

**ORDINANCE  
AMENDMENT  
NO. \_\_ OA-2023-07 \_\_**

**CHAPTER 40 – UTILITIES**

**ARTICLE II. – WATER AND SEWER SERVICE**

**DIVISION 2. – SEWER USE**

**SECTIONS 40-47 through 40-61**

**WHEREAS,** The Charter of the City of Dallas, Georgia does allow the Mayor and Council to adopt Ordinances to provide for rules and regulations concerning water and sewer service, more particularly sewer use within the City of Dallas, Georgia and for the safety, health, and welfare of the citizens of the City of Dallas, Georgia; **AND**

**WHEREAS,** The Charter of the City of Dallas, Georgia does allow the Mayor and the City Council, by ordinance, to regulate sewer use in the City of Dallas; **AND**

**WHEREAS,** The Mayor and the City Council of Dallas, Georgia considered the proposed amendment at a duly noticed public meeting on \_\_\_\_\_, 2023; **AND**

**WHEREAS,** The Mayor and the City Council of Dallas, Georgia have determined that this amendment is in the best interest of the City’s residences for their safety, health and welfare; **AND**

**THEREFORE,** be it ordained by the Mayor and the City Council of Dallas, Georgia:

**SECTION I.**

That Chapter 40 UTILITIES, ARTICLE II. – WATER AND SEWER SERVICE, DIVISION 2. – SEWER USE is hereby struck in its entirety and replaced with the following:

**DIVISION 2. – SEWER USE**

**Sec. 40-47. Definitions.**

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

*Biochemical oxygen demand (BOD)* means the quantity of oxygen utilized in the biochemical oxidation of organic matter under EPA approved laboratory procedure in five days at 20 [degrees] Celsius, expressed in milligrams per liter.

*Building drain* means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of buildings and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

*Building sewer* means the extension from the building drain to the public sewer or other place of disposal, also called house connection or service connection.

*Combined sewer* means a sewer receiving both surface runoff and sewage.

*Customer* means every person who is responsible for contracting (expressly or implicitly) with the city in obtaining, having or using sewer connections with, or sewer tap to, the sewer system of the city and in obtaining, having or using water and other related services furnished by the city for the purpose of disposing of wastewater and sewage through said system. The term "customer" includes the occupants of each unit of a multiple-family dwelling unit building as a separate and distinct customer.

*Easement* means an acquired legal right for the specific use of land owned by others.

*Floatable oil* means oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable oil if it is properly pretreated, and the wastewater does not interfere with the collection system.

*Flush toilet* means the common sanitary flush commode in general use for the disposal of human excrement.

*Garbage* means the animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.

*Health officer* means the city manager, the county sanitarian, the county health department and their duly appointed assistants.

*Industrial waste* means the wastewater from industrial processes as distinct from domestic or sanitary wastes.

*Infiltration/inflow* means groundwater and surface water which leaks into the sewers through cracked pipes, joints, manholes, or other openings.

*Municipality* means the governmental body having jurisdiction over the maintenance and operations of the water and sanitary sewer systems within the city and adjacent areas of the county.

*Natural outlet* means any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface water or groundwater.

*Normal wastewater* means wastewater discharged into the sanitary sewers in which:

- (1) The average concentration is not more than the following of:
  - a. Total suspended solids: 300 milligrams per liter (mg/l);
  - b. BOD5: 300 mg/l;
  - c. Total phosphorous: 10 mg/l;
  - d. Total Kjeldahl nitrogen: 20 mg/l; and
- (2) The total flow is not more than 25,000 gallons per day.

*pH* means the logarithm of the reciprocal of the hydrogen ion concentration.

*Pit privy* means a shored, vertical pit in the earth completely covered with a flytight slab on which is securely located a flytight riser covered with hinged flytight seat and lid.

*Private decentralized wastewater system* means any privately owned wastewater collection, treatment or disposal system serving more than one residential lot or business, or which has a daily flow in excess of 2,000 gallons per day, or which transfers flows between more than one parcel or tract of land.

*Properly shredded garbage* means the wastes from the preparation, cooking, and dispensing of foods that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

*Public sewer* means a common sewer controlled by a governmental agency or public utility.

*Sanitary sewer* means a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of groundwater, stormwater and surface water, which are not intentionally admitted.

*Septic tank* means a subsurface impervious tank designed to temporarily retain sewage or similar waterborne wastes together with:

- (1) A sewer line constructed with solid pipe, with the joints sealed, connecting the impervious tank with a plumbing stub out; and
- (2) A subsurface system of trenches, piping, and other materials constructed to drain the clarified discharge from the tank and distribute it underground to be absorbed.

*Sewage* means the spent water of a community. The equivalent term is wastewater. See Wastewater.

*Sewage works (sewerage)* means all facilities for collecting, pumping, treating, and disposing of sewage.

*Sewer* means a pipe or conduit that carries wastewater.

*Slug* means any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes

more than five times the average 24-hour concentration of flows during normal operation and shall adversely affect the collection system and/or performances of the wastewater facilities.

*Storm drain* (sometimes termed "storm sewer") means a drain or sewer for conveying water, groundwater, subsurface water or unpolluted water from any source and excluding sewage and industrial wastes other than unpolluted cooling water.

*Superintendent* means the city public works director or his authorized deputy, agent or representative.

*Suspended solids* means total suspended matter that either floats on the surface of or is in suspension in, water, wastewater or other liquids, and that is removable by laboratory filtration as approved by the EPA and referred to as nonfilterable residue.

*Unpolluted water* means water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

*Wastewater* means the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water and stormwater that may be present.

*Wastewater facilities* means the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

*Watercourse* means a natural or artificial channel for the passage of water either, continuously or intermittently.

(Comp. Ords. 2005, § 4-512.1 ; Ord. No. OA-2015-07, 8-31-2015 )

#### **Sec. 40-48. Violations of article.**

Any action or inaction which violates the provisions of this article or the requirements of an approved permit, may be subject to the enforcement actions outlined in this section. Any such action or inaction which is continuous with respect to time is deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described in section (b) Penalties, shall not prevent such equitable relief. The provisions of the ordinance shall be administered by the Superintendent and enforced in coordination with the city marshal, with the powers provided in the laws of the State of Georgia and in the chapter and resolutions of the City of Dallas. For the propose of serving citations for violations of this ordinance, such citations may be referred to the City Marshal's Bureau of the City of Dallas for service.

(a) Notice.

If the city determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit or the provisions of this article, it shall issue a written notice of violation to such applicant or other responsible person.

Where a person is engaged in activity covered by this article without having first secured a permit therefor, the notice of violation shall be served on the owner or the responsible person in charge of the activity being conducted on the site. The notice of violation shall contain:

- (1) The name and address of the owner or the applicant or the responsible person;
- (2) The address or other description of the site upon which the violation is occurring;
- (3) A statement specifying the nature of the violation;
- (4) A description of the remedial measures necessary to bring the action or inaction into compliance with the permit, the stormwater management plan or this article and the date for the completion of such remedial action;
- (5) A statement of the penalties that may be assessed against the person to whom the notice of violation is directed; and
- (6) A statement that the determination of violation may be appealed to the city by filing a written notice of appeal within 30 days after the notice of violation; except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice shall be sufficient.

(b) Penalties.

In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one or more of the actions or penalties in this section may be taken or assessed against the person to whom the notice of violation was directed. Before taking any of the actions or imposing any of the penalties as set forth in this section, the city shall first notify the applicant or other responsible person in writing of its intended action, and shall provide a reasonable opportunity of not less than ten days (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice shall be sufficient) to cure such violation. In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, the city may take any one or more of the following actions or impose any one or more of the following penalties:

- (1) *Stop work order.* The city may issue a stop work order which shall be served on the applicant or other responsible person. The stop work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take the necessary remedial measures to cure such violation or violations.
- (2) *Withhold certificate of occupancy.* The city may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant other responsible person has taken

the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.

- (3) *Suspension, revocation, or modification of permit and/or license.* The city may suspend, revoke or modify any authorized permit and/or license. A suspended, revoked or modified permit and/or license may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated (upon such conditions as the city may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.
- (4) *Civil penalties.* In the event the applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten days, or such greater period as the city shall deem appropriate (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24 hours' notice shall be sufficient) after the city has taken one or more of the actions described in subsections (1) through (3) of this section, the city may impose a penalty not to exceed \$1,000.00 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.
- (5) *Criminal penalties.* For intentional and flagrant violations of this article, the city may issue a citation to the applicant or other responsible person requiring such person to appear in municipal court to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed \$1,000.00 or imprisonment for 60 days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

(Comp. Ords. 2005, § 4-512.9)

**Sec. 40-49. Use of public sewers required.**

- (a) All premises shall be provided, by the owner thereof, with at least one toilet. All toilets shall be kept clean and in a sanitary working condition.
- (b) No person shall dispose of human excrement except in a toilet.
- (c) It shall be unlawful to discharge to any natural outlet within the city, or in any area under the jurisdiction of the city, any wastewater or other polluted waters, including septic tank effluent or cesspool overflow to any open drain or well-penetrating, water-bearing formation, except where suitable treatment has been provided in accordance with subsequent provisions of this division.
- (d) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.

- (e) The owners of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes situated within the city's jurisdiction and abutting on any street, alley, or right-of-way in which there is now located or may be located a public sanitary sewer of the city is hereby required, at the owner's expense, to install suitable toilet facilities herein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this division, within 60 days after date of official notice to do so.

(Comp. Ords. 2005, § 4-512.2)

**Sec. 40-50. Private wastewater disposal.**

- (a) Where a public sanitary sewer is not available under the provisions of section 40-49, the building sewer shall be connected to a private wastewater disposal system complying with:
  - (1) The provisions of the city;
  - (2) The county health department; and
  - (3) The state department of human resources.
- (b) Septic tanks shall be constructed, repaired, altered, enlarged and maintained in accordance with plans and specifications approved by the county health department. Septic tanks shall be maintained in sanitary working order.
- (c) No person shall construct, repair, alter, or enlarge any septic tank unless he shall hold a valid permit for such work issued by the health officer. The health officer may withhold the issuance of such a permit pending the inspection and approval by the health officer of the site and location of the proposed work. Before any septic tank or any part thereof may be covered after it has been constructed, repaired, altered, or enlarged, it shall be inspected and approved by the health officer.
- (d) The type, capacities, location, and layout of a private wastewater disposal system shall comply with all recommendations of the department of human resources of the state. No permit shall be issued for any private wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than one-half acre. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- (e) No septic tank or other subsurface disposal facility shall be installed where a public sewer is accessible to the premises involved, nor in any place where the health officer deems the use of same to be a menace to human health or well-being.
- (f) At such time as a public sewer becomes available to a property served by a private wastewater disposal system, a direct connection shall be made to the public sewer within 30 days after notice and at the property owner's expense. Any septic tanks, cesspools, and similar private wastewater disposal facilities shall then be cleaned of sludge and filled with suitable material.

- (g) The owners shall always operate and maintain the private wastewater disposal facilities in a sanitary manner, at no expense to the city.
- (h) No subsurface disposal facilities shall be installed in any place where the health officer deems the use of such facilities to be a menace to human health or well-being.
- (i) Every flush toilet shall be connected to a public sewer where available or to a septic tank. Flush toilets shall be provided at all times with sufficient running water under pressure to flush the toilet clean after each use.
- (j) No pit privy shall be installed at any location.
- (k) Discharge of septic tanks in sewer system.
  - (1) Restricted. It shall be unlawful to empty, dump, throw or otherwise discharge, into any manhole, catchbasin or other opening, into the city sewer system, the contents of any septic tank, sludge, sewage, or other similar matter or material, except as provided in section 40-50.
  - (2) Permits. The superintendent is hereby authorized to grant permits to discharge the contents of septic tanks at locations specified by the superintendent and under his supervision. Such permits may be revoked at any time if, in the opinion of the superintendent, continued dumping of such matter into the sewers will be injurious to the sewer system or treatment processes.
  - (3) Charges. A charge shall be made for the privilege of dumping the contents of septic tanks, as provided in separate rules. A record shall be kept of each dumping and statements rendered at the first of each month. The amount of such statements shall be due and payable within ten days after rendition. Failure to pay the amounts due within such ten-day period shall be cause for revoking the permit.
- (l) Any premises that has a septic tank, or any other sewage, industrial waste, or liquid waste disposal system, located thereon that does not function in a sanitary manner, shall be corrected within 30 days from the receipt of written notification from the health officer that said system is not functioning in a sanitary manner, and that said system is ordered to be corrected.
- (m) Premises with private water systems shall not be connected with the public sewerage system.
- (n) No statement contained in this division shall be construed to interfere with any additional requirements that may be imposed by the health officer.
- (o) Private decentralized wastewater systems are prohibited in the City of Dallas, Georgia.

(Comp. Ords. 2005, § 4-512.3 ; Ord. No. OA-2015-07, 8-31-2015 )

**Sec. 40-51. Building sewers and connections.**



- (a) No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the city.
- (b) The owner or his agent shall make application on a special form furnished by the city. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the superintendent. A permit and inspection fee as specified elsewhere shall be paid at the time the application is filed.
- (c) All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the city from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- (d) A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another or an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the front building may be extended to the rear building and the whole considered as one building sewer, but the city does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.
- (e) Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the superintendent, to meet all requirements of this division.
- (f) The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in construction shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the American Society for Testing and Materials (ASTM) shall apply. Additionally, the following materials and methods shall apply to building sewers within the city's supervision:
  - (1) The building sewer shall be cast-iron soil pipe, ASTM A74, latest revision, or equal, with compression gasket joints; ductile iron pipe, American National Standards Institute (ANSI) specification A21.51, latest revision, or equal; or polyvinyl chloride (PVC) sewer pipe, ASTM D3034, latest revision. All joints shall be tight and waterproof. Any part of the building sewer that is located within ten feet of water service pipe shall be constructed of cast-iron soil pipe or ductile iron pipe with bolted mechanical joints. The type pipes stated in this subsection may also be required by the superintendent where the sewer is exposed to damage by tree roots. If installed in filled or unstable ground, the building sewer shall be of cast-iron soil pipe, except that PVC pipe may be acceptable if laid on a suitable concrete bed or cradle as approved by the superintendent.
  - (2) The size and slope of the building sewer shall be subject to the approval of the superintendent, but in no event shall the diameter be less than four inches. The

slope of such four-inch pipe shall not be less than one-eighth inch per foot. followed.

- (3) The depth shall be sufficient to afford protection from frost, and the building sewer shall be laid at uniform grade and with straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings. Building sewers shall not be placed in the same trench with water service lines.
  - (4) An excavation required for the installation of a building sewer shall be open trench work unless otherwise approved by the superintendent. Pipe laying and backfill shall be performed in accordance with city specifications and pipe manufacturer's recommendations. No backfill shall be placed until the work has been inspected, tested, and approved.
  - (5) All joints and connections shall be made gastight and watertight. Push-on joints for cast-iron soil pipe shall have neoprene gaskets and be installed according to the manufacturer's recommendation. PVC pipe joints shall be ASTM D3212 bell and spigot push-on joints, sealed with a gasket meeting the requirements of ASTM F477. Installation of gasket shall be done in accordance with the pipe manufacturer's instructions using all the necessary materials, lubricants, and equipment recommended by the manufacturer. Other jointing materials may be used only when approved by the superintendent.
  - (6) The connection of the building sewer into the public sewer shall be made at the existing sewer service lateral for the lot. Only one lot may be served by a service connection. Service connections shall be 6 inches and may enter the public sewer either at a manhole or a wye. Service connections at a manhole shall be cored and sealed with a rubber boot. Where a new service connection is required on an existing sewer main, the location and manner of the connection shall be approved by the superintendent.
- (g) Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three feet of any bearing wall which might thereby be weakened. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
  - (h) No person shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved for purposes of disposal of polluted surface drainage.
  - (i) The applicant for the building sewer permit shall notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the superintendent or his representative.

- (j) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city.
- (k) The city will define the availability of sewers and any costs associated with sewer permits or construction.
- (l) If any house sewer permits the entrance of infiltration or inflow, the city may:
  - (1) Require the owner to repair the house sewer;
  - (2) Charge the owner a sewer rate that reflects the costs of the additional expense of sewage treatment from the owner's property;
  - (3) Require the owner to disconnect his sewer from the city sewer system.

(Comp. Ords. 2005, § 4-512.4)

**Sec. 40-52. Restricted use of the public sewers.**

- (a) No person shall discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof runoff, subsurface drainage, cooling water, or unpolluted industrial process waters to any sanitary sewer.
- (b) No person shall discharge or cause to be discharged any sanitary wastewater into a storm sewer system.
- (c) No person shall discharge or cause to be discharged any of the following described water or wastes to any public sewers:
  - (1) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
  - (2) Any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant.
  - (3) Any waters or wastes having a pH lower than 5.5 or greater than 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater works.
  - (4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, ground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

- (d) The substances, materials, waters, or waste described in this subsection shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, public property, or constitute a nuisance. The limitations or restrictions on materials or characteristics of waste or wastewater discharged to the sanitary sewer which shall not be violated without approval of the city are as follows:
- (1) Wastewater having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius) or wastewater which will elevate the temperature of the influent to the publicly owned treatment works (POTW) to 104 degrees Fahrenheit (40 degrees Celsius) or higher.
  - (2) Wastewater containing more than 25 milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or product of mineral oil origin.
  - (3) Wastewater containing more than 100 milligrams per liter of oils, fat grease, or wax, whether emulsified or not, or containing substances which may solidify or become viscous at temperatures between 32 degrees Fahrenheit (0 degrees Celsius) and 150 degrees Fahrenheit (65 degrees Celsius).
  - (4) Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.
  - (5) All industrial discharges to the city sewer system must comply with the federal industrial pretreatment standards developed by the state environmental protection division.
  - (6) Any waters or wastes containing taste or odor-producing substances exceeding limits which may be established by the city.
  - (7) Any radioactive wastes or isotopes of such half-life or concentrations as may exceed limits established in compliance with applicable state or federal regulations.
  - (8) Quantities of flow, concentrations, or both which constitute a "slug" as that term is defined in section 40-47.
  - (9) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed or are amendable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
  - (10) Any waters or wastes which by interaction with other water or wastes in public sewer system, release obnoxious gases, from solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

- (11) Materials which exert or cause:
- a. Any unusual concentrations of inert suspended solids, such as, but not limited to, Fuller's earth, lime slurries, and lime residues or of dissolved solids, such as, but not limited to, sodium chloride and sodium sulfate.
  - b. Excessive discoloration, such as, but not limited to, dye wastes and vegetable tanning solutions.
  - c. Unusual BOD (above 300 mg/l), chemical oxygen demand, or chlorine demand in such quantities as to constitute a significant load on the sewage treatment plant.
- (e) If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in subsection (d) of this section and which, in the judgment of the city, may have a deleterious effect upon the wastewater facilities, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the city may:
- (1) Reject the wastes;
  - (2) Require pretreatment to an acceptable condition for discharge;
  - (3) Require control over the quantities and rates of discharge; and/or
  - (4) Require surcharge payment to cover added cost of handling and treating the wastes.
- (f) When required by city, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such structure, when required, shall be accessibly and safely located and shall be constructed in accordance with approved plans. The structure shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times. This requirement will be on a case-by-case basis.
- (g) The industrial users may be required to provide information needed to determine compliance with this division. These requirements may include:
- (1) Wastewater discharge peak rate and volume over a specified time period;
  - (2) Chemical analyses of wastewaters;
  - (3) Information on raw materials, processes, and products affecting wastewater volume and quality;
  - (4) Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control;

- (5) A plot plan of sewers of the user's property showing sewer and pretreatment facility location;
  - (6) Details of wastewater pretreatment facilities; and
  - (7) Details of systems to prevent and control the losses of materials through spills to the public sewer.
- (h) No statement contained in this division shall be construed as preventing any special agreement or arrangement between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city for treatment.
- (i) All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this division shall be determined in accordance with 40 CFR Part 136. Sampling methods and location times are subject to approval by the city.
- (j) Pretreatment of wastes. Persons discharging industrial wastes into the sewerage system may be required to pretreat such wastes. Plans for all pretreatment facilities shall be approved by the superintendent or the state environmental protection division prior to construction. At the time written plans are submitted for approval, written maintenance plans shall also be submitted and approved by the superintendent. The facilities shall be allowed to operate only as long as they are maintained in accordance with the approved maintenance plans. Pretreatment requirements shall be determined on a case-by-case basis and shall include the following facilities as a minimum:
- (1) Neutralization. If plans are submitted for the neutralization of strong acid or alkaline wastes, the plans shall include the necessary instrumentation and controls to ensure compliance with the above regulations at all times.
  - (2) Equalization. Holding tanks or equalization basins shall be required ahead of the receiving manhole of the city sewerage system when deemed necessary by the superintendent to prevent peak flows that exceed the capacity of the system or that result in operational problems.
  - (3) All pretreatment facilities shall be operated and maintained continuously in satisfactory and effective operation by the owner at his expense.
- (k) Waiver of requirements. There shall be no provision for the granting of variances for discharge of incompatible wastes. If a user begins to violate any of the provision of this section, it shall be his responsibility to apply to the superintendent who can issue a temporary permit along with a compliance schedule for planning and construction of necessary treatment or pretreatment works. Each case will be carefully evaluated with respect to its effect on the wastewater treatment system and the environment prior to issuance of a temporary schedule. Any dilution of the wastewater by the user for the purpose of decreasing the concentrations of toxic materials shall be considered as a violation of this division.
- (l) Discontinuance of service for failure to comply. Failure to comply with the provisions of this division shall be cause for the discontinuance of sewer or water service to the

offending person. The procedure shall be as follows: A written notice, signed by the superintendent, shall be delivered personally to the person then responsible for the offending use, outlining the conditions of the wastes which violate the city ordinances. In the event that the person in charge will not accept the notice, it shall be conveyed by registered mail to the responsible person. The person notified shall have 24 hours from the time of receipt of the notice, either personally delivered or received by registered mail, to correct the offending conditions. If correction is not made or a request for extension is not received by the city within 24 hours, it shall be mandatory that water or sewer service shall be discontinued to the offending person without further notice. If a request for an extension of time is received by the city within 24 hours of the notice set forth in this subsection and if circumstances are such that, in the opinion of the superintendent, the best interest of the city would be served by extending the time for correction of the offending condition, then he may grant an extension of time up to a maximum limit of 30 days.

- (m) Responsibilities of the person discharging waste. It shall be the responsibility of the person discharging industrial waste into the city sewerage system to:
  - (1) Build a control structure in the discharge line from his premises, immediately prior to the entrance of the discharge line into the city sewerage system, suitable for the sampling and measuring of wastes. Plans for this structure must be approved by the city. This requirement may be waived if deemed unnecessary by the city. In the event that no special manhole is required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.
  - (2) Contact the superintendent prior to operation changes which will materially alter the characteristics of the waste from the last prior sampling.
  - (3) Make timely, periodic payments to the city of surcharges for excessive loadings as detailed in the city user charge system.

(Comp. Ords. 2005, § 4-512.5)

State law reference(s)—Similar provision, O.C.G.A. § 12-8-2.

#### **Sec. 40-53. Malicious damage.**

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the wastewater facilities. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

(Comp. Ords. 2005, § 4-512.6)

#### **Sec. 40-54. Powers and authority of inspectors.**

- (a) Duly authorized employees or agents of the city bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing pertinent to discharge to the public sewerage system in accordance with the provisions of this division.
- (b) While performing the necessary work on private properties referred to herein, the authorized employees or agents of the city shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the employees, and the city shall indemnify the company against loss or damage to its property by said employees or agents and against liability claims and demands for personal injury or property damage asserted against the company, except as such may be caused by negligence or failure of the company to maintain safe conditions as required by this division.
- (c) Duly authorized employees or agents of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds an easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair; and maintenance of any portion of the wastewater if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(Comp. Ords. 2005, § 4-512.7)

**Sec. 40-55. Compliance with regulatory requirements.**

The provisions of this division shall not be deemed as alleviating compliance with applicable state and federal regulations. Specific user charge and industrial cost recovery requirements, promulgated pursuant to public law, shall be considered as a part of this division upon official adoption. All nonresidential users will be required to comply with pretreatment standards as outlined in title 40 of Federal Regulations, part 403 (40 CFR 403).

(Comp. Ords. 2005, § 4-512.8)

**Sec. 40-56. Service charges.**

It is hereby determined necessary to fix and collect sewer service charges from customers. Such charges shall be set by resolution of mayor and council and shall be kept and maintained separately by the clerk, and the revenues received shall be used for operation, maintenance, debt retirement, and other authorized expenses.

(Comp. Ords. 2005, § 4-512.10)

**Sec. 40-57. Authority to disconnect service.**

- (a) The city reserves the right to terminate water and wastewater disposal services and disconnect a customer from the system when:



- (1) Acids or chemicals damaging to sewer lines or treatment process are released into the public sewer causing rapid deterioration of these structures or interfering with proper conveyance and treatment of wastewater;
- (2) A governmental agency informs the city that the effluent from the wastewater treatment plant is no longer of a quality permitted for discharge into a watercourse, and it is found that the customer is discharging wastewater into the public sewer that cannot be sufficiently treated or requires treatment that is not provided by the city as normal treatment; or
- (3) The customer:
  - a. Discharges industrial waste or wastewater that is in violation of the permit issued by the approving authority;
  - b. Discharges wastewater at an uncontrolled, variable rate in sufficient quantity to cause an imbalance in the wastewater treatment process;
  - c. Fails to pay monthly bills for sanitary sewer service when due; or
  - d. Repeats a discharge of prohibited wastes into public sewers.
- (b) Notification processes for discontinuance of service are presented in section 40-52(1).

(Comp. Ords. 2005, § 4-512.11)

**Sec. 40-58. Conflict with other ordinances.**

In the event a wastewater discharge is made to a publicly owned treatment works (POTW) under the jurisdiction of an approved sewer use ordinance for another governing body, the more restrictive requirement shall prevail.

(Comp. Ords. 2005, § 4-512.12)

**Sec. 40-59. Rules governing discharge from septic tank pump trucks.**

Discharge of sewage, waste, matter, and other waste material into the sewer system of the city from septic tank pump trucks or similar tank pump trucks used for the removal of waste matter and sewage from holding tanks and similar devices, and other discharges which are not through an existing sewer connection, shall be permitted subject to the following regulations:

- (1) Discharges, where made. All discharges must be made at the water pollution control plant. The superintendent of the wastewater pollution control plant may permit discharges into a sewer manhole if he, in his sole discretion, taking into consideration the size and content of the proposed discharge, considers said discharge to be such as will not endanger the public health of the citizens of the city or likely to damage the sewage system of the city. Such permission must be granted in writing by the superintendent and shall be valid for no more than 30 days.

- (2) Discharges, amount and origin. The city wastewater facility shall only accept sewage and other waste materials by septic tank pump trucks that are removed from residential, commercial or industrial establishments which are located within the county and such sewage and/or other waste materials shall be limited to an amount of 5,000 gallons that may be discharged at any one time.
- (3) Registration. All septic tank pump trucks or vehicles used in discharge operations must be duly licensed by the county health department and registered with the city prior to making a discharge into the city sewage system.
  - a. To register a vehicle used in discharge operations, the superintendent of the wastewater pollution control plant must be furnished with the make, model, state license plate number of said vehicle and a copy of the permit issued by the Paulding County Health Department. A copy of the permit shall be kept with said vehicle at all times and shall be presented to the superintendent of the wastewater pollution control plant upon request.
- (4) Discharge fee; payment. There is hereby imposed a discharge fee of \$0.10 per gallon with a maximum of 5,000 gallons. Collections shall be made at the end of each month by invoice due upon receipt.
- (5) Discharge hours. All discharges shall take place between the hours of 8:00 a.m. and 2:00 p.m. from Monday through Friday. It shall be unlawful to make discharges between the hours of 2:00 p.m. and 8:00 a.m. during weekdays and or any time between 2:00 p.m. on Friday to 8:00 a.m. on Monday.
- (6) Discharges, authority to reject.
  - a. The superintendent of the wastewater pollution control plant is hereby authorized to refuse to allow any discharge into the sewage system of the city which he feels, in his sole discretion, might impair the proper operation of the sewage disposal system, be injurious to health of the citizens of the city, or for nonpayment of prior disposed of septage waste. Prior to each discharge operation, the superintendent of the wastewater pollution control plant will be told by the person seeking to make the discharge the contents of said discharge and based upon said information and the considerations set out herein, the superintendent shall decide if the discharge into the sewage system shall be made. A sample of each discharge will be taken and held to enable the superintendent to test for improper disclosure of the contents of each discharge.
  - b. It shall be unlawful to knowingly communicate false information to the city concerning the nature and contents of a discharge into the sewage system of the city.

(Comp. Ords. 2005, § 4-512.13; Ord. No. 06-13, 4-3-2006; Ord. No. OA-2021-10, 8-2-2021 )

**Sec. 40-60. Special utility districts.**

- (a) The City of Dallas (city) may create special utility districts for projects that serve defined geographical areas in the incorporated and/or unincorporated areas served by any city utility. The district shall be defined by a map delineated as such. The general specifications of the district project shall be included, along with an estimate of the total cost of the project.
- (b) All fees or amendment to fees shall be established by the Mayor and Council of the City of Dallas, Georgia. There shall be no waiver of fees for any connection unless approved by vote of the Mayor and Council of the City of Dallas, Georgia;
- (c) A fee per lot for residential or commercial developments shall be established based on the cost of the enumerated improvements to the system serving the defined utility district.
- (d) The fee shall be based on the estimated cost of the project and divided by the number of lots estimated to be served by it.
- (e) The per lot fee shall be collected prior to the issuance of a land disturbance permit if within the city, or prior to the city's approval of the issuance of a land disturbance permit issued by another governmental entity.
- (f) The fees shall be deposited into a separate account for repayment of principal and interest on any financial obligation associated with the project. Interest accrued on the special district account may be contributed to the utility's general fund.
- (g) In the event of any shortfall in the special district account, the utility general account may loan funds to the special district account to be repaid from the special district account.
  - (1) West Dallas Sewer Collector Special Utility District.
    - a. The boundaries of the district are included on the map attached and labeled as such.
    - b. The purpose of the district is to create a gravity-flow sewer delivery system on the west and north side of the City of Dallas Sewer Service Area. This system is compliant with the city's sewer master plan, and achieves long-term goals delineated therein. This project will be sized to provide for future capacity, and will eliminate six sewer lift stations, decommission 14,000 linear feet of sewer force main, and replace the failing Weaver Creek Line. The fees shall be applied to principal and interest on the loans, cost of additional requirements, maintenance or repairs, and any costs associated with increased treatment capacity created by the development and flow from this project.
    - c. The project is estimated to cost \$17,620,923.00 and will be funded by a 20-year loan from the Georgia Environmental Finance Authority.
    - d. The project is estimated to serve 9,561 future residential and commercial lots.

- e. The per lot fee, therefore, shall be \$1,843.00 per lot.
- f. The effective date for the creation of the district is January 1, 2021.
- g. All fees or amendment to fees shall be established by the Mayor and Council of the City of Dallas, Georgia. No connection may be made to the WSDSDS without the payment of the prescribed per-lot sewer basis fee in cash or cash equivalent;
- h. Fees may be in the form of cash, or a cash equivalent approved by the Mayor and Council of the City of Dallas, Georgia.
  - 1. A "cash equivalent" may be in the form of an exchange of real property, or the dedication of infrastructure built to the city's specifications which is inspected and accepted by the city.
  - 2. The value of the cash equivalent must be equal to or exceed the established per-lot fee for the entire project; in the event that this cash equivalent does not cover this entire fee, any deficit must be paid in cash.
  - 3. The cash equivalent shall not include the value of any easements or permanent dedications of the owner's property for the utility.
  - 4. The value of the cash equivalent must be equal to the fair market value as determined by an independent, third-party appraiser.

( Ord. No. OA-2021-07, 5-3-2021 ; Ord. No. OA-2021-08, 6-28-2021 )

#### **Secs. 40-61. Sewer Extension, Sewer System Upgrade, and Planned Sewer Requirements**

(a) **PURPOSE:**

The City of Dallas (City) Sewer Extension, Sewer System Upgrade, and Planned Sewer requirements provide direction for extending and/or upgrading sanitary sewer service to those areas of the city which sewer service is currently or not currently provided. The objectives of this requirement are to:

- 1. Establish conditions under which the City will provide for the construction of sewer extensions, sewer system upgrades, or planned sewers;
- 2. Address funding issues related to the construction of sewer extensions sewer system upgrades, or planned sewers and,
- 3. Define a mechanism for the provision of sewer service to existing developed areas which have inadequate wastewater handling facilities.

(b) **DEFINITIONS:**

*City Council (CC)*--The duly elected officials of the City of Dallas, Mayor, and Council.

*Capital Improvements Plan (CIP)*--a list of planned construction projects for the city for the next twenty five-year period (or beyond if anticipated).

*City of Dallas (City)*--The City of Dallas, Georgia

*City Manager*-- The City Manager of the City of Dallas, Georgia.

*Developer*--The owner of the land proposed to be subdivided or his/her authorized agent or representative.

*Development*--The term means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, legacy or building development and includes all division of land involving a new street, or a change in existing streets, and includes re-subdivision 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 the definition of a development:

- i. The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of the City of Dallas.
- ii. A division or sale of land among heirs by judicial decree, provided however the number of lots does not exceed the number of heirs named in the decree and where no new streets, roads, lanes, public drives, or other public rights-of-way, not already on the official city or county street/road maintenance map, are involved. If the resultant lots meet health regulations, building codes, minimum lot sizes and other city codes that affect any single building lot.
- iii. The sale or exchange of a parcel of land between owners of adjoining properties, provided that additional lots are not thereby created.
- iv. Any subdivision of land among family members including mothers, fathers, sons, daughters, sisters, brothers, and grandchildren is exempt from meeting the requirements listed within this chapter. If the resultant lots meet health regulations, building codes, minimum lot sizes and other city codes that affect any single building lot. All such resultant lots must either front on a city or county-maintained street/road or must have recorded a thirty (30) foot private access (either in the form of an easement or fee simple title) from the nearest city or county street/road and any structure must have a thirty (30) foot setback from said access.

*Director*--The Public Works Director of the City of Dallas, Georgia.

*Health Department*--The Paulding County Board of Health.

*Planned Development Agreement (PDA)*--An agreement between the City of Dallas and a developer that contains terms of development of sewer infrastructure to a development.

*Planned Sewers*--Sewer that are generally 12 inches or greater in diameter and are expected to be constructed by the city for the purpose of providing sewer service to areas of the city not previously served by the city.

*Service Area*--The areas within the city and/or service delivery area where publicly owned wastewater disposal is provided by the city.

*Sewer Available*--A circumstance in which a development or other structure(s) can be connected to an active city sewer by gravity flow, observing applicable laws and policies, through an existing or new sewer.

*Sewer Extension*--A sewer constructed to provide connection from an existing city sewer to serve an area not previously served by city sewer.

*Sewer Master Plan*--The most recent version of a report that identifies the anticipated city network of publicly owned major sewers for the planning period.

*Sewer System Upgrade* -- A current active city sewer where capacity issues are found, thus creating a need to provide additional system capacity.

*Special Sewer Availability Area (SSAA)*--A specific geographic area defined by the Director where sewer service is insufficient and/or has not been previously provided but is needed.

*System Development Fee (SDF)*--A fee assessed to a Developer for the propose of collecting funds necessary to renew, extend and/or improve the wastewater management system.

*Utility Committee*--A committee appointed by the mayor to administrate the sewer extension requirement.

(c) REQUIREMENT

1. Construction Priorities

- a. The city “Capital Improvements Plan” (CIP) contains identified priorities for construction of sewer extensions, sewer system upgrades, and planned sewers. The construction schedule contained in the CIP is based on the current version of the city sewer master plan.
- b. All sewer extensions, sewer system upgrades, and planned sewers will be constructed in the sequence and according to the schedule contained in the current CIP. Modifications to the sequence and/or schedule will be approved by the Director in the case of a PDA or creation of an SSAA.

2. Planned Sewers

- a. The city will identify all planned sewers. These planned sewers will be based on the current version of the city sewer master plan and are intended to provide sewer service to previously unsewered areas, upgrade service to previously sewer areas, or to allow gravity flow of wastewater from an area where a wastewater pump station was previously required.
- b. Planned sewers are typically those sewers greater than 12-inches in diameter that are intended to serve more than one development. The city reserves the right to designate 8-inch to 10-inch sewers as planned sewers where the area to be served does not warrant a larger in diameter size.
- c. Planned sewers may be constructed by the city and will allow service to an area by gravity flow of wastewater.

### 3. Sewer Extensions

- a. Upon request, the Director will supply the developer and/or other interested parties information related to connecting a proposed development to the existing city sewer system. A formal request of determination must be submitted by the developer to the director for all proposed developments, including but not limited to; a completed sewer certification form. This request will determine the connection need to the city sewer system for all proposed developments requests regardless of size and type of development.
- b. If existing city sewer is not available to the subject development (i.e., the development can be connected to active city sewer by gravity flow or existing infrastructure), a sewer extension is required for connection to the existing city sewer system.
- c. If the planned sewer for a development has not been completed to a point closest to or within 300 feet of the development property line. The developer shall be required to construct the portion of the planned sewer ahead of current city CIP schedule in order to receive city sewer service. The developer shall install and pay all cost of the planned sewer at a pipe diameter size to accommodate the proposed daily sewer discharge generated from the proposed development. The city will pay the differential cost, if any, for the larger planned sewer pipe diameter size to accommodate future buildout of the sewer basin in conformance with the current version of the city's sewer master plan. In consideration of the increase in pipe diameter size of the planned sewer. The city agrees to pay the developer in the form of sewer tap fee credits only, issued at the prevailing rate (based on then published rates), an amount equal to the Actual Cost Differential of the increased pipe diameter size. PDAs are required for this process and reimbursement. Fully executed PDAs are required prior to issuance of Land Disturbance Permit by the city for the proposed development.

- d. Approved development plan and area map delineating the proposed development, existing city sewers, city planned sewers, and the proposed route for connection must be provided by the developer, along with a cost determination for construction of the planned sewer as listed above.
4. Sewer System Upgrades
    - a. Upon request, the Director will supply the developer and other interested parties' information related to proposed development sewer system upgrades to the existing city sewer system. A formal request of determination must be submitted by the developer to the director all proposed developments, including but not limited to; a completed sewer certification form. This request will determine the sewer system upgrade need to the existing city sewer system for all proposed development request regardless of size and type.
    - b. The city, upon receipt of a sewer certification form, will enter the proposed development daily sewer discharge generated flow projections into the city's sewer model for determination. The model will then distinguish at capacity areas of the existing city sewer system. The city will supply the developer model data and required sewer system upgrades for the proposed development. The developer shall be required to complete sewer system upgrades of the existing city sewer system ahead of current city CIP schedule in order to receive city sewer service. The developer shall install and pay all cost of the required sewer system upgrade at a pipe diameter size to accommodate the proposed daily sewer discharge generated from the proposed development. The city will pay the differential cost, if any, for the requested larger sewer pipe diameter size to accommodate future buildout of the sewer basin in conformance with the current version of the city's sewer master plan. In consideration of the increase in pipe diameter size of the required sewer system upgrade. The city agrees to pay the developer in the form of sewer tap fee credits only, issued at the prevailing rate (based on then published rates), an amount equal to the Actual Cost Differential of the increased pipe diameter size. PDAs are required for this process and reimbursement. Full executed PDAs are required prior to issuance of Land Disturbance Permit by the city for the proposed development.
    - c. Approved development plan and area map delineating the proposed development, existing city sewers, required sewer system upgrade, and the proposed route for connection must be provided by the developer, along with a cost determination for construction of the required sewer system upgrade as listed above.
  5. Financing
    - a. The city will maintain a CIP identifying the location and schedule of sewer extensions, sewer system upgrades, and planned sewers. The



city may construct these sewers using available funds accumulated from collection of system development fees, user charges, or other regular or special city charges. Nothing in this requirement prohibits the use of borrowed funds such as revenue bonds which the city may, from time to time, obtain in the normal course of business. Funds obtained from PDAs or by creation of an SSAA may also be used to fund these sewers.

- b. Sewer extensions, sewer system upgrades, or planned sewers that will be the responsibility of and constructed by a developer will be fully funded by the developer. The city will provide full reimbursement in the form of sewer tap fee credits only, issued at the prevailing rate (based on then published rates), an amount equal to the Actual Cost Differential of the increased pipe diameter size. No sewer extension, sewer system upgrade, or planned sewer constructed by a developer will be accepted by the city without written documentation that construction of the sewer extension, sewer system upgrade, or planned sewers is in accordance with the city “Standard Specifications For Construction Of Water Mains and Sanitary Sewers”, and that no liens exist or are associated to the sewer extension, sewer system upgrade, or planned sewer.
- c. Where the City will pay the differential cost, if any, for the requested larger sewer pipe diameter size to accommodate future buildout of the sewer basin in conformance with the current version of the city’s sewer master plan. In consideration of this increase in pipe diameter size of the required sewer extension, sewer system upgrade, or planned sewer. The city agrees to pay the developer in the form of sewer tap fee credits only, issued at the prevailing rate (based on then published rates), an amount equal to the Actual Cost Differential of the increased pipe diameter sizing. Reimbursement will be following formal acceptance of the sewer extension, sewer system upgrade, or planned sewer by the city and submittal of a written request by the developer to the director. PDAs are required for this process and reimbursement. Full executed PDAs are required prior to issuance of Land Disturbance Permit by the city for the proposed development.
- d. If the City elects to construct the planned sewer ahead of schedule to accommodate the request of a developer. The developer shall pay all cost associated with the required sewer extension, sewer system upgrade, or planned sewer at a pipe diameter size to accommodate the proposed daily sewer discharge generated from the proposed development. In the absence of an approved PDA or SSAA. The developer shall pay their share of the sewer extension, sewer system upgrade, or planned sewer cost at issuance of development “Land Disturbance Permit” by the city for the proposed development or at the time of award of the construction contract by the city.

6. Utility Committee
  - a. The Utility Committee will assist in administrating the sewer extension requirement. All question related to this requirement must be brought before the committee prior to consideration by the CC. The membership of the committee shall include three CC members.
  - b. The committee shall be available to persons as the first point of appeal of decisions made by the Director and shall make recommendations to the CC regarding the use of SSAA and PDA for proposed developments.
  - c. Subject to formal approval by the CC. The committee shall have the authority to enforce all portions of this requirement or to waive selected portions of this requirement if it is in the best interest of the city to do so.
7. Administration
  - a. Requirement shall be administered by the Director.

**Secs. 40-62—40-76. Reserved.**

**SECTION II. REPEAL OF CONFLICTING ORDINANCES.** That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION III. SEVERABILITY CLAUSE.** If any section, sentence, clause or phrase of this ordinance or any part thereof is for any reason found to be invalid by a court of competent jurisdiction, such decision will not affect the validity of the remainder of this ordinance or any part thereof.

**SECTION IV EFFECTIVE DATE.** Following passage and approval of this ordinance by the Mayor and City Council, this ordinance shall be effective on and after \_\_\_\_\_, 2023.

**SO SHALL IT BE ORDAINED BY THE MAYOR AND COUNCIL OF THE  
CITY OF DALLAS, GEORGIA, THIS THE \_\_\_\_ DAY OF  
\_\_\_\_\_, 2023.**

\_\_\_\_\_  
L. James Kelly, Mayor

\_\_\_\_\_  
James R. Henson, Councilmember

\_\_\_\_\_  
Michael G. Cason, Councilmember

\_\_\_\_\_  
Cooper Cochran, Councilmember

\_\_\_\_\_  
Nancy R. Arnold, Councilmember

\_\_\_\_\_  
Christopher B. Carter, Councilmember

\_\_\_\_\_  
Leah Alls, Councilmember

ATTEST:

\_\_\_\_\_  
Tina Clark, City Clerk of the City of Dallas, GA

\_\_\_\_\_  
Date