AGENDA REPORT

MEETING DATE:	November 16, 2026	Regular Meeting
DEPARTMENT:	Community Development	Sara Leaders, Community Development and Public Works Director
SECTION OF AGENDA:	New Business	November 16, 2026
AGENDA ITEM TITLE:	Consideration of a Resolution Enacting a Thirty (30) Day Temporary Moratorium on Certain City Applications Proposing Higher Capacity Private Wastewater Systems, with Exceptions for Individual Single-Family Residential Systems and Necessary Repairs.	
STATEMENT OF PURPOSE:	Establish a 30-day temporary moratorium to allow time to evaluate appropriate regulations, emergency response responsibilities, and financial safeguards for higher-capacity private wastewater systems, and to advertise a public hearing for consideration of potential code amendments or an extension of the moratorium, as needed.	
FINANCIAL IMPACT:	No appropriation requested. Staff and legal review will require time; outside technical assistance and any additional costs remain to be determined.	
RECOMMENDED ACTION:	Approve the proposed 30-day moratorium following City Attorney review and validation of the proposed coverage criteria.	

EXECUTIVE SUMMARY:

The proposed resolution pauses acceptance of specified new City applications involving private wastewater systems with design daily flow exceeding 900 gallons per day, subject to stated exceptions. Systems serving exclusively one lawful single-family home and its permitted accessory residential improvements are exempt, including larger residential tanks and advanced treatment equipment. Necessary repairs and protected existing approvals are also exempt.

The concern is the City's ability to respond if a larger system fails where public sewer connection is unavailable, particularly if the owner cannot or will not correct the failure. The pause would allow staff to identify response responsibilities, practical remedies, and possible UDC amendments. The 900-gallon threshold is proposed for technical and legal validation, not an existing Fulton County definition of a large system.

PURPOSE/BACKGROUND:

Fulton County Board of Health permits and inspects on-site sewage systems. Its published guidance links to Georgia's design requirements but does not establish a single cutoff for a normal residential system. Tank storage capacity and daily wastewater flow are different measures and should not be treated interchangeably.

Georgia's manual uses 150 gallons per bedroom per day for residential alternative-system sizing. Six bedrooms provide a 900-gallon-per-day comparison point. Conventional residential systems have separate sizing provisions. Georgia also requires engineer-prepared submissions for systems exceeding 2,000 gallons per day; that requirement is not a residential-size definition. The proposed 900-gallon threshold requires confirmation with

Fulton County and the City Attorney before adoption.

The proposed 30-day temporary moratorium would allow time for staff to evaluate potential regulatory approaches for higher-capacity private wastewater systems and advertise a public hearing for Council consideration of code amendments, an extension of the moratorium, or both, as appropriate. The initial moratorium would temporarily pause acceptance of specified City applications, subject to the exceptions established in the resolution.

STAFF ANALYSIS:

A larger system failure could require exposure control, water-quality assessment, temporary sanitation, pumping, hauling, approved disposal, repair, or temporary occupancy restrictions. Public safety personnel may assist with immediate protection, but that does not establish the equipment, technical capacity, legal authority, or funding needed for sustained wastewater management.

The review should identify who acts, how quickly qualified contractors and disposal capacity can be obtained, and who pays if the owner defaults. It should evaluate financial assurance, maintenance agreements, repair reserves, access rights, enforcement, and cost recovery. It should not assume that nuisance abatement alone provides every necessary remedy or that the City must assume private system operation.

Coverage is based on design flow for the full proposed use. Flow is combined for an integrated facility under a common wastewater servicing plan to avoid fragmentation across tanks, buildings, or phases. Independent home systems are not combined merely because they share a developer or subdivision. Small nonresidential systems at or below 900 gallons per day are outside the proposed definition. The residential exemption applies even when one home's approved design exceeds that threshold.

FINANCIAL IMPACT:

The resolution does not appropriate funds or transfer private system costs to the City. Initial review will use staff and legal resources. Any outside engineering assistance, additional expenditure, or budget adjustment will be identified and submitted through the applicable approval process. No cost estimate or funding account is assigned at this stage.

ALTERNATIVES CONSIDERED:

1. Adopt the proposed temporary pause after legal and technical review, with a defined work program and expiration.
2. Revise the threshold or scope.
3. Continue accepting applications while reviewing existing regulations, recognizing that intervening applications may affect the reach of later requirements.

LEGAL AND REGULATORY CONSIDERATIONS:

The City Attorney will confirm the appropriate adoption procedures, scope, duration, and protections for existing applications and vested rights. The resolution does not suspend county or state permitting authority.

The initial 30-day moratorium is intended to provide time for staff to evaluate potential regulatory approaches and initiate applicable public notice and hearing procedures for Council consideration of code amendments, an extension of the moratorium, or both. Any subsequent action would follow the applicable notice, hearing, and adoption requirements, including the Georgia Zoning Procedures Law where applicable.

The proposed moratorium includes exceptions for previously accepted City applications within their accepted scope, valid active permits, legally vested rights, continued lawful operations, and qualifying repairs.

OPERATIONAL IMPACT:

Community Development would administer the temporary application pause and coordinate exemption determinations with the City Attorney. Staff would coordinate with Fire-Rescue, Public Works, the City Manager, Fulton County Board of Health, and applicable state agencies.

During the initial 30-day period, staff would arrange the required public notice and hearing for Council consideration of potential code amendments or an extension of the moratorium. Staff would also evaluate response capabilities, contractor availability, enforcement options, and financial safeguards to inform recommended next steps.

COMMUNITY/STAKEHOLDER IMPACT:

Individual single-family homes and necessary corrective work remain eligible for permitting. Applicants proposing covered facilities would face a temporary delay in acceptance of specified City applications. Existing lawful operations would continue under the resolution's exceptions. Any permanent regulations would be considered through the required public process.

STRATEGIC ALIGNMENT:

Aligns with Strategic Priority #1, Goal #3, *Protect and preserve Milton's environment through sound land use, environmental stewardship, green infrastructure, and sustainable practices*, by supporting responsible land planning, protecting public health and water resources, and evaluating potential impacts on City services and finances.

STAFF RECOMMENDATION:

Approve the proposed temporary moratorium after City Attorney review and validation of its coverage criteria. Direct staff to complete the stated review and return before the 30-day period expires with findings, proposed next steps, and any request for an extension.

REVIEWS & APPROVALS:

Financial Review: N/A
Legal Review: Ken Jarrard, Jarrard & Davis, LLP
Concurrent Review: Stacey Inglis, Deputy City Manager Stacey Inglis
Stacey Inglis (Nov 12, 2026 17:25:54 EST)

ATTACHMENTS:

1. Draft resolution