

Chapter 8 HEALTH AND SAFETY

ARTICLE I. IN GENERAL

Secs. 8-1—8-18. Reserved.

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.

(Code 1993, § 8.24.010; Ord. of 9-11-1990)

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.

(Ord. No. HSO2024-001(GCID 2024-0408), Exh. A, 5-14-2024)

Secs. 8-20—8-41. Reserved.

ARTICLE III. ADOPTION OF COUNTY FOOD SERVICE ORDINANCE

Sec. 8-42. Adoption by reference.

~~The Food Service Ordinance, adopted by resolution of the board of commissioners on November 13, 2007, as the health regulations governing food service for the county, based upon rules of the state's department of human resources, public health, chapter 290-5-14, together with all subsequent revisions thereto, is hereby adopted for the City and is incorporated herein as fully as though set out at length.~~

~~(Code 1993, § 8.28.010; Ord. of 9-11-1990)~~

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.

(Ord. No. HSO2024-001(GCID 2024-0408), Exh. A, 5-14-2024)

Secs. 8-43—8-72. Reserved.

ARTICLE IV. TOURIST COURTS¹

Sec. 8-73. Regulations adopted by reference.

~~The Tourist Courts Ordinance, adopted by resolution of the county board of commissioners on July 7, 1998, as the health regulations governing tourist accommodations for the county based upon rules of the state's department of human resources, public health, chapter 290-5-18, together with all subsequent revisions thereto, is adopted for the City and is incorporated herein as fully as though set out at length.~~

~~(Code 1993, § 8-32.010; Ord. of 9-11-1990)~~

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.

(Ord. No. HSO2024-001(GCID 2024-0408), Exh. A, 5-14-2024)

Secs. 8-74—8-104. Reserved.

ARTICLE V. CLEAN INDOOR AIR²

Sec. 8-105. Findings and purpose.

Numerous studies, including those published by the Surgeon General of the United States and recent reports of the Environmental Protection Agency, have shown that secondhand smoke is:

- (1) A cause of disease, including lung cancer, in healthy nonsmokers;
- (2) A major contributor to indoor air pollution; and
- (3) Particularly harmful to children, elderly people and allergic individuals.

Accordingly, the mayor and council finds and declares that the purpose of this article is to protect the public health and welfare by regulating smoking in public places and places of employment.

(Code 1993, § 8.36.010; Ord. of 8-6-1998, § 1(part))

¹State law reference(s)—Municipalities authorized to impose, levy, and collect excise tax upon the furnishing to the public of any room or rooms, lodgings, or accommodations, O.C.G.A. § 48-13-51.

²State law reference(s)—Georgia Smokefree Air Act of 2005, O.C.G.A. § 31-12A-1 et seq.

Sec. 8-106. 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:

Designated smoking area in a food service establishment means an area of contiguous seating where smoking is permitted and which is situated so existing barriers and ventilation systems are used to minimize the toxic effects of smoke, is marked by appropriate signs, and does not include service lines or cashier areas.

Designated smoking area in all areas other than a food service establishment means any enclosed indoor area in which smoking is permitted. Such smoking area shall be clearly designated and separate from any area in which smoking is not permitted. In a place of employment, the designated smoking area shall be separate from a smoke-free work area by floor to ceiling walls or ventilation technology effective in reducing the effects of smoke on the smoke-free area other than portable air-cleaning devices; provided, however, that no restrooms or employee lounges shall be designated smoking areas.

Dining area means any enclosed area containing a counter or tables upon which food is served.

Employer means any person, partnership, associate, corporation or nonprofit entity which employs one or more persons, including the legislative, executive and judicial branches of the City.

Food service establishment means any establishment for the preparation and serving of meals, lunches, short orders, sandwiches, frozen desserts or other edible products. The term "food service establishment" includes restaurants, coffee shops, cafeterias, short order cafes, luncheonettes, taverns, lunchrooms, places which manufacture for retail sandwiches, soda fountains, institutional cafeterias, both public and private, food carts, industrial, cafeterias, catering establishments, food vending vehicles and operations connected therewith, and similar facilities by whatever named called. The term "food service establishment" does not mean or include the following:

- (1) An establishment which does not provide seating or facilities for consumption of food on premises or a food sales establishment as that term is defined elsewhere in this Code;
- (2) A cocktail lounge or tavern if said cocktail lounge or tavern is a bar;
- (3) Any dining area located within a health care, educational or child care facility.

Food courts within enclosed shopping malls shall be treated as food service establishments under this article. When determining food service establishment seating capacity, outdoor seating will not be included in the total number.

Health department means the county health department.

Place of employment means any enclosed area under the control of a public or private employer which employees frequent during the course of employment, including, but not limited to, work areas, restrooms, employee lounges, conference and meeting rooms, lobbies and reception areas. The term "place of employment" does not include:

- (1) A private residence, unless it is used as a child care facility or a health care facility;
- (2) The dining area of a food service establishment.

Public place means any enclosed area to which the public is invited or in which the public is permitted, including, but not limited to, restaurants, stores, offices, waiting rooms, lobbies, public transit, restrooms, enclosed shopping malls, educational recreational, health care facilities, child care facilities, auditoriums, theaters, sports arenas, service lines, airports and meeting rooms. A private residence is not a "public place" unless it is used as a child care facility or a health care facility.

Retail tobacco store means a retail store in which the sale of tobacco products designed for smoking comprises more than 50 percent of its receipts.

Service line means any indoor line at which one or more persons are waiting for or receiving service of any kind, whether or not the service involves the exchange of money.

Smoking means inhaling, exhaling, burning or carrying any lighted cigar, cigarette, pipe or other smoking equipment in any manner or form.

Sports arena means enclosed sports pavilions, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, bowling alleys and other similar places where members of the general public assemble either to engage in physical exercise, participate in athletic competition or witness sports events.

Tobacco business means a sole proprietorship, corporation, partnership or other enterprise in which the primary activity is the sale, manufacture or promotion of tobacco, tobacco products, or accessories, and in which the sale, manufacture or promotion of other products is merely incidental.

Work area means an area in a place of employment where one or more employees are routinely assigned and perform services for their employer.

(Code 1993, § 8.36.020; Ord. of 8-6-1998, § 1(part))

Sec. 8-107. Smoking in public places.

Except as otherwise provided in this article, smoking is prohibited in all public places within all of the City.

(Code 1993, § 8.36.030; Ord. of 8-6-1998, § 1(part))

Sec. 8-108. Smoking in places of employment.

(a) Except as otherwise provided in this article, smoking in all places of employment is prohibited in the following manner:

- (1) Smoking shall be prohibited in auditoriums, gymnasiums, restrooms, elevators, classrooms, hallways, employee medical facilities and rooms or areas which contain photocopying equipment or other office equipment used in common, and in company vehicles occupied by more than one person unless the occupants of such vehicle agree that smoking may be permitted.
- (2) Smoking shall be prohibited in conference rooms and meeting rooms, unless everyone in that room agrees that smoking may be permitted.

(b) Notwithstanding the prohibitions in this section, employers in places of employment shall:

- (1) Provide nonsmoking employees with a smoke-free work area.
- (2) Provide for contiguous nonsmoking areas in employee cafeterias and lunchrooms. The contiguous nonsmoking areas in employee cafeterias and lunchrooms shall be sufficient to meet employee demands. An employer may not determine that no such demand exists.
- (3) Not be required to make any expenditures or structural changes to create a smoke-free work area. In the event an employer cannot, after using its best efforts, comply with an employee's request for smoke-free work area, the employer shall designate that employee's work area as a smoke-free work area.

(Code 1993, § 8.36.031; Ord. of 8-6-1998, § 1(part))

Sec. 8-109. Exceptions.

The regulation of smoking pursuant to this article shall not apply in the following areas:

- (1) Private homes, private residences and private automobiles;
- (2) Hotel and motel rooms rented to guests, except for those rooms designated by such hotels and motels as no smoking rooms;
- (3) Retail tobacco stores and tobacco businesses;
- (4) A designated smoking area in a food service establishment; provided that such designated smoking area shall not comprise more than 50 percent of a food service establishment's seating capacity;
- (5) A designated smoking area in a place of employment, except that no designated smoking area shall be permitted in any health care or child care facility;
- (6) Work areas in any place of employment so long as:
 - a. The work area is exclusively occupied by smokers;
 - b. Everyone in the work area reaches an agreement that smoking may be permitted;
 - c. The work area is not subject to regular entrance by the public or nonsmokers;
 - d. The work area is separated from a smoke-free work area by floor, to ceiling walls or some other means, equally effective in reducing the effects of smoke on the smoke-free work area, other than portable air cleaning devices;
- (7) A designated smoking area in a public place;
- (8) Banquet or meeting rooms when these rooms are used for private functions;
- (9) Persons residing within long-term care facilities, as that term is defined by state law, so long as the resident does not interfere with the rights of others or unless prior to admission, the resident, guardian, or representative is informed of written admission policies which limit or ban smoking;
- (10) Jails, prisons and municipal places of incarceration wherein persons who are charged with the commission of criminal offenses are housed;
- (11) Wholly or partially enclosed private boxes in indoor sports arenas and in such designated smoking areas of the sports arena;
- (12) Limousines under private hire by an individual or corporation.

(Code 1993, § 8.36.040; Ord. of 8-6-1998, § 1(part))

Sec. 8-110. Declaration of smoke-free environment.

Nothing in this article shall be deemed, interpreted or construed to restrict or prohibit any person in charge of any public place or place of employment from designating that place a smoke-free facility and prohibiting smoking in areas which otherwise would be permitted by this article.

(Code 1993, § 8.36.050; Ord. of 8-6-1998, § 1(part))

Sec. 8-111. Posting of signs.

- (a) Because ordinances regulating smoking are primarily self-enforcing, adequate signage is important.

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- (b) Signs displaying the words "Smoking," "No Smoking," or the international symbol for "No Smoking" consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it, whichever is appropriate, shall be conspicuously posted in every public place and place of employment where smoking is regulated by this article by the person in charge of such facility. Such signs shall have a minimum size requirement of four inches by four inches and containing letters of not less than one inch in height.
 - (c) Every food service establishment shall have posted at each entrance a conspicuous sign clearly stating that a nonsmoking section is available and that smoking is allowed only in the designated smoking area.

(Code 1993, § 8.36.060; Ord. of 8-6-1998, § 1(part))

Sec. 8-112. Enforcement.

- (a) Although smoking ordinances are primarily self-regulating, enforcement of this article shall be the ultimate responsibility of the department of health.
- (b) The department of health may initiate any action to seek enforcement of this article on its own motion or upon information provided by any citizen. Any officer of the police department or city marshal also may initiate an action for violation of this article if a violation occurs in his presence. Any other police officer whose jurisdiction is located within the City may initiate an action for violation of this article if a violation occurs in the officer's presence, provided that the violation occurs within that officer's jurisdiction.
- (c) Any owner, operator or manager of any establishment regulated by this article shall inform persons violating this article's provisions.
- (d) In any dispute arising under this article, the need to breathe smoke-free air shall be given precedence over the need to smoke.

(Code 1993, § 8.36.070; Ord. of 8-6-1998, § 1(part))

Sec. 8-113. Other applicable laws.

This article shall not be interpreted or construed to permit smoking where it is otherwise restricted or prohibited by other applicable laws, regulations or policies.

(Code 1993, § 8.36.080; Ord. of 8-6-1998, § 1(part))

Sec. 8-114. Violations and penalties.

Any person who smokes or any person who allows smoking in violation of this article, or any person who violates any provision of this article shall be guilty of a misdemeanor and punished in accordance with section 1-23.

(Code 1993, § 8.36.090; Ord. of 8-6-1998, § 1(part))

Secs. 8-115—8-141. Reserved.

ARTICLE VI. FIRE CODE³

Sec. 8-142. Enforcement.

The provisions of this article may be enforced by authorized officers of the division of fire services, or by the City marshal. In addition, the provisions of this article may be enforced by authorized officers of the police department of any municipality within the county.

(Code 1993, § 8.40.010; Ord. of 8-6-1998, § 1(part))

Sec. 8-143. Adoption by reference.

The county fire code, as adopted by the board of commissioners in Ordinance. No. FPP-2012, adopted March 20, 2012, is hereby adopted by reference as the fire safety ordinance of the City and is incorporated herein as if fully set out at length.

Sec. 8-144. Penalties for violation of this article.

Any person who shall violate any of the provisions of this article by the codes adopted in this article by reference or fail to comply therewith, or who shall violate or fail to comply with any order made hereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder and from which no appeal has taken, or who shall fail to comply with such an order as affirmed or modified by the board of commissioners within the time set forth herein, shall constitute a violation of a county ordinance. Any person violating this article or any of the codes and/or laws incorporated in this article shall be deemed guilty of violating a county ordinance and shall be punished by a fine not to exceed \$500.00 and by imprisonment in the common jail of the county not to exceed 60 days, or by both fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation nor permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a specified time. When not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate violation of this article.

(Code 1993, § 8.40.020; Ord. of 8-6-1998, § 1(part))

Sec. 8-145. Obstructing fire hydrants and fire department connections.

It is unlawful for any person to obstruct the approach or visibility of any fire hydrant or fire department connection, closer than five feet in any direction, parallel with street access.

³State law reference(s)—State-wide application of Standard Fire Prevention Code, O.C.G.A. § 8-2-25; providing of fire escapes by building owners, O.C.G.A. § 8-2-50; obstruction or hindering of firefighters, O.C.G.A. § 16-10-24.1; regulation of fire and other hazards to persons and property generally, O.C.G.A. § 25-2-1 et seq.; local fire departments generally, O.C.G.A. § 25-3-2 et seq.; authority to enact ordinances or fire and life safety codes, O.C.G.A. § 25-3-4.

(Code 1993, § 8.40.030; Ord. of 8-6-1998, § 1(part))

Sec. 8-146. Persons allowed in the vicinity of fire.

No persons, except firefighters, police officers, the mayor and the City council, the owners of the subject property or their agents, and the agents of insurance companies shall be allowed within the immediate vicinity of any fire without being requested there by the fire chief or the officer in charge at the time. Any person refusing to obey the orders and directions of the officer in charge of a fire may be arrested for violation of this section and on conviction thereof be punished for the violation of a City ordinance.

(Code 1993, § 8.40.040; Ord. of 8-6-1998, § 1(part))

Sec. 8-147. Following fire apparatus prohibited.

The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than 500 feet or drive into or park such vehicle within the block where fire apparatus has stopped in response to a fire alarm. Any person refusing to obey the orders and directions of the officer in charge of a fire may be arrested for violation of this section and on conviction thereof be punished for the violation of a City ordinance.

(Code 1993, § 8.40.050; Ord. of 8-6-1998, § 1(part))

Sec. 8-148. Crossing fire hose prohibited.

No vehicle shall be driven over any unprotected hose of the fire service when laid down on any street, roadway or private driveway without the consent of the fire service official in command. Any person refusing to obey the orders and directions of the officer in charge of a fire may be arrested for violation of this section and on conviction thereof be punished for the violation of a City ordinance.

(Code 1993, § 8.40.060; Ord. of 8-6-1998, § 1(part))

Sec. 8-149. Rules and regulations for outdoor and open burning.

- (a) Permits for burning at or on development sites for the purpose of clearing land for new construction shall be obtained from the state environmental protection division. Permits shall be registered with fire service dispatch.
- (b) Outdoor and open burning without permits may be conducted only for purposes that are described in subsection (c) of this section. Rules, regulations and proper precautions that are described in subsection (d) of this section shall be taken and followed for all types of open and outdoor burning.
- (c) Types of open and outdoor burning allowed without written permit:
 - (1) Burning of leaves and limbs, natural vegetation that may fall on someone's own property;
 - (2) Fires for the purpose of keeping warm;
 - (3) Fires for the purpose of cooking food for human consumption.
- (d) The following rules, regulations and precautions that shall be observed when conducting any open or outdoor burning are:
 - (1) No burning of solid waste, household garbage and such is allowed.

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- (2) No burning of any materials that put off a heavy, dark smoke, such as rubber products, oils, roofing material, petroleum-based insulation.
 - (3) No burning when smoke presents a health hazard to persons in the vicinity.
 - (4) No burning when atmospheric conditions or local circumstances make such fire hazardous, such as dry weather, windy conditions, etc.
 - (5) No burning is allowed near flammable, combustible or explosive materials.
 - (6) Burning at construction sites for the clearing of land for new development shall not be conducted before or after daylight hours.
 - (7) The burning of leaves, limbs, etc., that fall on a person's own property can only be burned between the hours of 10:00 a.m. and 5:00 p.m.
 - (8) Prior notification shall be given to local forestry fire services and the state environmental protection division before agricultural burning purposes are conducted.
 - (9) No persons shall kindle or maintain any open burning less than 50 feet from any structure. Adequate provisions shall be made to prevent fire from spreading to any adjoining property or structure.
 - (10) Fires in containers, such as barrels and approved leaf burners, shall be located not less than 15 feet from any structure.
 - (11) All fires shall be constantly attended by a competent person until extinguished.
 - (12) There shall be a garden hose connected to a water supply or other fire extinguishing equipment readily available for use.
 - (13) No person shall kindle a fire upon the land of another without permission of the owner thereof or his agent. Persons responsible for kindling or maintaining any fires that spread upon the land or structure of another shall be held responsible.
 - (14) The chief of the department of fire and emergency services or his appointed representative may prohibit any or all fires when prescribed rules, regulations and laws are not followed or circumstances make such fires and smoke hazardous to life, health or property.
 - (15) Persons who shall violate these rules and regulations are subject to fine and/or punishment as described in section 1-23.
- (e) The fire marshal's office shall notify the state environmental protection division in writing of any violations as required by state law within seven days of the occurrence.

(Code 1993, § 8.40.070; Ord. of 8-6-1998, § 1(part))

Sec. 8-150. Setting fire to motor vehicle; notice required.

No person shall set fire to an automobile, truck or any other type of motor vehicle without first obtaining written permission from the chief of the fire service division.

(Code 1993, § 8.40.080; Ord. of 8-6-1998, § 1(part))

Sec. 8-151. Burning of certain materials prohibited.

No material or substance, which emits noxious or poisonous gases, such as nitrogen dioxide, hydrogen cyanide or chlorine or other poisonous gases that will not readily dissipate in the atmosphere, may be burned within the City limits.

(Code 1993, § 8.40.090; Ord. of 8-6-1998, § 1(part))

Sec. 8-152. Certain officers vested with police powers.

The Gwinnett County Fire Chief or other authorized officers acting pursuant to his authority who have been sworn in as police officers with the powers to make arrests pertaining to arson within the county shall be vested with full police powers pursuant to this article.

(Code 1993, § 8.40.100; Ord. of 8-6-1998, § 1(part))

Sec. 8-153. Obstructing a fire station.

It shall be unlawful for any person to put any obstruction of any nature whatsoever in front of any fire station or location where fire service equipment is located.

(Code 1993, § 8.40.110; Ord. of 8-6-1998, § 1(part))

Secs. 8-154—8-174. Reserved.

ARTICLE VII. VECTOR CONTROL

Sec. 8-175. 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:

Business building means any structure, permanent or temporary, whether public or private, that is adapted for occupancy, for transaction of business, for rendering professional service, for amusement, for the display, sale or storage of goods, wares or merchandise or for the performance of work or labor, including hotels, apartment buildings, roominghouses, office buildings, public buildings, stores, theaters, markets, restaurants, grain elevators, abattoirs, warehouses, workshops, factories and all outhouses, sheds, barns and other structures on premises used for business purposes.

Health authority means the local county health board.

Health officer means the authorized representative of the local county health board, the City marshal, or other person designated by the City administrator or his/her designee.

Nuisance means whatever is detrimental to human health or whatever renders or tends to render soil, air, water, or food impure or unwholesome.

Owner means the actual owner of a building whether an individual, partnership or corporation, who owns or holds title to a building and includes also the agents for the building or other person having custody or managerial control. In the case of business buildings leased or rented with a clause in the contract specifying that the lessee or tenant is responsible for maintenance and repairs, the lessee or tenant will be considered the owner. the case of a

vacant building or any portion of a building or premises, the owner, agent, or other person having custody of the building or premises shall have the responsibilities of an occupant of the building or premises.

Rat control means any method as may be approved by the health board to control the rat population.

Rat harborage means any condition under which rats may find shelter or protection, and include any construction or condition which permits the entrance of rats into any business building.

Rat-proofing means a form of building construction which will prevent the ingress of rats into business buildings through the exterior walls, ground or first floors, basements, roofs, sidewalk gratings, sidewalk openings, foundations and other places that may be reached and entered by rats by climbing burrowing, or otherwise. The material to be used for rat-proofing shall include cement concrete, brick masonry laid in cement, concrete mortar, sheet metal, and minimum 18 gauge wire cloth having a mesh not larger than one-half inch. All material for rat-proofing shall be of such strength and thickness as to be impervious to rat-gnawing. Windows and other openings for light or ventilation that may be reached or entered by rats shall be covered with wire cloth screen incorporated into a metal frame conforming to the gauge and dimensions in this section. All exterior doors shall be protected against the gnawing of rats by the use of materials prescribed in this section. When closed, all exterior doors shall have a maximum clearance between doors, door sills and jambs not exceeding three-eighths of an inch.

(Ord. of 4-7-2011(01), title 8.6, Rule 290-5-58-.02)

Sec. 8-176. General provisions.

- (a) No person shall create, maintain, support, aid or continue a nuisance. Nuisances include, but are not limited to, the following:
 - (1) Conditions conducive to the breeding of flies or mosquitoes.
 - (2) Trash, garbage, refuse, or any foul, decaying, or putrescent material kept or used in such a manner or place as to be or become offensive, objectionable or detrimental to health or well-being.
 - (3) Except in areas deemed appropriate by the City, the keeping of horses, mules, asses, cows, sheep, goats, hogs, dogs, rabbits, guinea pigs, hamsters, chickens, turkeys, geese, ducks, pigeons or similar fowl or animals shall be prohibited. Any housing or enclosures used by such animals or fowl shall be well drained, free from accumulations of animal excrement and objectionable odors, and otherwise clean and sanitary. Animal excrement shall be disposed of in a manner approved by the City.
- (b) The owners of all business buildings shall have such buildings rat-proofed, and kept rat-proofed in accordance with this article.
- (c) All business buildings hereafter erected, enlarged or repaired shall be rat-proofed and kept rat-proofed in accordance with this article.
- (d) Whenever conditions inside or under any such business buildings or on any premises provide harborage for rats such that the City deems it necessary that the harborage be eliminated, the owner shall take steps toward the elimination of the harborage.
- (e) The occupants in charge of any business building or premises shall at all times comply with the following requirements:
 - (1) Store all garbage in a rat-proof and insect-proof container or a type approved by the City, pending removal of such garbage.
 - (2) Keep such buildings and/or premises free of trash, debris, rubbish, salvage or similar materials which provide nesting places and harborage for rats.

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- (3) Maintain such buildings and/or premises in a rat-free condition by pursuing a program of rat-control approved by the City.
- (f) Owners and occupants of any dwelling shall at all times comply with the following requirements:
- (1) Every owner of a dwelling containing two or more dwelling units shall maintain the shared or public area of the dwelling and premises thereof in a clean and sanitary condition.
 - (2) Every occupant of a dwelling or dwelling unit and those parts that he occupies and controls shall be maintained in a condition not conducive to rat infestation.
 - (3) Every occupant of a dwelling or dwelling unit shall store and dispose of all rubbish in a clean, sanitary and safe manner.
 - (4) Every occupant of a dwelling or dwelling unit shall store and dispose of all garbage, refuse, and any other organic waste which might provide food for insects and/or rodents in a clean, sanitary, safe manner. All garbage cans and refuse containers shall be rat-proof, insect-proof, watertight, structurally strong to withstand handling stress, easily filled, emptied and cleaned; shall be provided with tight-fitting covers or similar closures; and shall be maintained at all times in a clean sanitary condition. Plastic bags may be used as garbage and refuse container liners, but shall not be used without the container for on-site storage of garbage or refuse. Other types of containers meeting the requirements of this regulation may be specifically approved by the City.
 - (5) The total capacity of all provided garbage and/or refuse cans and bulk storage containers shall be sufficient to meet the needs of the occupants of the dwelling.
 - (6) Every owner of a dwelling containing three or more dwelling units shall supply facilities or refuse containers for the sanitary and safe storage and/or disposal of rubbish and garbage. In the case of a single- or two-family dwelling it shall be the responsibility of each occupant to furnish such facilities or refuse containers.
 - (7) Every owner of a dwelling containing a single dwelling unit shall be responsible for the extermination of rats on the premises, and every occupant of a dwelling unit containing more than one dwelling unit shall be responsible for such extermination whenever the dwelling unit is the only one infested. Notwithstanding the foregoing provisions of this subsection, whenever infestation is caused by failure of the owner to maintain a dwelling in a rat-proof condition, extermination shall be the responsibility of the owner. Whenever infestation exists in two or more dwelling units, extermination thereof shall be the responsibility of the owner.
 - (8) No occupant of a dwelling or dwelling unit shall accumulate rubbish, boxes, lumber, scrap metal, or any other materials in such a manner that may provide a rat harborage in or about any dwelling or dwelling unit. Stored materials shall be stacked neatly at least 18 inches above the ground.
 - (9) No owner of a dwelling containing three or more dwelling units shall accumulate or permit the accumulation of rubbish, boxes, lumber, scrap metal, or any other materials in such a manner that may provide a rat harborage in or about the shared or public areas of a dwelling or its premises. Materials stored by the owner shall be stacked neatly at least 18 inches above the ground.
 - (10) No owner or occupant of a dwelling or dwelling unit shall store, place, or allow to accumulate any materials which may serve as food for rats in a site accessible to rats.
 - (11) Every occupant of a dwelling unit shall keep supplied fixtures and facilities therein in a clean, sanitary and operable condition and shall be responsible for the proper use and operation thereof.
- (g) It shall be unlawful for the occupant, owner, contractor, public utility company, plumber or other person to remove the rat-proofing from any building for any purpose and fail to restore same in satisfactory condition, or to make any new openings that are not closed or sealed against the entrance of rats.

(Ord. of 4-7-2011(01), title 8.6, Rule 290-5-58-.03)

Sec. 8-177. Enforcement.

This regulation, upon adoption by the mayor and council, shall be enforced by the board of health, the City marshal, City marshal's office, or other persons designated by the City administrator or his/her designee, as a duly adopted ordinance of the City. Any person violating any provision of this regulation shall be guilty of violating a duly adopted ordinance of the City, and, upon a conviction by a court of competent jurisdiction, shall be punished in accordance with section 1-23.

(Ord. of 4-7-2011(01), title 8.6, Rule 290-5-58-.04)

Secs. 8-178—8-203. Reserved.

ARTICLE VIII. ON-SITE SEWAGE MANAGEMENT⁴

Sec. 8-20~~4~~3. Applicability.

(a) These rules will have application in all except the following cases:

- (1) Any facility or system under the jurisdiction of and regulated by the department of natural resources or its successor.
- (2) Any public or community sewage treatment system.
- (3) Other shared jurisdiction by Memoranda of Agreement or other agreements.

(Ord. of 4-7-2011(02), title 8.5, Rule 290-5-26-.01)

Sec. 8-205. 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:

Absorption field means a configuration of absorption trenches installed in a portion of land and used for the absorption and final treatment of sewage.

Absorption line means a pipe line of perforated pipe laid in an absorption trench to serve as a conduit for sewage effluent.

Absorption trench means an excavation in which an absorption line is laid.

⁴State law reference(s)—Home rule powers of municipality to regulate and provide sewage collection and disposal systems, stormwater systems, and water treatment systems, Ga. Const. art. IX, § II, ¶ III(a)(6)—(7); Georgia Water Quality Control Act, O.C.G.A. § 12-5-20 et seq.; municipalities authorized to acquire, construct, operate and maintain water and sewage systems, O.C.G.A. § 36-34-5; adoption of ordinances, rules and regulations relating to payment for street improvements and construction of water, gas and sewer connections; payment of costs of connections, O.C.G.A. § 36-39-7.

Absorption trench bottom and side soil area means the total interface of bottom and side soil area with undisturbed soils of all absorption trenches in an absorption field and occurring horizontally and downward from the point of distribution into the soil, expressed in square feet.

Aggregate means washed gravel or washed stone meeting the state department of transportation standards for hardness or other materials approved by the department that shall be one-half inch to two inches in diameter.

Alternative on-site sewage management system means any approved on-site sewage management system which differs in design or operation from the conventional or chamber septic tank system or privy.

Approved or approval means compliance with applicable specifications or criteria developed or accepted by the department.

Auxiliary system means a system to serve a portion of a residence, a pool house or other adjunct facility.

Bedroom means any room that is designed primarily for sleeping purposes, as shown on the building plan.

Black water means wastewater generated by water closets, urinals, bidets, kitchen sinks and garbage disposals.

Building drain means that part of the lowest piping of a building drainage system inside the walls of a building, which receives the discharge from soil, waste or other drainage systems and conveys the discharge to the building sewer.

Building sewer means that part of the horizontal piping of a building drainage system beyond the building drain which receives the discharge from the building drain and conveys it to a public sewer, private sewer, on-site sewage management system or other disposal.

Central on-site sewage management system means an on-site sewage management system serving more than one building, business, residence or other facility designed or used for human occupancy or congregation.

Chamber septic tank system means a septic tank and a chamber system, as defined in this section.

Chamber system means a system of chambers with each chamber being a molded polyolefin plastic, arch shaped, hollow structure with an exposed bottom area and solid top and louvered sidewall for infiltration of effluent into adjoining bottom and sidewall soil areas. Chambers may be of different sizes and configurations to obtain desired surface areas.

Community subsurface treatment system means any system which treats primarily domestic wastewater other than those serving single-family residences or nondomestic sewage systems.

Conventional septic tank system means any septic tank and conventional system as defined in this section, but does not include alternative or experimental systems.

Conventional system means a traditionally used system that is composed of perforated pipe surrounded by gravel or stone masking for the infiltration of effluent into adjoining bottom and side soil areas.

County board of health means the county board of health established by the Official Code of Georgia Annotated (O.C.G.A. § 31-3-1) or its designee.

Department means the department of human resources of the state or its designee.

Distribution device means a watertight structure which receives sewage effluent from a septic tank, dosing tank or other sewage retention device and distributes it in equal portions to two or more absorption lines.

Dosing tank means an approved watertight tank, located after a septic tank or other sewage retention device, to receive and retain sewage effluent, and so equipped as to discharge sewage effluent intermittently to a distribution device, either by pump or by siphon.

Experimental on-site sewage management system means any on-site sewage management system proposed for testing and observation, and provisionally approved for such purposes by the Department, but which has not been fully proven under field use.

Failure means an on-site sewage system in such a condition that it constitutes a public hazard by inadequate treatment and/or disposal of sewage.

Filter means an approved device that removes solids or other materials from the effluent that could cause failure of an on-site sewage management system.

Floodplain means a generally flat plain or depression susceptible to being flooded from any source, including small and intermittent watercourses and coastal areas subject to intermittent tidal action.

Gray water means wastewater generated by water-using fixtures and appliances, excluding water closets, urinals, bidets, kitchen sinks and garbage disposals.

Grease trap means a device in which the grease content of sewage is intercepted and congealed, and from which grease may be skimmed or otherwise removed for proper disposal.

Individual water supply system means a system of piping, pumps, tanks or other facilities, utilizing groundwater to supply a single-family dwelling.

Lot means a portion of a subdivision, or any other parcel of land, intended as a unit for transfer of ownership, or for development, or both, and shall not include any part of the right-of-way of a street or road.

Manual for On-Site Sewage Management Systems means the technical handbook currently adopted and periodically updated which is used by the department in the implementation of this article and is available for inspection at the appropriate state office in Atlanta or at local health departments. The Manual for On-Site Sewage Management Systems and its provisions are herein adopted unless inconsistent with other provisions of law or regulation and is hereafter referred to as the "manual" or "Manual for On-Site Sewage Management Systems."

Mobile home park means a parcel of land developed for subsequent rental or lease or placement of two or more mobile homes.

On-site sewage management system means a sewage management system other than a public or community sewage treatment system serving one or more buildings, mobile homes, recreational vehicles, residences, or other facilities designed or used for human occupancy or congregation. The term "on-site sewage management system" shall include, without limitation, conventional and chamber septic tank systems, privies, and experimental and alternative on-site management systems which are designed to be physically incapable of a surface discharge of effluent that may be approved by the department.

Percolation coefficient means the ratio of trench bottom area to percolation time; it is expressed as the allowable rate of sewage application in gallons per square foot per day.

Percolation rate means the time, expressed in minutes per inch, required for water to seep into saturated soil at a constant rate.

Percolation test means the method used to measure the percolation rate of water into soil as described in the department's current Manual for On-Site Sewage Management Systems.

Person means any individual, partnership, corporation, or association and may extend and be applied to bodies, both political and corporate.

Physical development means development which includes, but is not limited to, site preparation, erection of a structure, road construction, well construction or installation of on-site sewage management systems.

Privy means a structure (and necessary appurtenances) used for the sanitary disposal or storage of human wastes without the aid of water carriage; the term "privy" does not include chemical, composting, portable or incinerator toilets.

Public water supply system means a system for the provision of piped water to the public for human consumption, if such system has at least 15 service connections, or regularly serves an average of at least 25 individuals daily, at least 60 days out of the year.

Septage means a waste that is a fluid mixture of partially treated or untreated sewage solids, liquids and sludge of human or domestic waste, present in or pumped from septic tanks, malfunctioning on-site sewage management systems, grease traps or privies.

Septic tank means an approved watertight tank designed or used to receive sewage from a building sewer and to affect separation and organic decomposition of sewage solids, and discharging sewage effluent to an absorption field or other management system.

Sewage means and includes human excreta, all water-carried wastes, and liquid household waste from residences or commercial and industrial establishments.

Sewage treatment system is a system that provides primary treatment and disposal, including absorption field components, devices and appurtenances intended to be used for disposal of sewage by soil absorption, but does not include a conventional or chamber septic tank system. The system shall be designed to be physically incapable of a surface discharge of effluent.

Sinkhole means a depression in the land surface, generally in a limestone region, which communicates or has the potential to communicate with a subterranean passage developed by solution; typical sinkholes can be broad, closed basin-like features or steep-sided dropouts, or variants thereof.

Site means the location where the absorption field will be installed to include replacement area.

Soil classifier means a person who holds at least a Bachelor of Science degree from an accredited college or university with a major in Agronomy, Soil Science, or related field, as approved by the soil classifiers certification advisory committee. Must have completed a minimum of 15 semester hours or 25 quarter hours in approved soil science courses including a course in pedology and have four years or more of full-time experience as a soil classifier/soil scientist actively mapping, identifying and classifying soil features, and interpreting the influence of soil features on soil uses. Certification shall be in accordance with guidelines published in the Manual for On-Site Sewage Management Systems.

Subdivision means any division of a tract or parcel of land into five or more lots, building sites, mobile home sites, or other divisions, resulting in any single lot of less than three acres, for the purpose, whether immediate or future, of sale or legacy, and includes resubdivision and, where appropriate to the context, relates to the process of subdividing or to the land or area subdivided; provided, however, that the following are not included within this definition:

- (1) The combination or recombination of previously platted lots or portions thereof where the total number of lots is not increased and the resultant lots conform to the standards of these rules.
- (2) The division of land into parcels, all of which are three acres or more in size with minimum width of 150 feet for a distance sufficient to provide an adequate area for the placement of structures and improvements including wells and approved installation of approved on-site sewage management systems.

Well means an excavation or opening into the ground by which groundwater is sought or obtained.

(Ord. of 4-7-2011(02), title 8.5, Rule 290-5-26-.02)

Note(s)—Any person who holds a valid certificate of registration as a geologist issued pursuant to O.C.G.A. Chapter 19 of Title 43, or who holds a valid certificate of registration as an engineer issued pursuant to O.C.G.A. Chapter 15 of Title 43 and is practicing within his or her area of engineering competency may register with the Department as a Soil Classifier.

Note(s)—Authority O.C.G.A. Secs. 12-8-1, 31-2-2, 31-2-4, 31-2-7. History. Original Rule entitled "General Provisions" was filed on December 1, 1969, as 270-5-25-.02; effective December 20, 1969. Amended: Rule renumbered as 290-5-26-.02. Filed June 10, 1980; effective June 30, 1980. Amended: Rule repealed and a new Rule entitled "Definitions" adopted. Filed March 28, 1984; effective April 27, 1984, as specified by the Agency. Amended: ER. has been adopted. F. Jan. 2, 1998; eff. Jan. 15, 1998, as specified by the Agency, to be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER. Amended: ER. repealed and permanent Rule, same title adopted. F. Jan. 23, 1998; eff. Feb. 20, 1998, as specified by the Agency.

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.

(Ord. No. HSO2024-001(GCID 2024-0408), Exh. A, 5-14-2024)

Sec. 8-207. General provisions.

(a) *On-site sewage management system required.*

- (1) Where public or community sewage treatment systems are not available, the owner, lessee or agent thereof of every building, residence or property, designed, used or intended to be used for human occupancy or congregation, shall provide an approved on-site sewage management system sufficient for persons normally expected to use or frequent the building, residence or other property for two hours or more. Connection shall be made to a public or community sewage treatment system when such system is available within 200 feet of the property line, or available in a public right-of-way abutting the property. Where a public or community sewage treatment system is to be constructed, or an existing public or community sewer is to be extended to serve a lot, or an approved on-site sewage management system is to be used, the building sewer shall be installed so that it will ensure gravity flow at a self-cleaning velocity throughout. If an existing on-site sewage system fails, immediate connection shall be made to a public or community sewerage system if such a system is available.
- (2) Any facility that produces a waste stream with BOD5 (biochemical oxygen demand) and TSS (total suspended solids) higher than 200 mg/l shall be required to pre-treat the waste to reduce the BOD5 and TSS to 200 mg/l or below before disposal through a conventional or chamber septic tank system.

(b) *On-site sewage management system construction permit required.*

- (1) No person may begin the physical development of a lot or structure thereon, where an on-site sewage management system will be utilized, nor install an on-site sewage management system or component thereof without having first applied for and obtained from the county health department a construction permit for the installation.
- (2) Application for such a construction permit shall be made in writing on forms provided by the county board of health. The county board of health shall approve or disapprove such application within 20 days after the receipt of a completed application. The application shall include:
 - a. Name and address of the owner and the applicant, if other than the owner;
 - b. Location of property;

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- c. Plans and specifications, including location and design of the proposed on-site sewage management system, including surface and subsurface drainage and piping;
 - d. Nature of the facility to be served;
 - e. Location of all water supplies, geothermal systems, or other utilities and trash pits on or off the lot, which will bear upon the location of the on-site sewage management system;
 - f. Number of bedrooms in the dwelling, or the number of persons to be served in other types of establishments, or other sewage flow or water usage data;
 - g. Soil characteristics, including soil types and capabilities, frequency and evaluations of seasonal high groundwater tables, occurrence of rock and other impervious strata;
 - h. Signature of the owner or agent applying for permit; and
 - i. Any additional information deemed necessary to determine the suitability of the site.
- (3) The county board of health may waive submission of part of the information required for the application, provided the board deems that such information is available from previously submitted subdivision or mobile home park data, or from other sources. The information must be sufficient to make an adequate appraisal of the acceptability of the proposed lot for the installation of an on-site sewage management system.
- (4) Repairs, replacement, or additions to existing systems must be permitted and inspected.
- (5) Any person preparing to modify a lot for the purpose of obtaining a construction permit for the installation of an on-site sewage management system shall submit plans showing the type and extent of modifications. No modifications shall be carried out prior to the approval of the plans by the county board of health. Such approval shall be in accordance with the provisions of the department's current Manual for On-Site Sewage Management Systems.
- (c) *Requirements for on-site sewage management system construction permit issuance or denial.*
- (1) On-site sewage management system construction permits shall be issued only after a site inspection by the county board of health shows favorable findings relative to absorption rates, soil characteristics, groundwater, rock and any other factors which would affect the acceptability of the lot. No construction permit for an on-site sewage management system shall be issued prior to the approval of the public water supply system, where a public water supply system is to be utilized. Lot suitability and approval is to be determined by the criteria established by the department's current Manual for On-Site Sewage Management Systems.
- (2) Lots shall be sized according to the regulations of the county board of health. The county board of health may deny or revoke an on-site sewage management system construction permit upon finding the lot unsuitable or for failure of the applicant to comply with the provisions of these rules. Such denial shall be made in accordance with the provisions of O.C.G.A. §§ 12-8-1, 31-5-2, 31-5-3, 31-5-4, 31-5-5 and 31-5-6. On-site sewage management construction permits shall remain valid for not more than 12 months from the date of issue.
- (3) Issuance of a construction permit for an on-site sewage management system, and subsequent approval of same by representatives of the county board of health shall not be construed as a guarantee that such systems will function satisfactorily for a given period of time; furthermore, said representatives do not, by any action taken in affecting compliance with these rules, assume any liability for damages which are caused, or which may be caused, by the malfunction of such system.
- (4) On tracts or parcels of land of three acres or more, the conventional or chamber septic tank system may be utilized where the percolation rate does not exceed 120 minutes per inch. All other conditions must comply with the requirements of the regulations for on-site sewage management systems.

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- (d) *Inspections.*
- (1) No person may backfill or use an on-site sewage management system until final inspection has been made by the county board of health to determine compliance with the provisions of the construction permit issued under subsection (c) of this section and written approval has been issued by the county board of health.
 - (2) A copy of the final inspection of an on-site sewage management system shall be provided to the owner, builder, developer or agent, whichever is appropriate.
 - (3) Grading, filling, digging trash pits or other landscaping or construction activities on the lot subsequent to final inspection by the county board of health which may adversely affect the onsite sewage management system shall render the approval void. Removal or alteration of system components after final inspection by the county board of health shall render the approval void.
- (e) *Design limits for conventional or chamber septic tank systems.* To provide for the maintenance of sanitary conditions through the proper functioning of a conventional or chamber septic tank system for a reasonable period of time, no such system may be installed, constructed, or used, having a septic tank design capacity of less than 1000 gallons or greater than 10,000 gallons, or where the total length of absorption trenches required would exceed 3,000 linear feet, or where the total absorption trench bottom area required would exceed 9,000 square feet.
- (f) *Submission of plans, specifications, and soil data.* Plans, specifications, soil data and, if required, absorption test data, submitted to the county board of health for the purpose of obtaining a construction permit to install an on-site sewage management system, which will produce a sewage flow in excess of 2,000 gallons per day, shall bear the registration number and signature of a registered professional engineer, certified and registered under the laws of the state. The county board of health may accept plans, specifications, soil data, and absorption test data for facilities with sewage flow of 2,000 gallons or less per day, when prepared in accordance with these rules, from any person who demonstrates to the satisfaction of the county board of health that they have sufficient knowledge of on-site sewage management system design.
- (g) *Soil data acceptability for individual lots.* Soil evaluations shall be conducted by individuals meeting the requirements established in the department's current Manual for On-Site Sewage Management Systems.
- (h) *Soil data or design certification required.*
- (1) The soil classifier, engineer, geologist or other professional approved by the department shall be required to attach to any soil evaluation submitted to the county board of health a copy of a current in force liability insurance certificate with limits of liability of no less than \$1,000,000.00.
 - (2) Soil evaluation reports submitted in compliance with the requirements established by the soil survey report checklist in section C of the department's manual shall be deemed sufficient and shall be accepted. The county board of health shall issue on-site sewage management system permits on sites deemed suitable by soil evaluations conducted in accordance with requirements established by the checklist in section C of the department's manual. In the event the county board of health finds the soil evaluation is deficient, it shall notify the person or entity that submitted the evaluation in writing by mail within three business days stating all deficiencies and measures needed to correct deficiencies.
 - (3) Engineer designs submitted in compliance with the requirements established by the engineered site plan checklist in section F of the department's manual and submitted with a copy of current in force liability insurance certificate with limits of liability of no less than one million dollars shall be accepted by the county board of health. Engineer designs shall be evaluated within 20 days of submission and a written determination of said evaluation shall be mailed to the submitter within three business days of the findings by the county board of health. If the engineer design is rejected, the county board of health will notify the submitter listing the deficiencies found, the measures needed to correct the deficiencies and of the submitter's right to appeal the county's decision.

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- (i) *On-site sewage management system notice required.* In the event an on-site sewage management system, alternative system or soil fill installation is installed, notice shall be delivered to the owner of such property and in the event of new construction homes or commercial buildings, notice must be delivered to new owner, by the homebuilder/contractor, at the time of conveyance on such property stating the type of installation, design and maintenance needs.

(Ord. of 4-7-2011(02), title 8.5, Rule 290-5-26-.03)

Note(s)—Authority O.C.G.A. Secs. 12-8-1, 31-2-2, 31-2-4, 31-2-7. History. Original Rule entitled "Sewers" was filed on December 1, 1969, as 270-5-25.03; effective December 20, 1969. Amended: Rule renumbered as 290-5-26-.03. Filed June 10, 1980; effective June 30, 1980. Amended: Rule repealed and a new Rule entitled "General Provisions" adopted. Filed March 28, 1984; effective April 27, 1984, as specified by the Agency. Amended: ER. has been adopted. F. Jan. 2, 1998; eff. Jan. 15, 1998, as specified by the Agency, to be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER. Amended: ER. repealed and permanent Rule, same title adopted. F. Jan. 23, 1998; eff. Feb. 20, 1998, as specified by the Agency. Amended: Jan. 17, 2007; eff. April 1, 2007, as specified by Agency.

Sec. 8-208. Sewers.

- (a) *Size of sewers.* Sewers connecting component parts of on-site sewage management systems shall be of sufficient size to serve anticipated flow conditions.
- (b) *Sewers.* All solid pipe and fittings used in an on-site sewage management system, beginning at the house, shall be NSF International schedule 40 PVC or equivalent and shall be a minimum of four inches in diameter. Sewers under driveways or similar areas of load or impact shall be of material capable of withstanding anticipated loads or installed so as to provide protection from crushing.
- (c) *Construction.* Sewers, other than perforated pipe or drain tiles used in absorption fields, shall be laid with sealed, watertight, root-resistant joints. Such sewers shall be laid on a firm foundation, shall not be subject to settling, and shall be installed on a grade that will ensure a self-cleaning velocity. Where on-site sewage management systems are used, and where installation of building drains and building sewers is not covered by duly adopted local plumbing codes, or in the absence of a local plumbing code and/or plumbing inspections, the county board of health may verify the adequacy and acceptability of all or any portion of the building sewer or the building drain.

(Ord. of 4-7-2011(02), title 8.5, Rule 290-5-26-.04)

Note(s)—Authority O.C.G.A. Secs. 12-8-1, 31-2-2, 31-2-4, 31-2-7. History. Original Rule entitled "Septic Tanks" was filed on December 1, 1969, as 2705-25-.04; effective December 20, 1969. Amended: Rule renumbered as 290-5-26-.04. Filed June 10, 1980; effective June 30, 1980. Amended: Rule repealed and a new Rule entitled "Sewers" adopted. Filed March 28, 1984; effective April 27, 1984, as specified by the Agency. Amended: ER. has been adopted. F. Jan. 2, 1998; eff. Jan. 15, 1998, as specified by the Agency, to be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER. Amended: ER. repealed and permanent Rule, same title adopted. F. Jan. 23, 1998; eff. Feb. 20, 1998, as specified by the Agency.

Sec. 8-209. Septic tanks.

- (a) *Minimum design and construction.* Septic tanks shall provide a minimum of 24 hours of retention and shall be designed and constructed to equal or exceed minimum design and construction criteria established by the department as published in the current Manual for On-Site Sewage Management Systems. After the effective date of the ordinance from which this article is derived, any person seeking approval of septic tanks to be

used in on-site sewage management systems shall submit detailed plans and specifications for tank manufacture and other information as may be required by the department. Manufacturers and suppliers may be subject to periodic inspection, and approval by the county board of health or the department. Both the inlet and outlet tees shall be ASTM 3034 rated or equivalent. In addition, an approved filter shall be installed on the outlet end of the septic tank in compliance with the Manual for On-Site Sewage Management Systems.

- (b) *Location.* No septic tank shall be installed less than 50 feet from existing or proposed wells/springs, sink holes, or suction water lines, and tanks shall be located downgrade from wells or springs if physically possible; less than 25 feet from lakes, ponds, streams, watercourses, and other impoundments; less than ten feet from pressure water supply lines; or less than ten feet from a property line. No septic tank shall be installed less than 15 feet from a drainage ditch or embankment. Septic tanks shall be installed so as to provide ready access for necessary maintenance. Normally, the distance a septic tank should be located from a building foundation is at least ten feet, but lesser distances may be allowed by the county board of health. The county board of health, after site inspection, may require greater separation distances than cited herein due to unusual conditions of topography, or other site configuration; subsurface soil characteristics and/or groundwater interference.
- (c) *Capacity.* The liquid capacity of septic tanks for single-family dwellings shall be 1,000 gallons for one, two, three or four bedrooms, and 250 additional gallons for each bedroom over four. Septic tank capacity shall be increased by 50 percent where garbage grinders are to be used. Auxiliary systems serving single-family residences or other facilities shall be based on the maximum daily flow.
- (d) *Compartmented tanks.* Two compartment tanks shall be required. The first compartment shall be at least two-thirds the liquid capacity of the tank.
- (e) *Tanks in series.* The county board of health may approve the installation of two septic tanks placed in series provided that the capacity of the first tank is at least 1,000 gallons and at least equal to the capacity of the second tank. When tanks in series are used, they shall be connected with a sealed sewer line, and all sewage shall initially enter the first tank.
- (f) *Foundation and backfill.* Septic tanks will be constructed or installed level, on a foundation that will prevent settling; backfill shall be placed so that a stable fill results and undue strain on the tank is avoided. Earth backfill shall be free of voids, large stones, stumps, broken masonry, or other such materials. A minimum earth cover of six inches over the tank is recommended. With proper documentation the county board of health may approve less cover. All openings and manholes shall be constructed so as to prevent the entrance of surface water.

(Ord. of 4-7-2011(02), title 8.5, Rule 290-5-26-.05)

Note(s)—Authority O.C.G.A. Secs. 12-8-1, 31-2-2, 31-2-4, 31-2-7. History. Original Rule entitled "Distribution Boxes" was filed on December 1, 1969, as 270-5-25-.05; effective December 20, 1969. Amended: Rule renumbered as 290-5-26-.05. Filed June 10, 1980; effective June 30, 1980. Amended: Rule repealed and a new Rule entitled "Septic Tanks" adopted. Filed March 28, 1984; effective April 27, 1984, as specified by the Agency. Amended: ER. has been adopted. F. Jan. 2, 1998; eff. Jan. 15, 1998, as specified by the Agency, to be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER. Amended: ER. repealed and permanent Rule, same title adopted. F. Jan. 23, 1998; eff. Feb. 20, 1998, as specified by the Agency.

Sec. 8-210. Distribution devices and dosing tanks.

- (a) *Minimum design and construction of distribution devices.* Distribution devices shall be designed and constructed in accordance with minimum design and construction criteria established in the department's current Manual for On-Site Sewage Management Systems.
- (b) *Minimum design and construction of dosing tanks.* Where required, dosing tanks shall be designed, constructed, and installed in accordance with the department's current Manual for On-Site Sewage Management Systems.

(Ord. of 4-7-2011(02), title 8.5, Rule 290-5-26-.06)

Note(s)—Authority O.C.G.A. Secs. 12-8-1, 31-2-2, 31-2-4, 31-2-7. History. Original Rule entitled "Nitrification Fields" was filed on December 1, 1969, as 270-5-25-.06; effective December 20, 1969. Amended: Rule renumbered as 290-5-26-.06. Filed June 10, 1980; effective June 30, 1980. Amended: Rule repealed and a new Rule entitled "Distribution Boxes and Dosing Tanks" adopted. Filed March 28, 1984; effective April 27, 1984, as specified by the Agency. Amended: ER. has been adopted. F. Jan. 2, 1998; eff. Jan. 15, 1998, as specified by the Agency, to be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER. Amended: ER. repealed and permanent Rule, same title adopted. F. Jan. 23, 1998; eff. Feb. 20, 1998, as specified by the Agency.

Sec. 8-211. Absorption fields.

- (a) *Absorption area.* The absorption area shall be based upon the anticipated volume of treated sewage and upon the characteristics of the soil in which absorption fields are to be located as specified in the department's current Manual for On-Site Sewage Management Systems. Soil characteristics and other related data, including percolation tests, may be required by the county board of health. Absorption areas shall be classified as follows: aggregate, non-aggregate and other.
- (b) *Prior approved systems.* Any "prior approved system," as defined in the O.C.G.A. § 31-2-7(a)(4), is approved for installation according to the manufacturer's recommendation.
- (c) *Location.* No absorption field will be constructed less than 100 feet from existing or proposed wells, springs or sinkholes; less than ten feet from water supply lines and buildings with basements and less than five feet from buildings without basements, other structures, drives and property lines; less than 15 feet from an embankment, drainage ditch or trash pits; not less than 50 feet from the normal water level of any impoundment, tributary, stream, or other body of water, including ponded areas of wetlands. If the water supply line crosses or comes within ten feet of the absorption field, the water supply line shall be installed at least 12 inches above the top of the aggregate layer of the absorption line, nonaggregate absorption line or other absorption line, and shall be encased in a single length of larger diameter water pipe. No absorption field shall be installed in areas where groundwater, soil characteristics or adverse geological formation may interfere with the absorption or effective treatment of sewage effluent.
- (d) *Minimum design and construction for absorption fields.* Absorption lines and absorption trenches shall be designed and installed in accordance with the minimum design and installation criteria established in the department's current Manual for On-Site Sewage Management Systems.

(Ord. of 4-7-2011(02), title 8.5, Rule 290-5-26-.07)

Note(s)—Authority O.C.G.A. Secs. 12-8-1, 31-2-2, 31-2-4, 31-2-7. History. Original Rule entitled "Subdivisions" was filed on December 1, 1969, as 270-5-25-.07; effective December 20, 1969. Amended: Rule renumbered as 290-5-26-.07. Filed June 10, 1980; effective June 30, 1980. Amended: Rule repealed and a new Rule entitled "Absorption Fields" adopted. Filed March 28, 1984; effective April 27, 1984, as specified by the Agency.

Amended: ER. has been adopted. F. Jan. 2, 1998; eff. Jan. 15, 1998, as specified by the Agency, to be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER. Amended: ER. repealed and permanent Rule, same title adopted. F. Jan. 23, 1998; eff. Feb. 20, 1998, as specified by the Agency.

Sec. 8-212. Privies.

Privies shall be designed and constructed in accordance with minimum design and construction criteria established by the department's current Manual for On-Site Sewage Management Systems.

(Ord. of 4-7-2011(02), title 8.5, Rule 290-5-26-.08)

Note(s)—Authority O.C.G.A. Secs. 12-8-1, 31-2-2, 31-2-4, 31-2-7. History. Original Rule entitled "Pit Privy" was filed on December 1, 1969, as 270-5-25-.08; effective December 20, 1969. Amended: Rule renumbered as 290-5-26-.08. Filed June 10, 1980; effective June 30, 1980. Amended: Rule repealed and a new Rule entitled "Privies" adopted. Filed March 28, 1984; effective April 27, 1984, as specified by the Agency. Amended: ER. has been adopted. F. Jan. 2, 1998; eff. Jan. 15, 1998, as specified by the Agency, to be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER. Amended: ER. repealed and permanent Rule, same title adopted. F. Jan. 23, 1998; eff. Feb. 20, 1998, as specified by the Agency.

Sec. 8-213. Alternative on-site sewage management systems.

- (a) *Definition.* The term "alternative on-site sewage management system" means any approved on-site sewage management system which differs in design or operation from the conventional or chamber septic tank or privy.
- (b) *Design and construction.* Alternative on-site sewage management systems shall be designed and constructed in accordance with the minimum design and construction criteria established by the department's current Manual for On-Site Sewage Management Systems. The department shall maintain a list of approved alternative on-site sewage management systems.
- (c) *Cluster systems.* A cluster system is an individual subsurface sewage disposal system, which in whole or component part serves more than one property, dwelling, commercial unit or other realty improvement. Cluster systems shall be governed by the following provisions:
 - (1) Cluster systems shall be licensed by the State Department of Natural Resources Environmental Protection Division (EPD) or the County Department of Environmental Health and shall satisfactorily comply with all terms of the license.
 - (2) The system shall be licensed and fully operational before final plat approval. No lot served by the system shall be sold nor shall any building permit be issued before the cluster system is approved for operation.
 - (3) The disposal field shall not be located on any 100-year floodplain or within 200 feet of any groundwater recharge area.
 - (4) Ownership, maintenance and operation of a cluster system.
 - a. Upon transfer of title by the developer, a homeowners' or property owners' association comprised of the owners of each lot serviced by the system, or a separate authority, shall own, maintain, operate, repair and replace, system components located outside of individual property lot lines. In the event the owners' association includes owners whose properties are not serviced by the system, those owners shall not be responsible for maintenance, operation, repairs and

replacement of the system. The owners' association shall not be dissolved and may not dispose of the system, by sale or otherwise, without the prior approval of the City. Any successor in title to the owners' association shall be responsible for all of the ownership, maintenance and operation obligations of the system in accordance with the terms of this section.

- b. The by-laws, membership assessments and dues, and methods of enforcement and collection of delinquent assessments and dues of the owners' association insofar as they pertain to maintenance, operation, repair and replacement of the cluster system shall be submitted to and approved by the City prior to or as a condition of final plat approval.
 - c. A separate capital account dedicated to replacement of the system based upon the useful life of its component parts and funded through association assessments shall be established and approved by the City prior to final plat approval. The owner of the system shall provide to the City a bond, escrow, letter of credit, or equivalent security, acceptable to the City is its sole discretion, valued at the cost of replacing the system.
 - d. Declaration of covenants, conditions, restrictions and by-laws shall be recorded with the Gwinnett County Clerk of Superior Court in the book for the recording of deeds, which recording shall be prior to final plat approval or the first conveyance of any realty improvements to be serviced by a cluster system.
 - e. The City shall not be responsible for any dry sewer lines installed as part of major subdivision approval and used for the transfer or pumping of sewage to any cluster system. During the period of such use, the legal entity responsible for maintenance, operation, repair and replacement of the system shall remain fully responsible for the system.
 - f. Prior to final plat approval, the owner of a cluster system shall place with the City an escrow, performance bond, or other security approved by the City for two years of operating costs. In the event the owner fails to operate the system within the terms of the EPD license, the City may, but shall not be required to assume control of the system and draw upon this security. The City may also, but shall not be required to assume all billing for sewer service and spend all money collected to manage, operate, maintain, or repair the system.
 - g. Prior to final plat approval, the owner of a cluster system shall submit to the City a manual explaining in detail the operation and maintenance of the system. Such a manual shall be kept at all times by the owner and shall be updated as necessary. Copies of any and all updates shall be provided to the City.
 - h. The owner of a cluster system approved by the City shall, as a continuing condition of approval, engage and maintain the services of a sewage treatment plant operator, licensed in the state, to provide the necessary expertise for the maintenance, operation, repair and replacement of the system. The City shall receive at least 60 days' notice of the cancellation, termination, expiration or non-renewal of the licensed operator's contract with the owner. These requirements may be waived by the City, upon a showing of good cause by the owner. The licensed operator shall be subject to the requirement of this chapter pertaining to maintenance, inspections, reporting and operation.
 - i. All costs of any testing or monitoring of a cluster system or its components shall be borne by the applicant or owners' association, as the case may be.
- (5) Access to cluster systems.
- a. As a condition to approval of a cluster system, the applicant shall provide to the City all necessary easements (by deed) granting the City and its authorized agent access to all properties upon which the system is located and/or which the system services for the purpose of monitoring and inspecting the system and, where necessary, disconnecting a component of the system in order

to protect the integrity of the system as a whole. This provision shall not be construed to be in derogation of any authority to enter premises the City and its authorized agent may otherwise have by reason of statute, rule or ordinance.

- b. As a condition to approval of a cluster system, the applicant shall provide to the owner of the system, and its successors, assigns and agents, all necessary easements (by deed) granting the owner access to all properties upon which the system is located and/or which the system services for the purpose of monitoring, inspecting, and pumping and cleaning the system in order to protect the integrity of the system as a whole.

(Ord. of 4-7-2011(02), title 8.5, Rule 290-5-26-.09; Ord. of 5-7-2020(1), §§ 1, 2)

Note(s)—Authority O.C.G.A. Secs. 12-8-1, 31-2-2, 31-2-4, 31-2-7. History. Original Rule entitled "Soil Data and Percolation Tests" was filed on December 1, 1969, as 270-5-25-.09; effective December 20, 1969. Amended: Rule renumbered as 290-5-26-.09. Filed June 10, 1980; effective June 30, 1980. Amended: Rule repealed and a new Rule entitled "Alternative and Experimental On-Site Sewage Management Systems and Site Modifications" adopted. Filed March 28, 1984; effective April 27, 1984, as specified by the Agency. Amended: ER. has been adopted. F. Jan. 2, 1998; eff. Jan. 15, 1998, as specified by the Agency, to be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER. Amended: ER. repealed and permanent Rule, same title adopted. F. Jan. 23, 1998; eff. Feb. 20, 1998, as specified by the Agency.

Sec. 8-214. Experimental on-site sewage management systems.

The term "experimental on-site sewage management system" means any on-site sewage management system proposed for testing and observation, and provisionally accepted for such purposes by the department's technical review committee. Any limitations to the use of experimental systems shall be decided by the department's technical review committee.

(Ord. of 4-7-2011(02), title 8.5, Rule 290-5-26-.10)

Note(s)—Authority O.C.G.A. Secs. 12-8-1, 31-2-2, 431-2-4, 31-2-7. History. Original Rule entitled "Grease Traps" was filed on December 1, 1969, as 270-5-25-.10; effective December 20, 1969. Amended: Rule renumbered as 290-5-26-.10. Filed June 10, 1980; effective June 30, 1980. Amended: Rule repealed and a new Rule entitled "Percolation Tests and Test Borings" adopted. Filed March 28, 1984; effective April 27, 1984, as specified by the Agency. Amended: ER. has been adopted. F. Jan. 2, 1998; eff. Jan. 15, 1998, as specified by the Agency, to be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER. Amended: ER. repealed and permanent Rule, same title adopted. F. Jan. 23, 1998; eff. Feb. 20, 1998, as specified by the Agency.

Sec. 8-215. Septage removal and disposal.

- (a) *Permit required.* No person shall engage in the removal or disposal of the contents of septic tanks, pit privies, or other on-site sewage management or experimental systems without having first applied for and obtained from either the department or a county board of health a septage removal permit, renewed annually, for such activities. The application for such septage removal permit shall be submitted in writing on forms provided by the department or the county board of health at least ten days prior to engaging in such activities. the application shall include, but not be limited to, the business name and address, name and address of the applicant, the manner by which such contents are to be removed, transported and given final disposal, and such other documentation as may be required by the county board of health, including evidence that septage removed and transported will be accepted at approved disposal sites.

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- (b) *Suspension and revocation.* The permit shall be subject to suspension and revocation for failure to comply with the requirements of these regulations or the department's current Manual for On-Site Sewage Management Systems.
 - (c) *Pumping and disposal methods.* Approved methods of pumping and disposal of septage from on-site sewage management systems shall be discharged to a public or community sewage treatment system for treatment in treatment plant, treatment at separate septage handling facilities, or direct land application. Pumping and disposal shall be in accordance with the requirements of the department's current Manual for On-Site Sewage Management Systems.
 - (d) *Vehicle identification.* The name and address of the person or firm engaging in the removal of septage from on-site sewage management systems and the permit number shall be lettered on both sides of each vehicle used for septage removal purposes. Letters and numerals shall not be less than two inches in height and shall be readily visible.
 - (e) *Vehicle maintenance.* Every vehicle used for removal of septage from on-site sewage management systems shall be equipped with a watertight tank or body and properly maintained. Liquid wastes shall not be transported in open bodied vehicles. All pumps, hose lines, valves and fittings shall be maintained to prevent leakage.

(Ord. of 4-7-2011(02), title 8.5, Rule 290-5-26-.11)

Note(s)—Authority O.C.G.A. Secs. 12-8-1, 31-2-2, 31-2-4, 31-2-7. History. Original Rule entitled "Enforcement" was filed on December 1, 1969, as 270-5-25-.11; effective December 20, 1969. Amended: Rule renumbered as 290-5-26-.11. Filed June 10, 1980; effective June 30, 1980. Amended: Rule repealed and a new Rule entitled "Septage Removal and Disposal" adopted. Filed March 28, 1984; effective April 27, 1984, as specified by the Agency. Amended: ER. has been adopted. F. Jan. 2, 1998; eff. Jan. 15, 1998, as specified by the Agency, to be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER. Amended: ER. repealed and permanent Rule, same title adopted. F. Jan. 23, 1998; eff. Feb. 20, 1998, as specified by the Agency.

Sec. 8-216. Grease traps.

- (a) *Grease traps required.* Grease traps shall be required for commercial or industrial establishments with on-site sewage management systems where it is determined by the county board of health that the amount of grease introduced into the system is in excess of 50 mg/l.
- (b) *Grease trap design.* Plans and specifications for grease traps shall be submitted to the county board of health for approval. The county board of health shall review the grease trap design in accordance with minimum design and construction criteria established by the department's current Manual for On-Site Sewage Management Systems. Effluent from grease traps shall be disposed of in a septic tank and not directly discharged to the absorption field. Grease traps shall be located, installed and constructed so that the temperature of the sewage will be reduced to permit congealing or separation of grease and easy access for cleaning is provided.

(Ord. of 4-7-2011(02), title 8.5, Rule 290-5-26-.12)

Note(s)—Authority O.C.G.A. Secs. 12-8-1, 31-2-2, 31-2-4, 31-2-7. History. Original Rule entitled "Grease Traps" was filed on March 28, 1984, effective April 27, 1984, as specified by the Agency. Amended: ER. has been adopted. F. Jan. 2, 1998; eff. Jan. 15, 1998, as specified by the Agency, to be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER. Amended: ER. repealed and permanent Rule, same title adopted. F. Jan. 23, 1998; eff. Feb. 20, 1998, as specified by the Agency.

Sec. 8-217. Sewage flow.

The design sewage flow of an on-site sewage management system shall be determined from the department's current Manual for On-Site Sewage Management Systems. The daily sewage flow may be determined by the department after due consideration of data submitted by the owner or his agent on design criteria. Calculations will be made on the basis of peak flow and not on long term averages.

(Ord. of 4-7-2011(02), title 8.5, Rule 290-5-26-.13)

Note(s)—Authority O.C.G.A. Secs. 12-8-1, 31-2-2, 31-2-4, 31-2-7. History. Original Rule entitled "Sewage Flow" was filed on March 28, 1984; effective April 27, 1984, as specified by the Agency. Amended: ER. has been adopted. F. Jan. 2, 1998; eff. Jan. 15, 1998, as specified by the Agency, to be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER. Amended: ER. repealed and permanent Rule, same title adopted. F. Jan. 23, 1998; eff. Feb. 20, 1998, as specified by the Agency.

Sec. 8-218. Subdivision and mobile home parks.

- (a) *Pre-development review.* It is recommended that developers considering subdivision or mobile home park development, where public or community sewage treatment systems will not be available, seek a pre-development review by the county board of health prior to developmental improvements. A pre-development report which indicates disapproval or tentative approval may be obtained by submitting a boundary plat including:
 - (1) A vicinity map;
 - (2) A topographic map;
 - (3) A preliminary soil study conducted in compliance with the department's current Manual for On-Site Sewage Management Systems.
- (b) *Proposals and plans required.* The following information is required for subdivision and mobile home park proposals:
 - (1) A boundary plat drawn to a reasonable scale which includes:
 - a. A vicinity map;
 - b. Proposed lots and streets including lot identification, dimensions, building lines and square footage of lots;
 - c. A topographic map depicted in two foot contour intervals. Lesser contour intervals may be approved by the county board of health if the slope is sufficiently steep;
 - d. A soil map and soil descriptions based on a high intensity soil study conducted in compliance with the department's current Manual for On-Site Sewage Management Systems;
 - e. The location of all present and proposed wells, water systems, watercourses, floodplains, sewage systems, structures, rights-of-way, utilities, stormwater drainage systems and easements on the property and within 100 feet outside the perimeter of the property; and
 - f. The name, registration number and seal of the professional surveyor or engineer that prepared the development plan.
 - (2) A completed subdivision analysis record on forms provided by the department.

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- (3) A copy of the following documents issued by the environmental protection division of the department of natural resources:
- a. The land disturbance activity permit issued by either the environmental protection division or the local issuing authority. For the purposes of this section, the term "issuing authority" means the governing authority of any county or municipality, which is certified pursuant to O.C.G.A. § 12-7-8(a) by the director of the environmental protection division;
 - b. A letter of approval to begin construction of a public water supply system and approving the source of the water supply where a public water supply system is to be utilized; and
 - c. For a development, which will result in the disturbance of more than five acres, a copy of the notice of intent (NOI) submitted to the environmental protection division to be covered under NPDES Permit GAR100000 for the discharge of stormwater associated with construction activity.
- (c) *Approval required.* No person may sell, offer for sale, lease, rent, begin construction or otherwise begin the physical development of a lot or lots in a subdivision or mobile home park until written approval of plans for water supply and sewage disposal has been obtained from the county board of health. This approval constitutes general acceptance of all lots, except those lots excluded, for development with on-site sewage management systems. (Excluded lots may receive further consideration based on additional information.)
- (d) *Limits on use of on-site sewage management systems for subdivision and mobile home parks.* Approval of subdivisions and mobile home parks utilizing on-site sewage management systems shall not be granted:
- (1) When a public or community sewage system is available within 500 feet off the subdivision or mobile home park;
 - (2) When soil maps, descriptions, and reports compiled by a registered soil classifier indicate that soil conditions prohibit safe development of on-site sewage management systems.
 - (3) Prior to receipt of a letter from the environmental protection division approving the plans to construct the public water supply system and approving the source of the water supply where a public water supply system is to be utilized.
- (e) *Construction permits.* Construction permits for on-site sewage management systems shall be issued in accordance with section 8-207(b).

(Ord. of 4-7-2011(02), title 8.5, Rule 290-5-26-.14)

Note(s)—Authority O.C.G.A. Secs. 12-8-1, 31-2-2, 31-2-4, 31-2-7. History. Original Rule entitled "Subdivision and Mobile Home Parks" was filed on March 28, 1984; effective April 27, 1984, as specified by the Agency. Amended: ER. has been adopted. F. Jan. 2, 1998; eff. Jan. 15, 1998, as specified by the Agency, to be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER. Amended: ER. repealed and permanent Rule, same title adopted. F. Jan. 23, 1998; eff. Feb. 20, 1998, as specified by the Agency.

Sec. 8-219. Subdivision, mobile home park water and sewage.

- (a) *Subdivision and mobile home park water supply.* Connection to a public water supply system shall be required if available within 1,000 feet of the proposed subdivision or mobile home park.
- (b) *Subdivision and mobile home park percolation tests.* Where required for planning purposes and determination of the general absorptive capacity of soils, the number of percolation tests to be made shall be one per lot, in the area where absorption fields are to be located. Before construction of on-site sewage management systems, individual lots within the proposed development shall comply with section 8-218.

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- (c) *Subdivision and mobile home park test bores.* Where required for planning purposes, test bores to determine groundwater elevations and subsurface rock formations shall be made at locations, in numbers and at depths to be determined by the department or county board of health.

(Ord. of 4-7-2011(02), title 8.5, Rule 290-5-26-.15)

Note(s)—Authority O.C.G.A. Secs. 12-8-1, 31-2-2, 31-2-4, 31-2-7. History. Original Rule entitled "Subdivision, Mobile Home Park Water and Sewage" was filed on March 28, 1984; effective April 27, 1984, as specified by the Agency. Amended: ER. has been adopted. F. Jan. 2, 1998; eff. Jan. 15, 1998, as specified by the Agency, to be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER. Amended: ER. repealed and permanent Rule, same title adopted. F. Jan. 23, 1998; eff. Feb. 20, 1998, as specified by the Agency.

Sec. 8-220. Technical review committee.

- (a) *Technical review committee.* The department shall appoint and maintain a technical review committee consisting of a maximum of 15 individuals with technical or scientific knowledge relating to on-site sewage management systems. The duties of the committee will be to approve new systems, periodically review systems performance, assist the department with the development of standards and guidelines for new technology, assist with the periodic updating of the Manual for On-Site Sewage Management Systems, revisions to standards and serve as the authority for product approval, evaluation, and the development of installation standards. The committee shall also maintain a list of approved systems.
- (b) *Membership.* The committee shall include at least one individual from the following disciplines:
- (1) An environmental health section staff person who shall serve as the secretary;
 - (2) Local county environmentalist;
 - (3) Health district environmentalist;
 - (4) Engineering;
 - (5) Manufacturing;
 - (6) Home builders association;
 - (7) Soil classifier;
 - (8) University/academia;
 - (9) District health director;
 - (10) Environmental protection division;
 - (11) Well driller;
 - (12) Georgia On-Site Wastewater Association;
 - (13) Land developer;
 - (14) Septic tank contractor.
- (c) *Meetings.* The committee shall meet as deemed appropriate by the department.
- (d) *Fee.* The department shall adopt a fee schedule for the technical review of new products and technology.

(Ord. of 4-7-2011(02), title 8.5, Rule 290-5-26-.16)

Note(s)—Authority O.C.G.A. Secs. 12-8-1, 31-2-2, 31-2-4, 31-2-7. History. Original Rule entitled "Enforcement" was filed on March 28, 1984; effective April 27, 1984, as specified by the Agency. Amended: ER. has been adopted. F. Jan. 2, 1998; eff. Jan. 15, 1998, as specified by the Agency, to be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER. Amended: ER. repealed and permanent Rule, same title adopted. F. Jan. 23, 1998; eff. Feb. 20, 1998, as specified by the Agency.

Sec. 8-221. Certification and decertification of septic tank contractors, inspection personnel, pumpers, soil classifiers and maintenance personnel.

- (a) *Certification required.* Individuals performing services related to site approval, the design, location, installation, inspection and maintenance of an on-site sewage management system, must be certified by the department.
 - (1) Guidelines defining certification qualifications for septic tank contractors, inspection personnel, pumpers, soil classifiers and maintenance personnel shall be established by the department and shall be published in the Manual for On-Site Sewage Management Systems. The guidelines shall be based on education, experience, testing and performance.
 - (2) The department shall write a protocol for decertification of persons certified under the provisions of this section.
 - (3) Certification shall be required every two years and shall be based on meeting continuing education requirements.
- (b) *Fee.* The department shall adopt a fee schedule for the certification and recertification of the persons listed in this section.

(Ord. of 4-7-2011(02), title 8.5, Rule 290-5-26-.17)

Note(s)—Authority O.C.G.A. Secs. 12-8-1, 31-2-2, 31-2-4, 31-2-7. History. ER. has been adopted. F. Jan. 2, 1998; eff. Jan. 15, 1998, as specified by the Agency, to be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER. Amended: ER. repealed and permanent Rule, entitled "Certification and Decertification of Septic Tank Contractors, Inspection Personnel, Pumpers, Soil Classifiers and Maintenance Personnel" adopted. F. Jan. 23, 1998; eff. Feb. 20, 1998, as specified by the Agency.

Sec. 8-222. Maintenance and operation.

- (a) *Prohibited discharge.* No person shall allow the unapproved discharge or spillage of sewage, nor shall an on-site sewage management system be used or maintained in such a manner that will allow the seepage or discharge of effluent from such system to the ground surface, to a watercourse, drainage ditch, open trench, canal, storm drain or storm sewer, water well, abandoned well, lake, stream, river, estuary, groundwater, or other body of water.
- (b) *Maintenance.* The property owner shall be responsible for properly operating and maintaining the on-site sewage management system to increase the life expectancy and prevent failure. Maintenance of the system shall be in accordance with the criteria established in the department's current Manual for On-Site Sewage Management Systems. Where an on-site sewage management system is proposed to serve facilities under separate ownership, a contract to ensure proper operation and maintenance of the system signed by all owners shall exist as a precondition to the issuance of a permit for the construction of an on-site sewage management system.

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- (c) *Additives.* No strong bases, acids or organic solvents shall be used in the operation of an on-site sewage management system.
 - (d) *Existing system evaluations.* If a performance evaluation of an existing system is conducted, the evaluation shall be performed in accordance with the procedure established in the department's current Manual for On-Site Sewage Management Systems.
 - (e) *Variances.* The county board of health may grant variances in the cases of hardship where existing systems are malfunctioning.

(Ord. of 4-7-2011(02), title 8.5, Rule 290-5-26-.18)

Note(s)—Authority O.C.G.A. Secs. 12-8-1, 31-2-2, 31-2-4, 31-2-7. History. ER. has been adopted. F. Jan. 2, 1998; eff. Jan. 15, 1998, as specified by the Agency, to be in effect for 120 days or until the effective date of a permanent Rule covering the same subject matter superseding this ER. Amended: ER. repealed and permanent Rule, entitled "Maintenance and Operation" adopted. F. Jan. 23, 1998; eff. Feb. 20, 1998, as specified by the Agency.

Sec. 8-223. Enforcement.

The administration and enforcement of this article shall be in accordance with O.C.G.A. Chapter 31-5.

(Ord. of 4-7-2011(02), title 8.5, Rule 290-5-26-.19)

Note(s)—Authority O.C.G.A. Secs. 12-8-1, 31-2-2, 31-2-4, 31-2-7. History. ER. has been adopted. F. Jan. 2, 1998; eff. Jan. 15, 1998, as specified by the Agency, to be in effect for 120 days or until the effective date of a permanent Rule ER covering the same subject matter superseding this. Amended: ER. repealed and permanent Rule, entitled "Enforcement" adopted. F. Jan. 23, 1998; eff. Feb. 20, 1998, as specified by the Agency.

Sec. 8-224. Standards for nonconventional on-site sewage management systems.

- (a) *Equivalency standards.* The department shall review absorption field products that differ in design from the conventional on-site sewage management system. The following standards will be used to determine equivalency to the conventional on-site sewage management system:
 - (1) The design infiltrative surface is the wetted trench bottom area.
 - (2) Due to the combined effects of compaction, contact area and fines associated with gravel aggregate, the effective infiltrative surface area is reduced by an estimated 50 percent.
 - (3) The minimum amount of effective trench bottom infiltrative surface area per linear foot shall be equivalent to the conventional 36-inch wide gravel system.
 - (4) Sidewall area shall not be considered for design reduction. The minimum amount of effective sidewall infiltrative surface area per linear foot shall be equivalent to the conventional 36-inch wide gravel system.
 - (5) The minimum storage volume required for a system shall be equivalent to the conventional 36-inch wide gravel system.
 - (6) The design absorption area required is based on the most hydraulically limiting soil horizon that comes into contact with the infiltrative surface of the sidewall, trench bottom and for a distance one foot below the absorption trench bottom.

Infiltration area for conventional 36-inch wide gravel trench absorption

Sidewall Infiltration Area:	2 sq. ft./ft x 0.50	= 1 sq. ft./linear foot
Trench Bottom Infiltration Area:	3 sq. ft./ft. x 0.50	= 1.5 sq. ft./linear foot
Storage Volume:	3 cubic feet/linear foot x 7.48 gallons/cubic foot x .35 = 7.85 gallons/linear foot	

- (b) *Prior approval.* Lots approved for development based on a reduction in absorption trench length up to 50 percent shall continue to be approved and permitted for up to a 50 percent reduction in absorption trench length provided the lot is part of a recorded plat or part of a preliminary development plan submitted to the county board of health within one year of rule adoption. Preliminary plans must include, as a minimum, proposed lots and streets with lot identifications, lot dimensions and square footage; a topographic map with watercourses and floodplain identified; a level three soil report; the location of the water supply system, rights-of-way, easements and utilities; and the name, registration number and seal of the professional surveyor or engineer.

(Ord. of 4-7-2011(02), title 8.5, Rule 290-5-26-.20)

Note(s)—Authority O.C.G.A. Sec. 31-2-7. Adopted Jan. 21, 2004; eff. March 1, 2004. Amended: Rule repealed and adopted April 27, 2005, effective June 27, 2005.