and to suspend or modify any fine or sentence. As a condition of such suspension, the court may require payment of restitution or impose other punishment allowed by law.
- (c) New community sewage treatment systems prohibited.
 - (1) A community sewage treatment system shall mean a privately owned sewage treatment system which collects sewage from two or more residents or other establishments and which may consist of collector lines, pumps, sewage tanks and/or soil treatment units. Community sewage treatment systems are characterized by having relatively few residents or establishments which contribute flow and are not staffed by qualified operators licensed by the state 24 hours a day, seven days a week.
 - (2) New community sewage treatment systems are prohibited in the county, notwithstanding any and all provisions of Ga. Comp. R. & Regs., chapter 511-3-1 that may otherwise allow such systems to be permitted.
 - (3) Upon the effective date of the ordinance from which this section is derived, no new community sewage treatment facilities that may be permitted in any municipality in the county shall be permitted to send sewage flows to the POTW.
- (d) Authority to disconnect water service.
 - (1) The director of the county department of water resources (DWR director) or the DWR director's designee is authorized to disconnect water service from any property where a pattern of repeated refusal to repair a failed septic tank system has resulted in harm to public health, safety, welfare, the environment or the public interest, as set forth herein. Three bacteriological tests showing 200 or more

colony forming units of fecal coliform bacteria taken from affected surface water shall be presumptive evidence of harm to public health, safety, welfare, the environment or the public interest.

- (2) The DWR director or designee is authorized to work with the county health department, an agency of the state, to coordinate measures to protect public health, safety, welfare, the environment or the public interest from contamination caused by failed septic tanks.
- (3) The DWR director or designee is directed to work with the county health department and with the owners of property affected by failed septic tanks to repair the maximum possible number of such systems, giving due regard to protecting health, safety, welfare, the environment or the public interest.
- (4) Upon following the notification procedures established by the county health department directing a property owner of the need to repair a failed septic tank system, the DWR director or designee is authorized to disconnect water service connected to that failing septic tank system whether or not the property owner has paid any civil penalties or whether or not the property owner or occupant is current with any bills from the water and sewer utility.

Chapter 12 - ARTICLE XVI. BODY ART STUDIOS AND BODY ARTISTS

Sec. 12-510. Purpose.

- (a) The purpose of this article is to establish reasonable standards for individuals performing body art procedures and for the facilities in which those procedures are provided. If followed, such standards should ensure the health and safety of all individuals performing and receiving these services. They also provide for the permitting and regular inspection of studios wherein body art activities are to be performed and contain enforcement provisions including revocation of the certification of any person or permit of any studio deemed in violation of this article.
- (b) The regulations of the county board of health, adopted by resolution February 12, 2024, based upon rules of the state's department of public health, as referenced in chapter 511-3-8, as now or hereafter amended, and having been adopted by resolution of the board of commissioners on May 14, 2024, as the health regulations governing body art studios for the county are made a part of this Code as though fully set out at length in this section. Copies of the body art regulations are on file in the office of the clerk of the board of commissioners.