

**DAWSON COUNTY BOARD OF COMMISSIONERS
WORK SESSION AGENDA – THURSDAY, OCTOBER 20, 2022
DAWSON COUNTY GOVERNMENT CENTER ASSEMBLY ROOM
25 JUSTICE WAY, DAWSONVILLE, GEORGIA 30534
4:00 PM**

PUBLIC HEARING

1. Proposed FY 2023 Budget (*1st of 3 hearings; 2nd hearing will be held at the October 20, 2022, Voting Session and the 3rd hearing will be held on November 3, 2022*)

NEW BUSINESS

1. Presentation of Highway Enforcement of Aggressive Traffic (HEAT) Grant Continuation Award for FY 2023- Sheriff's Office Chief Deputy Greg Rowan
2. Presentation of FY 2024 Georgia Department of Transportation / Federal Transit Administration Section 5311 Transit Contract- Senior Services Director Dawn Johnson
3. Discussion Concerning Lake Parks in Dawson County- Parks & Recreation Director Matt Payne
4. Presentation of Request for Chairman's Signature on Updated Notice of Intent for Georgia Environmental Protection Division Concerning Municipal Separate Storm Sewer System (MS4) Program- Stormwater Manager Robbie Irvin
5. Presentation of Request to Add a Sunset Clause to Additional Zoning Classifications as Recommended by the Long Range Planning Committee- Planning & Development Director Sharon Farrell
6. Presentation of Annual Capital Improvements Element Update- Planning & Development Director Sharon Farrell
7. Presentation of a Proposed Property Maintenance Ordinance- Planning & Development Director Sharon Farrell
8. Presentation of Amendments to the Litter Control and Solid Waste Management Ordinance- Planning & Development Director Sharon Farrell
9. Presentation of Amendments to the Abatement of Nuisance Property Ordinance- Planning & Development Director Sharon Farrell
10. Presentation of Request to Authorize Chairman to Sign No-Cost Building Lease Agreement with The Good Shepherd Clinic on Behalf of Family Connection- County Manager David Headley
11. Presentation of Appointment of Emergency Management Agency Director- County Manager David Headley

[12.](#) County Manager Report

13. County Attorney Report

****A Voting Session meeting will immediately follow the Work Session meeting.***

Those with disabilities who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding the accessibility of the meeting, should contact the ADA Coordinator at 706-344-3666, extension 44514. The county will make reasonable accommodations for those persons.



DAWSON COUNTY BOARD OF COMMISSIONERS AGENDA FORM

Department: BOC

Work Session: October 6, 2022

Prepared By: Natalie Johnson

Voting Session: _____

Presenter: Billy Thurmond

Public Hearing: Yes _____ No _____

Agenda Item Title: Presentation of Proposed FY 2023 Budget

Background Information:

Annually, the Chairman presents his proposed budget for the upcoming budget year. Three public hearings will follow and the budget must be adopted no later than December 31st of the current year.

Current Information:

Budget Public Hearing #1 – October 20, 2022, Work Session

Budget Public Hearing #2 – October 20, 2022, Voting Session

Budget Public Hearing #3 / Tentative Budget Adoption – November 3, 2022, Voting Session

Budget Information: Applicable: _____ Not Applicable: x Budgeted: Yes _____ No x

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

Recommendation/Motion: _____

Department Head Authorization: _____

Date: _____

Finance Dept. Authorization: Vickie Neikirk

Date: 9/19/22

County Manager Authorization: David Headley

Date: 9-19-2022

County Attorney Authorization: _____

Date: _____

Comments/Attachments:

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DAWSON COUNTY GOVERNMENT PROPOSED BUDGET PRESENTATION FY 2023



Presented by:
Chairman Billy Thurmond
October 6, 2022

Budget Goals

- ▶ Prepare a realistic, revenue based budget.
- ▶ Budget conforms to the reduced millage rate from 7.625 to 7.2225.
- ▶ Provide same or improved level of funding for all departments—thus improving level of service.
- ▶ Provide all departments/agencies the opportunity to present their requests to the full Board during public hearings.

Budget Challenges

- ▶ Increased personnel costs from pay increases granted during the last 3+ years
- ▶ Increasing operational needs of multiple departments
- ▶ Anticipate any foreseeable changes in revenue sources
- ▶ Maintain strong fund balance

Increases for Personnel Costs

<u>YEAR</u>	<u>COST*</u>	<u>\$ Change</u>	<u>% Change</u>
2019	\$ 19,547,657 (Actual)		
2020	\$ 21,355,731 (Actual)	\$ 1,808,074	9.25%
2021	\$ 22,935,479 (Actual)	\$ 1,579,748	7.40%
2022	\$ 26,307,062 (Current budget)	\$ 3,371,583	14.70%
2023	\$ 28,931,238	\$ 2,624,176	9.98%

***These numbers include salary and benefits**

General Fund

- ▶ Main operating fund of the County. All property tax received by the County government provides revenue to the General Fund.
- ▶ In this proposed budget, property tax provides 38.26% of revenue for General Fund.
- ▶ L.O.S.T. provides 28.16% of revenue

Where we started.....

- ▶ General Fund operating requests totaled \$35,043,410.
- ▶ Over \$9.6 million in capital requests to be funded in FY 23.
- ▶ Over \$2.7 million in new personnel/salary change requests.

FY 2022 Original Budget was \$32,486,680

FY 2022 Current budget is \$35,118,395

General Fund Revenue Changes

- ▶ In 2021, the County received word it would receive \$5 million from the Federal Government as a part of the American Rescue Plan Act (ARPA). The Board made the decision to use these funds to offset the cost of pay increases for First Responders.
- ▶ In this proposed budget, those funds are programmed to help cover salary increases provided to First Responders– includes Sheriff officers, Emergency Services and Public Works. Those costs total over \$1.6 million for 2023 and are budgeted in Special Revenue fund 230. This funding will help cover these costs for the next 2 years.
- ▶ This proposed budget includes use of fund balance (reserves) of \$2,098,495 or 5.63% of revenue.

ARPA FUNDS

COUNTY TOTAL AWARD

\$ 5,071,173.00

	<u>Total allocated to ARPA</u>	<u>COVID PTO*</u>
FY 21 (Actual)	\$ 1,101,278.00	\$ 71,767.84
FY 22 (Budget)	\$ 1,670,021.00	\$ 142,367.00
FY 23 (Budget)	\$ 1,640,207.00	\$ 100,000.00
FY 24 (Budget)	<u>\$ 659,667.00</u>	
Total	<u>\$ 5,071,173.00</u>	

*NOTE: THESE FUNDS HAVE BEEN USED TO PROVIDE COVID-PTO FOR ALL DEPARTMENTS.

Proposed General Fund Revenues

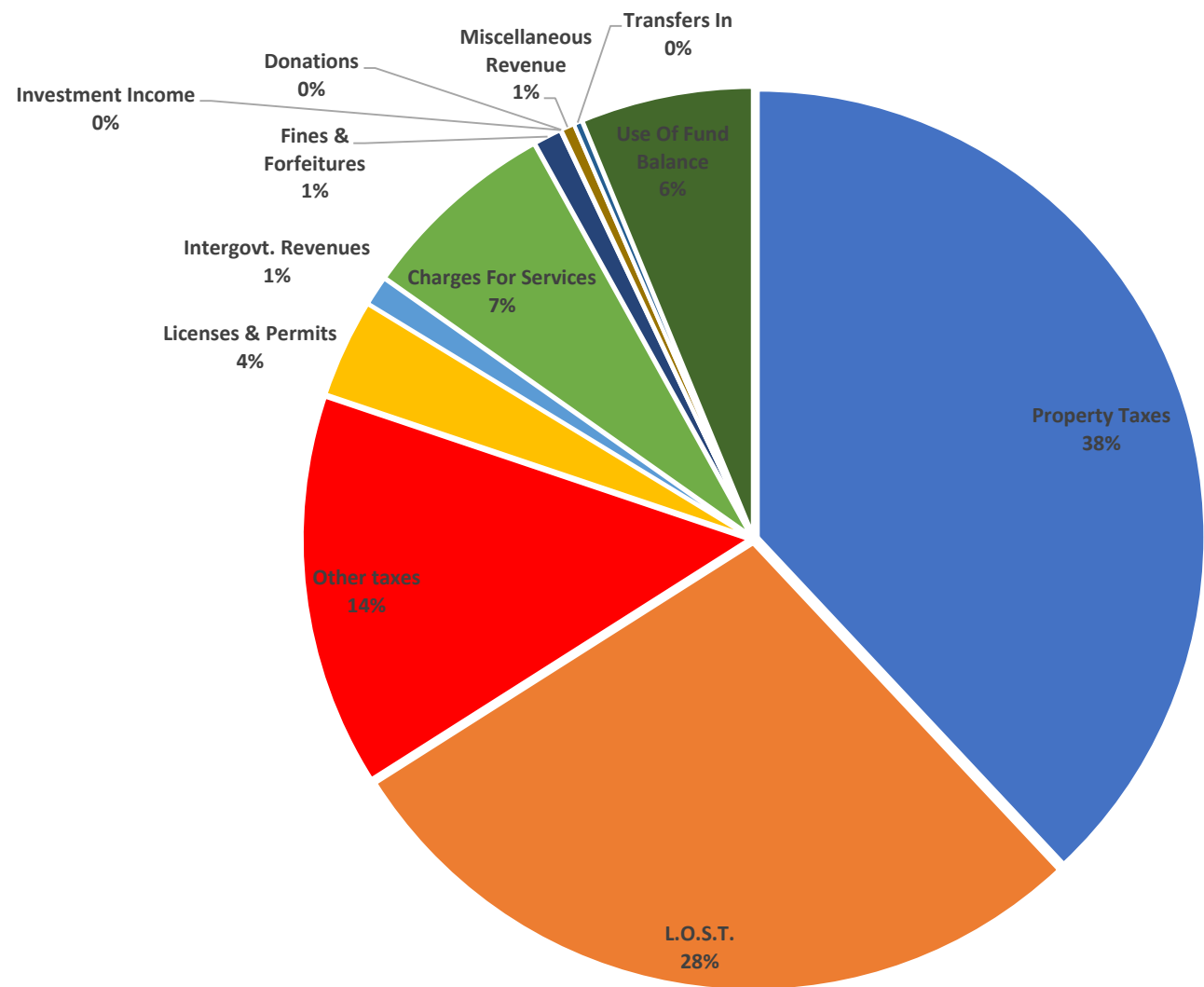
	FY 2023 Proposed	FY 2022 Amended	% Change	FY 2022 Original	% of revenue
Property Taxes	14,267,096	12,604,780	13.19%	12,604,780	38.26%
L.O.S.T.	10,500,000	9,300,000	12.90%	9,300,000	28.16%
Other taxes	5,316,500	5,035,200	5.59%	5,035,200	14.26%
Licenses & Permits	1,331,450	1,240,550	7.33%	1,240,550	3.57%
Intergovt. Revenues	397,000	338,500	17.28%	338,500	1.06%
Charges For Services	2,694,920	2,587,623	4.15%	2,523,116	7.23%
Fines & Forfeitures	378,500	311,000	21.70%	301,000	1.01%
Investment Income	13,225	42,050	-68.55%	42,050	0.04%
Donations	-	30,803	-100.00%	-	0.00%
Miscellaneous Revenue	183,575	398,262	-53.91%	181,800	0.49%
Transfers In	111,860	75,000	49.15%	75,000	0.30%
Use Of Fund Balance	2,098,495	3,154,627	-33.48%	844,684	5.63%
Totals	\$ 37,292,621	\$ 35,118,395	6.19%	\$ 32,486,680	100.00%

Change from Original Budget

14.79%

\$ 4,805,941

Revenue Sources



- Property Taxes

■ L.O.S.T.

■ Other taxes

■ Licenses & Permits
- Intergovt. Revenues

■ Charges For Services

■ Fines & Forfeitures

■ Investment Income
- Donations

■ Miscellaneous Revenue

■ Transfers In

■ Use Of Fund Balance

Proposed General Fund Expenditures by Function

	FY 2023 Proposed Budget	FY 2022 Budget Amended	% Change	FY 2022 Budget Original
General Government	7,669,172	6,832,748	12.24%	6,646,131
Judicial	4,440,184	4,087,116	8.64%	3,873,181
Public Safety-Sheriff	10,270,805	9,097,957	12.89%	8,887,258
Public Safety	7,159,237	6,171,710	16.00%	6,054,459
Public Works	2,174,497	1,958,768	11.01%	1,910,536
Health & Welfare	381,168	454,870	-16.20%	373,304
Recreation & Culture	1,932,986	1,967,450	-1.75%	1,735,485
Housing & Development	1,363,869	1,252,581	8.88%	1,273,381
Transfers out (uses)	1,900,703	3,295,195	-42.32%	1,732,945
Totals	37,292,621	35,118,395	6.19%	32,486,680

Change from Original Budget 14.79%

General Government

	FY 2023 Proposed Budget	FY 2022 Budget Amended	FY 2022 Budget Original	% Change From Amended
Board of Commissioners	211,700	176,636	176,206	19.85%
County Administration	272,349	263,967	248,293	3.18%
Elections/Registrar	364,872	402,957	388,305	-9.45%
General Government	2,056,742	1,191,645	1,492,816	72.60%
Finance	672,271	653,757	623,962	2.83%
Information Technology	907,474	925,787	777,947	-1.98%
Human Resources	267,989	262,089	246,940	2.25%
Tax Commissioner	507,073	514,021	496,400	-1.35%
Tax Assessor	614,286	590,134	563,236	4.09%
Board of Equalization	20,545	21,621	21,621	-4.98%
Risk Management	426,634	529,871	398,800	-19.48%
Facilities	1,139,546	1,186,540	1,102,867	-3.96%
Public Relations	116,717	113,723	108,738	2.63%
GIS	90,974			
Total General Government	7,669,172	6,832,748	6,646,131	12.24%
Change from 2022 Original Budget				15.39%

Judicial

	FY 2023 Proposed Budget	FY 2022 Budget Amended	FY 2022 Budget Original	% Change From Amended
Superior Court	691,127	678,777	660,141	1.82%
Clerk of Court	761,678	733,769	651,706	3.80%
District Attorney	871,869	852,724	830,828	2.25%
Magistrate Court	558,640	548,387	494,375	1.87%
Probate Court	404,331	376,068	347,172	7.52%
Juvenile Court	378,747	355,521	354,599	6.53%
Public Defender	561,609	541,870	534,360	3.64%
Treatment Court	212,183			
Total Judicial	4,440,184	4,087,116	3,873,181	8.64%
Change from 2022 Original Budget				14.64%

Public Safety

	FY 2023 Proposed Budget	FY 2022 Budget Amended	FY 2022 Budget Original	% Change From Amended
Marshals	296,569	291,582	279,072	1.71%
Fire	2,979,422	2,529,954	2,486,483	17.77%
Fire Marshal & Prevention	34,835	29,256	23,510	19.07%
EMS	3,387,698	2,890,146	2,843,635	17.22%
Coroner	157,974	134,365	129,352	17.57%
EMA	129,939	136,407	132,407	-4.74%
Humane Society	172,800	160,000	160,000	8.00%
Total Public Safety	7,159,237	6,171,710	6,054,459	16.00%
Change from 2022 Original Budget				18.25%

Sheriff

	FY 2023 Proposed Budget	FY 2022 Budget Amended	FY 2022 Budget Original	% Change From Amended
Sheriff	4,743,178	4,318,946	4,251,358	9.82%
Sheriff-K-9	49,850	34,350	34,350	45.12%
Sheriff-Jail	3,985,510	3,251,689	3,182,534	22.57%
Sheriff-School Traffic Mgmt.	60,000	60,000	60,000	0.00%
Sheriff-School Resource Officers	514,672	474,199	467,556	8.54%
Sheriff- Donations	-	49,457	-	-100.00%
Sheriff-Court Services	895,065	887,186	869,330	0.89%
Sheriff-Special Event Officers	22,530	22,130	22,130	1.81%
TOTAL SHERIFF	10,270,805	9,097,957	8,887,258	12.89%
Change from 2022 Original Budget				15.57%

Public Works

PUBLIC WORKS

	FY 2023 Proposed Budget	FY 2022 Budget Amended	FY 2022 Budget Original	% Change From Amended
Public Works -Admin	300,195	233,507	227,195	28.56%
Roads Department	1,859,369	1,712,123	1,670,308	8.60%
Keep Dawson Co. Beautiful	14,933	13,138	13,033	13.66%
Total Public Works	2,174,497	1,958,768	1,910,536	11.01%
Change from 2022 Original Budget				13.82%

Health & Welfare

	FY 2023 Proposed Budget	FY 2022 Budget Amended	FY 2022 Budget Original	% Change From Amended
Health Department	162,000	162,000	162,000	0.00%
Good Shepherd Clinic	30,000	30,000	30,000	0.00%
Avita	10,000	7,500	7,500	33.33%
CASA	9,000	9,000	9,000	0.00%
DFACS	35,300	35,300	35,300	0.00%
No one alone (NOA)	5,000	5,000	5,000	0.00%
Indigent Welfare	7,000	7,000	7,000	0.00%
Senior Center	116,338	114,555	111,254	1.56%
Senior Services Donations	-	77,970	-	-100.00%
Medicare Silver Sneakers	6,530	6,545	6,250	-0.23%
Total Health & Welfare	381,168	454,870	373,304	-16.20%

Change from 2022 Original Budget 2.11%

Recreation & Culture

	FY 2023 Proposed Budget	FY 2022 Budget Amended	FY 2022 Budget Original	% Change From Amended
Park	1,398,936	1,297,880	1,237,704	7.79%
Park Donations	-	50,370	-	-100.00%
Park Women's Club	-	219	-	-100.00%
Park Pool	44,836	40,530	39,030	10.62%
War Hill Park	39,214	153,451	33,751	-74.45%
Library	450,000	425,000	425,000	5.88%
Total Recreation & Culture	1,932,986	1,967,450	1,735,485	-1.75%
Change from 2022 Original Budget				11.38%

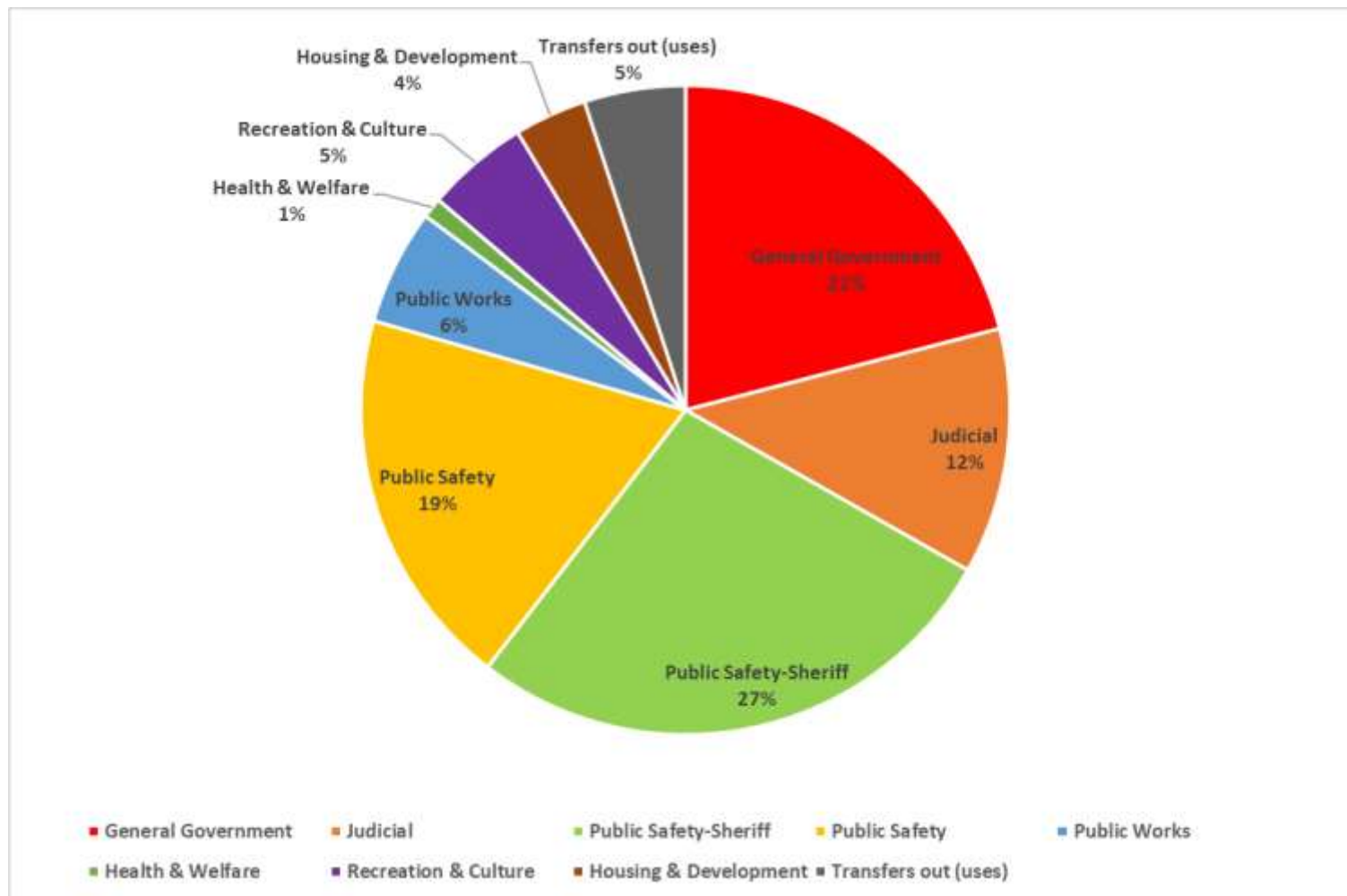
Housing & Development

	FY 2023 Proposed Budget	FY 2022 Budget Amended	FY 2022 Budget Original	% Change From Amended
County Extension	114,168	99,190	95,738	15.10%
Planning & Development	949,701	913,391	937,643	3.98%
Development Authority	300,000	240,000	240,000	25.00%
Total Housing & Development	1,363,869	1,252,581	1,273,381	8.88%
Change from 2022 Original Budget				7.11%

Other financing uses

	FY 2023 Proposed Budget	FY 2022 Budget Amended	FY 2022 Budget Original	% Change From Amended
Transfer out to Family Connection	49,041	45,852	44,488	6.95%
Transfer out to Grants	807,458	699,816	742,772	15.38%
Transfer out to Capital	17,000	1,616,330	53,000	-98.95%
Transfer out to SW Fund		14,520		
Transfer out to Fleet	420,781	360,651	347,942	16.67%
Transfer out to E-911	606,423	474,845	464,700	27.71%
Transfer out to DCARGIS	-	83,181	80,043	-100.00%
	1,900,703	3,295,195	1,732,945	-42.32%
Change from 2022 Original Budget				9.68%

Expenditure allocation



Proposed budget highlights

- ▶ Added \$1 million to budget for Salary contingency
- ▶ \$1.6 million of personnel costs (for First responders) moved from General fund to special ARPA fund
- ▶ Many capital requests proposed to be funded out of SPLOST VI remaining funds
- ▶ \$342,392 budgeted for debt service
- ▶ GIS has been moved from a separate fund and budgeted in General Fund

Proposed new Personnel

In this budget proposal:

3 part-time Firefighter/Paramedic positions and
3 part-time Firefighter/EMT positions to be changed
to full-time.

With the elimination of other PT positions, this will
be cost neutral to the budget.

Capital Projects Fund

- ▶ Capital Projects Fund is funded by transfers from General Fund.
- ▶ This budget proposes one item to be purchased using Capital Projects Funding.
 - \$17,000 for a mower for Parks

SPLOST VI

SPLOST VI collections ended June 30, 2021.

\$4,000,000 budgeted to be used for projects as needed. These projects will follow the guidelines set by the resolution that approved SPLOST VI.

SPLOST VII

- ▶ SPLOST VII Collections began July 1, 2021
- ▶ \$11,685,000 in sales tax revenue budgeted to be received in 2023

SPLOST VII

SPLOST VII BUDGET/PLAN OF PROJECTS FOR FY 2023

Level II Project - EOC/Communications **\$4,000,000** (Project will be completed in FY 24 ?
and will require additional funding)

<u>Project</u>	<u>Estimated Cost</u>
IT	\$ 200,000
Fire Engine replacement	750,000
Ambulance replacement	460,000
Courthouse Security Upgrade	1,500,000
Sheriff Vehicles	250,000
PW Vehicles/Equipment	625,000
County Roads/Culverts	2,700,000
County admin vehicle/equipment	300,000
Fueling Center	600,000
Warhill Park Playground	300,000
County Projects	7,685,000
Level Two	4,000,000
TOTAL FOR FY 23	\$ 11,685,000

Grant Transfers

<u>GRANT NAME</u>	<u>GRANT AWARD</u>	<u>COUNTY MATCH/BUDGET</u>
VOCA	\$ 74,419	in kind
Treatment Court	273,984	in kind
Family Treatment Court	108,696	in kind
K-9	112,000	-
H.E.A.T. Grant	120,731	24,147
Bulletproof Vest Grant	13,710	6,855
GA Forestry	10,000	5,000
EMPG	15,568	7,784
EMS Trauma Equipment Grant	5,000	-
Hazard Mitigation	30,000	4,500
LMIG	573,142	132,264
Legacy Link	500,000	439,080
Legacy Link (Respite Care)	45,000	28,742
DOT Capital Grant	25,000	25,000
Transit	306,170	84,086
Totals	\$ 2,213,420	\$ 757,458

All Funds Proposed Budgets

FUND	FY 2023 Proposed Budget	FY 2022 Amended Budget	% Change
General Fund	37,292,621	35,118,395	6.19%
D.A.T.E Fund	25,000	25,000	0.00%
Jail Fund	34,900	34,900	0.00%
LVAP (Crime Victims)	17,350	17,350	0.00%
Law Library	24,360	24,360	0.00%
Family Connection	101,570	250,673	-59.48%
Inmate Welfare	85,000	85,000	0.00%
DA Forfeiture	1,500	3,000	-50.00%
Confiscated Assets -Sheriff	10,700	10,700	0.00%
Emergency 911	1,157,123	1,150,045	0.62%
ARPA Local Fiscal Recovery	1,640,207	1,670,021	-1.79%
Multiple Grants Fund	2,263,420	2,414,070	-6.24%
Hotel-Motel Tax	572,000	602,991	-5.14%
SPLOST VI	4,000,000	7,212,000	-44.54%
SPLOST VII	11,685,000	12,000,000	-2.63%
Capital Projects	17,000	2,074,550	-99.18%
Solid Waste	650,000	991,233	-34.43%
DCAR GIS	-	88,181	-100.00%
Fleet & Fuel	422,006	417,378	1.11%
Inmate Escrow	80,000	80,000	0.00%
Impact Fees	1,312,500	4,666,775	-71.88%
Total ALL FUNDS	61,392,257	68,936,622	-10.94%

FY 2023 Public Budget Hearings

- ▶ 4:00 p.m. Thursday, October 20, 2022 – Public Comment on Proposed FY 2023 Budget
- ▶ Following Work Session at 4:00 (during the Voting Session) Thursday, October 20, 2022 – Public Comment on Proposed FY 2023 Budget
- ▶ Following Work Session at 4:00 (during the Voting Session) Thursday, November 3, 2022 – Public Comment on Proposed FY 2023 Budget
- ▶ At the November 3, 2022, Voting Session, the Board will consider and may adopt the FY 2023 Budget.

In closing.....

Thank you to elected officials, department heads and agencies and their staff in their assistance with this budget process.





DAWSON COUNTY BOARD OF COMMISSIONERS AGENDA FORM

Department: Dawson County Sheriff's Office

Work Session: 10-20-22

Prepared By: Laurie Whalen

Voting Session: 10-20-22

Presenter: Greg Rowan

Public Hearing: Yes No ☒ X

Agenda Item Title: HEAT Grant Continuation

Background Information:

In October 2020, the Sheriff's Office was awarded the HEAT grant from the Governor's Office of Highway Safety. A continuation of that award will continue from October 2022-September 2023.

It will continue to be used for the salaries and other expenses for two patrol officers.

Current Information:

This year's award is: \$120,726.36. State portion: \$96,583.49. Local portion: \$24,145.87.

The Sheriff's Office would like the BOC to accept this award for the 2023 fiscal year.

Due to grant deadlines, we ask that this be reviewed and voted on at today's voting session.

Budget Information: Applicable: ☒ X Not Applicable: ☐ Budgeted: Yes ☒ X No ☐

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining
250	3335					

Recommendation/Motion: _____

Department Head Authorization: _____

Date: _____

Finance Dept. Authorization: Vickie Neikirk

Date: 10/11/22

County Manager Authorization: David Headley

Date: 10-11-2022

County Attorney Authorization: _____

Date: _____

Comments/Attachments:



DAWSON COUNTY BOARD OF COMMISSIONERS AGENDA FORM

Department: Senior Services-Transit

Work Session: 10-20-2022

Prepared By: Dawn Johnson

Voting Session: 10-20-2022

Presenter: Dawn Johnson

Public Hearing: Yes _____ No X

Agenda Item Title: Request for FY2024 GDOT/FTA Section 5311 Transit Contract Approval and Ratify

Background Information:

Continuous grant with FTA and GDOT for providing public transportation for Dawson County citizens.

Current Information:

Grant will continue to pay 50% match with federal and state funding for administrative and operating budget. Grant will pay 90% for capital with Dawson County paying 10%. Total budget is \$329,550 for administrative and operating budget. Requesting \$25,000 for capital funding for two buses. Match for each bus is \$12,500 each.

Budget Information: Applicable: Not Applicable: Budgeted: Yes X No _____

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining
250	5540	331150-024	164,775		164,775	164,775

Recommendation/Motion: Approve FY2024 GDOT/FTA Section 5311 Transit Contract and Ratify.

Department Head Authorization: Dawn Johnson

Date: 10-11-2022

Finance Dept. Authorization: Vickie Neikirk

Date: 10/13/22

County Manager Authorization: David Headley

Date: 10-13-2022

County Attorney Authorization: _____

Date: _____

Comments/Attachments:



FEDERAL TRANSIT ADMINISTRATION

SECTION 5311 PROGRAM FORMULA FUNDS FOR RURAL TRANSIT

FY 2024 GRANT APPLICATION

Please use Adobe Acrobat Reader to complete this application. You may use the tab button to navigate between fillable form fields.

Only the Transmittal Letter and Authorizing Resolution should be printed and returned as a scanned application attachment. All other application components should be completed and returned electronically.

**APPLICATION DUE DATE
OCTOBER 31, 2022**

Transit Agency Name:

Dawson County Transit

Date Submitted:

Submitted By:

Lee Adkins

GDOT District Project Manager Signature:
(To be completed by GDOT staff)

Date Received:

(To be completed by GDOT staff)

FY 2024 Section 5311 Grant Application Checklist

Applicant organizations shall conduct the following completeness checklist prior to submitting their grant application. **For an application to be considered ALL items must be complete and included in the application submitted prior to October 31, 2022.**

Name/Description of Item	Completed? (Yes/No)
Part A: Grant Applicant Profile	Yes <input checked="" type="checkbox"/>
Part B: Transmittal Letter	Yes <input checked="" type="checkbox"/>
Letter must be on organization letterhead	Yes <input checked="" type="checkbox"/>
Part C: Authorizing Resolution	Yes <input checked="" type="checkbox"/>
Resolution must be notarized	Yes
Part D: FTA-Funded Assets/State of Good Repair	Yes
Part E: Sources of Local Matching Funds and Three -Year Budget Trends	Yes
Part F: Third Party Operators	Yes
Attach copy of all TPO Contracts	Yes
Part G: Public Notice & Private Enterprise Coordination	Yes
Attach copy of Public Notice	Yes
Part H: FTA Title VI Data Collection, Reporting, and Economic Impacts	Yes
Attach copy of current Fare Sheet	Yes
Part I: Certification of No Intent to Charter Service	Yes
Part J: Drug-Free Workplace and Drug and Alcohol Program	Yes
Part K: Drug-Free Workplace Act Certification for Public and Private Entities	Yes
Part L: Certification of Equivalent Access for Persons with Disabilities	Yes
Part M: FTA Civil Rights Assurance	Yes
Part N: Debarment and Suspension	Yes
Part O: Disadvantaged Business Enterprise (DBE) Semi-Annual Reporting	Yes
Part P: Lobbying Restrictions	Yes
Part Q: FTA Certifications and Assurances	Yes
Part R: Americans with Disabilities Act Checklist	Yes
Part S: Financial Certifications	Yes
Part T: Equal Employment Opportunity Questionnaire	Yes
Part U: TAMP Accountable Executive Form	Yes
Part V: Grant Expenditures Form	Yes
Part W: Agency Inventory	Yes

Application Checklist Completed By:	Name:	Title:	Date:
	Lee Adkins	Coordinator	10-12-22

Does your organization employ 100 or more employees?

Yes ☐

No ☒

Do you use one or more Third Party Operators (TPO) that have 100 or more employees? If "yes," please state the name of the company (ies); the TPO manager in responsible charge of your service; and their number of employees.

Yes ☐

TPO information _____

TPO manager _____

Number of Employees _____

No ☒

Please see Part G for instructions on including the TPO contract.

Does Your Organization Currently Operate Public Transportation Services Using FTA Section 5311 Funding?

Yes ☒

No ☐

FY 2024 Section 5311 Application Request Includes (please check all that apply)

☒ Operating

☒ Capital (vehicles)

☐ Capital (small equipment)

☐ Mobility Management

Contract Authorization Request

Part A: Grant Applicant Profile

General Information	SUBRECIPIENT ORGANIZATION Information		
	Organization Official Name (as it appears in W9) Commissioner of Roads and Revenue of Dawson County	Physical Address 25 Justice Way Suite 2313 Dawsonville, GA 30534	Mailing Address (if different) 25 Justice Way Suite 2313 Dawsonville, GA 30534
		DUNS Number 039486055	eVerify 121844

Subrecipient Contract Information	Key Personnel (EXCLUDE THIRD PARTY OPERATORS)		
	Contract Reviewer	Name	Dawn Johnson
		Title	Transit Director
		Phone	706-344-3700
		Email	djohnson@dawsoncountyga.gov
	Executor - Authorized Official that will execute the grant	Name	Billy Thurmond
		Title	BOC Chairman
		Phone	706-344-3500
		Email	chairman@dawsoncountyga.gov
	Executor 2 - Second executor only if required by the subrecipient	Name	
		Title	
		Phone	
		Email	
	Attestor/Witness - Designated Staff Person who will Attest the Executing Official's Signature and Affix the Government's Seal	Name	Kristen Cloud
		Title	County Clerk
		Phone	706-344-3500
		Email	kcloud@dawsoncountyga.gov
	Notary - Designated Notary who will Notarize the Executing and Attesting Officials' Signatures	Name	Natalie Johnson
		Title	Accounting and Budget Manager
		Phone	706-344-3500
Email		njohnson@dawsoncountyga.gov	

	Attorney, if needed	Name	Angela E. Davis, Esq.
		Title	Partner at Jarrad & Davis, LLP
		Phone	678-455-7150
		Email	adavis@jarrard-davis.com

Introduction

The Federal Transit Administration (FTA) provides federal funding to support the capital and operating assistance activities for rural transit systems. Georgia Department of Transportation (GDOT) is the designated recipient of these federal funds and is responsible for the program oversight and administration of the program in compliance with all applicable federal regulations.

Each year, GDOT announces the opportunity for eligible applicants to apply for Section 5311 funds for rural transit. Each application is reviewed and evaluated by GDOT using the established criteria described below.

In the distribution of funds for the Section 5311 Program, GDOT takes into account the non-urbanized population of each county. The Section 5311 formula for allocation proportions project funds based on non-urbanized population and land area relative to the total for the state. All projects that meet the service guidelines, complete the application requirements, and have the local match are funded to the level justified by their actual capital and operating expenses.

Operating Assistance

Each subrecipient is reviewed based on the following metrics:

- Cost per hour
- Cost per trip
- Cost per vehicle
- Farebox revenue per trip

Capital Assistance

Capital requests are evaluated according to GDOT's approved Transit Asset Management (TAM) Plan, incorporating the Useful Life Benchmark (ULB) for each specific type of equipment requested. All approved funding amounts under this program are dependent on the availability of FTA funds.

Proposed new systems will be evaluated based on their:

- Proposed system start-up plan
- Level of city/county/regional commission support
- Transit asset management/vehicle maintenance program
- Track record of operating similar services

All grant applicants should complete the Section 5311 application as outlined in the enclosed instructions. Ensure all required items on the Grant Application Checklist are completed and submitted with the application. Please note, the placement and publication of a public notice (Part G) must have a 15-day comment period that concludes PRIOR to October 31, 2022. The Applicant Organization Board must also adopt and certify the Authorizing Resolution (Part C) prior to the deadline.

Please contact your local GDOT District Project Managers (see Appendix A) with any questions or requests for assistance.

*****Incomplete and incorrect applications will be returned to the transit agency for corrections. Late submissions will be documented as such; such information will be used as part of the application evaluation upon which final budgets are based and awarded by GDOT.*****

Reporting Requirements

Data that GDOT subrecipients collect, monitor, and report is used to assess the performance of their transit services and document compliance with federal and state requirements. This information must be tabulated for monthly, semi-annual, and annual reports. Transit managers are primarily responsible for monitoring and reporting system performance on an ongoing basis.

Additionally, GDOT's FTA subrecipients are contractually required to provide the following reports:

Monthly Reports

- Monthly Vehicle Usage and Ridership Reports – due the 15th of each month
- Monthly Reimbursement Requests – due 30 days after the end of each month

Semi-Annual Reports

- DBE Semi Annual Reports – due May 1st and November 1st
- Semi Annual Preventative Maintenance Interval Checklists - due January 25th and July 25th

Annual Report

- Drug and Alcohol Management Information System (DAMIS) reports – due March 1st

Table 2 provides a baseline schedule of activities and important reporting deadlines for FY 2024. Other activities may be added during the fiscal year.

Table 2: Section 5311 Schedule of Activities for FY 2024

October	<ul style="list-style-type: none"> • Monthly Vehicle Reports Due - September • Monthly Operating Reimbursements Due – September 	<ul style="list-style-type: none"> • Semi-Annual Substance Abuse Awareness Training - Macon • FY 2024 Application Packages Received from GDOT
November	<ul style="list-style-type: none"> • DBE report due – November 1 • Monthly Vehicle Reports Due - October • Monthly Operating Reimbursements Due - October 	<ul style="list-style-type: none"> • Monitor Capital Contract Purchases
December	<ul style="list-style-type: none"> • Monthly Vehicle Reports Due - November • Monthly Operating Reimbursements Due - November • Monitor Capital Contract Purchases 	<ul style="list-style-type: none"> • Final operating reimbursements due December 31, 2022
January	<ul style="list-style-type: none"> • Monthly Vehicle Reports Due - December • Monthly Operating Reimbursements Due - December 	<ul style="list-style-type: none"> • Monitor Capital Contract Purchases • Semi-annual PM Checklist due – January 25
February	<ul style="list-style-type: none"> • Monthly Vehicle Reports Due - January • Monthly Operating Reimbursements Due - January 	<ul style="list-style-type: none"> • Monitor Capital Contract Purchases • Receive D&A Updates from GDOT for DAMIS reporting
March	<ul style="list-style-type: none"> • Monthly Vehicle Reports Due - February • Monthly Operating Reimbursements Due – February • Monitor Capital Contract Purchases 	<ul style="list-style-type: none"> • Drug and Alcohol Monitoring • Conduct Annual Vehicle Inspections
April	<ul style="list-style-type: none"> • Monthly Vehicle Reports Due - March • Monthly Operating Reimbursements Due – March • Monitor Capital Contract Purchases 	<ul style="list-style-type: none"> • Drug and Alcohol Monitoring • Conduct Annual Vehicle Inspections
May	<ul style="list-style-type: none"> • DBE report due - May 1 • Semi-Annual Substance Abuse Awareness Training - Macon • Monthly Vehicle Reports Due - April • Monthly Operating Reimbursements Due – April 	<ul style="list-style-type: none"> • Monitor Capital Contract Purchases • Drug and Alcohol Training and Monitoring • Conduct Annual Vehicle Inspections
June	<ul style="list-style-type: none"> • Monthly Vehicle Reports Due - May • Monthly Operating Reimbursements Due – May • Monitor Capital Contract Purchases 	<ul style="list-style-type: none"> • Drug and Alcohol Monitoring • Conduct Annual Vehicle Inspections • Vehicle Insurance Updates
July	<ul style="list-style-type: none"> • Monthly Vehicle Reports Due – June • Monthly Operating Reimbursements Due – June • Provide updated insurance information to GDOT 	<ul style="list-style-type: none"> • Semi-annual PM Checklist due - July 25th • Monitor capital contract purchases
August	<ul style="list-style-type: none"> • Monthly Vehicle Reports Due - July • Monthly Operating Reimbursements Due - July 	<ul style="list-style-type: none"> • Monitor Capital Contract Purchases • Final Reimbursements for FY 2023 Due
September	<ul style="list-style-type: none"> • Monthly Vehicle Reports Due - August • Monthly Operating Reimbursements Due - August • Monitor Capital Contract Purchases 	<ul style="list-style-type: none"> • Submit FY2024 Operating and Capital Budgets by September 1

Part B: Transmittal Letter

The following page includes a sample transmittal letter with fillable fields. Applicants should only complete the fillable fields, all remaining fields will auto-populate. Once all fields are complete, Applicants should print the letter on the Applicant Organization's letterhead. A scanned copy of the signed letter (on letterhead) should be submitted as an attachment with the complete application package.

Applicants must submit the transmittal letter on the Applicant Organization's letterhead and include the signature of the Authorized Official. Please note that the Transmittal Letter and/or Authorized Official MAY NOT be submitted to GDOT from a Third-Party Operator (TPO) on the TPO's letterhead.

Date

Patricia Smith, Ph.D.
Transit Program Manager
Division of Intermodal
Georgia Department of Transportation
600 W. Peachtree Street
Atlanta, Georgia 30308

Dear Patricia Smith, Ph.D.:

The Commissioner of Roads and Revenue of Dawson County is applying for an FTA Section 5311 grant to aid in the operation of the Dawson County Transit for FY2024 in the amount of \$164775.00 as detailed in the table below. The financial assistance requested for this project has been reviewed and approved by the local transportation planning process and is identified in the State Transportation Improvement Program.

	Federal Share	State Share	Local Share	Total
Operating Assistance	164775		164775	329550
Large Capital	200000	25000	25000	250000
Small Capital				0
Mobility Management				0
Total	364775	25000	189775	579550

Part C: Authorizing Resolution

The following two pages include an authorizing resolution that must be enacted by the governing body of the Applicant Organization and signed by the Chair of the County Commission, Mayor, or the head of the governing body as appropriate. Please complete the fillable fields on the resolution, then print and sign the designated fields. The authorizing resolution must be properly witnessed and notarized, including the date the notary's commission expires. The resolution should also be stamped with the notary seal as well as the seal of the county commission, city, or appropriate applicant jurisdiction. The certificate of the attesting officer must also be completed.

A scanned copy of the completed, signed, and notarized Authorizing Resolution should be submitted as an attachment with the full application package.

RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE GEORGIA DEPARTMENT OF TRANSPORTATION AND THE UNITED STATES DEPARTMENT OF TRANSPORTATION FOR A GRANT FOR PUBLIC TRANSPORTATION ASSISTANCE UNDER TITLE 49 U.S.C., SECTION 5311.

WHEREAS, the Federal Transit Administration and the Georgia Department of Transportation are authorized to make grants to non-urbanized (rural) areas for mass transportation projects; and

WHEREAS, the contract for financial assistance will impose certain obligations upon Applicant, including the provision of the local share of project costs; and

WHEREAS, it is required by the United States Department of Transportation and the Georgia Department of Transportation in accordance with the provisions of Title VI of the Civil Rights Act of 1964, that in connection with the filing of an application for assistance under the Federal Transit Act, the applicant gives an assurance that it will comply with Title VI of the Civil Rights Act of 1964 and the United States Department of Transportation requirements thereunder; and

WHEREAS, it is the goal of the Applicant that Minority Business Enterprise (Disadvantaged Business Enterprise and Women's Business Enterprise) be utilized to the fullest extent possible in connection with this project, and that definitive procedures shall be established and administered to ensure that minority business shall have the maximum feasible opportunity to compete for contracts and purchase orders when procuring construction contracts, supplies, equipment contracts, or consultant and other services.

NOW THEREFORE, BE IT RESOLVED BY Commissioner of Roads and Revenue of Dawson County
hereinafter referred to as the "Applicant",

1. That the Designated Official, Billy Thurmond hereinafter, referred to as the "Official" is authorized to execute and file an application on the behalf of the Applicant, a City/County government, with the Georgia Department of Transportation to aid in the financing of public transportation assistance pursuant to Section 5311 of the Federal Transit Act.
2. That the Official is authorized to execute and file such application and assurances or any other document required by the U.S. Department of Transportation and the Georgia Department of Transportation effectuating the purpose of Title VI of the Civil Rights Act of 1964.
3. That the Official is authorized to execute and file all other standard assurances or any other document required by the Georgia Department of Transportation or the U.S. Department of Transportation in connection with the application for public transportation assistance.
4. That the Official is authorized to execute grant contract agreements on behalf of the Applicant with the Georgia Department of Transportation.

(Page 1 of 2)

5. That the Official is authorized to set forth and execute Minority Business Enterprise, DBE (Disadvantaged Business Enterprise) and WBE (Women Business Enterprise) policies and procedures in connection with the project's procurement needs as applicable.
6. That the applicant while making application to or receiving grants from the Federal Transit Administration will comply with FTA Circular 9040.1G, FTA Certifications and Assurances for Federal Assistance 2022 as listed in this grant application and General Operating Guidelines as illustrated in the Georgia State Management Plan.
7. That the applicant has or will have available the required non-federal funds to meet local share requirements for this grant application.

APPROVED AND ADOPTED this _____ day of _____, 2022.

Authorized Official

Billy Thurmond, Chairman

Type Name and Title

Signed, sealed and delivered this _____ day of _____, 2022 in the presence of

Witness

Notary Public/Notary Seal

CERTIFICATE

The undersigned duly qualified and acting _____ of _____
(*Title of Certifying/Attesting Official*) (*Applicant's Legal Name*) certifies that the foregoing is a true and correct copy of a resolution adopted at a legally convened meeting held on _____, 2022.

Name of Certifying/Attesting Officer

Title of Certifying/Attesting Officer

(Place Seal Here)

(Page 2 of 2)

Part D: FIA-Funded Assets/State of Good Repair

FTA requires that organizations receiving federal transit funds maintain a complete inventory of their transit (revenue-producing) vehicles and transit facilities. Please complete the respective inventory tables below. Please include any new rolling stock acquired after 6/30/22 with a mileage of zero (0), and include anticipated annual mileage for the vehicle.

Table 4: Inventory of Rolling Stock Vehicles[illegible]

Table 5: Inventory of Transit Facilities

[illegible]

Part E: Sources of Local Matching Funds and Three-Year Budget Trends

Please list ALL sources of local matching funds, including the amounts for each. The use of purchase of service (POS) contracts with the Georgia Department of Human Services (DHS) and other similar entities should also be shown, along with the source of the POS revenues.

For budgeting purposes, all POS revenues must be deducted from the total transit operating expenses (as defined by FTA) as "program revenue" to arrive at the net Section 5311 transit operating expenses each month. The funding share of the net operating expenses is then calculated at 50% federal funds and 50% local funds.

Please note that other FTA funds, including Section 5310, 5316, and 5317 funds, are not eligible sources of local match funds. Local match funds must be traceable back to the source of origination (from a specific local governmental entity) and can be used only once as a local match source for a federal grant.

Part E-1: Purchase of Service Contracts

List all POS contracts in Table 2 below. Include contracting agency/office, the contract start/end dates, amounts, and cost per unit of service.

Table 2: List of POS Contracts

POS Contracting Agency/Office:	Contract Start Date:	Contract End Date:	Total Contract Amount:	Cost Per Unit of Transit Service:	Anticipated Annual Trips:
DHS	7/1/2023	6/30/2024	\$65,000.00	\$7.75/\$11.75	7,500
Total of all POS Contracts			\$65,000.00		7,500

Part E-2: Sources of Local Matching Funds

Please list all sources of local matching funds in Table 3 below.

Table 3: Sources of Local Matching Funds

Local Funding Source:	Amount:
Local Government General Revenues	\$164,775.00
Estimated NEMT Revenues (DCH Brokers)	\$0.00
POS Contracts (total from Table 6 above)	\$65,000.00
Other Local Fund Source (please specify, add rows for additional sources as needed)	\$6,500.00
TOTAL LOCAL MATCHING FUNDS	\$236,275.00

Part E-3: Three-Year Operating Budget Trend (FY2022-FY2024)

Please complete Table 8 with federal and local operating funding from FY2022 through FY2024.

Actual FY2022 funding levels should be extrapolated from your agency's Final Reimbursement Form from July 2022. FY2023 funding levels should be extrapolated from the budget submitted by your agency for FY2023. Proposed FY2024 funding levels should be extrapolated from the budget submitted with this application.

***Only operating funds should be used to populate Table 4.**

Table 4: Three-Year Operating Budget Trend

FY 2022 (actual)		FY 2023 (current year budget)		Proposed FY 2024 (this application)	
Federal Funds	\$130,885.00	Federal Funds	\$153,085.00	Federal Funds	\$164,775.00
Local Funds (total including general fund and POS revenues)	\$130,876.00	Local Funds (total including general fund and POS revenues)	\$153,085.00	Local Funds (total including general fund and POS revenues)	\$164,775.00
Total	\$261,761.00	Total	\$306,170.00	Total	\$329,550.00

Part F: Third Party Operators

Please check one (1) of the boxes below to indicate whether your agency employs a third-party operator (TPO). If your agency employs one or more TPOs, you must attach a copy of all TPO contracts to this application.

TPO contracts must include a maximum amount or "Not to exceed" amount for proposed transit operations in FY2024.

Does this applicant Agency employ a Third-Party Operator?

☐ This Agency employs a TPO and a copy of the TPO contract(s) is attached.

☒ This Agency does not employ a TPO.

***A copy of all TPO contracts must be attached to this application. ***

Part G: Public Notice & Private Enterprise Coordination

The Applicant Organization **MUST** publish the public notice, on the following page, one time in the local government's legal newspaper, and have a 15-day comment period that concludes **PRIOR** to October 31, 2022.

This is required to make private transportation service providers aware of the Applicant's grant application. The original legal ad and notarized publisher's affidavit from the newspaper must be included in your grant application.

The "Private Enterprise Coordination Certification" (see Part H-1) must be completed and included in the Applicant's completed grant application. Applicants must indicate if no response is received within the fifteen (15) days. If there is a response to the Public Notice, the Applicant must include the responses in Certification form.

The Applicant Organization **MUST** publish the following notice one time in the local government's legal newspaper, and have a 15-day comment period that concludes **PRIOR** to October 31, 2022. This is required to make private transportation service providers aware of the Applicant's grant application. The original legal ad and notarized publisher's affidavit from the newspaper must be included in your grant application.

Public Notice

The Commissioner of Roads and Revenue of Dawson County is applying for funding assistance under Title 49 U.S.C. Section 5311 of the Federal Transit Act pertaining to rural areas.

The Commissioner of Roads and Revenue of Dawson County will offer general public transportation to all citizens of Dawson County for any worthwhile purpose, including but not limited to shopping, medical treatment, social services, and other purposes.

The Commissioner of Roads and Revenue of Dawson County solicits private sector input and participation to assure that private for-profit transportation operators have a fair and timely opportunity to participate in the development of this program.

The Commissioner of Roads and Revenue of Dawson County also solicits comments and concerns from the general population on local rural public transportation services.

The Commissioner of Roads and Revenue of Dawson County also solicits comments and concerns from the elderly, low-income, and disabled population and their representatives to assure that issues relating to the disabled are addressed in the service design proposed during the planning process.

Interested persons are invited to request that a public hearing be held to discuss the services being offered or development of the application.

Written comments, requests for a public hearing and/or written notice of intent by private for-profit transportation operators to provide or participate in any or all of the above services should be submitted no later than fifteen (15) days from the date of this publication to:

Commission Chairman/Mayor/Chief Executive of Applicant Organization:

Billy Thurmond, Chairman Dawson County Board of Commissioners

Address/City/State/Zip Code of Applicant:

25 Justice Way Suite 2313, Dawsonville, GA 30534

Phone Number of Applicant: 706-344-3500

If no response is received within the fifteen (15) days, the Commissioner of Roads and Revenue of Dawson County will proceed with the application to the Georgia Department of Transportation.

Part G-1: No Response to Public Notice Private Enterprise Coordination Certification

The Applicant Organization's County Commission Chair, Mayor, or Authorized Executive must complete the certification below, sign, and date this form. The Applicant must also attach a Notice and Affidavit from the newspaper or letter sent to private transportation providers. For paper application submissions, these attachments should be inserted after this page.

This form, the original legal ad appearing in the local newspaper, and a notarized publisher's affidavit from the newspaper must be included in this Section 5311 grant application.

Advertisement run in the 9/28/22 Edition of the Dawson County News.

Indicate whether Applicant received a response to the public notice within 15 days:

- ☒ No response received
☐ Response(s) received

If one or more responses were received, please complete Table 5 below with a list of private transportation providers operating in the service area, including a contact person, address, and phone number.

Table 5: List of Private Transportation Providers

Private Transportation Provider	Point of Contact	Phone Number	Address

Date of Notification(s) Requesting Public Hearing (if any): _____.

Last day for private transportation providers to request the public hearing: 10/13/22.

The Applicant's organization, Commissioner of Roads and Revenue of Dawson County, will annually review existing service and any proposed service changes to determine the feasibility of private providers providing the public service. An annual review will be scheduled and a review format will be developed to carry out this task. Private transportation service providers will be notified and their interest in the service provision will be assessed. Private transportation service providers will be invited to attend and be a part of the annual review process.

Signature of Authorized Official

Billy Thurmond

Printed Name of Authorized Official

Chairman

Printed Title of Authorized Official

Date

AFFIDAVIT OF PUBLICATION

State of Georgia
County of Dawson

Personally appeared before the undersigned, Megan Smarz, who having been duly sworn, on oath, says that she is the Inside Sales Representative of Dawson County News, and that the Advertisement was Published in Dawson County News:

Ad# 112761
Miscellaneous
Transit Section 5311
Published:
DCN Dawson County News: 9/28/2022

Megan
Smarz

Digitally signed by Megan Smarz
DN: cn=Megan Smarz gn=Megan
Smarz c=US United States l=US
United States
Reason: I attest to the accuracy and
integrity of this document
Location:
Date: 2022-09-28 11:26-04:00

Megan Smarz, Affiant
Verified X

Sworn to and Subscribed before me
This 28th day of September 2022.

Notary Public, my commission expires September 22, 2024.

Christina
Maeann Rose

Digitally signed by Christina Maeann Rose
DN: cn=Christina Maeann Rose gn=Christina Maeann
Rose c=US United States l=US United States o=Metro
Market Media ou=Legal Clerk e=crose@forythnews.com
Reason: I am approving this document
Location:
Date: 2022-09-28 11:26-04:00

Part H: FTA Title VI Data Collection, Reporting, and Economic Impacts

The Applicant Organization must complete the following sections pertaining to its Title VI Program activities.

Part H-1: General Reporting

1. List any Title VI-related lawsuits or complaints filed pertaining to the Applicant Organization's Section 5311 program.

None

2. Has your organization applied for any other federal financial assistance for transportation?

☐ Yes ☒ No

If "Yes," what kind of financial assistance and from which source?

3. In the last three years, has any Civil Rights/Title VI Compliance Review Activity been conducted at your organization?

☐ Yes ☒ No

Part H-2: Title VI Monitoring Procedures/Monthly Vehicle Reports

GDOT requires the following monthly reporting in order to meet FTA National Transit Database requirements. Accurate completion of the following information is critical to continued Section 5311 grant eligibility. Subrecipients must provide this data monthly, including data on population of your service area, percentage of trips made by minority population (compared to the total); types of services provided; days and hours of operation; number and type of vehicles in operation; number/percentage of wheelchair-equipped vehicles total seating capacity; service area; total monthly ridership; transit costs by hour, mile, etc.; number of trips by trip purpose; quality of service; etc. Please seek technical assistance from your District Project Manager, if you have any questions regarding the definitions or completion of these data.

The Applicant Organization agrees to provide this data on a monthly basis in a format designated by GDOT.

Signature of Authorized Official

Billy Thurmond

Printed Name of Authorized Official

Chairman

Printed Title of Authorized Official

Date

Part H-3: Performance and Quality of Service

Part H-3-1: Level of Service

Complete the Table 6 below with the requested information regarding Applicant Organization's transit service and area. Please use <https://www.census.gov/quickfacts/fact/table> to obtain information for population and minority percentage.

Table 6: Level of Service Data

Total Population:	28,497
Percent Minority:	4.9
Type of Service:	Demand Response
Days/Hours of Operation:	Monday - Friday 8AM - 4PM
Number of Vehicles:	4
Number of Wheelchair Equipped Vehicles:	4
Total Seating Capacity:	40

Part H-3-2: Performance and Quality of Service

Complete Table 7 below with Applicant Organization trip data from FY2022. Suggested calculation methods are included in parenthesis.

Table 7: Performance Data

Annual Trip Total:	8798
Average Trips Per Month: (Trip total divided by 12)	733
Annual Trips Serving Minority Populations: (Annual trip total less trips by Caucasian riders)	334
Percentage of Trips Serving Minority Populations: (trips serving minority populations divided by total annual trips, multiplied by 100)	3.8%

Complete Table 8 below with trip purpose data from Applicant Organization's records for FY2022.

Table 8: Trip Counts by Purpose

	Trip Count
Medical	1134
Employment	1480
Nutrition	3582
Social/Recreation	825
Education	671
Shopping/Personal	1106
TOTAL	8798

Part H-3-3: Transit Cost Analysis

Table 9 below is used to complete the transit cost analysis for this application. The table includes embedded formulas to calculate the cost per hour, cost per one -way passenger trips, and cost per mile. Applicants should enter data into each of the highlighted cells below ONLY – click on the table to open an excel spreadsheet to enter the numbers. Once the requested data is entered, the remaining fields should update automatically using the embedded formulas.

The Applicant Organization should use the FEDERAL SHARE, LOCAL SHARE, and TOTAL line items from its FY2022 Final Reimbursement Form.

Table 9: Transit Cost Analysis

Total Annual Trip Count	Federally Allocated Funds Spent in FY 2022	Locally Allocated Funds Spent in FY 2022	Total Funds Spent in FY 2022	Annual Revenue Service Hours in FY 2022	Annual Miles in Revenue Service in FY 2022
8,798.00	\$ 195,885.00	\$ 81,301.47	\$ 277,186.47	6,042.67	85,555.00
Cost Per Hour	\$ 32.42	\$ 13.45	\$ 45.87		
Cost Per One- Way Passenger Trips (OWPT)	\$ 22.26	\$ 9.24	\$ 31.51		
Cost Per Mile	\$ 2.29	.95	3.24		
Number of Revenue Vehicles in FY 2022	4.00		Farebox Revenue in FY 2022	5814	
Cost Per Vehicle	69,296.62		Farebox Revenue Per Trip	\$ 0.66	

Part H-4: Economic Impacts

Part H-4-1: Transportation System and Services:

Applicant Organization should describe its current Section 5311 transit system in the text boxes below.

1. Service area (e.g. Countywide, city only, multi-county. Specify and all counties and municipalities served):

County wide, Dawson, Hall, Lumpkin, and Forsyth

2. Methods used to communicate transit system information to the public (Check all that apply):

☒ Word of Mouth

☐ Newspaper

☐ TV/Radio

☒ Community Events

☒ Public Meetings

☒ County Website

☒ Government Buildings

☒ Other: Brochures

☒ Newsletters

☒ Social Media

3. Trends in the number of public transit riders over the past three years. Please use data from the National Transit Database reports for FY2019 and FY2020

(<https://www.transit.dot.gov/ntd/ntd-data>):

# of OWPTs in FY2020	# of OWPTs in FY2021	# of OWPTs in FY2022
8731	4274	8798

4. Please explain any significant drops or increases in ridership over the past three years (e.g. new POS contract, reduced service area):

Decrease due to Covid-19

Increase due to contract with local after school program to transport kids to their program.

5. Period of time Applicant Organization has provided transit services:

20 plus years

6. Description of how transit services are delivered (i.e. by a third party operator, by county staff, a combination of county and TPO staff, etc.):

☒ County Staff

☐ Third Party Operator (TPO)

☐ Combination County Staff and TPO

☐ Other: _____

Part H-4-2: Service Area Details

Table 10: Service Area Details

Funding Sources	Total OWPT Provided in Past 12 Months, by Source:	Rates Charged per OWPT, by Source:
5311	2376	\$2, \$4, or \$6
DHS		
DFAC		
Aging	6422	\$7.75/\$11.75
DBHDD		
NEMT-Medicaid		
GVRA		
DCH		
Other (specify)		

*****Please insert a copy of the current fare sheet for the 5311 transit agency that shows fares charged for one-way passenger trips for all types of fares charged.*****

Dawson Transit

Rural Public Transportation System For The General Public

Dawson Co.	Mon-Fri	\$2.00 each direction
Dahlonega	Mon-Fri	\$4.00 each direction
Cumming	Tues & Thurs	\$4.00 each direction
Gainesville	Tues & Thurs	\$6.00 each direction

Fee applies to all riders over 6 years of age

Rider must provide a child safety seat for all children under 6

Riders under 12 must be accompanied by an adult 18 yrs. or over

All rides are booked on a first come first serve basis

Please provide a 48 hr. advanced notice prior to desired ride

*These fares and area of service are
subject to change at any time*

Hours of operations Mon-Fri 8:00a.m.-4:00p.m.

**To schedule a ride or
for more information please call**

706-344-3603

Part H-4-3: Statement of Public Benefits

List Applicant Organization's three most important focus areas in the communities it serves for FY2022. Describe the role transit plays in those focus areas (jobs, medical, etc.).

Focus Area #1

Senior clients

Focus Area #2

Medical

Focus Area #3

Employment/after school program

What specific actions are the Applicant Organization taking to increase ridership, especially among under-served populations (Veterans, transitioning services, etc.)?

Increase public awareness, brochures to local free health clinic, and use more media related announcements.

Part H-4-4: Project Coordination

Describe how the FTA-funded services detailed in this grant application will be coordinated with social service agencies and private transportation providers in the Applicant Organization's service area. Descriptions should include, but not be limited to, coordination with DCH, DHS, employer contracts, and on-the-job training (OJT) programs. Provide detailed information on existing coordinated services and any planned coordination activities.

Continue to work with Family Connection, 9th District, Goodwill, and Good Shepherd Health Clinic.

Part I: Certification of No Intent to Charter Service

The Applicant Organization must provide the certification shown below and include the signature of the Authorized Official.

The Applicant Organization, Commissioner of Roads and Revenue of Dawson County _____ certifies that it does not intend to and will not provide charter service with Federal Transit Administration funded equipment and facilities or provide any exclusive service during the operating period of this application.

The Applicant also certifies that conveyance of government officials shall not exceed 80 hours in a given year and such services must also be reported to the Federal Transit Administration.

Signature of Authorized Official

Billy Thurmond

Printed Name of Authorized Official

Chairman

Printed Title of Authorized Official

Date

Part J: Drug-Free Workplace and Drug and Alcohol Program

Applicant Organizations that are current Section 5311 funding recipients must complete the following certification. New (or first time) Applicant Organizations may not sign this certification until their program has been approved by GDOT.

I, Billy Thurmond, Chairman, certify that
Dawson County Transit, and its contractors, as required, for the Section 5311 Rural Public Transportation Program, has established and implemented an alcohol misuse prevention program and anti-drug abuse program in accordance with the terms of 49 CFR Part 40 and Part 655. I further certify that the employee training conducted under this part meets the requirements of 49 CFR, Part 40 and Part 655.

Signature of Authorized Official

Billy Thurmond

Printed Name of Authorized Official

Chairman

Printed Title of Authorized Official

Date

Part K: Drug-Free Workplace Act Certification for Public and Private Entities

Applicant Organizations must complete the following certification and include the signature of the Authorized Official.

The Commissioner of Roads and Revenue of Dawson County, certifies that it will provide a drug-free workplace as specified in U.S. Department of Transportation's (DOT) rule, 49 CFR Part 40 and 655, which describes required procedures for conducting workplace drug and alcohol testing for FTA programs, including:

- A) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the Applicant's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- B) Establishing an ongoing drug-free awareness program to inform employees about:
 - The dangers of drug abuse in the workplace;
 - The Applicant's policy of maintaining a drug-free workplace;
 - Any available drug counseling, rehabilitation, and employee assistance programs; and, the penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- C) Making it a requirement that each employee to be engaged in the performance of the grant or cooperative agreement be given a copy of the statement required by paragraph (A);
- D) Notifying the employee in the statement required by paragraph (A) that, as a condition of employment under the grant or cooperative agreement, the employee will abide by the terms of the statement; and notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
- E) Notifying the Federal agency in writing, within ten calendar days after receiving notice under subparagraph (D) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every project officer or other designee on whose project activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification numbers(s) of each affected grant or cooperative agreement;
- F) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (D), with respect to any employee who is so convicted:
 - Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a

Federal, State, or local health, law enforcement, or other appropriate agency; and

- G) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (A), (B), (C), (D), (E), and (F).
- H) The Applicant's headquarters are located at the following address:

Name of Applicant Organization:

Name of Authorized Official:

Address:

Signature of Authorized Official

Billy Thurmond

Printed Name of Authorized Official

Chairman

Printed Title of Authorized Official

Date

Part L: Certification of Equivalent Access for Persons with Disabilities

Applicant Organization is required to sign this certification only if the organization is requesting the purchase of a vehicle without disability access features (i.e. wheelchair lift) as required in 49 CFR Part 38).

Dawson County Transit certifies that all our vehicles are purchased with disability access features.

Fill out the form below if the agency is requesting the purchase of vehicles without disability features.

I hereby certify that when viewed in its entirety, the demand-responsive transportation program of N/A provides disabled persons with access equal to that afforded to any other person in terms of the following criteria:

- Response time,
- Fares (demand response system cannot charge higher fare for wheelchair boarding),
- Geographic area of service,
- Hours and days of service,
- Restrictions based on trip purpose,
- Availability of information and reservations capabilities, and
- Constraints on capacity or service availability.

Public Demand Response Agencies: In accordance with 49 CFR 37.77, public funded entities operating demand responsive systems for the general public which receive financial assistance under Section 18 of the Federal Transit Act must file this certification with the appropriate state program office before procuring any inaccessible vehicle. Public entities receiving FTA funds under any other section of the FTA Act must file the certification with the appropriate FTA regional office.

Certified this _____ day of _____, 2022.

Signature of Authorized Official

Billy Thurmond

Printed Name of Authorized Official

Chairman

Printed Title of Authorized Official

Date

Part M: FTA Civil Rights Assurance

Applicant Organization must complete the following certification and include the signature of the Authorized Official.

The Commissioner of Roads and Revenue of Dawson County hereby certifies that, as a condition of receiving Federal financial assistance under the Federal Transit Act, the organization will ensure that:

- No person on the basis of race, color, or national origin, will be subjected to discrimination in the level and quality of transportation services and transit related benefits.
- The Commissioner of Roads and Revenue of Dawson County will compile, maintain, and submit in a timely manner Title VI information required by FTA Circular 4702.1B and in compliance with the Department of Transportation's Title VI regulation, 49 CFR Part 21.7(a).
- The Commissioner of Roads and Revenue of Dawson County will make it known to the public that those persons alleging discrimination on the basis of race, color, or national origin as it relates to the provision of transportation services and transit-related benefits may file a complaint with the Federal Transit Administration and/or the U.S. Department of Transportation.

The Applicant/Recipient assures that it will comply with the following laws and regulations so that no person in the United States will be denied the benefits of, or otherwise be subjected to discrimination in any U.S. DOT or FTA funded program or activity (particularly in the level and quality of transportation services and transportation-related benefits on the basis of race, color, national origin, religion, sex, disability, or age:

- Federal transit laws, specifically 49 U.S.C. 5332, as amended by MAP-21 (prohibiting discrimination on the basis of race, color, religion, national origin, sex, disability, or age, and in employment or business opportunity),
- Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000d,
- The Rehabilitation Act of 1973, as amended, 29 U.S.C. 794, et seq.,
- The Americans with Disabilities Act of 1990, as amended, 42 U.S.C. 12101 et seq.,
- U.S. DOT regulations, "Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964," 49 CFR part 21.7(a),
- U.S. DOT regulations, specifically 49 CFR parts 27, 37, 38, and 39, and
- Any other applicable Federal statutes that may be signed into law or Federal regulations that may be promulgated,

(Page 1 of 3)

As required by 49 CFR 21.7:

- It will comply with Federal guidance implementing Federal nondiscrimination laws and regulations, except to the extent FTA determines otherwise in writing, with 49 U.S.C. 5332, as amended by MAP-21, 42 U.S.C. 2000d, and 49 CFR Part 21 in the manner it conducts each Project, undertakes property acquisitions, and operates its Project facilities, including: its entire facilities and its facilities operated in connection with its Project. This assurance applies to your Applicant/Recipient's entire Project and to all parts of its facilities, including the facilities it operates to implement its Project,
- It will promptly take the necessary actions to carry out this assurance, including: notifying the public that discrimination complaints about transportation-related services or benefits may be filed with U.S. DOT or FTA, and submitting information about its compliance with these provisions to U.S. DOT or FTA upon their request,
- If it transfers FTA funded real property, structures, or improvements to another party, any deeds and instruments recording that transfer will contain a covenant running with the land assuring nondiscrimination: (1) while the property is used for the purpose that the Federal funding is extended, and (2) while the property is used for another purpose involving the provision of similar services or benefits,
- It will make any changes in its Title VI implementing procedures as U.S. DOT or FTA may request to comply with Title VI of the Civil Rights Act, 42 U.S.C. 2000d, U.S. DOT regulations, 49 CFR part 21, and Federal transit laws, 49 U.S.C. 5332, as amended by MAP-21,
- It will comply with Federal guidance issued to implement Federal nondiscrimination requirements, except as FTA determines otherwise in writing,
- It will extend the requirements of 49 U.S.C. 5332, as amended by MAP-21, 42 U.S.C. 2000d, and 49 CFR part 21 to each Third Party Participant, including: (1) Any Subrecipient, (2) Any Transferee, (3) Any Third Party Contractor or Subcontractor at any tier, (4) Any Successor in Interest, (5) Any Lessee, or (6) Any other Third Party Participant in its Project,
- It will include adequate provisions to extend the requirements of 49 U.S.C. 5332, as amended by MAP-21, 42 U.S.C. 2000d, and 49 CFR part 21 to each third party agreement, including: (1) Each subagreement, (2) Each property transfer agreement, (3) Each third party contract or subcontract at any tier, (4) Each lease, or (5) Each participation agreement, and

As required by U.S. DOT regulations, "Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance," 49 CFR part 27, specifically 49 CFR 27.9, and consistent with 49 U.S.C. 5307(c)(1)(D)(iii), as amended by MAP-21, the Applicant/Recipient assures that:

(Page 2 of 3)

1. It will comply with the following prohibitions against discrimination on the basis of disability, which are a condition of approval or extension of any FTA funding awarded to: (1) Construct any facility, (2) Obtain any rolling stock or other equipment, (3) Undertake studies, (4) Conduct research, or (5) Participate in or obtain any benefit from any FTA administered program, and
2. In any program or activity receiving or benefiting from Federal funding that U.S. DOT administers, no otherwise qualified people with a disability will, because of their disability, be:
 - (1) Excluded from participation, (2) Denied benefits, or (3) Otherwise subjected to discrimination.

The United States has a right to seek judicial enforcement of any matter arising under Title VI of the Civil Rights Act, 42 U.S.C. 2000d, U.S. DOT regulations, 49 CFR Part 21, and this assurance.

The assurances made will remain in effect as long as: (1) Federal funding is extended to your Project, (2) Project property is used for a purpose for which the Federal funding is extended, (3) Project property is used for a purpose involving the provision of similar services or benefits, or (4) Ownership or possession is retained of its Project property.

The person whose signature appears below is authorized to sign this assurance on behalf of the recipient.

Signature of Authorized Official

Billy Thurmond

Printed Name of Authorized Official

Chairman

Printed Title of Authorized Official

Date

Part N: Debarment and Suspension

If the Applicant Organization is requesting funding exceeding \$25,000, the Applicant must provide the following certification, including the signature of the Authorized Official.

Part N-1: Non-procurement Suspension and Debarment

U.S. DOT regulations, "Non-procurement Suspension and Debarment," 2 CFR Part 1200, which adopts and supplements the provisions of U.S. Office of Management and Budget (U.S. OMB) "Guidelines to Agencies on Government-wide Debarment and Suspension (Non-procurement)," 2 CFR part 180, permit certifications to assure the Applicant/Recipient acknowledges that:

The Applicant/Recipient certifies to the best of its knowledge and belief that, it, its principals, and first tier sub-recipients:

- a. Are eligible to participate in covered transactions of any Federal department or agency and are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded, or disqualified.
- b. Have not within a three-year period preceding its latest application or proposal been convicted of or had a civil judgment rendered against any of them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction, or contract under a public transaction, violation of any Federal or State antitrust statute, or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making any false statement, or receiving stolen property.
- c. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses listed in the preceding Section 'a' of this certification.
- d. Have not had one or more public transactions (Federal, State, or local) terminated for cause or default within a three-year period preceding this certification.
- e. Will promptly provide any information to the FTA if at a later time any information contradicts the statements of subparagraphs above, and
- f. Will treat each lower tier contract or lower tier subcontract under the Project as a covered lower tier contract for purposes of 2 CFR part 1200 and 2 CFR part 180 if it equals or exceeds \$25,000, is for audit services, or requires the consent of a Federal official.
- g. Will require that each covered lower tier contractor and subcontractor comply and facilitate compliance with the Federal requirements of 2 CFR parts 180 1200, and assure that each lower tier participant in the Project is not presently declared by any Federal department or agency to be:

(Page 1 of 2)

- Debarred from participation in the federally funded project,
- Suspended from participation in the federally funded project,
- Proposed for debarment from participation in the federally funded project,
- Declared ineligible to participate in the federally funded project,
- Voluntarily excluded from participation in the federally funded project, or
- Disqualified from participation in the federally funded Project.

The Applicant/Recipient will promptly provide a written explanation to GDOT if it or any of its principals, including any of its first tier sub-recipients or lower tier participants, is unable to certify to the preceding statements in this certification.

Signature of Authorized Official

Billy Thurmond

Printed Name of Authorized Official

Chairman

Printed Title of Authorized Official

Date

Part N-2: SAM Certification

GDOT subrecipients must verify they are current within the Federal government's System for Awards Management (SAM) before a contract can be extended. More information can be found on the SAM website: <https://www.sam.gov/SAM/pages/public/index.jsf>

Please attach a copy of the Applicant Organization's SAM certification when submitting the application package.



COUNTY OF DAWSON

Unique Entity ID EKXYK3GDEH95	CAGE / NCAGE 4YES7	Purpose of Registration Federal Assistance Awards Only
Registration Status Active Registration	Expiration Date Jun 17, 2023	
Physical Address 25 Justice WAY STE 3302 Dawsonville, Georgia 30534-3454 United States	Mailing Address 25 Justice WAY Suite 2214 Dawsonville, Georgia 30534-3434 United States	

Business Information

Doing Business as (blank)	Division Name (blank)	Division Number (blank)
Congressional District Georgia 09	State / Country of Incorporation (blank) / (blank)	URL (blank)
MPIN *****nco1		

Registration Dates

Activation Date Jun 29, 2022	Submission Date Jun 17, 2022	Initial Registration Date Jan 9, 2008
-----------------------------------------------	-----------------------------------------------	--------------------------------------------------------

Entity Dates

Entity Start Date Jan 1, 1857	Fiscal Year End Close Date Dec 31
------------------------------------------------	----------------------------------------------------

Immediate Owner

CAGE (blank)	Legal Business Name (blank)
-------------------------------	----------------------------------------------

Highest Level Owner

CAGE (blank)	Legal Business Name (blank)
-------------------------------	----------------------------------------------

Executive Compensation

In your business or organization's preceding completed fiscal year, did your business or organization (the legal entity to which this specific SAM record, represented by a Unique Entity ID, belongs) receive both of the following: 1. 80 percent or more of your annual gross revenues in U.S. federal contracts, subcontracts, loans, grants, subgrants, and/or cooperative agreements and 2. \$25,000,000 or more in annual gross revenues from U.S. federal contracts, subcontracts, loans, grants, subgrants, and/or cooperative agreements?

No

Does the public have access to information about the compensation of the senior executives in your business or organization (the legal entity to which this specific SAM record, represented by a Unique Entity ID, belongs) through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986?

Not Selected

Proceedings Questions

Is your business or organization, as represented by the Unique Entity ID on this entity registration, responding to a Federal procurement opportunity that contains the provision at FAR 52.209-7, subject to the clause in FAR 52.209-9 in a current Federal contract, or applying for a Federal grant opportunity which contains the award term and condition described in 2 C.F.R. 200 Appendix XII?

No

Does your business or organization, as represented by the Unique Entity ID on this specific SAM record, have current active Federal contracts and/or grants with total value (including any exercised/unexercised options) greater than \$10,000,000?

Not Selected

Within the last five years, had the business or organization (represented by the Unique Entity ID on this specific SAM record) and/or any of its principals, in connection with the award to or performance by the business or organization of a Federal contract or grant, been the subject of a Federal or State (1) criminal proceeding resulting in a conviction or other acknowledgment of fault; (2) civil proceeding resulting in a finding of fault with a monetary fine, penalty, reimbursement, restitution, and/or damages greater than \$5,000, or other acknowledgment of fault; and/or (3) administrative proceeding resulting in a finding of fault with either a monetary fine or penalty greater than \$5,000, or other acknowledgment of fault, reimbursement, restitution, or damages greater than \$100,000, or other

acknowledgment of fault?

Not Selected

Exclusion Summary

Active Exclusions Records?

No

SAM Search Authorization

I authorize my entity's non-sensitive information to be displayed in SAM public search results:

Yes

Entity Types**Business Types**

Entity Structure

U.S. Government Entity

Entity Type

US Local Government

Organization Factors

(blank)

Profit Structure

(blank)

Socio-Economic Types

Check the registrant's Reps & Certs, if present, under FAR 52.212-3 or FAR 52.219-1 to determine if the entity is an SBA-certified HUBZone small business concern. Additional small business information may be found in the SBA's Dynamic Small Business Search if the entity completed the SBA supplemental pages during registration.

Government Types

U.S. Local Government

County

Financial Information

Accepts Credit Card Payments

No

Debt Subject To Offset

No

EFT Indicator

0000

CAGE Code

4YES7

Electronic Funds Transfer

Account Type

Checking

Routing Number

*****2843

Lock Box Number

(blank)

Financial Institution

UNITED COMMUNITY BANK,INC

Account Number

*****g

Automated Clearing House

Phone (U.S.)

7063443501

Email

vneikirk@dawsoncounty.org

Phone (non-U.S.)

(blank)

Fax

7063443504

Remittance Address

COMMISSIONER OF ROADS AND REVENUE

DAWSON COUNTY

25 Justice WAY

Suite 2313

Dawsonville, Georgia 30534

United States

Taxpayer Information

EIN

*****1882

Type of Tax

Applicable Federal Tax

Taxpayer Name

COMMISSIONER OF ROADS AND
REVENUE DAWSON COUNTY

Tax Year (Most Recent Tax Year)

2019

Name/Title of Individual Executing Consent

Chief Financial Officer

TIN Consent Date

Jun 17, 2022

Address

Signature

82

25 Justice WAY STE 2313
Dawsonville, Georgia 30534

VICKIE NEIKIRK

Points of Contact

Accounts Receivable POC

♀
Laurie Whalen
lwhalen@dawsoncounty.org
7063443501

Electronic Business

♀
Vickie Neikirk
vneikirk@dawsoncounty.org
7063443501

25 Justice WAY
Suite 2214
Dawsonville, Georgia 30534
United States

NATALIE JOHNSON
NJOHNSON@DAWSONCOUNTY.ORG
7063443501

25 Justice WAY
Suite 2214
Dawsonville, Georgia 30534
United States

Government Business

♀
Vickie Neikirk
vneikirk@dawsoncounty.org
7063443501

25 Justice WAY
Suite 2214
Dawsonville, Georgia 30534
United States

Security Information

Company Security Level
(blank)

Highest Level Employee Security Level
(blank)

Service Classifications

NAICS Codes

Primary	NAICS Codes	NAICS Title

Size Metrics

IGT Size Metrics

Annual Revenue (from all IGTs)
(blank)

Worldwide

Annual Receipts (in accordance with 13 CFR 121) (blank)	Number of Employees (in accordance with 13 CFR 121) (blank)

Location

Annual Receipts (in accordance with 13 CFR 121) (blank)	Number of Employees (in accordance with 13 CFR 121) (blank)

Industry-Specific

Barrels Capacity (blank)	Megawatt Hours (blank)	Total Assets (blank)

Electronic Data Interchange (EDI) Information

This entity did not enter the EDI information

Disaster Response

This entity does not appear in the disaster response registry.

Part O: Disadvantaged Business Enterprise (DBE) Semi-Annual Reporting

The Applicant Organization must complete the following certification that it will provide the required semi-annual DBE reports to GDOT on May 1st and November 1st of each year.

The Applicant, N/A will provide the required FTA Semi-Annual Disadvantaged Business Enterprise (DBE) Program Report, referred to as the Uniform Report of DBE Commitments/Award and Payments is a requirement of 49 CFR Part 26. The semi-annual DBE report is a spreadsheet that captures a detailed breakdown of DBE participation in the Georgia Department of Transportation's DBE program.

Authorized Official

Billy Thurmond

Printed Name of Authorized Official

Chairman

Printed Title of Authorized Official

Date

Part P: Lobbying Restrictions

The lobbying requirements apply to all contracts and subcontracts of \$100,000 or more at any tier under a Federal grant. If any funds other than Federally appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this agreement, the payor must complete and submit the Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federally appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federally appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code . Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Signature of Subrecipient's Authorized Official

Billy Thurmond

Printed Name of Authorized Official

Chairman

Printed Title of Authorized Official

Date

Part Q: FTA Certifications and Assurances

As part of this grant application package, all applicants must attach a signed copy of the most recent available FTA Certifications and Assurances (FY 2022) included as the following two pages.

- The full FTA FY 2022 Certifications and Assurances document is available at:
<https://www.transit.dot.gov/sites/fta.dot.gov/files/2022-02/FY22-certifications.pdf>
- The FTA FY 2022 Certifications and Assurances sheet listing all of the relevant documents should be marked with a check mark (v) showing that ALL categories numbered 01 through 21 are being certified by your organization, or indicate which of the categories are applicable.
- Original signatures must be placed on the FTA Fiscal Year 2022 Certifications and Assurances page which includes the "Affirmation of Applicant" and "Affirmation of the Applicant's Attorney".

FEDERAL FISCAL YEAR 2022 CERTIFICATIONS AND ASSURANCES FOR FEDERAL TRANSIT ADMINISTRATION ASSISTANCE PROGRAMS

Name of Applicant: Commissioner of Roads and Revenue of Dawson County

The Applicant agrees to comply with applicable provisions of Categories 01 – 21. ☒

OR

The Applicant agrees to comply with applicable provisions of the Categories it has selected:

Category Description

- | | | |
|-----|----------------------------------------------------------------------------------------------------------------------------|--------------------------|
| 1. | Certifications and Assurances Required of Every Applicant | <input type="checkbox"/> |
| 2. | Public Transportation Agency Safety Plans | <input type="checkbox"/> |
| 3. | Tax Liability and Felony Convictions | <input type="checkbox"/> |
| 4. | Lobbying | <input type="checkbox"/> |
| 5. | Private Sector Protections | <input type="checkbox"/> |
| 6. | Transit Asset Management Plan | <input type="checkbox"/> |
| 7. | Rolling Stock Buy America Reviews and Bus Testing | <input type="checkbox"/> |
| 8. | Urbanized Area Formula Grants Program | <input type="checkbox"/> |
| 9. | Formula Grants for Rural Areas | <input type="checkbox"/> |
| 10. | Fixed Guideway Capital Investment Grants and the Expedited
Project Delivery for Capital Investment Grants Pilot Program | <input type="checkbox"/> |
| 11. | Grants for Buses and Bus Facilities and Low or No Emission
Vehicle Deployment Grant Programs | <input type="checkbox"/> |
| 12. | Enhanced Mobility of Seniors and Individuals with Disabilities Programs | <input type="checkbox"/> |
| 13. | State of Good Repair Grants | <input type="checkbox"/> |
| 14. | Infrastructure Finance Programs | <input type="checkbox"/> |
| 15. | Alcohol and Controlled Substances Testing | <input type="checkbox"/> |
| 16. | Rail Safety Training and Oversight | <input type="checkbox"/> |
| 17. | Demand Responsive Service | <input type="checkbox"/> |
| 18. | Interest and Financing Costs | <input type="checkbox"/> |
| 19. | Cybersecurity Certification for Rail Rolling Stock and Operations | <input type="checkbox"/> |
| 20. | Tribal Transit Programs | <input type="checkbox"/> |
| 21. | Emergency Relief Program | <input type="checkbox"/> |

FEDERAL FISCAL YEAR 2022 FTA CERTIFICATIONS AND ASSURANCES SIGNATURE PAGE

(Required of all Applicants for federal assistance to be awarded by FTA in FY 2024)

AFFIRMATION OF APPLICANT

Name of the Applicant:

Commissioner of Roads and Revenue of Dawson County

BY SIGNING BELOW, on behalf of the Applicant, I declare that it has duly authorized me to make these Certifications and Assurances and bind its compliance. Thus, it agrees to comply with all federal laws, regulations, and requirements, follow applicable federal guidance, and comply with the Certifications and Assurances as indicated on the foregoing page applicable to each application its Authorized Representative makes to the Federal Transit Administration (FTA) in federal fiscal year 2022, irrespective of whether the individual that acted on his or her Applicant's behalf continues to represent it.

FTA intends that the Certifications and Assurances the Applicant selects on the other side of this document should apply to each Award for which it now seeks, or may later seek federal assistance to be awarded during federal fiscal year 2023.

The Applicant affirms the truthfulness and accuracy of the Certifications and Assurances it has selected in the statements submitted with this document and any other submission made to FTA, and acknowledges that the Program Fraud Civil Remedies Act of 1986, 31 U.S.C. § 3801 et seq., and implementing U.S. DOT regulations, "Program Fraud Civil Remedies," 49 CFR part 31, apply to any certification, assurance or submission made to FTA. The criminal provisions of 18 U.S.C. § 1001 apply to any certification, assurance, or submission made in connection with a federal public transportation program authorized by 49 U.S.C. chapter 53 or any other statute.

In signing this document, I declare under penalties of perjury that the foregoing Certifications and Assurances, and any other statements made by me on behalf of the Applicant are true and accurate.

Signature _____ Date: _____

Name Billy Thurmond

Authorized Representative of Applicant

For: Commissioner of Roads and Revenue of Dawson County

As the undersigned Attorney for the above-named Applicant, I hereby affirm to the Applicant that it has authority under state, local, or tribal government law, as applicable, to make and comply with the Certifications and Assurances as indicated on the foregoing pages. I further affirm that, in my opinion, the Certifications and Assurances have been legally made and constitute legal and binding obligations on it.

I further affirm that, to the best of my knowledge, there is no legislation or litigation pending or imminent that might adversely affect the validity of these Certifications and Assurances, or of the performance of its FTA assisted Award.

Signature _____ Date: _____

Name _____

Attorney for Applicant

Each Applicant for federal assistance to be awarded by FTA must provide an Affirmation of Applicant's Attorney pertaining to the Applicant's legal capacity. The Applicant may enter its electronic signature in lieu of the Attorney's signature within TrAMS, provided the Applicant has on file and uploaded to TrAMS this hard-copy Affirmation, signed by the attorney and dated this federal fiscal year.

Part R: Americans with Disabilities Act Checklist

Is our Section 5311 Rural Transit System Compliant with the Americans with Disabilities Act (ADA)?

- ☒ We offer curb to curb service for ADA passengers, as needed
- ☐ We do not charge passengers for no-shows. Our No-Show Policy suspension never exceeds 30 days.
- ☐ Cancellations made with less than 1-2 hours prior to pick-up can be considered no-shows.
- ☐ Our written No-Show policy for suspensions (if have one) is based on the percentage that a passenger rides overall, not on monthly occurrences.
- ☐ Have we documented any ADA complaints from public transit system users?
- ☒ Do we have enough wheelchair lift-equipped vehicles to meet our demand?
- ☒ During peak times when/if our capacity cannot meet demand, are disabled passengers not denied service more often than non-disabled passengers?
- ☒ Our drivers test the wheelchair lifts before starting service each day.
- ☒ Our system accepts all types of wheelchairs for transport if wheelchair and passenger combined do not exceed the weight capacity of the lift and fits on the lift platform.
- ☒ When we have a wheelchair lift failure, the repairs are completed quickly (within five days) so that our service to disabled passengers is not disrupted.
- ☒ We offer the same service to disabled and non-disabled passengers as described below:
- ☒ We have the same hours of operation for services for disabled and non-disabled persons.
- ☒ We have the same reservation time requirements, such as 24 hour notice, etc. for all passengers.
- ☒ We do not charge a higher fare for ADA passengers as for other passengers.
- ☒ Our disabled passengers are permitted to travel to all places that our non-disabled passengers can go.
- ☒ We allow service animals on the buses if they are assisting the passenger.
- ☒ We allow passengers to travel with their portable oxygen supply.
- ☒ We do not require disabled passengers to sit in designated seats if they do not wish to do so.
- ☒ We allow passengers bring their mobility aids on the buses (such as crutches, canes, walkers, etc.).
- ☒ Our drivers are trained to assist disabled passengers.
- ☒ Our drivers are familiar with the 800 lb. or 1,000 lb. weight limit of the wheelchair lifts and that all types of wheelchairs must be accommodated (scooters, etc), unless weight capacity is exceeded.
- ☒ Passengers who have difficulty using stairs are allowed to stand and ride up the lift as standees.
- ☒ Our drivers properly use the wheelchair securement systems on our vehicles.
- ☒ Smoking is prohibited on our vehicles.
- ☒ We have ADA-standard operating procedures and all of our employees are trained and familiar with them.



Billy Thurmond

Print Name

Signature and Date

(Must be signed by the authorized Transit ADA Representative for your system)

¹ **ADA rule** provides that transit operators must carry a wheelchair and occupant if the lift and vehicle can physically accommodate them, unless doing so is inconsistent with **legitimate safety requirements**. "**Legitimate safety requirements**" include such circumstances as a mobility device of such size that it would block an aisle or would interfere with the safe evacuation of passengers in an emergency, or weight exceeds lift capacity.

Part S: Financial Certifications

The GDOT Transit Department has recently finalized our Financial Management Policy requirements and have held multiple trainings on this subject so that our subrecipients understand and abide by the federal requirements of 2 CRR Part 200.

Please complete the following Financial Certification if you will be charging any indirect costs to your transit project.

Please only complete the certification for the type of entity making application i.e. "governmental or private-non profit".

If you have an approved De minimis Cost Allocation Plan, please include a full copy of that plan in your application

If you wish to charge indirect costs using the simplified method, please complete the "GDOT Modified Total Direct Cost Certification"

If GDOT is your cognizant agency, you may choose to use the Modified Total Direct Cost Plan which is a simplified method for determining your indirect cost basis.

Financial System Certification - Certification of Indirect Cost Rate

Proposal

To be completed annually by "Governmental Entities" charging Indirect Costs

Certification of Financial Management System:

I, the undersigned, certify that N/A has a financial management system that accumulates and segregates direct costs (costs that can be specifically identified to a final cost objective, e.g., a project, program, or other direct activity of an organization) from indirect costs (costs incurred for a common or joint purpose benefitting more than one final cost objective, e.g. administrative costs such as clerical support, human resources, accounting, payroll, financial audits, rent, utilities, supplies, vehicle expense, executive management that are not readily assignable to the final cost objectives specifically benefitted, without effort disproportionate to the results achieved) and by project/activity, that are allowable in accordance with Title 2 Code of Federal Regulations Part 200 (2 CFR § 200).

I certify the agency's financial management system has the following attributes:

- Account numbers identifying allowable direct, indirect, and unallowable cost accounts.
- Ability to accumulate and segregate allowable direct, indirect, and unallowable costs into different cost accounts.
- Ability to accumulate and segregate allowable direct costs by project, funding source, and type of cost (e.g., labor, consulting, pass-thru, or other).
- Internal controls to maintain integrity of financial management system.
- Ability to consistently record and report costs as described in 2 CFR § 200.403.
- Ability to ensure costs billed are in compliance with 2 CFR § 200.
- Ability to ensure costs billed reconcile to general ledgers and job costing ledgers.
- Ability to ensure costs are in compliance with contract terms and federal and state requirements.

I also certify that the types of records that are used to support the existence of these attributes include the following:

- General ledger and job costing ledgers.
- Subsidiary general ledgers.
- Chart of accounts.
- Audited financial statements.
- Time keeping records.
- Documents supporting actual costs (e.g., invoices, canceled checks).
- Accounting policy and procedure manuals specific to the agency.

This is to certify that I have reviewed the indirect cost rate proposal submitted herewith and to the best of my knowledge and belief:

All costs included in this application proposal _____ to establish billing or final indirect costs rates for the period of _____ are allowable in accordance with the requirements of the Federal award(s) to which they apply and the provisions of 2 CFR Part 200.19. Unallowable costs have been adjusted for, in allocating costs as indicated in the indirect cost proposal.

All costs included in this proposal are properly allocable to Federal awards on the basis of a beneficial or causal relationship between the expenses incurred and the subsequent agreements to which they are allocated in accordance with applicable requirements. Further, the same costs that have been treated as indirect costs have not been claimed as direct costs. Similar types of costs have been accounted for consistently and the Federal government cognizant agency will be notified of any accounting changes that would affect the predetermined rate.

I, hereby, declare that the foregoing is true and correct.

N/A

Governmental Unit / Subrecipient
Name

Signature

Official Name

Title

Date of Execution of ICRP

Financial System Certification and Certification of Indirect Cost Proposal

To be completed annually by "Non-Profit Organizations" charging Indirect Costs

Certification of Financial Management System:

I, the undersigned, certify that N/A has a financial management system that accumulates and segregates direct costs (costs that can be specifically identified to a final cost objective, e.g., a project, program, or other direct activity of an organization) from indirect costs (costs incurred for a common or joint purpose benefitting more than one final cost objective, e.g. administrative costs such as clerical support, human resources, accounting, payroll, financial audits, rent, utilities, supplies, vehicle expense, executive management that are not readily assignable to the final cost objectives specifically benefitted, without effort disproportionate to the results achieved) and by project/activity, that are allowable in accordance with Title 2 Code of Federal Regulations Part 200 (2 CFR § 200).

I certify the agency's financial management system has the following attributes:

- Account numbers identifying allowable direct, indirect, and unallowable cost accounts.
- Ability to accumulate and segregate allowable direct, indirect, and unallowable costs into different cost accounts.
- Ability to accumulate and segregate allowable direct costs by project, funding source, and type of cost (e.g., labor, consulting, pass-thru, or other).
- Internal controls to maintain integrity of financial management system.
- Ability to consistently record and report costs as described in 2 CFR § 200.403.
- Ability to ensure costs billed are in compliance with 2 CFR § 200.
- Ability to ensure costs billed reconcile to general ledgers and job costing ledgers.
- Ability to ensure costs are in compliance with contract terms and federal and state requirements.

I also certify that the types of records that are used to support the existence of these attributes include the following:

- General ledger and job costing ledgers.
- Subsidiary general ledgers.
- Chart of accounts.
- Audited financial statements.
- Time keeping records.
- Documents supporting actual costs (e.g., invoices, canceled checks).
- Accounting policy and procedure manuals specific to the agency.

This is to certify that I have reviewed the indirect cost rate proposal submitted herewith and to the to the best of my knowledge and belief:

All costs included in this application proposal date of _____ 20____ to
establish billing or final indirect (F&A) costs rate for the Fiscal Year period beginning
_____ 20____ to _____ 20____ are allowable in accordance
with the requirements of the Federal awards to which they apply and with Subpart E—Cost
Principles of Part 23 “Cost Principles for Nonprofit Organization”.

This proposal does not include any costs which are unallowable under Subpart E—Cost Principles
of Part 200 such as (without limitation): public relations costs, contributions and donations,
entertainment costs, fines and penalties, lobbying costs, and defense of fraud proceedings; and

All costs included in this proposal are properly allocable to Federal awards on the basis of a
beneficial or causal relationship between the expenses incurred and the Federal awards to which
they are allocated in accordance with applicable requirements.

I declare that the foregoing is true and correct.

Nonprofit Organization

Signature

Name of Official

Title

Date of Execution

Deminimus Cost Allocation Plan

For Recovery of Indirect Costs for a Federal Grant Award

Certification of Financial Management System:

I, the undersigned, certify that N/A has a financial management system that accumulates and segregates direct costs (costs that can be specifically identified to a final cost objective, e.g., a project, program, or other direct activity of an organization) from indirect costs (costs incurred for a common or joint purpose benefitting more than one final cost objective, e.g. administrative costs such as clerical support, human resources, accounting, payroll, financial audits, rent, utilities, supplies, vehicle expense, executive management that are not readily assignable to the final cost objectives specifically benefitted, without effort disproportionate to the results achieved) and by project/activity, that are allowable in accordance with Title 2 Code of Federal Regulations Part 200 (2 CFR § 200).

I certify the agency's financial management system has the following attributes:

- Account numbers identifying allowable direct, indirect, and unallowable cost accounts.
- Ability to accumulate and segregate allowable direct, indirect, and unallowable costs into different cost accounts.
- Ability to accumulate and segregate allowable direct costs by project, funding source, and type of cost (e.g., labor, consulting, pass-thru, or other).
- Internal controls to maintain integrity of financial management system.
- Ability to consistently record and report costs as described in 2 CFR § 200.403.
- Ability to ensure costs billed are in compliance with 2 CFR § 200.
- Ability to ensure costs billed reconcile to general ledgers and job costing ledgers.
- Ability to ensure costs are in compliance with contract terms and federal and state requirements.

I also certify that the types of records that are used to support the existence of these attributes include the following:

- General ledger and job costing ledgers.
- Subsidiary general ledgers.
- Chart of accounts.
- Audited financial statements.
- Time keeping records.
- Documents supporting actual costs (e.g., invoices, canceled checks).
- Accounting policy and procedure manuals specific to the agency.

Certification of Eligibility:

I, the undersigned, certify that N/A is eligible to use the 10% *de minimis* indirect cost rate as the organization has:

1. Received less than \$35 million in direct federal funding for the fiscal year requested and each fiscal year thereafter.

Finally, I understand:

The de minimis rate of 10% is to be applied to Modified Total Direct Costs which means all direct salaries and wages, applicable fringe benefits, materials and supplies, services, travel, and up to the first \$25,000 of each subaward (regardless of the period of performance of the subawards under the award). Modified Total Direct Cost excludes equipment, capital expenditures, rental costs, and the portion of each subaward in excess of \$25,000. Other items may only be excluded when necessary to avoid a serious inequity in the distribution of indirect costs, and with the approval of the cognizant agency for indirect costs.

Costs must be consistently charged as either indirect or direct but may not be double charged or inconsistently charged as both.

The proper use and application of the de minimis rate is the responsibility of

N/A and GDOT reserves the right to perform an audit to ensure compliance with 2 CFR § 200 and agreements with GDOT. If it is determined that

N/A inconsistently charged costs, or is otherwise not in compliance

with 2 CFR § 200, N/A may be required to reimburse GDOT for any identified overbilling.

N/A's schedule of expenditures of federal awards must include a note on whether it elected to use the 10% *de minimis* cost rate in accordance with 2 CFR 200 § 200.510(b)(6).

Certification

By signing this declaration, I certify to the best of my knowledge and belief that the information is true, complete, and accurate. I am aware that any false, fictitious, or fraudulent information, or the omission of any material fact, may subject me to criminal, civil or administrative penalties for fraud, false statements, false claims or otherwise. (U.S. Code Title 18, Section 1001 and Title 31, Sections 3729-3730 and 3801-3812).

N/A

Name of Non-Federal Entity

Signature of Authorized Official*

Name (Printed)

Title

Date

Telephone

E-mail

*(Must be executive, financial officer, or equivalent of entity)

Part U: TAMP Accountable Executive Form

GDOT GROUP TRANSIT ASSET MANAGEMENT (TAM) PLAN

PARTICIPANT ACCOUNTABLE EXECUTIVE APPROVAL FORM

FY 2022 TAM PERFORMANCE TARGETS

As the Accountable Executive for the below-named Participant in the Group Transit Asset Management (TAM) Plan sponsored by the Georgia Department of Transportation (GDOT), I hereby approve the FY 2022 TAM Performance Targets on behalf of the Participant transit provider organization.

Participant Organization Name: Commissioner of Roads and Revenue of Dawson County

Transit Provider Name (if/ different): Dawson County Transit

FTA Program Subgroup (check all that apply):

☒ 5311 Rural

☐ 5307 Urban

Did the Accountable Executive change from the FY2021 named AE?

Yes ☐

No ☒

Name of Accountable Executive: Billy Thurmond

Signature of Accountable Executive: _____

Title: Chairman

Date: _____

Enclosure

Part U: Equal Employment Opportunity Questionnaire

The FTA Master Agreement requires all applicants, recipients, subrecipients and contractors receiving funding to comply with applicable Federal civil rights laws and regulations and to follow applicable Federal guidance. FTA applicants, recipients, subrecipients and contractors who meet both of the following threshold requirements must implement the EEO Program elements (FTA C 4704.1A Chapter 2.2)

This requirement applies to state-administered programs covered by Federal Transit Laws and FTA Master Agreement funding categories under 5310 – Enhanced Mobility of Seniors and Individuals with Disabilities; 5311 – Rural formula grants for Rural Areas; 5339 – Bus and Bus facilities; 5307 – Urbanized Area formula grants; and 5303, 5304 and 5305 – Metropolitan and Statewide Planning funds.

All FTA applicants, recipients, subrecipients and contractors who do not meet the EEO Program threshold are not required to submit an EEO Program. However, they are still required to comply with all Equal Employment Opportunity statutes and regulations.

A recipient is required to submit a full or abbreviated EEO Program based on the number of its transit-related employees and whether it reaches a monetary threshold. Transit related employees include temporary, full-time, or part-time employees.

- Employs 100 or more transit related employees (requires a full EEO Program)
 - Employs 50 or more transit-related employees; (requires an abbreviated EEO program)
- And:
- Requests or receives capital or operating assistance in excess of \$1 million in the previous Federal fiscal year or requests or receives planning assistance in excess of \$250,000 in the previous Federal fiscal year.

Example: If 'ABC Transit' is a direct subrecipient and has 22 employees, it does not meet the threshold. If 'ABC Transit' subcontracts with a *Third-Party Operator* each entity is considered separately. If 'ABC Transit' with 22 employees, contracts with two agencies, one with 25 employees, and one with 52 employees (i.e. $22+25=52$), then *ABC Transit* would not be required to have an EEO Program, but the contracted agency with 52 employees would be required to develop and submit to 'ABC Transit' an abbreviated EEO Program.

EEO Program Components (Full EEO Program)

- Statement of Policy
- Dissemination
- Designation of Personnel Responsibility
- Utilization Analysis
- Goals and Timetables
- Assessment of Employment Practices
- Monitoring and Reporting

Abbreviated EEO Program Components

- Statement of Policy
- Dissemination Plan
- Designation of Personnel Responsibility
- Assessment of Employees Practices
- Monitoring and Reporting Plan

Please complete all fields annually and submit to GDOT Transit Department:

Name of Transit Organization Dawson County Transit

Type: ☐ MPO ☒ Transit Agency ☐ Third-Party Contractor

1. How many transit related employees do you have in your organization? _____
(A transit related employee is an employee of an FTA applicant, recipient, or subrecipient who is involved in an aspect of an agency's mass transit operation funded by FTA. For example, a city planner involved in a planning bus routes would be counted, but a city planner involved in land use would not be counted)
2. How much did your organization receive in capital or operating assistance the previous federal fiscal year? \$ _____
3. How much did your organization receive in planning assistance the previous federal fiscal year? \$ _____
4. Has your agency submitted a full EEO Program/or abbreviated program to GDOT based on the thresholds noted? ☐ Yes ☐ No
5. If yes, what is the date of your last submission? _____
6. Do you contract out any of your transit services? ☐ Yes ☐ No.
If yes,
 - a. What is the name of the agency(ies)? _____
 - b. How much did the agency receive in capital or operating assistance? \$ _____
 - c. How many transit employees does the agency have? _____
 - d. Did the contracting agency submit an EEO Program to you? ☐ Yes ☐ No
If yes, what is the date of their last EEO Program submission? _____

I certify that the foregoing is true and correct.

Signature _____

Title: _____

Date _____



DAWSON COUNTY BOARD OF COMMISSIONERS AGENDA FORM

Department: Parks & Recreation

Work Session: 10/20/2022

Prepared By: Matt Payne

Voting Session: 10/20/2022

Presenter: Matt Payne

Public Hearing: Yes ☐ No ☒

Agenda Item Title: Presentation of

Background Information:

Facilitate discussion concerning lake parks in Dawson County. Corps of Engineers has presented Dawson County with a couple of options concerning the addition of parks into the Dawson County Parks & Recreation system.

Current Information:

N/A

Budget Information: Applicable: ☐ Not Applicable: ☒ Budgeted: Yes ☐ No ☐

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

Recommendation/Motion: _____

Department Head Authorization: _____

Date: _____

Finance Dept. Authorization: Vickie Neikirk

Date: 10/13/22

County Manager Authorization: David Headley

Date: 10-13-2022

County Attorney Authorization: _____

Date: _____

Comments/Attachments:

LAKE LANIER / CORPS NEGOTIATION

Thompson Creek / Nix Bridge
Toto Creek Campground





















Staff Request

The Recreation and Parks Department respectfully requests that the board consider a resolution to allow the Recreation Department, under the leadership of the county manager, to enter into negotiations with the Corps of Engineers to facilitate lease agreements for Thompson Creek Park, Toto Creek Park, and Nix Bridge Park.



DAWSON COUNTY BOARD OF COMMISSIONERS AGENDA FORM

Department: Planning and Development

Work Session: October 20, 2022

Prepared By: Robbie Irvin _____

Voting Session: November 3, 2022

Presenter: Robbie Irvin _____

Public Hearing: Yes _____ No X

Agenda Item Title: Approval for Chairman's Signature on NOI.

Background Information:

Dawson County must provide Georgia EPD with an updated Notice of Intent (NOI) for our mandated Municipal Separate Storm Sewer System (MS4) program.

Current Information:

This form must be completed and submitted to EPD at least 30 days prior to the expiration date of the 2017 Phase II Small MS4 permit. The 2017 Phase II Small MS4 permit is due to expire on December 5, 2022.

Budget Information: Applicable: _____ Not Applicable: _____ Budgeted: Yes _____ No _____

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

Recommendation/Motion: _____

Department Head Authorization: _____

Date: 10-10-22

Finance Dept. Authorization: _____

Date: 10/11/22

County Manager Authorization: _____

Date: 10/11/22

County Attorney Authorization: _____

Date: _____

Comments/Attachments:

GEORGIA NOTICE OF INTENT (NOI)

General NPDES Permit No. GAG610000 for
Phase II Municipal Separate Storm Sewer Systems (MS4)

1. General Information

- A. Name of small MS4: Dawson County_____
- B. If the MS4 is a City, provide the County where located: N/A_____
- C. Name of responsible official: Mr. Billy Thurmond_____
Title: Chairman, Dawson County Board of Commissioners_____
Mailing Address: 25 Justice Way_____
City: Dawsonville_____ State: GA_____ Zip Code: 30534_____
Telephone Number: 706-344-3500_____
Email Address: bthurmond@dawsoncountygga.gov_____
- D. Designated stormwater management program contact:
Name: Mr. Robbie Irvin_____
Title: Planner/Stormwater Manager_____
Mailing Address: 25 Justice Way_____
City: Dawsonville_____ State: GA_____ Zip Code: 30534_____
Telephone Number: _____
Email Address: _____
- E. Provide the river basin(s) to which your MS4 discharges: Etowah River-
ACT-River Basin and the Upper Chattahoochee River sub-basin of the
Apalachicola-Chattahoochee-Flint River Basin_____
- F. Provide the latitude and longitude of the MS4 center (e.g. City Hall,
County offices, MS4 mailing address) using Global Positioning System
(GPS) – WGS84:
Latitude: 34.423333 N_____ Longitude: 84.119444 W_____

2. Sharing Responsibility

- A. Has another entity agreed to implement a control measure or BMP on your
behalf? _____ No _____ (If No, skip to Part 3)

Control Measure #1:

1. Name of entity _____

2. Control measure or component of control measure to be implemented by entity on your behalf: _____

B. Attach an additional page if necessary to list additional shared responsibilities. **It is mandatory that you submit a copy of a written agreement between your MS4 and the other entity demonstrating written acceptance of responsibility.**

3. **Certification Statement**

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based upon my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Printed Name: Billy Thurmond Date: _____

Signature: _____ Title: Chairman Dawson County BOC



DAWSON COUNTY BOARD OF COMMISSIONERS AGENDA FORM

Department: **Planning & Development**

Work Session: October 20, 2022

Prepared By: S. Farrell

Voting Session: November 3, 2022

Presenter: Sharon Farrell

Public Hearing: **No**

Agenda Item Title: **Sunset Clause – incorporation into additional Land Use categories.**

Background Information:

The Long Range Planning Committee (LRPC) has evaluated the benefits of having a Sunset Clause for zoning applications that are approved – then no land disturbance plans are proposed or approved after a specific period of time. At present, language is provided for properties zoned to Residential Planned Community (RPC). Staff is seeking the BOC's direction regarding this policy.

Current Information:

Land Use 121-72 : Lapse of approval shall occur two years after the approval of the development plan or if the applicant fails to reasonably maintain the development schedule (delay over six months for any phase of the project without satisfactory explanation). The planning commission may extend approval for one year at its discretion. Upon lapse of approval, all approved documents shall be revoked and the area shall be returned to the previous district classification following appropriate notice, hearings and approvals of the board of commissioners. The developer shall receive a minimum of 60 days' notice of intent to revoke approval prior to initiating the application.

Budget Information: Applicable: _____ Not Applicable: _____ Budgeted: Yes _____ No _____

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

Recommendation/Motion: _____

Department Head Authorization: Sharon O. Farrell

Date: October 3, 2022

Finance Dept. Authorization: Vickie Neikirk

Date: 10/11/22

County Manager Authorization: David Headley

Date: 10-11-2022

County Attorney Authorization: _____

Date: _____

Comments/Attachments:

DAWSON COUNTY LONG RANGE PLANNING COMMITTEE MINUTES
WEDNESDAY, MAY 25, 2022
DAWSON COUNTY GOVERNMENT COMPLEX
ADMINISTRATIVE TRAINING ROOM

Present were: Terri Tragesser, Steve Pawlik, Cal Miller, Emily Bagwell, Sharon Farrell, Jim Braley, Mandy Powers and Kevin Herrit.

Absent: Jane Graves, Gary Pichon

Meeting called to order by chairperson Terri Tragesser at 11:05 AM.

Introductions: The Chair introduced Jim Braley as a prospective new member representing Big Canoe. His appointment is in process through the Board of Commissioners.

Mandy Powers introduced the newly hired Director of Dawson County's Development Authority, Kevin Herrit.

Minutes of the April 27th meeting were reviewed and upon motion from Steve Pawlik and seconded by Emily Bagwell, they were approved as submitted.

Old Business:

The benefits of a Sunset Provision for Dawson County were clearly identified during discussion as follows:

- Reduce spec zoning requests
- Allow for a more predictable flow of projects coming thru the county's development process
- Provide a better forecasting environment for transportation, public works and all county service delivery including in addition to Etowah water/sewer demand
- Provide possible self-correcting land use inconsistencies

A review of several surrounding county sunset provisions was conducted with a goal to better manage infrastructure demand and volume predictability going forward. The Committee felt the Forsyth County provision would best serve the needs of Dawson County with modifications as recommended by staff and legal counsel.

The committee noted that any terms used in the provision should be clearly defined as part of the provision such as:

Land disturbance
Constitutional zoning

The committee had concerns about the last sentence in the Forsyth provision and recommended close staff and legal review.

Nothing contained within this paragraph shall impair or otherwise limit the board's authority to initiate a rezoning of property at any time subject only to vested right considerations.

There was discussion on the 18 month time line. Following input from staff, development interests, and committee input, the 18 month time line was considered ample time for a project to go from rezoning approval to the land disturbance phase.

Forsyth County

Any approved rezoning of property, to include approval of a conditional use permit, where there has been no application for land disturbance permit submitted within eighteen months from the date of zoning approval shall result in a notice being delivered to the owner and the zoning applicant, if different, advising that a county-initiated rezoning to a

constitutional zoning designation for the subject property may occur if no land disturbance permit application is tendered within thirty days of said notice. Upon no land disturbance permit application being tendered within the timelines set forth in this paragraph, the property shall be placed upon a board agenda for consideration of a county-initiated rezoning. **Nothing contained within this paragraph shall impair or otherwise limit the board's authority to initiate a rezoning of property at any time subject only to vested right considerations.**

Upon proper motion and approval, the Committee recommended that a Sunset Provision be recommended to the BOC for development and implementation in Dawson County and in the shortest time possible utilizing the Forsyth example as a base starting point. It was noted that this provision would only apply to those rezoning approvals going forward and would not impact previously approved zoning requests.

Next LRPC meeting will be held on Wednesday, June 22, 2022.

Meeting adjourned at 12:15 P.M.

Cal Miller
Acting Secretary



DAWSON COUNTY BOARD OF COMMISSIONERS AGENDA FORM

Department: Planning & Development

Work Session: 10/20/2022

Prepared By: S.O. Farrell

Voting Session: 10/20/2022

Presenter: Sharon Farrell, Director

Public Hearing: Yes

Agenda Item Title: Presentation of Annual CIE Transmittal

Background Information:

To continue the impact fee program, Dawson County is responsible for preparing annual updates of the Capital Improvements Element. This report is prepared for review by the Board of Commissioners for transmittal to the Georgia Mountains Regional Commission for compliance review by both the state Department of Community Affairs and Georgia Mountains Regional Commission.

Current Information:

Once the report is determined to be in compliance with the Georgia Development Impact Fee Act and approved by the Department of Community Affairs, Board of Commissioner approval will be requested to adopt and update and notify Georgia Mountains Regional Commission of official adoption.

Budget Information: Applicable: _____ Not Applicable: ☒ Budgeted: Yes _____ No _____

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

Recommendation/Motion: Approve for transmittal

Department Head Authorization: S.O. Farrell

Date: September 29, 2022

Finance Dept. Authorization: Vickie Neikirk

Date: 10/11/22

County Manager Authorization: David Headley

Date: 10-11-2022

County Attorney Authorization: _____

Date: _____

Attachments:

2021 Annual Impact Fee Report
2022 CIE Update
Resolution of submittal
Transmittal Cover letter

2021

DAWSON COUNTY

Annual Impact Fee Financial Report - Fiscal Year 2021

	Libraries	Fire Protection	Detention	Roads	Parks & Recreation	Admin-istration	TOTAL
Service Area	County wide	County wide	County wide	GA400 Corridor	County wide		
Impact Fee Fund Balance January 1, 2021	\$470,190.39	\$233,621.52	\$46,143.87	\$184,306.11	\$947,518.31	\$15,902.08	\$1,897,682.28
Impact Fees Collected (January 1, 2021 through December 31, 2021)	\$452,297.76	\$170,771.40	\$0.00	\$71,754.00	\$1,436,639.20	\$63,937.79	\$2,195,400.15
<i>Subtotal: Fee Accounts</i>	<i>\$922,488.15</i>	<i>\$404,392.92</i>	<i>\$46,143.87</i>	<i>\$256,060.11</i>	<i>\$2,384,157.51</i>	<i>\$79,839.87</i>	<i>\$4,093,082.43</i>
Accrued Interest	\$501.56	\$219.87	\$25.09	\$139.22	\$1,296.27	\$43.41	\$2,225.42
(Impact Fee Refunds)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
(FY 2021 Expenditures)	\$24,200.08	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$24,200.08
Impact Fee Fund Balance - December 31, 2021	\$898,789.63	\$404,612.79	\$46,168.96	\$256,199.33	\$2,385,453.78	\$79,883.28	\$4,071,107.77
Impact Fees Encumbered	\$898,789.63	\$404,612.79	\$46,168.96	\$256,199.33	\$2,385,453.78		\$4,071,107.77

**STATE OF GEORGIA
COUNTY OF DAWSON**

**A RESOLUTION AUTHORIZING THE TRANSMITTAL OF A DRAFT CAPITAL IMPROVEMENTS
ELEMENT 2022 ANNUAL UPDATE TO THE GEORGIA MOUNTAINS REGIONAL COMMISSION
FOR REGIONAL AND STATE REVIEW**

WHEREAS, Dawson County adopted a Capital Improvements Element in 2018 as an amendment to the *Dawson County Comprehensive Plan*; and

WHEREAS, Dawson County has drafted a 2022 Annual Update to the Capital Improvements Element, which incorporates an impact fee financial report for FY 2021 along with an updated Community Work Program; and

WHEREAS, the draft Capital Improvements Element 2022 Annual Update was prepared in accordance with the Development Impact Fee Compliance Requirements; and

WHEREAS, a duly advertised Public Hearing was held on October 20, 2022, at 4:00 p.m. in the Dawson County Government Center, 25 Justice Way, Dawsonville, Georgia; and

BE IT THEREFORE RESOLVED that the Board of Commissioners does hereby authorize the transmittal of the Capital Improvements Element (CIE) 2022 Annual Update to the Georgia Mountains Regional Commission for Regional and State review.

RESOLVED this___ day of _____, 2022

Billy Thurmond, Chairman

Attest:

Kristen Cloud, County Clerk



October 21, 2022

Adam Hazell, AICP
Georgia Mountain Regional Commission
P.O. Box 1720
Gainesville, GA 30503

Mr. Hazell,

On Thursday, October 20, 2022, the Dawson County Board of Commissioners held a public hearing in regard to the Impact Fee Program Annual Update which included the Capital Improvement Element and the Community Work Program addendum. Following the public hearing, the Board of Commissioners approved a resolution of submittal of the enclosed documents to your organization for review, comment, and approval. The Dawson County Board of Commissioners respectfully submits the Impact Fee Program Annual Update for your consideration.

Sincerely,

Sharon O. Farrell, AICP
Director
sfarrell@dawsoncountyga.gov

PLANNING AND DEVELOPMENT

25 Justice Way | Suite 2322 | Dawsonville, GA 30534 | dawsoncountyga.gov

Capital Improvements Element 2022 Annual Update:

Financial Report & Community
Work Program

Dawson County, GA

2021

DAWSON COUNTY

Annual Impact Fee Financial Report - Fiscal Year 2021

	Libraries	Fire Protection	Detention	Roads	Parks & Recreation	Admin- istration	TOTAL
Service Area	County wide	County wide	County wide	GA400 Corridor	County wide		
Impact Fee Fund Balance January 1, 2021	\$470,190.39	\$233,621.52	\$46,143.87	\$184,306.11	\$947,518.31	\$15,902.08	\$1,897,682.28
Impact Fees Collected (January 1, 2021 through December 31, 2021)	\$452,297.76	\$170,771.40	\$0.00	\$71,754.00	\$1,436,639.20	\$63,937.79	\$2,195,400.15
Subtotal: Fee Accounts	\$922,488.15	\$404,392.92	\$46,143.87	\$256,060.11	\$2,384,157.51	\$79,839.87	\$4,093,082.43
Accrued Interest	\$501.56	\$219.87	\$25.09	\$139.22	\$1,296.27	\$43.41	\$2,225.42
(Impact Fee Refunds)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
(FY 2021 Expenditures)	\$24,200.08	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$24,200.08
Impact Fee Fund Balance - December 31, 2021	\$898,789.63	\$404,612.79	\$46,168.96	\$256,199.33	\$2,385,453.78	\$79,883.28	\$4,071,107.77
Impact Fees Encumbered	\$898,789.63	\$404,612.79	\$46,168.96	\$256,199.33	\$2,385,453.78		\$4,071,107.77

Public Facility:	Library Services							
Service Area:	County Wide							
Project Description	Project Start Date	Project End Date	Local Cost of Project	Maximum Percentage of Funding from Impact Fees	Maximum Funding Possible from Impact Fees	Impact Fees Expended to Date	Impact Fees Encumbered	Status
Collection Materials	2018	2018	\$38,934.07	99.49%	\$38,735.51			Delayed
Collection Materials	2019	2019	\$38,934.07	99.49%	\$38,735.51			Delayed
Books and Periodicals	2020	2020	\$39,262.72	99.50%	\$39,066.41	\$16,822.62	\$ 289,387.12	
Collection Materials	2021	2021	\$39,350.36	99.50%	\$39,153.61	\$24,200.08	\$ 20,613.79	
Collection Materials	2022	2022	\$39,021.71	99.49%	\$38,822.70		\$ 39,021.71	
Collection Materials	2023	2023	\$38,605.42	99.49%	\$38,408.53		\$ 38,605.42	
Collection Materials	2024	2024	\$38,758.79	99.49%	\$38,561.12		\$ 38,758.79	
Collection Materials	2025	2025	\$38,671.15	99.49%	\$38,473.93		\$ 38,671.15	
Collection Materials	2026	2026	\$38,934.07	99.49%	\$38,735.51		\$ 5,132.41	
Collection Materials	2027	2027	\$39,087.44	99.50%	\$38,892.00			
Collection Materials	2028	2028	\$39,175.08	99.50%	\$38,979.20			
Collection Materials	2029	2029	\$39,087.44	99.50%	\$38,892.00			
Collection Materials	2030	2030	\$38,758.79	99.49%	\$38,561.12			
Collection Materials	2031	2031	\$38,846.43	99.49%	\$38,648.31			
Collection Materials	2032	2032	\$38,671.15	99.49%	\$38,473.93			
Collection Materials	2033	2033	\$38,517.78	99.49%	\$38,321.34			
Collection Materials	2034	2034	\$38,430.14	99.49%	\$38,234.15			
Collection Materials	2035	2035	\$38,254.86	99.49%	\$38,059.76			
Collection Materials	2036	2036	\$38,671.15	99.49%	\$38,473.93			
Collection Materials	2037	2037	\$39,262.72	99.50%	\$39,066.41			
Collection Materials	2038	2038	\$40,117.21	99.45%	\$39,896.57			
Collection Materials	2039	2039	\$40,796.42	99.46%	\$40,576.12			
Collection Materials	2040	2040	\$41,212.71	99.47%	\$40,994.28			
New library space (13,991 sf)	2026	2026	\$4,365,192.00	100.00%	\$4,365,192.00			
			\$5,264,553.68		\$5,259,953.93	\$41,822.62	\$ 470,190.39	

Public Facility:	Fire Protection							
Service Area:	County Wide							
Project Description	Project Start Date	Project End Date	Local Cost of Project	Maximum Percentage of Funding from Impact Fees	Maximum Funding Possible from Impact Fees	Impact Fees Expended to Date	Impact Fees Encumbered	Status
Medic	2020	2020	\$250,000.00	100.00%	\$250,000.00			
Engine	2019	2019	\$400,000.00	100.00%	\$400,000.00	\$122,000.00		Delayed
Tender	2021	2021	\$300,000.00	100.00%	\$300,000.00		\$ 233,621.52	
Engine	2022	2022	\$400,000.00	100.00%	\$400,000.00			
Medic	2022	2022	\$250,000.00	100.00%	\$250,000.00			
Engine	2023	2023	\$400,000.00	100.00%	\$400,000.00			
Ladder	2023	2023	\$1,100,000.00	100.00%	\$1,100,000.00			
Engine	2028	2028	\$400,000.00	100.00%	\$400,000.00			
New Station 3	2023	2023	\$1,937,339.00	25.00%	\$484,334.75			
Station 11	2025	2025	\$133,894.00	100.00%	\$133,894.00			
Station 12	2028	2028	\$505,594.00	100.00%	\$505,594.00			
Station 13	2031	2031	\$140,997.00	100.00%	\$140,997.00			
Station 14	2034	2034	\$144,658.00	100.00%	\$144,658.00			
Station 15	2037	2037	\$2,184,961.00	100.00%	\$2,184,961.00			
Training Center	2024	2024	\$220,807.00	100.00%	\$220,807.00			
			\$8,768,250.00		\$7,315,245.75	\$122,000.00	\$233,621.52	

Public Facility:	Transportation and Roads							
Service Area:	County Wide							
Project Description	Project Start Date	Project End Date	Local Cost of Project	Maximum Percentage of Funding from Impact Fees	Maximum Funding Possible from Impact Fees	Impact Fees Expended to Date	Impact Fees Encumbered	Status
Kelly Bridge Road, full depth reclamation and widening both lanes	2018	2018	\$2,262,592.57	44.6778557%	\$1,010,877.84			delayed
Lumpkin Campground Road, lane addition and lane widening	2019	2019	\$4,230,847.21	44.6778557%	\$1,890,251.81			satisfied
Red Rider Road, right-of-way acquisition & road widening	2019	2019	\$1,269,254.16	44.6778557%	\$567,075.54			satisfied
Sweetwater Juno Road, road widening and resurfacing	2019	2019	\$1,375,025.34	44.6778557%	\$614,331.84			delayed
Grant Road East, upgrade dirt to pavement and road widening	2020	2020	\$870,243.95	44.6778557%	\$388,806.34		\$24,824.34	delayed
Shoal Creek - Shoal Creek Road Bridge, replacement with additional lanes and weight	2020	2020	\$2,719,512.35	44.6778557%	\$1,215,019.80		\$28,824.33	delayed
Amicalola River - Goshen Church Bridge replacement with additional lanes and weight	2025	2026	\$1,678,131.39	44.6778557%	\$749,753.12			delayed
Whitmire Drive West, add third (center turn) lane	2021	2021	\$895,003.41	44.6778557%	\$399,868.33			satisfied
Prepare Transportation Plan Dawson Forest Lumpkin Campground Road – Corridor Study. South Segment: Forsyth County line to Dawson Forest Road	2023	2023	\$17,300	100%	\$17,300			
Update Impact Fee Methodology	2022	2023	\$63,700.00	100%	\$63,700.00			
			\$15,381,610.38		\$6,853,284.62		\$53,648.67	

	Parks and Recreation							
Service Area:	County Wide							
Project Description	Project Start Date	Project End Date	Local Cost of Project	Maximum Percentage of Funding from Impact Fees	Maximum Funding Possible from Impact Fees	Impact Fees Expended to Date	Impact Fees Encumbered	Status
Park Acres	2020	2026	\$2,995,770.00	84.76%	\$2,539,214.65		\$349,405.53	
Baseball/Softball Fields	tbd	tbd						
Basketball Courts (<i>outdoor</i>)	tbd	tbd	\$395,649.00	99.53%	\$393,789.45			
Baseball Rubber ADA Field Rock Creek Park	2023	2023	\$699,289.00	100%	\$699,289.00			
Turf Field at Veterans Park	2023	2023	\$1,438,040.00	100%	\$1,438,040.00			
Picnic Pavilions	tbd	tbd	\$463,753.00	77.78%	\$360,707.08			
Playgrounds	tbd	tbd	\$695,626.00	66.66%	\$463,704.29			
Aquatic Center (<i>deferred</i>)	tbd	tbd		58.34%				
Tennis Courts	tbd	tbd	\$993,690.00	83.33%	\$828,041.88			
Gymnasium	tbd	tbd	\$2,550,964.00	100.00%	\$2,550,964.00			
Maintenance Sheds	tbd	tbd	\$415,646.00	100.00%	\$415,646.00			
Office/Concession	tbd	tbd	\$489,462.00	100.00%	\$489,462.00			
Recreation Center	tbd	tbd	\$5,402,116.00	100.00%	\$5,402,116.00			
Restroom/Concession	tbd	tbd	\$799,593.00	95.18%	\$761,052.62			
Maintenance Yard	tbd	tbd	\$6,118.00	100.00%	\$6,118.00			
Walking Trails	tbd	tbd	\$569,373.00	100.00%	\$569,373.00			
Parking	tbd	tbd	\$1,898,284.00	100.00%	\$1,898,284.00			
			19,813,373.00		\$18,815,801.97		\$349,405.53	

2022-2026 COMMUNITY WORK PROGRAM
DAWSON COUNTY, GA

DCA Category	Activity	2022	2023	2024	2025	2026	Responsible Party	Cost Estimate	Funding Source
Com. Facilities	Purchase of collection materials	X	X	X		X	Dawson County Library	\$170,000	99.5% impact fees; SPLOST
Comm. Facilities	New Public Library					X	Dawson County Library	\$4,365,192.00	100% Impact fees
Com. Facilities	New Jail (Wrap-up to previous new jail project identified in the 2006 CIE)						Sherriff's Office	\$45,715.05	100% impact fees
Com. Facilities	Purchase fire engine for Station 4	X					Emergency Services	\$400,000	100% impact fees
Com. Facilities	Purchase medic vehicle for Station 4				X		Emergency Services	\$250,000	100% impact fees
Com. Facilities	Purchase medic vehicle for Station 5						Emergency Services	\$250,000	100% impact fees
Com. Facilities	Purchase fire engine for Station 9	X					Emergency Services	\$400,000	100% impact fees
Com. Facilities	Purchase tender for Station 9				X		Emergency Services	\$300,000	100% impact fees
Com. Facilities	Install fire hydrants (Annual installation in accordance with the Authority's schedule)	X	X	X			Etowah Water Sewer A	\$237,900	100% impact fees
Com. Facilities	Acquire park land			X			Parks & Rec Dept., Board Of Comm	\$800,000	84.76% impact fees; SPLOST

Fire Stations renumbered in 2018

DCA Category	Activity	2022	2023	2024	2025	2026	Responsible Party	Cost Estimate	Funding Source
Transportation	Kelly Bridge Road, full depth reclamation and widening both lanes					X	PWD	\$2,200,000	44.68% impact fees; SPLOST
Transportation	Couch Road, road widening and resurfacing	X					PWD	\$3,500,000	44.68% impact fees; SPLOST
Transportation	Grant Road East, up-grade dirt to pavement and road widening		X			X	PWD	\$800,000	44.68% impact fees; SPLOST
Transportation	Shoal Creek – Shoal Creek Road Bridge, replacement with additional lanes and weight limit			X			PWD	\$2,500,000	44.68% impact fees; SPLOST
Transportation	Amicalola River – Goshen Church Bridge, replacement with additional lanes and weight				X		PWD	\$1,500,000	44.68% impact fees; SPLOST
Transportation	Dawson Forest Lumpkin Campground Road – Corridor Study. South Segment: Forsyth County line to Dawson Forest Road	X	X				PWD	\$17,300	100% impact fees
Transportation	Update impact fee Capital Improvements Element with road improvements (Consultant)	X	X				P&D	\$63,700	100% impact fees



DAWSON COUNTY BOARD OF COMMISSIONERS AGENDA FORM

Department: Planning and Development
Prepared By: S.O. Farrell, Director
Presenter: S.O. Farrell

Work Session: 10/06/22
Voting Session: 11/03/22
Public Hearing: Yes

Agenda Item Title: Presentation of Ordinance shall be known and may be cited as "The Dawson County Property Maintenance Ordinance".

Background Information:

The current county ordinances do not provide a clear enforcement vehicle when residents file complaints regarding outdoor storage, junk vehicles/vessels and property nuisances.

Current Information:

This ordinance is "new"; amendments to the Nuisance Abatement Ordinance and the Litter Control Ordinance are submitted on separate agenda requests on the same timeline for adoption.

Budget Information: *Not Applicable.*

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining
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Recommendation/Motion: Staff recommends that the BOC approve the request to advertise for public hearing for a new code to be known as "The Dawson County Property Maintenance Ordinance".

Department Head Authorization: S.O. Farrell

September 15, 2022

Finance Dept. Authorization: Nickie Heikkinen

Date: 10/11/22

County Manager Authorization: Sam Henderson

Date: 9/26/22

County Attorney Authorization: Angela Davis

Date: 9/23/22

Attachment:

Draft Ordinance – Chapter 44.

BOC Work session – October 20

**AN ORDINANCE OF THE DAWSON COUNTY BOARD OF COMMISSIONERS
REGARDING THE ADOPTION OF NEW CHAPTER 44 OF THE DAWSON COUNTY
CODE CONCERNING PROPERTY MAINTENANCE; TO PROVIDE FOR AN
EFFECTIVE DATE; AND FOR OTHER PURPOSES**

WHEREAS, the Constitution of the State of Georgia, approved by the voters of the State in November 1982, and effective July 1, 1983, provides in Article IX, Section 2, Paragraph 1 thereof, that the governing authority of the County may adopt clearly reasonable ordinances, resolutions, and regulations;

WHEREAS, O.C.G.A. § 36-1-20 authorizes counties to enact ordinances for protecting and preserving the public health, safety, and welfare of the population of the unincorporated areas of the county; and,

WHEREAS, O.C.G.A. § 41-2-7 authorizes counties to counties to adopt ordinances relating to the dwellings, buildings, structures or property within such county which are unfit for human habitation or commercial, industrial, or business uses and not in compliance with applicable codes, which are vacant and being used in connection with the commission of drug crimes, or which constitute an endangerment to the public health or safety as a result of unsanitary or unsafe conditions; and,

WHEREAS, the Board of Commissioners of Dawson County has determined that it is in the public interest to adopt an ordinance concerning property maintenance.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Dawson County, Georgia, as follows:

SECTION 1.

Chapter 44 of the Code of Dawson County, Georgia, entitled “Property Maintenance Ordinance,” contained in Exhibit “A,” attached hereto, and incorporated by specific reference is adopted.

SECTION 2.

If any section, provision, or clause of any part of this Ordinance shall be declared invalid or unconstitutional, or if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent that this Ordinance would have been adopted had such invalid portion not been included herein.

SECTION 3.

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION 4.

This Ordinance shall become effective upon adoption, the public good demanding the same.

SO ORDAINED this ____ day of _____, 2022.

Dawson County Board of Commissioners

Billy Thurmond, Chairman

Sharon Fausett, Member

Chris Gaines, Member

Tim Satterfield, Member

Emory Dooley, Member

Attest:

By: _____
Kristen Cloud, County Clerk

[COUNTY SEAL]

CHAPTER 44: PROPERTY MAINTENANCE ORDINANCE

<u>44-1.</u>	<u>Title</u>
<u>44-2.</u>	<u>Purposes</u>
<u>44-3.</u>	<u>Scope and Applicability</u>
<u>44-4.</u>	<u>Definitions</u>
<u>44-5.</u>	<u>Property Maintenance Required</u>
<u>44-6.</u>	<u>Securing Unoccupied/Vacant Structures</u>
<u>44-7.</u>	<u>Vacant Non-Residential Structures</u>
<u>44-8.</u>	<u>Stagnant Water</u>
<u>44-9.</u>	<u>Private Swimming Pools</u>
<u>44-10.</u>	<u>Outdoor Storage</u>
<u>44-11.</u>	<u>Vegetation</u>
<u>44-12.</u>	<u>Health and Sanitation</u>
<u>44-13.</u>	<u>Graffiti</u>
<u>44-14.</u>	<u>Tenant Responsibility for Maintenance</u>
<u>44-15.</u>	<u>Owner Responsibility for Maintenance</u>
<u>44-16.</u>	<u>Maintenance of Real Property After Casualty Damage</u>
<u>44-17.</u>	<u>Vermin Infestation Control</u>
<u>44-18.</u>	<u>Unfit Dwellings or Buildings</u>
<u>44-19.</u>	<u>Enforcement</u>
<u>44-20.</u>	<u>Penalties</u>
<u>44-21.</u>	<u>No Liability-County</u>

44-1. TITLE

The title of this Ordinance shall be known and may be cited as "The Dawson County Property Maintenance Ordinance."

44-2. PURPOSES

- (A) The Board of Commissioners of Dawson County finds that there are a number of residential and nonresidential properties in Dawson County that are poorly maintained and neglected by their owners. These properties adversely affect citizens who own or occupy nearby buildings and dwellings by lowering property values and rental values and by creating public health and safety problems.
- (B) These adverse effects also increase the incidence of illegal habitation, vandalism, criminal activity, and fire. The Board of Commissioners finds that the elimination and prevention of these conditions is necessary and is in the best interest of the county and its citizens.
- (C) Additionally, the Board of Commissioners finds that in Dawson County there is the existence or occupancy of dwellings or other buildings or structures which are unfit for human habitation, or for commercial, industrial, or business occupancy or use, and are inimical to the welfare and are dangerous and injurious to the health, safety, and welfare of the citizens of Dawson County. The Board of Commissioners finds that it is necessary and in the best interest of the county and its citizens to utilize the authority granted to the

county by O.C.G.A. § 41-2-7, et seq., to adopt this ordinance and to repair, close, seize, or demolish and remove unfit dwellings or structures.

44-3. SCOPE AND APPLICABILITY

This Chapter shall apply to all commercial, office, industrial, multifamily, and single-family residential structures and properties, and any person owning, occupying, managing, or controlling any such property in Dawson County. This Chapter shall constitute the minimum requirements and standards for existing structures and property, as well as any future construction.

- (A) Every property (including unimproved lots) and every building, dwelling or structure in the unincorporated area of the county, whether occupied or vacant, shall conform to the requirements of this Chapter, regardless of when such building, dwelling or structure may have been constructed, altered, or repaired. When a building, dwelling or structure is vacant, the owner, immediately upon vacating, shall ensure that the property is free of trash and debris, and that the dwelling or structure is secured in a closed and inaccessible manner until reoccupied, and continue maintaining the exterior of the property in compliance with this Chapter.
- (B) Certain provisions of this Chapter may not be mandatory for existing buildings, dwellings or structures designated by the state or the county as historic buildings when such buildings, dwellings or structures are judged by the applicable Public Official to be safe and in the public interest of health, safety, and welfare.
- (C) Where parking in open areas is used jointly for the benefit of two or more owners or tenants, the responsibility for maintaining these parking areas in compliance with this Chapter shall be the joint and shared responsibility of the owners and tenants.

44-4. DEFINITIONS

Terms not defined herein shall have their meaning as defined in the Dawson County Zoning Ordinance, the development regulations, building codes, and any other applicable portion of the Dawson County Code of Ordinances, or in the absence of such definition, words shall have their common dictionary meaning. Whenever the words "dwelling unit," "dwelling room," "property," "building," "rooming house," "rooming unit," or "story" are stated in this Chapter, they shall be construed as though they were followed by the words "or any part thereof." The following words, terms, and phrases, when used in this Chapter, shall have the meaning ascribed to them in this Chapter, except where the context clearly indicates a different meaning:

Authorized litter receptacle means a litter storage and/or collection receptacle as defined or required by this Chapter.

Building means any structure upon a property, presently or formerly used, or intended to be used in whole or in part for residential uses or the purpose of commerce, trade, manufacture, business, government, worship, education, office, medical, storage, or any other purpose.

Building Inspector means any employee of Dawson County whose responsibilities include enforcement of the provisions of this Chapter.

Building Official means the official or other designated authority charged by the county board of commissioners with the administration and enforcement of the state minimum codes and all other building related codes within the county.

Certified Mail means that class or type of mail designated by the U.S. Postal Service as "certified mail" and also includes the class or type of mail designated as "registered mail" and "registered mail, return receipt requested".

Commercial building or establishment means any structure, whether public or private, presently or formerly intended 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, rooming houses, office buildings, public buildings, stores, theatres, markets, restaurants, grain elevators, abattoirs, warehouses, workshops, factories, and all outhouses, sheds, barns, and other structures on property used for business purposes.

Commercial, industrial, or heavy vehicle or equipment means any of the following:

- (a) Any vehicle with more than two axles; or
- (b) Any vehicle exceeding a gross vehicle weight rating of 20,000 pounds; or
- (c) Any bulldozer, tractor/backhoe, or similar heavy construction or farm equipment.
- (d) This definition shall not apply to school buses as that term is defined herein.

Compost pile means plant debris, soil and other putrescible wastes stacked so as to encourage rapid decomposition for the ultimate use as plant fertilizer.

Condemned means any structure on a property which has been determined and noticed by the Public Official to be structurally unsound and unsafe for habitation, unsanitary due to sewer malfunctions, polluted water, or insect or vermin infestations, or otherwise determined to be uninhabitable for any other health or safety reasons.

County means Dawson County, Georgia.

Court means a court of competent jurisdiction.

Demolish means to destroy a building and to remove all resultant debris and waste materials from the lot on which the building stood.

Deteriorate, Deterioration or deteriorated means the fact or process of decay or degeneration which has progressed to the point where it has resulted in or will soon result in making an object or mechanism unsafe, unsanitary, inoperable, unusable, or unsuitable for its intended use, including, but not limited to the advanced stage of rot, rust, mold, insect, rodent, or vermin infestation or destruction.

Dumpster means a container for the disposal of litter of a capacity of at least ten cubic yards and not more than 30 cubic yards. The use of this term is generic and does not refer to a bulk container manufactured by a specific manufacturer.

Dwelling means a building that contains one or more dwelling units, intended, or designed to be used, rented, leased, let, or hired out to be occupied for living purposes, including single-family, duplex, and multifamily residential buildings, rooming and boarding houses, fraternities, sororities, dormitories, manufactured homes, and industrialized home, but not including, hotels and motels.

Dwelling unit – single family means a single unit providing complete independent living facilities for a single family as defined in this Chapter and any other applicable Dawson County ordinances, including provisions for living, sleeping, eating, cooking, and sanitation, designed for the exclusive use of a family maintaining a household.

Dwelling unit – multiple family means any dwelling containing more than two dwelling units.

Emergency means a condition which is a violation of this Chapter, and which constitutes an imminent danger calling for immediate action in order to avoid death, injury or illness to a human or the destruction or severe damaging of real or personal property.

Exterior property means open space on the property and on any adjoining property under the control of the same owners or operators of such property.

Extermination means the control or eradication of insects, vermin, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping, or by any other recognized and legal elimination methods.

Family means an individual, or two or more persons related by blood, marriage, adoption or guardianship, or a group of not more than four unrelated persons, occupying a single dwelling unit; provided however that a domestic servant employed full-time on the premises may be housed on the premises without being counted as a separate family or families. The term "family" does not include any organization or institutional group.

Garbage means Waste, Household Trash, Refuse, Hazardous Refuse, Rubbish, Trash, Debris, Litter, Vegetative Debris, Weeds, Yard Trimmings, Industrial Waste, or any derivations thereof, which means any organic or inorganic items, in any physical state or makeup or of any chemical composition, whether hazardous or nonhazardous or noxious or innocuous, that have been discarded.

Garbage bag means a plastic, or other similar nonporous materials, bag or sack designed specifically to contain garbage or household trash in a secure, airtight manner. Such bags shall also include suitable means of closure to ensure that the material contained therein is not exposed to the outside air.

Graffiti means images or letters scratched, scrawled, painted, or marked in any manner on property, which is unsightly and unwanted by the property's owner or occupant.

Handbill means any printed or written matter any sample, device, dodger, circular, leaflet, sampler, newspaper, magazine, paper, booklet, or any other printed or otherwise reproduced original or copy of any matter of literature, political or nonpolitical, for profit or nonprofit, for commercial or noncommercial purposes not included in the definitions of "newspaper," except the word "handbill" shall not include any notice or any document relating to legal proceedings, court proceedings, or action of any government agency, including Dawson County.

Hazardous means a condition which is a violation of this Chapter and which the applicable Public Officer has determined to be likely to result in the death, injury, or illness of a human or likely to result in severe damage to real or personal property.

Hazardous waste means materials such as poison, acids, caustics, chemicals, infected materials, offal, fecal matter, and explosives, or such other items that may be deemed to be hazardous waste under state or federal law.

Heavy vehicle or equipment. See "commercial, industrial or heavy vehicles or equipment," defined herein.

Household trash means every waste accumulation of paper, sweepings, dust, rags, bottles, cans, or other matter of any kind, other than garbage, which is usually attendant to housekeeping.

Industrial Waste means solid waste generated by manufacturing or industrial processes or operations that is not a hazardous waste regulated under Part 1 of Article 3 of the Georgia Hazardous Waste Management Act. (O.C.G.A. § 12-8-60 et seq.). Such waste includes, but is not limited to, waste resulting from the following manufacturing processes: Electric power generation; fertilizer and agricultural chemicals; food and related products and by-products; inorganic chemicals; iron and steel products; leather and leather products; nonferrous metal and foundry products; organic chemicals; plastics and resins; pulp and paper; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textiles; transportation equipment; and water treatment. This term does not include mining waste or oil and gas waste.

Infestation means the presence of insects, rodents, vermin, or other pests within or contiguous to a structure or property.

Inoperable or Junk vehicle means any automobile, Vehicle of any type, including, but not limited to, all-terrain vehicle ("ATV"), moped, motorcycle, or four-wheeler, a, trailer of any type, or any parts of any such automobile, vehicle, or trailer, which remains in place for more than seven (7) days as follows:

- (a) Is in inoperative or junk condition by reason of its having been wrecked, dismantled, abandoned, or discarded; or
- (b) Which does not have a valid license plate where required; and/or

- (c) Where it is incapable of movement by its own power.

Inoperable or Junk marine vessel means any vessel or Vehicle that is designed for use on the water, including, but not limited to, any boat, marine vessel of any type, including, but not limited to, personal watercraft, trailer for the movement of, or any parts of any such boat, marine vessel, or trailer, which remains in place for more than seven (7) days as follows:

- (a) Is in inoperative or junk condition by reason of its having been wrecked, dismantled, abandoned, or discarded; or
- (b) Which does not have a valid vessel registration where required; and/or
- (c) Where it is incapable of movement by its own power.

Intended means:

- (a) The purpose, operation, and/or arrangement for which something has been designed or built; or
- (b) The purpose, operation, and/or arrangement for which something is currently safely and legally being used.

Interested parties means:

- (a) Owner;
- (b) Those parties having an interest in the property as revealed by a certification of title to the property conducted in accordance with the title standards of the State Bar of Georgia;
- (c) Those parties having filed a notice in accordance with O.C.G.A. § 48-3-9;
- (d) Any other party having an interest in the property whose identity and address are reasonably ascertainable from the records of the complainant or records maintained in the county courthouse or by the clerk of the court. Interested parties shall not include the holder of the benefit or burden of an easement or right-of-way whose interest is properly recorded, which interest shall remain unaffected; and
- (e) Persons in possession of said property and premises.

Junk means any used and discarded or abandoned materials or articles including, but not limited to, Junk or Inoperable Vehicles, Junk or Inoperable Marine Vessels, trailers, machinery, equipment, appliances, house furnishings, furniture, including, but not limited to, mattresses, box springs, bed frames, couches, and chairs, structures, recreational equipment, building materials and debris, vehicle parts, marine and vessel parts, rimless tires, scrap, and parts and any other article or material which has been discarded and is not generally useable for the purpose for which it was manufactured.

Junkyard means land on which Junk, two or more Inoperable or Junk Vehicles or Inoperable or Abandoned Marine Vessels are parked, standing, or allowed to remain.

Litter means all garbage, refuse, waste materials, sand, gravel, slag, brickbats, rubbish, tin cans, trash, debris, dead animals or any other discarded, used, or unconsumed substance, which is not handled in accordance with the provisions of this Chapter.

Litter receptacle means a container for the disposal of litter of not more than 60-gallon capacity; provided that garbage containers or other waste containers serving single-family or multifamily residences are not included in this definition.

Marshal's Office means the person or persons authorized by the Board of Commissioners to issue citations to violators of this Chapter.

Maintenance means the act of keeping property and structures in good repair, in proper condition to prevent the deterioration or failure thereof, structurally sound, and free from rubbish, garbage, infestation, and other debris. The property should be kept so that it is not conducive to the harboring or breeding of reptiles, rodents, mosquitos, or insects.

Newspaper means any newspaper of general circulation, any newspaper duly entered with the U. S. Postal Service Department of the United States in accordance with federal statute or regulation, and, in addition thereto, means and includes any periodical or magazine regularly published with not less than four issues per year and sold or distributed to the public.

Nonresidential structure means any structure or portion of a structure occupied or intended to be occupied, in whole or in part, for a use other than a dwelling, home, residing place, and living space or sleeping space for one or more human beings, either permanently or transiently.

Noxious weed means any plant designated by federal, state or local government officials as injurious to public health, agriculture, recreation, wildlife or property.

Occupant means any person, over one year of age, living or having actual possession of a dwelling unit.

Operator means any person who has charge, care or control of a dwelling, building, or structure, or part thereof, in which dwelling units are let.

Owner means any person, firm, corporation, or entity who, alone or jointly or severally with others:

- (a) Has legal title to any property, dwelling, dwelling unit, building, or structure, with or without accompanying actual possession thereof; or
- (b) Has charge, care or control of any property, dwelling, dwelling unit, building, or structure, as owner or agent of the owner, prime tenant, real estate agent, mortgagor, bank, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this Chapter to the same extent as the owner.

Park means a park, reservation, playground, beach, recreation center, or any other public area in Dawson County, owned or used by Dawson County, and devoted to active or passive recreation.

Parking Lot means

- (a) an area, whether paved or unpaved, designated, reserved or used for the reserved parking of motor vehicles, excluding street parking, which has more than 10 parking spaces or can accommodate more than 10 parked vehicles;
- (b) any commercial parking lot or garage; and
- (c) the driveway, drive-through, parking spaces or other paved areas adjacent to convenience stores, gas stations, restaurants and other retail establishments.

Premises means a lot, plot or parcel of land including any structures thereon.

Property means any lot, unit, or parcel of land inclusive of any dwelling, building, structure, or improvements located thereon. This also includes vacant lots that do not have any dwelling, building, structure, or improvement located thereon.

Public authority means any housing authority officer or any officer who is in charge of any department or branch of the government of the county or state relating to health, fire, or building regulations or to other activities concerning dwellings, buildings, or structures in Dawson County.

Public officer means the individuals who are authorized to exercise the powers prescribed by this Ordinance or any agent or designee of such officer or officers. A public officer may be the County Manager, Planning Director, Building Official, Dawson County Environmental Health, the Dawson County Marshal's Office, the Dawson County Fire Marshal's Office and or the Dawson County Sheriff's Office, as applicable.

Public record means deeds, mortgages and other instruments of record relating to land titles.

Recreational vehicle means any vehicular-type unit designed primarily as temporary living quarters for recreational, camping or travel use that either has its own motorized power or is mounted on or drawn by another vehicle. This shall include, but not be limited to, travel trailers, camping trailers, truck campers, and motor homes. This shall also include boats, personal watercraft, wave runners, all-terrain vehicles, trailers of any type, or school buses. Recreational vehicles are not permitted to have attachments such as stairs, steps, handrails, porches, decks, and the like.

Refuse means all decayable and non-decayable solid wastes, except body wastes, including, but not limited to, garbage, rubbish, ashes, residue from street cleaning, and solid market and industrial wastes.

Regular mail means that class of mail designed by the U.S. Postal Service as "first class" mail. Regular mail shall also include post cards and postal cards.

Resident means any person residing in Dawson County on or before the date on which the alleged nuisance arose.

Residential structure means any structure or portion of a structure occupied or intended to be occupied, in whole or in part, for a dwelling, home, residing place, and living space or sleeping space for one or more human beings, either permanently or transiently.

Residential district or *residential property* or *residential-zoned property* means property approved for residential use according to the Dawson County Zoning Ordinance, as it may be amended from time to time.

Responsible person means an owner, operator, and/or a person or persons designated in this Chapter as being responsible for meeting the standards of this Chapter.

Road or *street* shall be mutually inclusive and shall likewise be deemed to include any public or private alley, lane, right-of-way, court, and other thoroughfare, however described or designated.

Rooming house means any dwelling or that part of any dwelling containing one or more rooming units in which space is let by the owner or occupant to three (3), but not more than twenty (20), persons who are not related by genetics, adoption, or marriage.

Rooming unit means any room or group of rooms within a dwelling used or intended to be used for living and sleeping, but not for cooking or eating purposes.

Rubbish means combustible and noncombustible waste materials and the term shall include the residue from the burning of wood, coal, and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches or trunks, yard trimmings, tin cans, metals, mineral matter, glass, crockery, and dust or other similar materials.

Safe means a condition that is not likely to do harm to humans or to real or personal property.

Sanitary means the absence of a condition that is conducive to the spreading of disease or illness, or conducive to harboring vermin.

Scavenge or *scavenging* means any unauthorized or uncontrolled retrieval of discarded garbage or refuse materials.

School bus means any public or private school bus that is being operated as a school bus in Dawson County.

Secure or *Securing* means measures directed by the Public Officer that render the property inaccessible to unauthorized persons including, but not limited to, repairing fences and walls, chaining or padlocking gates, repairing doors, windows, or other openings.

Signature means the handwritten or electronically generated name of a person, or a facsimile thereof found on a document.

Structure means anything constructed or placed upon or within a property which is permanently or temporarily affixed to the property, and which is supported by the ground or another structure,

including but not limited to, garages, carports, sheds, racks, and swimming pools, but not including a currently operable and licensed vehicle, trailer, or recreational vehicle.

Structural alterations means any change in the supporting structural members of a building such as load-bearing walls, joists, columns, beams, or girders, except repair or replacement of supporting structural members.

Trash means waste materials and items which are not in good repair or are discarded and which are of little or no value, including, but not limited to, plaster, paper, wrappings, plant cuttings, household furnishings, furniture items, including, but not limited to, mattresses, box springs, bed frames, couches, and chairs used or salvaged building materials, packing and clothing, appliances, equipment, machinery, or parts thereof, scrap metal, scrap lumber, masonry blocks, disassembled vehicle parts or dismantled portions of vehicles.

Unfit for human habitation means designation of dwellings or dwelling units as so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin-infested that such create a serious hazard to the health or safety or which lack illumination, ventilation, or sanitation facilities adequate to protect the health or safety of the occupants or the public and which are condemnable. This term shall specifically include, but not be limited to, dwellings or dwelling units that lack basic sanitation such as connection to public water and sewer or septic necessary for supply of potable water.

Unsafe means a condition that is reasonably likely to do harm to humans or property if not corrected or stopped.

Vehicle means any means of conveyance, whether self-propelled or not, that is designed to travel on the ground or on water or in the air, including, but not limited to, automobiles, buses, motorbikes, motorcycles, motor scooters, trucks, tractors, go-carts, golf carts, campers, recreational vehicles, boats, personal watercraft, airplanes, train cars, and any means of conveyance which are designed to be pulled by motorized vehicles upon the roadway such as boat trailers, wagons, balers, motorcycle trailers, auto transport trailers, and any other trailer designed to haul specific items attached to vehicles on the roadway.

Vermin means rodents, birds and insects that are destructive of real or personal property or injurious to health.

Vermin control means block sanitation, distribution of poison, and/or the setting of traps or such other methods recommended by a licensed pest control operator, as may be approved to control the rat, rodent, and/or vermin population.

Vermin harborage means any condition under which vermin may find shelter or protection, and shall include any construction or condition, which permits the entrances of vermin into any building.

Vermin-proofing means taking action to prevent the ingress of vermin 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 vermin climbing, burrowing, or otherwise.

- (a) The material to be used for rodent-proofing shall include cement concrete, brick masonry laid in cement concrete mortar, sheet metal, 24 or 26-gauge wire cloth of not less than 19-gauge having a mesh not larger than three-eighths of an inch.
- (b) All material for rodent proofing shall be of such strength and thickness as to be impervious to rodent gnawing.
- (c) Windows and other openings for light or ventilation that may be reached or entered by rodents shall be covered with wire cloth screen incorporated in a metal frame conforming to the above gauge and dimensions.
- (d) All exterior doors shall be protected against the gnawing of rodents by the use of materials prescribed above.
- (e) When closed, all exterior doors shall have a maximum clearance between doors, doorsills, and jambs of not exceeding three-eighths of an inch.

Vintage car means a car or light truck more than 20 years old that is in good operating and cosmetic condition or in the process of being restored to good condition.

Weeds means active vegetative growth including, but not limited to, kudzu, poison ivy, jimsonweed, burdock, ragweed, thistle, cocklebur, dandelion, plants of obnoxious odors, or other similar unsightly vegetative growths. This term shall not include cultivated flowers, fruits, vegetables, and gardens.

Yard trimmings means leaves, brush, grass, clippings, shrubs, and tree pruning's, discarded Christmas trees, nursery and greenhouse vegetative residuals, and vegetative matter resulting from landscaping development and maintenance other than mining, agricultural and silvicultural operations.

44-5. PROPERTY MAINTENANCE REQUIRED

All property regulated by this Chapter, whether occupied or unoccupied, shall meet or exceed the standards of this Chapter. All property shall be maintained in a manner so as to ensure that the property is not unsafe, uninhabitable, or a nuisance.

44-6. SECURING UNOCCUPIED/VACANT STRUCTURES

- (A) A dwelling, building or structure, or any such part thereof, that is not physically occupied by a person shall be kept secured by the owner against unauthorized entry and water damage. Securing shall further be accomplished by ensuring doors and windows are closed and locked and/or boarding of doors and windows with exterior grade plywood. Securing shall be in a manner which is consistent with the building codes and regulations of Dawson County and as determined by the Building Official, which may include such additional acts of repairs to fences and walls, chaining or padlocking gates, and repairing doors, windows, or other openings.

- (B) Alternative Methods of Securing. Notwithstanding subsection (A) of this section, the Building Official may approve alternative methods of securing doors, windows or other openings of any building or structure. In making the determination to approve any alternative method, the Building Official shall consider the aesthetic and other impacts of such method on the immediate neighborhood and the extent to which such method provides adequate and long-term security against the unauthorized entry to the property.

44-7. VACANT NON-RESIDENTIAL STRUCTURES

A non-residential building or non-residential structure that is not occupied for 90 days shall be deemed a vacant non-residential structure and shall be maintained in good repair and comply with applicable laws, codes, and ordinances, including all requirements of this Chapter. Any vacant commercial structure shall conform to the following additional minimum standards:

- (A) A placard 24 inches by 24 inches with a red background, white reflective stripes and a white reflective border shall be placed on the front of the vacant structure and shall be visible from the street. An "X" within the placard shall signify significant structural deficiencies within the building, which will limit firefighting to exterior operations only with entry occurring only for known life hazards;
- (B) All doors and windows and other openings shall be weather-tight and secured against entry by the general public and animals;
- (C) All roof and roof flashings shall be sound and tight so that no rain or other precipitation shall penetrate the structure and shall allow for appropriate drainage so as to prevent deterioration of the interior walls or other interior portions of the structure;
- (D) The structure and all plumbing therein shall be maintained in good repair and be structurally sound; the structure shall be free from rubbish, garbage and other debris;
- (E) Supporting members of the structure shall be capable of bearing both live and dead loads and the foundation walls likewise shall be capable of supporting an appropriate load;
- (F) The exterior of the structure shall be free of loose and rotten materials as well as holes. Any exposed metal, wood or other surface shall be protected from the elements by appropriate weather coating materials (paint or similar treatment);
- (G) All balconies, canopies, signs, metal awnings, stairways, fire escapes or other overhanging extensions shall be in good repair and appropriately anchored. The exposed metal and wood surface of overhanging extensions shall also be protected from the elements against rust or decay by appropriate application of paint or similar weather coating;
- (H) Any accessories or appurtenant structures including, but not limited to, garages, sheds or other storage facilities shall meet the standards set forth herein; and

- (I) Retaining walls, drainage systems, or other structures shall be maintained in good repair and shall be structurally sound. Any existing fence shall be maintained in good repair with gates locked at all times.

44-8. STAGNANT WATER

Stagnant water which has not been chemically treated or is not circulated as to not be conducive to the breeding or harboring of mosquitoes or other insects shall not be permitted or maintained on any property.

44-9. PRIVATE SWIMMING POOLS

Private swimming pools, hot tubs, and spas containing more than 24 inches in depth shall be completely surrounded by a fence or barrier not less than 48 inches in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches from the gatepost. An existing pool enclosure shall not be removed, replaced, or changed in a manner that reduces its effectiveness as a safety barrier.

44-10. OUTDOOR STORAGE

No property owner shall allow outdoor storage of any Inoperable or Junk Vehicle, Inoperable or Junk Marine Vessel, junk, trash, garbage, debris, scrap metal, concrete, sand, asphalt, cans, bottles, tires, salvage materials, boxes, containers, bins, used or damaged lumber, damaged outdoor furniture, household furniture, stoves, refrigerators, freezers or other appliances intended for indoor use, sinks, toilets, cabinets or other household fixtures, yard waste, and/or any other item, whole or in part, regardless of item condition, including but not limited to, rusted, wrecked, junked, dismantled, abandoned, discarded, or inoperable, which is not completely enclosed within a building or dwelling and which may become a breeding place for insects, rodents or reptiles, or which may constitute a health, accident or fire hazard, or which creates a blighting or deteriorating effect on the county.

This does not apply to any issue that may be existing as a result of the natural and undisturbed state of the property that is free from any act of human conduct. Nothing herein shall preclude the storage of stacked firewood for use on the property. Further, this section shall not apply to construction sites or licensed businesses for which all applicable permits have been issued by the county and such storage is compliant with all other applicable rules and regulations.

44-11. VEGETATION

It shall be unlawful for any person to maintain, cause or allow growth of weeds or grass in excess of 18" (eighteen inches) to grow on any property on which is located a residential dwelling, commercial establishment or vacant commercial property where excessive growth may become a breeding place for insects, rodents or reptiles, or which may constitute a health, accident or fire hazard, or which creates a blighting or deteriorating effect on the county. Noxious weeds shall be prohibited. This does not apply to agriculturally zoned property, property used for agricultural purposes, county-designated green space, or areas existing in their natural, undisturbed state.

In any event, no tree, shrub or other vegetation shall obstruct the safe vision of a sidewalk, drive, or road.

44-12. HEALTH AND SANITATION

All exterior property shall be maintained in a sanitary and safe condition. All exterior property shall be free of trash and garbage to the extent such trash and garbage shall create a breeding place for insects, rodents or reptiles, or which may constitute a health, accident or fire hazard, or which creates a blighting or deteriorating effect on the county. Notwithstanding the foregoing, the composting of vegetative materials is allowed provided that it does not create odors, health hazards, or nuisances.

44-13. GRAFFITI

Any person who causes graffiti to appear on property shall be subject to penalty under this Chapter, as well as all other applicable criminal laws. The owner of the property on which the graffiti appears shall be responsible for removal of the graffiti, whether by cleaning the graffiti off, painting over the graffiti, or otherwise. Failure by the property owner to remove the graffiti within 30 days of written notice to do so by a Public Officer shall constitute a violation of this Chapter by the property owner.

44-14. TENANT RESPONSIBILITY FOR MAINTENANCE

A tenant, in addition to the owner, shall be responsible for complying with the standards of this Chapter on that portion of the property controlled exclusively by the tenant.

44-15. OWNER RESPONSIBILITY FOR MAINTENANCE

The owner of a property shall be responsible for complying with the standards set forth in this Chapter, except as otherwise stated in this Chapter.

44-16. MAINTENANCE OF REAL PROPERTY AFTER CASUALTY DAMAGE

(A) All buildings or structures not being presently and physically occupied, which have been rendered hazardous by fire or other acts of nature, shall immediately be made secure by the

owner and/or operator to prevent unauthorized access to the hazardous property. If the property remains physically unoccupied and hazardous to public health and safety 90 days after the casualty damage occurred, unless a natural disaster is declared by an authorized governmental entity, the owner and/or operator shall be subject to the enforcement provisions of Chapters 48 of the Dawson County Code of Ordinance for abatement of a nuisance.

(B) Burned structures.

If any building or structure is partially burned, then the owner and/or operator shall, within 30 days after completion of the investigation by the fire department and law enforcement and/or the insurer of the property, remove from the premises all refuse, garbage, trash, debris, and all charred and partially burned lumber and material. If the building or structure shall be burned to an extent that the building or structure cannot be repaired, then the owner and/or operator shall, within 60 days after completion of the investigation by the fire department and law enforcement and/or the insurer of the property, remove from the premises the remaining portion of the building or structure. If the building or structure is to be repaired, then a permit shall be obtained, and work shall begin within 60 days after completion of the investigation by the fire department and law enforcement and/or insurer of the property.

44-17. VERMIN INFESTATION CONTROL

(A) Non-Residential Buildings.

- (1) The owners of all non-residential buildings shall have such buildings vermin-proofed and kept vermin-proofed in accordance with this Chapter.
- (2) Whenever conditions inside or under any such non-residential buildings or on any property on which a non-residential building is located provide harborage for vermin such that the Public Official deems it necessary that such harborage be eliminated, the Public Official shall order the owner to take such steps toward the elimination of the harborage as the Public Official, in his/her discretion, deems essential.

(B) Duties of occupants of non-residential buildings.

The owner, operator, and/or occupants of any non-residential buildings or property on which a non-residential building is located in Dawson County shall at all times comply with the following regulations:

- (1) Store all garbage in a vermin-proof metal container or other type approved by the Public Official, pending removal of such garbage;
- (2) Keep non-residential buildings and property free of trash, garbage, debris, rubbish, salvage, or similar materials which provide nesting places and harborage for vermin; and

- (3) Maintain buildings and/or property in a vermin-free condition by pursuing a program of vermin proofing.

(C) Residential Buildings.

- (1) The owner of any residential building shall be responsible for vermin elimination within the building prior to renting or leasing the structure.
- (2) The occupant of a one-family dwelling shall be responsible for vermin elimination on the premises.
- (3) The owner of a building containing two or more dwelling units, a multiple occupancy, or a rooming house shall be responsible for vermin elimination in the public or shared areas of the building and exterior property. If an infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant and owner shall be responsible for vermin elimination.
- (4) The occupant of any building shall be responsible for the continued vermin free condition of the building. Except where the infestations are caused by defects in the building, the owner shall be responsible for vermin elimination.

(D) Inspections.

The Public Official is hereby authorized to make inspection of all buildings and property in Dawson County for the purpose of determining the conditions as to vermin proofing and rodent infestation where there is reasonable cause for the Public Official to believe that vermin infestation or harborage exists. All owners, operators, and/or occupants of buildings and property shall permit such inspection when requested by the Public Official.

44-18. UNFIT DWELLINGS OR BUILDINGS

(A) Unfit dwellings and buildings defined.

Any dwelling or building, which has any or all of the following defects, as determined by the Building Official, shall be deemed unfit for human habitation, as defined by this Chapter, and subject to condemnation by the County. The following is a non-exclusive list of conditions that will be deemed unfit for human habitation:

- (1) Any dwelling or building whose walls or vertical members list, lean or buckle to such an extent that a plumb line suspended from the top edge of such member shall fall outside of a distance from the edge equal to one-third of the thickness of such members.
- (2) Any dwelling or building which has support member or members which have deteriorated to such an extent as to be unable to safely support the applied loads or which have 40 percent damage or deterioration of the non-supporting, enclosed, or outside walls or covering.

- (3) Any dwelling or building which has improperly distributed loads upon the floors or roofs or in which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose used.
- (4) Any dwelling or building which has been damaged by fire, wind, or other causes so as to have become dangerous to life, safety, or the general health and welfare of the occupants.
- (5) Any dwelling or building which has parts thereof, which are so attached that they may fall and injure persons or property.
- (6) Any dwelling or building which does not have an unobstructed means of egress leading to an open space at ground level, whether such unobstructed egress is at ground level or via steps to ground level.
- (7) Any dwelling or building which has wiring that is dangerous due to lack of insulation, improper fuses, inadequate grounding, lack of capacity of wires or other dangerous condition.
- (8) Any dwelling or building, which does not have an installed kitchen sink in each dwelling unit properly, connected to the hot and cold-water supply pipes and the sewer system, and which connection is actively providing a potable water supply.
- (9) Any dwelling or building which does not have an installed tub or shower and lavatory properly connected to hot and cold-water supply pipes and sewer system, and which connection is actively providing a potable water supply.
- (10) Any dwelling or building which does not have a flush-type water closet located in a room affording privacy and properly connected to the water supply pipes and sewer system, and which connection is actively receiving a water supply so as to allow a toilet to be flushed.
- (11) Any dwelling or building which does not have installed and operational (i.e., electricity running through the lines) electric lighting facilities installed and functioning in accordance with the minimum requirements of the National Electric Code.

(B) Renting an unfit dwelling or building.

It shall be unlawful for any owner, operator, occupant, and/or any party in interest of a dwelling or of a building to rent or offer for rent any dwelling, building, or rooming unit which is unfit for human habitation as determined by inspection by the Dawson County Building Official, for any reason set out in this Chapter, due to the dilapidation, leaking water lines, leaking gas lines, electrical defects increasing hazards of fire, accidents or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwelling or building or rooming unit unsafe or unsanitary or dangerous.

Upon discovering that a dwelling, building, or rooming unit has been deemed by the Public Official to be unfit for human habitation, any person shall have 72 hours or three business days (in the case of office closure) after execution of a lease for such dwelling, building, or rooming unit to rescind the lease by providing notice in writing to the landlord that the dwelling or building has been discovered to be unfit as described in this Chapter.

(C) Persons occupying dwellings or buildings.

In addition to limitations on occupants and residents and the definition of family under this Chapter and any other applicable Dawson County ordinance, the number of persons beyond c persons related by blood, marriage, adoption, or guardianship occupying any dwelling unit shall be limited by the following additional requirements: The total of all habitable rooms in a dwelling or building shall be such as to provide at least 200 square feet of total building square footage (as determined and maintained in the records of the Dawson County Board of Tax Assessors) per each adult occupant thereof. Any floor space under a ceiling less than five feet high shall not be counted.

(D) Rooming houses.

If the use is allowed in the zoning district, and all other applicable requirements under the applicable zoning ordinance are satisfied, the owner and/or operator of a rooming house must comply with the following additional requirements:

- (1) Each rooming house and room shall be in compliance with the minimum standards set forth in this Section, Section 44-17-A, subsections (1) through (7), and (11), and Section 44-17-C above.
- (2) Each rooming house shall be equipped with at least one flush water closet, one lavatory, an installed tub or shower for each five persons or fraction thereof within the rooming house, including members of the family, if they are to share the use of the facilities. All such facilities shall be properly connected to the water supply and sewer system as required by Section 44-18-A.
- (3) Each flush water closet, lavatory, tub, or shower required above, shall be located within the rooming house, in a room, or rooms, which:
 - (a) Affords privacy;
 - (b) Is accessible by a common hall without going outside the rooming house;
 - (c) Is accessible by a common hall without going through sleeping quarters of others; and
 - (d) Is not more than one story removed from the room of an occupant intended to share the facilities.

44-19. ENFORCEMENT

This Chapter shall be enforced by the appropriate Public Officer as may be applicable to the particular offense.

44-20. PENALTIES

- (A) The applicable Public Officer is hereby authorized and directed to administer and enforce all the provisions of this Chapter. Failure to comply with any requirement of this Chapter shall constitute a violation subject to citation and penalty as provided herein.
- (B) Upon the first violation of any of the provisions of this Chapter, a warning notice shall be issued by the Public Officer with a notice to cure the violation within a time determined reasonable under the circumstances by the Public Officer. Upon the second violation of any of the provisions of this Chapter, a citation shall be issued, and the individual shall go before the Dawson County Magistrate Court. Upon conviction by a court of competent jurisdiction, the offending person will be guilty of a criminal misdemeanor and shall be subject to criminal penalties not to exceed \$1,000.00, by imprisonment in the county jail for a period of time not to exceed 60 days, or by both such fine and imprisonment, or up to the limits of any penalty provided by state law for the ordinance. For purposes of sentencing, the first citation before the Magistrate Court shall be deemed the "first offense," however; consideration may be given by the court to the previous warning citation.
- (C) Nothing contained in this section shall be construed to preclude Dawson County from pursuing any and all other remedies provided by law, including, but not limited to, pursuit of a restraining order, injunction, abatement of the nuisance, condemnation, or other appropriate legal action, or proceeding through a court of competent jurisdiction to prevent, restrain, or abate the unlawful use or activity.
- (D) Each violation of this Chapter shall constitute a separate offence. Additionally, each day of noncompliance with the terms of this Chapter is considered a separate offense and the offending person will be subject to the penalties in subsection B above for each day of noncompliance.

44-21. NO LIABILITY-COUNTY

No officer, agent, or employee of Dawson County shall be personally liable for any damage that may accrue to persons or property resulting from any act required or permitted when discharging duties pursuant to this Chapter.



DAWSON COUNTY BOARD OF COMMISSIONERS AGENDA FORM

Department: Planning & Development
Prepared By: S.O. Farrell, Director
Presenter: S.O. Farrell

Work Session: 10/20/22

Voting Session: 11/03/22

Public Hearing: Yes

Agenda Item Title: Presentation of amendments to the Litter Control /Solid Waste Management code.

Background Information:

A new chapter for Property Maintenance is being proposed, creating the need to amend the current Litter Control/Solid Waste code.

Current Information:

Staff worked with legal counsel to draft the amendments to the Litter Control/Solid Waste Management code, in conjunction with the new code Chapter 44 Property Maintenance.

Budget Information: Not Applicable.

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

Recommendation/Motion: Staff recommends that the BOC approve the request to advertise for public hearing to amend the Litter Control/Solid Waste code

Department Head Authorization: S.O. Farrell

October 6, 2022

Finance Dept. Authorization: Vickie Neikirk

Date: 10/11/22

County Manager Authorization: David Headley Date: 10-11-2022

County Attorney Authorization: _____ Date: _____

Attachment:

Chapter 46 amended and a "clean" copy of changes incorporated.

CHAPTER 46: LITTER CONTROL AND SOLID WASTE MANAGEMENT

46-1.	Title
46-2.	Definitions
46-3.	Public Collection and Disposal
46-4.	Private Collection and Disposal
46-5.	Private Litter Control
46-6.	Practices and Procedures
46-7.	Community Health and Welfare
46-8.	Enforcement
46-9.	Yard Trimmings Disposal Regulations

46-1. TITLE

This ~~article~~ Chapter shall be known and may be cited as “The Dawson County Litter Control and Solid Waste Management Ordinance.”

46-2. DEFINITIONS

A. General

Except as otherwise provided herein, all words shall have the customary dictionary meaning unless specifically defined in the Georgia Comprehensive Solid Waste Management Act of 1990 as now or hereafter amended, or in the Rules of the Georgia Department of Natural Resources Environmental Protection Division. The present tense includes the future tense. The singular number includes the plural and the plural includes the singular. The word “person” includes a firm, corporation, association, organization, trust or partnership. The use of the masculine gender includes the feminine, and the use of the feminine gender includes the masculine. The word “shall” is always mandatory. The word “may” is permissive and is not mandatory. The “Board of Commissioners” refers to the Board of Commissioners of Dawson County, Georgia.

B. Specific Definitions

When used in this ~~Article~~ Chapter, the following words and phrases shall have the following meanings:

Biomedical Wastes means pathological waste, biological waste cultures and stocks of infection agents and associated biologicals, contaminated animal carcasses (body parts, their bedding, and other wastes from such animals), sharps, chemotherapy waste, discarded medical equipment and parts, not including expendable supplies and materials, which have not been decontaminated, and other such waste materials.

Business Trash means every waste accumulation of paper, sweepings, dust, rags, bottles, cans or other matter of any kind, other than garbage, which is usually attendant to business operations.

~~Code Compliance Officer~~Marshal's Office means the person or persons authorized by the Board of Commissioners to issue citations to violators of this Article.

Commercial Solid Waste means: aAll types of solid waste generated by stores, offices, restaurants, warehouses, and other non-manufacturing activities, excluding residential and industrial wastes.

Compactor means a bulk container used for the collection of garbage, refuse, trash and litter, equipped with a device to compact such materials and thereby increase the storage capacity of the containers. Compactors have generally been used to replace dumpsters.

Construction/Demolition Wastes means any material such as lumber, roofing material, brick, concrete block, plaster, gutters, sand, gravel or other substances used in repairs or alterations of existing buildings or construction of new buildings, or results from demolition of existing buildings.

Construction/Demolition Waste Landfill means any facility or disposal site where any treatment, utilization, processing, storage, or disposal of solid wastes, other than putrescible wastes, occurs and such wastes are disposed of on land by placing an earth cover thereon.

County means the duly authorized governing body of Dawson County, Georgia, or the geographical area of Dawson County, Georgia, outside the corporate limits of any incorporated municipality therein.

Dumpster means a container for the disposal of litter of a capacity of at least ten cubic yards and not more than 30 cubic yards. The use of this term is generic and does not refer to a bulk container manufactured by a specific manufacturer.

Garbage ~~shall also~~ means Waste, Household Trash, Refuse, Hazardous Refuse, Rubbish, Debris, Litter, Vegetative Debris, Weeds, Yard Trimmings, Industrial Waste, or any derivations thereof, which means any organic or inorganic items, in any physical state or makeup or of any chemical composition, whether hazardous or nonhazardous or noxious or innocuous, that have been discarded.

Garbage bag means a plastic, or other similar nonporous materials, bag or sack designed specifically to contain garbage or household trash in a secure, airtight manner. Such bags shall also include suitable means of closure to ensure that the material contained therein is not exposed to the outside air.

Hazardous means a condition which is a violation of this Chapter and which the applicable Public Officer has determined to be likely to result in the death, injury, or illness of a human or likely to result in severe damage to real or personal property.

~~Hazardous Waste means any substance listed as a hazardous constituent in regulations promulgated pursuant to the federal act by the administrator of the United States Environmental Protection Agency which are in force and effect on February 1, 1992, codified as Appendix VIII to 40 C.F.R. Part 261—Identification and Listing of Hazardous Waste.~~

Hazardous waste means materials such as poison, acids, caustics, chemicals, infected materials, offal, fecal matter, and explosives, or such other items that may be deemed to be hazardous waste under state or federal law.

Household Trash means every waste accumulation of paper, sweepings, dust, rags, bottles cans or other matter of any kind, other than garbage, which is usually attendant to housekeeping.

Industrial Waste means solid waste generated by manufacturing or industrial processes or operations that is not a hazardous waste regulated under Part 1 of Article 3 of the Georgia Hazardous Waste Management Act. (O.C.G.A. § 12-8-60 et seq.). Such waste includes, but is not limited to, waste resulting from the following manufacturing processes: Electric power generation; fertilizer and agricultural chemicals; food and related products and by-products; inorganic chemicals; iron and steel products; leather and leather products; nonferrous metal and foundry products; organic chemicals; plastics and resins; pulp and paper; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textiles; transportation equipment; and water treatment. This term does not include mining waste or oil and gas waste.

Inoperable or Junked Vehicles means any automobile, Vehicle of any type, including, but not limited to, all-terrain vehicle ("ATV"), moped, motorcycle, or four-wheeler, a, trailer of any type, or any parts of any such automobile, vehicle, or trailer, which remains in place for more than seven (7) days as follows:

- a. Is in inoperative or junk condition by reason of its having been wrecked, dismantled, abandoned, or discarded; or
- b. Which does not have a valid license plate where required; and/or
- c. Where it is incapable of movement by its own power.

Inoperable or Junk marine vessel means any vessel or Vehicle that is designed for use on the water, including, but not limited to, any boat, marine vessel of any type, including, but not limited to, personal watercraft, trailer for the movement of, or any parts of any such boat, marine vessel, or trailer, which remains in place for more than seven (7) days as follows:

- a. Is in inoperative or junk condition by reason of its having been wrecked, dismantled, abandoned, or discarded; or
- b. Which does not have a valid vessel registration where required; and/or
- c. Where it is incapable of movement by its own power.

~~includes any wrecked or inoperable automobile, truck or other vehicle, or vehicle, which does not bear a current license plate.~~

Landfill, Sanitary means any facility or disposal site where any treatment, utilization, processing, storage, or disposal of solid wastes, including putrescible wastes or hazardous wastes, occurs and such wastes are disposed of on land by placing an earth cover thereon.

Leachate Collection System means a—A system at a landfill for collection of the leachate, which may percolate through the waste and into the soils surrounding the landfill.

Litter means all garbage, refuse, waste materials, sand, gravel, slag, brickbats, rubbish, tin cans, trash, debris, dead animals, or any other discarded, used or unconsumed substance which is not handled in accordance with the provisions of this ~~Article~~Chapter.

Marshal's Office means the person or persons authorized by the Board of Commissioners to issue citations to violators of this Chapter.

Municipal Solid Waste means —aAny solid waste derived from households, including garbage, trash and sanitary waste in septic tanks and include~~ings~~ solid waste from single-family and multifamily residences, hotels and motels, bunkhouses, campgrounds, picnic grounds, and day use recreation areas. The term includes yard trimmings and commercial solid waste but does not include solid waste from mining, agricultural or silvicultural operations or industrial processes or operations.

Municipal Solid Waste Disposal Facility- means aAny facility or location where the final ~~disposition~~deposition of any amount of municipal solid waste occurs, whether or not mixed with or including commercial or industrial solid waste, including but not limited to municipal solid waste landfills.

Municipal Solid Waste Landfill means- Aa disposal facility where any amount of municipal solid waste, whether or not mixed with or including commercial waste, industrial waste, nonhazardous sludge or small quantity generator hazardous waste, is disposed of by means of placing an approved cover thereon.

Parking Lot means:

- a. ~~(a)~~—an area, whether paved or unpaved, designated, reserved or used for the reserved parking of motor vehicles, excluding street parking, which has more than 10 parking spaces or can accommodate more than 10 parked vehicles;
- b. ~~(b)~~—any commercial parking lot or garage; and
- a-c. ~~(c)~~—the driveway, drive-through, parking spaces or other paved areas adjacent to convenience stores, gas stations, restaurants and other retail establishments.

Public officer means the individuals who are authorized to exercise the powers prescribed by this Ordinance or any agent or designee of such officer or officers. A public officer may be the County Manager, Planning Director, Building Official, Dawson County Environmental Health, the Dawson County Marshal's Office, the Dawson County Fire Marshal's Office and or the Dawson County Sheriff's Office, as applicable.

Public or Private Property means the right of way of any road, street or highway; and any body of water or watercourse or the shores or beaches thereof; any park, playground, building, refuge, or conservation or recreation area; and residential or farm properties, timberlands, or forests. Any lot, unit, or parcel of land inclusive of any dwelling, building, structure, or improvements located thereon. This also includes vacant lots that do not have any dwelling, building, structure, or improvement located thereon.

Putrescible Waste means wastes that are capable of being quickly decomposed by microorganisms. Examples of putrescible wastes include but are not necessarily limited to kitchen wastes, animal manure, offal, hatchery and poultry processing plant wastes, dead animals, garbage, and wastes, which are contaminated by such wastes.

Recycling means any process, by which material, which would otherwise become solid waste are collected, separated, or processed and reused or returned to use in the form of raw materials or products.

Road or Street shall be mutually inclusive, and shall likewise be deemed to include any alley, lane, right-of-way, court, and other thoroughfare, however described or designated.

Rubbish means combustible and noncombustible waste materials and the term shall include the residue from the burning of wood, coal, and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches or trunks, yard trimmings, tin cans, metals, mineral matter, glass, crockery, and dust or other similar materials. ~~includes waste paper, cartons, boxes, wood, tree branches, yard trimmings, furniture, appliances, metal, cans, glass, packing material and similar material.~~

Scavenge or Scavenging means any unauthorized or uncontrolled retrieval of discarded solid waste or garbage materials.

Sharps means any discarded article that may cause punctures or cuts. Such waste includes, but is not limited to, items such as needles, IV tubing and syringes with needles attached, and scalpel blades.

Solid Waste means any garbage or refuse; sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility; and other discarded material including solid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations and community activities, but does not include recovered materials; solid or dissolved materials in domestic sewage; solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permit under 33 U.S.C. Section 1342; or source, special nuclear, or by-product material as defined by the federal Atomic Energy Act of 1954, as amended (68 Stat. 923).

Transfer Station means a designated location where members of the public may dispose of solid waste subject to the restrictions set forth in this ArticleChapter. Waste collected at Transfer Station(s) will be periodically hauled to a landfill.

Trash means waste materials and items which are not in good repair or are discarded and which are of little or no value, including, but not limited to, plaster, paper, wrappings, plant cuttings, household furnishings, furniture items, including, but not limited to, mattresses, box springs, bed frames, couches, and chairs used or salvaged building materials, packing and clothing, appliances, equipment, machinery, or parts thereof, scrap metal, scrap lumber, masonry blocks, disassembled vehicle parts or dismantled portions of vehicles.

Vehicle means any means of conveyance, whether self-propelled or not, that is designed to travel on the ground or on water or in the air, including, but not limited to, automobiles, buses, motorbikes, motorcycles, motor scooters, trucks, tractors, go-carts, golf carts, campers, recreational vehicles, boats, personal watercraft, airplanes, train cars, and any means of conveyance which are designed to be pulled by motorized vehicles upon the roadway such as boat trailers, wagons, balers, motorcycle trailers, auto transport trailers, and any other trailer designed to haul specific items attached to vehicles on the roadway.

Yard Trimmings means leaves, brush, grass, clippings, shrub and tree prunings, discarded Christmas trees, nursery and greenhouse vegetative residuals, and vegetative material resulting from landscaping development and maintenance other than mining, agricultural, and silvicultural operations.

Exemptions. Provisions of these rules shall not apply to any individual disposing of solid wastes originating from his own residence onto land or facilities owned by him when disposal of such wastes does not thereby adversely affect the public health. These rules shall not apply to any individual, corporation, partnership, or cooperative disposing of livestock feeding facility waste from facilities with a total capacity of up to 1,000 cattle; provided that if such individual, corporation, partnership, or cooperative shall provide an approved disposal system which is capable of properly disposing of the run-off from a ten year storm such individual, corporation, partnership or cooperative shall be further exempt regardless of total per head capacity. Nothing in these rules shall limit the right of any person to use poultry or other animal manure for fertilizer.

C. Classification of Solid Wastes

1. Accepted Solid Wastes-Compactors. The following types of solid wastes shall be classed as “domestic solid wastes” and shall be accepted for disposal in compactors or dumpsters:
 - a. Garbage in garbage bags.
 - b. Household trash in garbage bags.
2. Accepted Construction/Demolition Wastes Landfill. The following types of solid wastes shall be classed as general solid wastes and shall be accepted for disposal at construction/demolition wastes landfills:

- a. Construction/demolition wastes.
 - b. Other types of non-putrescible solid wastes.
3. Accepted Solid Wastes-Sanitary Landfills. The following types of solid wastes shall be classed as general solid wastes and shall be accepted for disposal at sanitary landfills:
- a. Garbage,
 - b. Household trash,
 - c. Business trash,
 - d. Rubbish,
 - e. Litter, and
 - f. Some types of industrial waste when approved by appropriate State Environmental Protection Division permits.
4. Non-Accepted Solid Wastes. The following types of waste shall be classed as non-accepted solid wastes and shall not be accepted for disposal:
- a. Some types of industrial waste
 - b. Hazardous wastes
 - c. Inoperable or Junked vehicles and vehicle parts thereof
 - ~~e-d. Inoperable or Junked or abandoned marine vessels and parts thereof~~
5. Recyclables. Materials for recycling may be separated for storage at each disposal site.

46-3. PUBLIC COLLECTION AND DISPOSAL

A. Public Compactors

- 1. The Board of Commissioners may designate areas in the County where Transfer Stations, intended to be for public use, are located and maintained. These Transfer Stations shall be located on public property, along the right of way of public roads and streets, or on private property with the express written consent of the owner and tenant in legal possession of the property, and shall be located in such a manner that there is a minimum danger of the spread of noxious odors and the detrimental effect on the environment is minimal.
- 2. It shall be unlawful for any person to place or deposit any garbage, refuse, litter, household trash or other material of any kind at a Transfer Station without authorization.
- 3. It shall be unlawful to place or deposit industrial waste or construction/demolition wastes at a Transfer Station.
- 4. It shall be unlawful to place or deposit any hazardous solid wastes of any kind at a Transfer Station.
- 5. It shall be unlawful for any person to dispose of or discard at a Transfer Station any hypodermic injection devices before first breaking, disassembling, destroying or otherwise

rendering inoperable and incapable of reuse, any hypodermic syringe, needle, instrument or device and without safeguarding the disposal thereof by wrapping or securing same in a suitable manner so as to avoid the possibility of causing injury to the collection personnel.

6. No combustible liquid shall be placed or deposited at a Transfer Station. Non-Combustible Liquids are also prohibited unless they are solidified so that they cannot pass through a paint filter.
7. No material or substance governed or regulated as a noxious or toxic material by any governmental agency or which would pose a hazard to the health, safety and well-being of the collection personnel or residents of the County, or which could contaminate the ground or surface water of the County, or which would pose a danger to the wildlife of the County, shall be placed or deposited at a Transfer Station.
8. It shall be unlawful to place or deposit any garbage or household trash at a Transfer Station without first placing and securing such in a garbage bag of suitable strength and thickness. Objects, which could puncture the garbage bag in the course of the ordinary and intended use thereof, shall be wrapped or protected so that the bag shall remain intact.
9. It shall be unlawful to place or deposit garbage or household trash on the ground adjacent to a Transfer Station compactor, unless otherwise directed by on-site staff, and except that recyclable materials may be placed in designated containers where provided. Any person using a compactor shall clean up any spills caused by his use of the compactor and shall not drop or discard any garbage or household trash in the area surrounding the compactor.
10. Dead or live animals shall not be placed or deposited at a Transfer Station.
11. It shall be unlawful for a person to place more than two (2) cubic yards of rubbish in the compactors in any seven (7) day period.

B. Public Construction/Demolition Wastes Landfill and Sanitary Landfill

1. The County may operate and maintain public landfills located on County property in compliance with all applicable State and Federal laws and regulations, and may adopt procedures, rules and regulations to govern the operation and use of Municipal Solid Waste Landfill.
2. Public sites approved for the disposal of solid wastes shall be identified by appropriate directional signs posted near the roadside and at the location of the Dawson County Sanitary Landfill.
3. Such sites shall be maintained in use until permanently closed, at which time, additional authorized sites shall be opened and publicized by posting and through public advertisements.

4. The County may restrict certain sites or portions thereof to a specific type or types of solid wastes. The County may adopt operational policies concerning the separation, storage and use of recyclable materials. Citizens are encouraged to practice source separation of specific types of solid wastes for disposal at specific sites by different methods.
5. Commercial Collectors, including yard maintenance men, may use the public designated landfills upon the payment of applicable fees, if any, established by the Board of Commissioners.
6. Residents of the County and businesses located in Dawson County, other than commercial collectors, may use the public designated landfills upon payment of a fee to be set by the Board of Commissioners, in accordance with the regulations for the particular site and under the instruction of the site attendant.
7. Municipalities located within Dawson County may use the public landfills upon the payment of applicable fees, if any, established by the Board of Commissioners.
8. No solid wastes generated outside the County will be accepted at any disposal site operated by the County unless approved by a specific, affirmative act of the Board of Commissioners through amendment of this [Article-Chapter](#) or adoption of superseding regulation.
9. Authorized public disposal sites shall be operated on the days established from time to time by the Board of Commissioners. During the hours designated by Board of Commissioners, acceptable solid wastes generated in the County shall be received for disposal from any resident of the County.
10. No person shall enter a disposal site, including any Transfer Station, except during the hours and days prescribed by the Board of Commissioners. All materials delivered and deposited for disposal in a disposal site shall immediately become the property of the County, unless the County refuses any such materials at the time it is presented for deposit in the disposal site, or the County, within a reasonable time, notifies the depositor of the unacceptability of the materials and to retrieve the materials.

~~C. Unauthorized Use of Identification Devices to Deposit Solid Waste.~~

46-4. PRIVATE COLLECTION AND DISPOSAL

A. Private Collectors

It shall be unlawful for any person to collect solid wastes within the County except from his or her own residence, business or industrial plant, without first having obtained a proper permit from the Georgia Department of Natural Resources and the County, and without first having obtained a Dawson County Business License. This provision includes the collection or transportation of solid waste by an individual for his or her neighbors. This provision shall not prohibit the utilization of centralized recycling collection facilities by persons not in the business of recycling. Commercial recyclers must obtain the aforementioned permits.

B. Private Landfills

1. It shall be unlawful for any person to operate a landfill, waste disposal area, or waste storage area intended to be used or used by others for the disposal or storage of waste within Dawson County ~~without first having obtained a proper permit from the Georgia Department of Natural Resources and the County, and without first having obtained a Dawson County Business License, within Dawson County.~~ This shall not apply to Solid Waste Transfer Stations in operation at the time of adoption of this ~~e~~Ordinance, provided such existing Solid Waste Transfer Station at all times has maintained without interruption and shall maintain without interruption which maintain a current business license issued by Dawson County and which maintain any and all state and/or federal permits or licenses for the handling of solid waste.
2. For renewals of business licenses for Solid Waste Transfer Stations established prior to the adoption of this O~~Ordinance~~ the following shall apply:
 - a. No permit shall be issued by Dawson County until the applicant has shown, to the satisfaction of the Board of Commissioners, that all Federal, State and County regulations and ordinances have been, and will be, complied with continuously and without interruption in the operation and management of the ~~landfill, waste disposal area, or waste storage area~~ Solid Waste Transfer Station, and that the location of said ~~landfill, waste disposal area, or waste storage area~~ Solid Waste Transfer Station is such that there is no or only minimal detriment to the environment, including but not limited to, noxious odors, runoff, or contamination of surface and ground water, so that the maximum protection is afforded to the health, safety and well-being of the citizens of Dawson County.
 - b. ~~3.~~ No permit shall be issued except by resolution of the Board of Commissioners after notice of the application has been published by the applicant in a newspaper of general circulation in Dawson County. Such notice of the application shall run in the newspaper once a week for four consecutive weeks before the meeting of the Board of Commissioners in which the application is to be considered. The notice shall contain a description of the property whereon the ~~landfill, waste disposal area, or waste storage area~~ Solid Waste Transfer Station is to be located, the names of the owner or owners of such property, the names of the operator or operators of the ~~landfill, waste disposal area, or waste storage area~~ Solid Waste Transfer Station, and a description of the types of waste to be handled at said facility.
 - c. ~~4.~~ It shall be the duty and responsibility of the owner of any ~~private disposal~~ Solid Waste Transfer Station site to keep the site in an orderly condition and maintained so as not to be a public nuisance or a menace to public health.
 - d. ~~5.~~ The Board of Commissioners hereby designate ~~its Code Compliance Officer~~ (The Dawson County Marshal's Office as its designee and/or the Dawson County Sheriff's Office who shall have the right to enter a private ~~disposal site~~ Solid Waste Transfer Station at any time during normal business hours for the purpose of inspecting the site to determine whether or not the site is in compliance with this ~~Article Chapter~~ and all other pertinent laws and regulations of the County.

46-5. PRIVATE LITTER CONTROL

A. Commercial Establishments

1. Every owner, occupant, tenant and lessee using or occupying any commercial, institutional or industrial building or property shall be obligated, jointly and severally, to provide solid wastes containers of that character, size, number and type as ~~may be specified by the Board of Commissioners or its designee~~ to be reasonably required to hold solid wastes generated by operations on the premises. Specifically, and without limiting the generality of the foregoing, the requirement for those containers shall apply to shopping centers, supermarkets, convenience stores, fast food restaurants, service stations and similar establishments; and shall likewise apply to commercial establishments, garages, schools, colleges and churches.
2. All commercial and industrial establishments shall store their solid wastes in containers as specified in this ~~Article Chapter~~ so as to eliminate wind-driven debris and unsightly litter in and about their establishments. ~~Approved methods of containerization shall include solid wastes receptacles, bulk containers and detachable containers.~~ Any spillage or overflow shall be immediately cleaned up by said establishment.
3. Bulk containers shall be locked at all times and posted with signage notifying the general public that said containers are for the private use of the establishment.

NOTE: Is this addressed in the Zoning Ordinance as to containers? If not, consider eliminating the obligation on the Board to specify size of containers. Proposed edits to remove.

B. Loading and Unloading Areas

All loading and unloading areas shall be provided with solid wastes receptacles for loose debris, paper, packaging materials and other trash. The owner or occupant of the commercial establishment shall be responsible for the placement of the number of containers in said area necessary to maintain a clean, neat and sanitary condition at all times. The number of such containers to be placed in service for a particular establishment shall be ~~determined by the County or its designee, based on guidelines adopted and maintained, as amended from time to time, by the County or its designee~~ as reasonably required to hold solid waste generated at the property. The occupant of the premises shall maintain surveillance to ensure that all litter is placed in the proper container and the area is kept clean.

C. Parking Lots

1. All parking lots and establishments with parking lots shall provide solid wastes receptacles. ~~The County or its designee shall have the authority to determine the number and types of receptacles necessary to provide proper containerization, based on guidelines adopted and maintained, as amended from time to time, by the County or its designee.~~ The number of such containers to be placed in service for a particular establishment shall be as reasonably required to hold solid waste generated at the property. Such receptacles shall be weighted

or attached to the ground as necessary to prevent spillage. It shall be the responsibility of the owner or his agent to collect the solid wastes and trash deposited in such containers and store this material in a location until collected by a private hauler or to otherwise dispose of the same.

2. It shall be the obligation of all persons using the parking areas to place any litter in receptacles or containers and it shall be unlawful for any person or persons to dump, scatter, or throw on any parking lot, any solid wastes, garbage or trash of any kind.
3. The owner and the tenant in possession of any parking lot or establishment with a parking lot shall collect and remove on a regular basis all loose solid wastes, garbage, litter or trash of any kind from the parking lot and open area of the premises and shall maintain surveillance to insure that all solid wastes are placed in the proper container and the area is kept in a clean, neat and sanitary condition at all times.

D. Construction Sites and Demolition Sites

All construction and demolition contractors shall provide on-site solid wastes receptacles, bulk containers, or detachable containers for loose debris, paper, building material waste, scrap construction/demolition wastes, and other trash produced by those working at the construction site. The site shall be kept in as litter-free condition as reasonably practicable. The number of solid wastes receptacles or bulk containers, or detachable containers, shall be adequate based upon the size of the job. If it appears that inadequate measures have been taken the County Marshal may require additional measures be taken to accommodate the amount of solid waste being produced, be determined by the size of the job, based on guidelines adopted and maintained, as amended from time to time, by the County or its designee. Dirt, mud, construction materials or other debris upon any public or private property belonging to a person other than the owner of the construction site shall be removed by the contractor as generated. Building material originating from private property preliminary to, during or subsequent to the construction of new building, alterations or additions to an existing building of whatever type or from demolition of existing structures shall be removed by the owner of the property or by the contractor. All solid wastes from construction and related activities shall be kept on site in such a manner as to eliminate wind-driven debris and unsightly litter in and about the site.

E. Residences and Private Properties

1. All owners or occupants of property shall maintain their property in litter-free condition.
- ~~2.~~ Every owner, occupant, tenant and lessee using or occupying a residence, apartment, duplex, or other dwelling, jointly and severally, are required to remove all litter, solid wastes, household trash, garbage and other solid wastes and dispose of the same by depositing in a public landfill or public compactor in accordance with this Article-Chapter or by placing in proper containers in a suitable place readily accessible to sanitation collection crews or contracting with a private hauler to collect the same on a regular basis, but at least once each week. Where collection is conducted by means of curbside pickup, the containers shall be removed as soon as practicable placed at the curb for pickup no earlier than twenty-four (24) hours prior to the scheduled pickup time and shall be removed

from the curb no later than twenty-four (24) hours after the scheduled pickup time and placed ~~within the buildable area of the lot, but not between the front yard and the street out of view of the public street.~~

~~3-2~~ No person shall sweep into or deposit ~~in-onto~~ any street or sidewalk or adjacent property any accumulation of litter, ~~and/or~~ garbage, grass or yard trimmings, or any other material from any building or property.

46-6. PRACTICES AND PROCEDURES

A. General

1. The following practices and procedures shall be employed by persons in Dawson County in order to facilitate the collection of solid waste:
 - a. Solid Wastes. All solid wastes shall be placed and maintained in containers as specified herein. All containers shall be maintained at all times with tight-fitting lids or covers.
 - b. Garbage. All garbage placed in containers for collection shall be wrapped, bagged, or enclosed in paper or plastic material.
 - c. Household Trash. Household trash may be combined with other bagged garbage.
 - d. Injurious Trash Items. All waste material of an injurious nature, such as broken glass, light bulbs, sharp pieces of metal, and television tubes shall be securely packaged or wrapped for the purpose of preventing injury to the collection crews or other third parties.
2. Dumping Unlawful. It shall be unlawful for any person or persons to dump, deposit, throw, or leave or cause or permit the dumping, depositing, placing, throwing, or leaving of solid wastes ~~on~~ any road or street or any public or private property in the County, unless:
 - a. The litter is placed into a litter receptacle, container, or dumpster installed on such property and designated for the disposal of litter.
3. Public Streets and Private Property. No person shall place any accumulations of solid wastes ~~and~~ trash, grass or yard trimmings or any other material in any street, median strip, alley or other public place of travel, parking lot, or upon any private property, except with the written consent of the owner of the property thereof, and then only in accordance with the provisions of this Ordinance.
4. Blockage of Drainage. No person shall place any solid wastes, trash, solid wastes receptacles, or containers, grass or yard trimmings or any other material on, over or near any storm drain or drainage ditch, or so close thereto as to cause such material to interfere in any way with such drainage.
5. Unauthorized Storage. Any accumulation of solid wastes or trash items on any lot, property, premises, public streets, alley or other public or private place not permitted by this Ordinance, is hereby declared to be a nuisance. Failure of owner or occupant to remove and correct any such accumulation of solid wastes after ~~appropriate-written~~ notice from the

~~Board of Commissioners or its designee~~ Public Official shall raise the presumption that such person intended to violate this Ordinance.

6. Appliances. It shall be unlawful for any person to leave in any place accessible to children any abandoned, unattended, or discarded appliance, refrigerator, or other container which has an airtight snap lock or similar device without first removing therefrom the lock or door as provided in Official Code of Georgia Annotated § 16-11-100.

~~7.~~ Use of Streets. It shall be unlawful for any vehicle transporting loose materials on any road or street to transport same without covers suitable to prevent the materials within such vehicle from shaking, blowing, falling, leaking or spilling from the vehicle. Suitable covering may vary from vehicle to vehicle, but the primary purpose of the cover shall be to prevent materials from escaping the storage area of the vehicle. This paragraph shall not apply to the transportation of poultry, livestock, silage or other feed grain used in the feeding of poultry or livestock. The operator of any vehicle from which any material or solid wastes are thrown, dropped, spilled or blown shall stop and retrieve such material and solid wastes.

8. Junk. It shall be unlawful for any person to place or leave outside any building or dwelling, any machinery, equipment, building material, junked motor vehicle, or other item which is either in a partially rusted, wrecked, junked, dismantled, or inoperative condition, and which is not completely enclosed within a building or dwelling. Any such item or items which remain on the property of the occupant for a period of thirty (30) days after notice of violation of this Ordinance, shall be presumed to be abandoned and subject to being removed from the property by the County without further notice. The County may charge the owner or occupant a fee for the cost of removing said item or items. This paragraph shall not apply to licensed junk dealers or currently licensed establishments engaged in the repair, rebuilding, reconditioning, or salvaging of equipment or furniture, unless stated in ordinances of local government.

9. Scavenging. No person shall disturb or interfere with any container used for the purpose of storing solid wastes pending its collection or remove any contents therefrom or remove such container from its location.

10. Scattering of Solid Wastes and Littering. It shall be unlawful for any person to: (a) throw or deposit any solid wastes on any public or private street or to scatter such solid wastes or litter on public or private property; (b) throw or deposit any solid wastes, trash, or debris in any marsh area, stream, drainage ditch, body of water or beach area.

B. Contagious Disease Solid Wastes

The removal of clothing, bedding or other solid wastes from some or other places where highly infectious diseases have prevailed shall be decontaminated prior to removal under the supervision and direction of the Dawson County Health Department. Such solid wastes shall not be placed in receptacles or bulk containers for collection until decontaminated.

C. Hypodermic Instruments

No person shall dispose of or discard any hypodermic syringe, hypodermic needle or any instrument or device for making hypodermic injections before first breaking, disassembling, destroying or otherwise rendering inoperable and incapable of reuse, such as hypodermic syringe, needle, instrument or device, and without safeguarding the disposal thereof, by wrapping or securing same in a suitable manner so as to avoid the possibility of causing injury or infection to the collection personnel or other parties.

D. Hazardous Waste and Industrial Waste

No hazardous waste or Industrial Waste shall be placed in any receptacle at any time. All hazardous waste shall be secured against the possibility of causing injury to any person and shall not be placed on public property or private property without the written consent of the State Environmental Protection Division and the owner thereof.

E. Yard Trimmings

1. It shall be unlawful to place or mix yard trimmings with municipal solid waste within Dawson County.
- ~~1.2.~~ Yard trimmings shall not be disposed of at any municipal solid waste disposal facility having a liner and leachate collection system or requiring vertical expansion located within Dawson County.

~~HF.~~ Receptacles and Containers

1. Every person in possession, charge or control of any building or residence from which ~~business~~ trash, industrial waste or other waste is accumulated or produced shall provide and keep in a suitable place readily accessible to licensed private collectors' receptacles and containers suitable for the storage of all such waste materials which will normally accumulate between the established collection dates. This provision shall not be construed to require such persons to use the services of a licensed private collector for solid wastes removal so long as each person assures the removal and disposal of such solid wastes in a manner permitted by this Ordinance at least as frequently as private collector's normal schedule for the area, but in any event at least once each week.
2. All receptacles and containers as required by this Ordinance shall be constructed of an opaque, non-porous material such as metals, hard plastics or similar materials, or safe construction and design and shall be maintained in good, orderly and serviceable condition at all times. Any receptacle or container which does not conform to the requirements of this Ordinance, or which have ragged or sharp edges or any other defects likely to hamper or injure the person collecting the contents therefrom or the public generally, shall be promptly replaced by the user thereof.

~~I.~~ Household Furniture and Furnishings.

~~K.~~ Covered Trucks.

~~L.G.~~ Maintenance

It shall be the duty and responsibility of the owner of any private property and the tenant in possession of any private property, jointly and severally, to keep the property in an orderly condition and maintained so as not to be a public nuisance or a menace to public health.

~~MH.~~ Burning

No garbage, solid wastes, litter or other trash shall be burned as a private means of disposal ~~except leaves, trimmings and the like may be burned if a burn permit is first obtained from GA Forestry Commission and weather conditions are favorable; however, no burning shall be allowed within a mobile home park.~~ This provision shall not be construed to prohibit commercial incinerators where appropriate and necessary approvals have been obtained from State and Federal authorities, a special permit is obtained from ~~Dawson County~~the Board of Commissioners, and the incinerator is operated and maintained in compliance with all applicable regulations.

~~NJ.~~ Handbills and Advertising Matter

The distribution of information such as public announcement, political endorsement, opinions, invitation, solicitations, and commercial advertisements is an activity protected by both the U.S. Constitution and the Georgia Constitution. This Section is to regulate and control litter incidental to the distribution of papers and packaging.

1. Unless otherwise prohibited by state or federal law, ~~it shall be lawful to place nothing herein shall restrict the placement of any handbill, circular, pamphlet, poster, or other literature~~ on any automobile in the County ~~any handbill, circular, pamphlet, poster, or other literature~~ so long as the same is secured to prevent wind-driven debris and unsightly litter.
2. Unless otherwise prohibited by state or federal law, ~~it shall be lawful for any person to~~ nothing herein shall restrict the placement place on any private property any handbill, circular, pamphlet, poster, postcard, newspaper or other literature or advertising device, so long as the following conditions are met:
 - (a) Such publications and materials may be placed in a box provided for that purpose, secured to a door knob or placed in a secure area of a building such as a door jamb or screen door; or
 - (b) Such publications and materials may be placed or thrown on to private property so long as the distributor of such materials “sweeps” the distribution area and retrieves all remaining items within four (4) days of distribution. This procedure shall be referred to as “sweeping.” Any papers distributed and not “Swept” from private property, vacant lands, and/or public rights of way become litter under this ordinance after four (4) days, and citations can be issued pursuant to this ordinance for violations thereof.
3. Should such publications and materials be placed or thrown on to private property and the owner of said property notifies the publisher in writing that he/she does not wish to receive such publications at a particular street address, continued delivery of publication directly to said property by the publisher or his/her agents shall constitute a violation of this

Ordinance. Absent a written expression of intent to the contrary, a property owner shall be presumed to consent to delivery by such means.

4. It shall be unlawful for any person to tack, post, or nail any paper, metal, wood or other signs of any character on any telegraph, telephone or electric light pole, located in any public right-of-way or in any means erect said signs within the public right-of -way.

~~OJ.~~ Dead Animals

1. Any person who owns or is caring for an animal which has died or been killed shall dispose of said dead animal in the manner provided for in either the Georgia Dead Animal Disposal Act, O.C.G.A. § 4-5-1 et seq.; the Rules and Regulations of the Georgia Department of Agriculture, Chapter 40- 16-2; or the Georgia Comprehensive Solid Waste Management Act, O.C.G.A. § 12-8-20 et seq., as applicable.

~~2. The term "dead animals" means the carcasses, parts of carcasses, effluent, or blood of farm livestock, including poultry and equines, except where dead animals are found within the rights-of way of all highways within the state maintained either totally or in part with state funds, in which case "dead animals" means the carcasses or parts of carcasses of all animals, regardless of whether they are considered to be farm livestock, poultry, equines, domesticated animals, pets, or any other type of animal and includes all such animals regardless of the cause of death of such animals.~~

~~P.~~ Abandoned Motor Vehicles.

~~RK.~~ Lead Acid Vehicle Batteries

No person shall place or dispose of a lead acid vehicle or boat battery in any compactor, dumpster, or landfill located in Dawson County, Georgia, or otherwise discard or dispose of a lead acid vehicle or boat battery except by delivery to a battery retailer or wholesaler, to a secondary lead smelter, or to a collection or recovered materials processing facility that accepts lead acid vehicle or boat batteries.

~~SL.~~ Motor Oil

No person shall place or dispose of motor oil in any compactor, dumpster, or landfill located in Dawson County, Georgia, or otherwise discard or dispose of motor oil except by delivery to a recycling collection facility or a disposal facility authorized and specifically designed to accept motor oil.

~~FM.~~ Recyclable Material

The collection, transportation, handling, storage and conversion of recyclable materials shall be permitted so long as such activities conform to the requirements of State law.

~~UN.~~ Biomedical Wastes

All biomedical wastes shall be handled and disposed of in accordance with the Rules of the Georgia Department of Natural Resources Environmental Protection Division and the Georgia Comprehensive Solid Waste Management Act of 1990, as now or hereafter amended.

46-7. COMMUNITY HEALTH AND WELFARE

A. Declared Nuisances

~~Within the County, it shall be unlawful for any person to create a nuisance on his property or property occupied by him, or to allow a nuisance to remain on his property or property occupied by him. Dead animals, stagnant water, decayed vegetables or fruits, filthy privies or unkept stables or anything having an offensive odor, or anything that causes injury or damage to the health or life of any other person, are declared nuisances. Declared Nuisances shall be governed by the Dawson County Nuisance Abatement Ordinance. Declared Nuisances shall not apply to poultry farms, agricultural activities and or farm operations which are in compliance with state guidelines regarding the same.~~

B. Trash and Weeds

Within the County, it shall be unlawful for any person to maintain his premises, including vacant lots or land, in such a way as to allow trash, garbage or miscellaneous solid wastes to accumulate if the condition of the property causes a nuisance, or causes injury to the health or welfare of residents in the vicinity, or causes injury to neighboring property. ~~Drive-in restaurants and other food establishments that permit carry-out food service shall maintain at all times on their premises sufficient receptacles for the disposal of trash, garbage and miscellaneous solid wastes.~~

~~2. Within the County, it shall be unlawful for any person to maintain, cause or permit uncut grass or weeds on any property on which is located a residential dwelling or commercial establishment or vacant dwelling or establishment intended for such use under such circumstances that the grass or weeds become a breeding place for insects, rodents or reptiles, or constitute a fire hazard.~~

46-8. ENFORCEMENT

A. Enforcing Officers

B. Rebuttable Presumptions

1. Whenever solid waste is thrown, deposited, dropped, or dumped from any motor vehicle, boat, airplane, or other conveyance in violation of this Ordinance, it shall be prima-facie evidence that the operator of the conveyance has violated this Ordinance. In the case of a commercial or private hauler if the operator is unknown, then it shall be prima-facie evidence that the company or owner of the service has violated this Ordinance.
2. Whenever any solid waste which is dumped, deposited, thrown, or left on public or private property in violation of this Ordinance is discovered to contain any article or articles, including but not limited letters, bills, publications, or other writings which display the name of a person thereon in such a manner as to indicate that the article belongs or belonged

to such person, it shall be a rebuttable presumption that such person has violated this Ordinance.

3. Whenever this Ordinance is violated by an employee or agent, then the employer or principal shall be rebuttably presumed to have violated this Ordinance.

C. Enforcement

This Chapter shall be enforced by the appropriate Public Officer as may be applicable to the particular offense.

C.D. Penalties

1. The applicable Public Officer is hereby authorized and directed to administer and enforce all the provisions of this Chapter. Failure to comply with any requirement of this Chapter shall constitute a violation subject to citation and penalty as provided herein.
2. Upon the first violation of any of the provisions of this Chapter, a warning notice shall be issued by the Public Officer with a notice to cure the violation within a time determined reasonable under the circumstances by the Public Officer. Upon the second violation of any of the provisions of this Chapter, a citation shall be issued, and the individual shall go before the Dawson County Magistrate Court. Upon conviction by a court of competent jurisdiction, the offending person will be guilty of a criminal misdemeanor and shall be subject to criminal penalties not to exceed \$1,000.00, by imprisonment in the county jail for a period of time not to exceed 60 days, or by both such fine and imprisonment, or up to the limits of any penalty provided by state law for the ordinance. For purposes of sentencing, the first citation before the Magistrate Court shall be deemed the "first offense," however; consideration may be given by the court to the previous warning citation.
3. Nothing contained in this section shall be construed to preclude Dawson County from pursuing any and all other remedies provided by law, including, but not limited to, pursuit of a restraining order, injunction, abatement of the nuisance, condemnation, or other appropriate legal action, or proceeding through a court of competent jurisdiction to prevent, restrain, or abate the unlawful use or activity.
4. Each violation of this Chapter shall constitute a separate offense. Additionally, each day of noncompliance with the terms of this Chapter is considered a separate offense and the offending person will be subject to the penalties in subsection B above for each day of noncompliance.

- ~~1. Pursuant to O.C.G.A. §§ 36-1-20, any person violating this Ordinance, or any provision hereof, upon conviction, shall be punished by one or more of the following:~~

~~Sec. 46-9. YARD TRIMMINGS DISPOSAL.~~

~~Commonwealth of Massachusetts Department of Environmental Protection
2. Placement and Disposal of Yard Trimmings: Prohibitions.~~

CHAPTER 46: LITTER CONTROL AND SOLID WASTE MANAGEMENT

46-1.	Title
46-2.	Definitions
46-3.	Public Collection and Disposal
46-4.	Private Collection and Disposal
46-5.	Private Litter Control
46-6.	Practices and Procedures
46-7.	Community Health and Welfare
46-8.	Enforcement

46-1. TITLE

This Chapter shall be known and may be cited as “The Dawson County Litter Control and Solid Waste Management Ordinance.”

46-2. DEFINITIONS

A. General

Except as otherwise provided herein, all words shall have the customary dictionary meaning unless specifically defined in the Georgia Comprehensive Solid Waste Management Act of 1990 as now or hereafter amended, or in the Rules of the Georgia Department of Natural Resources Environmental Protection Division. The present tense includes the future tense. The singular number includes the plural and the plural includes the singular. The word “person” includes a firm, corporation, association, organization, trust or partnership. The use of the masculine gender includes the feminine, and the use of the feminine gender includes the masculine. The word “shall” is always mandatory. The word “may” is permissive and is not mandatory. The “Board of Commissioners” refers to the Board of Commissioners of Dawson County, Georgia.

B. Specific Definitions

When used in this Chapter, the following words and phrases shall have the following meanings:

Biomedical Wastes means pathological waste, biological waste cultures and stocks of infection agents and associated biologicals, contaminated animal carcasses (body parts, their bedding, and other wastes from such animals), sharps, chemotherapy waste, discarded medical equipment and parts, not including expendable supplies and materials, which have not been decontaminated, and other such waste materials.

Business Trash means every waste accumulation of paper, sweepings, dust, rags, bottles, cans or other matter of any kind, other than garbage, which is usually attendant to business operations.

Commercial Solid Waste means all types of solid waste generated by stores, offices, restaurants, warehouses, and other non-manufacturing activities, excluding residential and industrial wastes.

Compactor means a bulk container used for the collection of garbage, refuse, trash and litter, equipped with a device to compact such materials and thereby increase the storage capacity of the containers. Compactors have generally been used to replace dumpsters.

Construction/Demolition Wastes means any material such as lumber, roofing material, brick, concrete block, plaster, gutters, sand, gravel or other substances used in repairs or alterations of existing buildings or construction of new buildings, or results from demolition of existing buildings.

Construction/Demolition Waste Landfill means any facility or disposal site where any treatment, utilization, processing, storage, or disposal of solid wastes, other than putrescible wastes, occurs and such wastes are disposed of on land by placing an earth cover thereon.

County means the duly authorized governing body of Dawson County, Georgia, or the geographical area of Dawson County, Georgia, outside the corporate limits of any incorporated municipality therein.

Dumpster means a container for the disposal of litter of a capacity of at least ten cubic yards and not more than 30 cubic yards. The use of this term is generic and does not refer to a bulk container manufactured by a specific manufacturer.

Garbage means Waste, Household Trash, Refuse, Hazardous Refuse, Rubbish, Debris, Litter, Vegetative Debris, Weeds, Yard Trimmings, Industrial Waste, or any derivations thereof, which means any organic or inorganic items, in any physical state or makeup or of any chemical composition, whether hazardous or nonhazardous or noxious or innocuous, that have been discarded.

Garbage bag means a plastic, or other similar nonporous materials, bag or sack designed specifically to contain garbage or household trash in a secure, airtight manner. Such bags shall also include suitable means of closure to ensure that the material contained therein is not exposed to the outside air.

Hazardous means a condition which is a violation of this Chapter and which the applicable Public Officer has determined to be likely to result in the death, injury, or illness of a human or likely to result in severe damage to real or personal property.

Hazardous waste means materials such as poison, acids, caustics, chemicals, infected materials, offal, fecal matter, and explosives, or such other items that may be deemed to be hazardous waste under state or federal law.

Household Trash means every waste accumulation of paper, sweepings, dust, rags, bottles cans or other matter of any kind, other than garbage, which is usually attendant to housekeeping.

Industrial Waste means solid waste generated by manufacturing or industrial processes or operations that is not a hazardous waste regulated under Part 1 of Article 3 of the Georgia Hazardous Waste Management Act. (O.C.G.A. § 12-8-60 et seq.). Such waste includes, but is not limited to, waste resulting from the following manufacturing processes: Electric power generation; fertilizer and agricultural chemicals; food and related products and by-products; inorganic chemicals; iron and steel products; leather and leather products; nonferrous metal and foundry products; organic chemicals; plastics and resins; pulp and paper; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textiles; transportation equipment; and water treatment. This term does not include mining waste or oil and gas waste.

Inoperable or Junked Vehicles means any automobile, Vehicle of any type, including, but not limited to, all-terrain vehicle (“ATV”), moped, motorcycle, or four-wheeler, a, trailer of any type, or any parts of any such automobile, vehicle, or trailer, which remains in place for more than seven (7) days as follows:

- a. Is in inoperative or junk condition by reason of its having been wrecked, dismantled, abandoned, or discarded; or
- b. Which does not have a valid license plate where required; and/or
- c. Where it is incapable of movement by its own power.

Inoperable or Junk marine vessel means any vessel or Vehicle that is designed for use on the water, including, but not limited to, any boat, marine vessel of any type, including, but not limited to, personal watercraft, trailer for the movement of, or any parts of any such boat, marine vessel, or trailer, which remains in place for more than seven (7) days as follows:

- a. Is in inoperative or junk condition by reason of its having been wrecked, dismantled, abandoned, or discarded; or
- b. Which does not have a valid vessel registration where required; and/or
- c. Where it is incapable of movement by its own power.

Landfill, Sanitary means any facility or disposal site where any treatment, utilization, processing, storage, or disposal of solid wastes, including putrescible wastes or hazardous wastes, occurs and such wastes are disposed of on land by placing an earth cover thereon.

Leachate Collection System means a system at a landfill for collection of the leachate, which may percolate through the waste and into the soils surrounding the landfill.

Litter means all garbage, refuse, waste materials, sand, gravel, slag, brickbats, rubbish, tin cans, trash, debris, dead animals, or any other discarded, used or unconsumed substance which is not handled in accordance with the provisions of this Chapter.

Marshal's Office means the person or persons authorized by the Board of Commissioners to issue citations to violators of this Chapter.

Municipal Solid Waste means any solid waste derived from households, including garbage, trash and sanitary waste in septic tanks and including solid waste from single-family and multifamily residences, hotels and motels, bunkhouses, campgrounds, picnic grounds, and day use recreation areas. The term includes yard trimmings and commercial solid waste but does not include solid waste from mining, agricultural or silvicultural operations or industrial processes or operations.

Municipal Solid Waste Disposal Facility means any facility or location where the final disposition of any amount of municipal solid waste occurs, whether or not mixed with or including commercial or industrial solid waste, including but not limited to municipal solid waste landfills.

Municipal Solid Waste Landfill means a disposal facility where any amount of municipal solid waste, whether or not mixed with or including commercial waste, industrial waste, nonhazardous sludge or small quantity generator hazardous waste, is disposed of by means of placing an approved cover thereon.

Parking Lot means:

- a. an area, whether paved or unpaved, designated, reserved or used for the reserved parking of motor vehicles, excluding street parking, which has more than 10 parking spaces or can accommodate more than 10 parked vehicles;
- b. any commercial parking lot or garage; and
- c. the driveway, drive-through, parking spaces or other paved areas adjacent to convenience stores, gas stations, restaurants and other retail establishments.

Public officer means the individuals who are authorized to exercise the powers prescribed by this Ordinance or any agent or designee of such officer or officers. A public officer may be the County Manager, Planning Director, Building Official, Dawson County Environmental Health, the Dawson County Marshal's Office, the Dawson County Fire Marshal's Office and or the Dawson County Sheriff's Office, as applicable.

Public or Private Property means the right of way of any road, street or highway; and any body of water or watercourse or the shores or beaches thereof; any park, playground, building, refuge, or conservation or recreation area; and residential or farm properties, timberlands, or forests. Any lot, unit, or parcel of land inclusive of any dwelling, building, structure, or improvements located thereon. This also includes vacant lots that do not have any dwelling, building, structure, or improvement located thereon.

Putrescible Waste means wastes that are capable of being quickly decomposed by microorganisms. Examples of putrescible wastes include but are not necessarily limited to kitchen wastes, animal manure, offal, hatchery and poultry processing plant wastes, dead animals, garbage, and wastes, which are contaminated by such wastes.

Recycling means any process, by which material, which would otherwise become solid waste are collected, separated, or processed and reused or returned to use in the form of raw materials or products.

Road or Street shall be mutually inclusive, and shall likewise be deemed to include any alley, lane, right-of-way, court, and other thoroughfare, however described or designated.

Rubbish means combustible and noncombustible waste materials and the term shall include the residue from the burning of wood, coal, and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches or trunks, yard trimmings, tin cans, metals, mineral matter, glass, crockery, and dust or other similar materials.

Scavenge or Scavenging means any unauthorized or uncontrolled retrieval of discarded solid waste or garbage materials.

Sharps means any discarded article that may cause punctures or cuts. Such waste includes, but is not limited to, items such as needles, IV tubing and syringes with needles attached, and scalpel blades.

Solid Waste means any garbage or refuse; sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility; and other discarded material including solid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations and community activities, but does not include recovered materials; solid or dissolved materials in domestic sewage; solid or dissolved materials in irrigation return flows or industrial discharges that are point sources subject to permit under 33 U.S.C. Section 1342; or source, special nuclear, or by-product material as defined by the federal Atomic Energy Act of 1954, as amended (68 Stat. 923).

Transfer Station means a designated location where members of the public may dispose of solid waste subject to the restrictions set forth in this Chapter. Waste collected at Transfer Station(s) will be periodically hauled to a landfill.

Trash means waste materials and items which are not in good repair or are discarded and which are of little or no value, including, but not limited to, plaster, paper, wrappings, plant cuttings, household furnishings, furniture items, including, but not limited to, mattresses, box springs, bed frames, couches, and chairs used or salvaged building materials, packing and clothing, appliances, equipment, machinery, or parts thereof, scrap metal, scrap lumber, masonry blocks, disassembled vehicle parts or dismantled portions of vehicles.

Vehicle means any means of conveyance, whether self-propelled or not, that is designed to travel on the ground or on water or in the air, including, but not limited to, automobiles, buses, motorbikes, motorcycles, motor scooters, trucks, tractors, go-carts, golf carts, campers, recreational vehicles, boats, personal watercraft, airplanes, train cars, and any means of conveyance which are designed to be pulled by motorized vehicles upon the roadway such as boat

trailers, wagons, balers, motorcycle trailers, auto transport trailers, and any other trailer designed to haul specific items attached to vehicles on the roadway.

Yard Trimmings means leaves, brush, grass, clippings, shrub and tree prunings, discarded Christmas trees, nursery and greenhouse vegetative residuals, and vegetative material resulting from landscaping development and maintenance other than mining, agricultural, and silvicultural operations.

Exemptions. Provisions of these rules shall not apply to any individual disposing of solid wastes originating from his own residence onto land or facilities owned by him when disposal of such wastes does not thereby adversely affect the public health. These rules shall not apply to any individual, corporation, partnership, or cooperative disposing of livestock feeding facility waste from facilities with a total capacity of up to 1,000 cattle; provided that if such individual, corporation, partnership, or cooperative shall provide an approved disposal system which is capable of properly disposing of the run-off from a ten year storm such individual, corporation, partnership or cooperative shall be further exempt regardless of total per head capacity. Nothing in these rules shall limit the right of any person to use poultry or other animal manure for fertilizer.

C. Classification of Solid Wastes

1. Accepted Solid Wastes-Compactors. The following types of solid wastes shall be classed as “domestic solid wastes” and shall be accepted for disposal in compactors or dumpsters:
 - a. Garbage in garbage bags.
 - b. Household trash in garbage bags.
2. Accepted Construction/Demolition Wastes Landfill. The following types of solid wastes shall be classed as general solid wastes and shall be accepted for disposal at construction/demolition wastes landfills:
 - a. Construction/demolition wastes.
 - b. Other types of non-putrescible solid wastes.
3. Accepted Solid Wastes-Sanitary Landfills. The following types of solid wastes shall be classed as general solid wastes and shall be accepted for disposal at sanitary landfills:
 - a. Garbage,
 - b. Household trash,
 - c. Business trash,
 - d. Rubbish,
 - e. Litter, and
 - f. Some types of industrial waste when approved by appropriate State Environmental Protection Division permits.

4. Non-Accepted Solid Wastes. The following types of waste shall be classed as non-accepted solid wastes and shall not be accepted for disposal:
 - a. Some types of industrial waste
 - b. Hazardous wastes
 - c. Inoperable or Junked vehicles and parts thereof
 - d. Inoperable or Junked marine vessels and parts thereof
5. Recyclables. Materials for recycling may be separated for storage at each disposal site.

46-3. PUBLIC COLLECTION AND DISPOSAL

A. Public Compactors

1. The Board of Commissioners may designate areas in the County where Transfer Stations, intended to be for public use, are located and maintained. These Transfer Stations shall be located on public property, along the right of way of public roads and streets, or on private property with the express written consent of the owner and tenant in legal possession of the property, and shall be located in such a manner that there is a minimum danger of the spread of noxious odors and the detrimental effect on the environment is minimal.
2. It shall be unlawful for any person to place or deposit any garbage, refuse, litter, household trash or other material of any kind at a Transfer Station without authorization.
3. It shall be unlawful to place or deposit industrial waste or construction/demolition wastes at a Transfer Station.
4. It shall be unlawful to place or deposit any hazardous solid wastes of any kind at a Transfer Station.
5. It shall be unlawful for any person to dispose of or discard at a Transfer Station any hypodermic injection devices before first breaking, disassembling, destroying or otherwise rendering inoperable and incapable of reuse, any hypodermic syringe, needle, instrument or device and without safeguarding the disposal thereof by wrapping or securing same in a suitable manner so as to avoid the possibility of causing injury to the collection personnel.
6. No combustible liquid shall be placed or deposited at a Transfer Station. Non-Combustible Liquids are also prohibited unless they are solidified so that they cannot pass through a paint filter.
7. No material or substance governed or regulated as a noxious or toxic material by any governmental agency or which would pose a hazard to the health, safety and well-being of the collection personnel or residents of the County, or which could contaminate the ground or surface water of the County, or which would pose a danger to the wildlife of the County, shall be placed or deposited at a Transfer Station.

8. It shall be unlawful to place or deposit any garbage or household trash at a Transfer Station without first placing and securing such in a garbage bag of suitable strength and thickness. Objects, which could puncture the garbage bag in the course of the ordinary and intended use thereof, shall be wrapped or protected so that the bag shall remain intact.
9. It shall be unlawful to place or deposit garbage or household trash on the ground adjacent to a Transfer Station compactor, unless otherwise directed by on-site staff, and except that recyclable materials may be placed in designated containers where provided. Any person using a compactor shall clean up any spills caused by his use of the compactor and shall not drop or discard any garbage or household trash in the area surrounding the compactor.
10. Dead or live animals shall not be placed or deposited at a Transfer Station.
11. It shall be unlawful for a person to place more than two (2) cubic yards of rubbish in the compactors in any seven (7) day period.

B. Public Construction/Demolition Wastes Landfill and Sanitary Landfill

1. The County may operate and maintain public landfills located on County property in compliance with all applicable State and Federal laws and regulations, and may adopt procedures, rules and regulations to govern the operation and use of Municipal Solid Waste Landfill.
2. Public sites approved for the disposal of solid wastes shall be identified by appropriate directional signs posted near the roadside and at the location of the Dawson County Sanitary Landfill.
3. Such sites shall be maintained in use until permanently closed, at which time, additional authorized sites shall be opened and publicized by posting and through public advertisements.
4. The County may restrict certain sites or portions thereof to a specific type or types of solid wastes. The County may adopt operational policies concerning the separation, storage and use of recyclable materials. Citizens are encouraged to practice source separation of specific types of solid wastes for disposal at specific sites by different methods.
5. Commercial Collectors, including yard maintenance men, may use the public designated landfills upon the payment of applicable fees, if any, established by the Board of Commissioners.
6. Residents of the County and businesses located in Dawson County, other than commercial collectors, may use the public designated landfills upon payment of a fee to be set by the Board of Commissioners, in accordance with the regulations for the particular site and under the instruction of the site attendant.

7. Municipalities located within Dawson County may use the public landfills upon the payment of applicable fees, if any, established by the Board of Commissioners.
8. No solid wastes generated outside the County will be accepted at any disposal site operated by the County unless approved by a specific, affirmative act of the Board of Commissioners through amendment of this Chapter or adoption of superseding regulation.
9. Authorized public disposal sites shall be operated on the days established from time to time by the Board of Commissioners. During the hours designated by Board of Commissioners, acceptable solid wastes generated in the County shall be received for disposal from any resident of the County.
10. No person shall enter a disposal site, including any Transfer Station, except during the hours and days prescribed by the Board of Commissioners. All materials delivered and deposited for disposal in a disposal site shall immediately become the property of the County, unless the County refuses any such materials at the time it is presented for deposit in the disposal site, or the County, within a reasonable time, notifies the depositor of the unacceptability of the materials and to retrieve the materials.

46-4. PRIVATE COLLECTION AND DISPOSAL

A. Private Collectors

It shall be unlawful for any person to collect solid wastes within the County except from his or her own residence, business or industrial plant, without first having obtained a proper permit from the Georgia Department of Natural Resources and the County, and without first having obtained a Dawson County Business License. This provision includes the collection or transportation of solid waste by an individual for his or her neighbors. This provision shall not prohibit the utilization of centralized recycling collection facilities by persons not in the business of recycling. Commercial recyclers must obtain the aforementioned permits.

B. Private Landfills

1. It shall be unlawful for any person to operate a landfill, waste disposal area, or waste storage area intended to be used or used by others for the disposal or storage of waste within Dawson County. This shall not apply to Solid Waste Transfer Stations in operation at the time of adoption of this Ordinance, provided such existing Solid Waste Transfer Station at all times has maintained without interruption and shall maintain without interruption a current business license issued by Dawson County and any and all state and/or federal permits or licenses for the handling of solid waste.
2. For renewals of business licenses for Solid Waste Transfer Stations established prior to the adoption of this Ordinance the following shall apply:
 - a. No permit shall be issued by Dawson County until the applicant has shown, to the satisfaction of the Board of Commissioners, that all Federal, State and County

regulations and ordinances have been, and will be, complied with continuously and without interruption in the operation and management of the Solid Waste Transfer Station, and that the location of said Solid Waste Transfer Station is such that there is no or only minimal detriment to the environment, including but not limited to, noxious odors, runoff, or contamination of surface and ground water, so that the maximum protection is afforded to the health, safety and well-being of the citizens of Dawson County.

- b. No permit shall be issued except by resolution of the Board of Commissioners after notice of the application has been published by the applicant in a newspaper of general circulation in Dawson County. Such notice of the application shall run in the newspaper once a week for four consecutive weeks before the meeting of the Board of Commissioners in which the application is to be considered. The notice shall contain a description of the property whereon the Solid Waste Transfer Station is to be located, the names of the owner or owners of such property, the names of the operator or operators of the Solid Waste Transfer Station, and a description of the types of waste to be handled at said facility.
- c. It shall be the duty and responsibility of the owner of any Solid Waste Transfer Station site to keep the site in an orderly condition and maintained so as not to be a public nuisance or a menace to public health.
- d. The Board of Commissioners hereby designate the Dawson County Marshal's Office as its designee and/or the Dawson County Sheriff's Office who shall have the right to enter a private Solid Waste Transfer Station at any time during normal business hours for the purpose of inspecting the site to determine whether or not the site is in compliance with this Chapter and all other pertinent laws and regulations of the County.

46-5. PRIVATE LITTER CONTROL

A. Commercial Establishments

- 1. Every owner, occupant, tenant and lessee using or occupying any commercial, institutional or industrial building or property shall be obligated, jointly and severally, to provide solid wastes containers of that character, size, number and type as to be reasonably required to hold solid wastes generated by operations on the premises. Specifically, and without limiting the generality of the foregoing, the requirement for those containers shall apply to shopping centers, supermarkets, convenience stores, fast food restaurants, service stations and similar establishments; and shall likewise apply to commercial establishments, garages, schools, colleges and churches.
- 2. All commercial and industrial establishments shall store their solid waste in containers as specified in this Chapter so as to eliminate wind-driven debris and unsightly litter in and about their establishments. Any spillage or overflow shall be immediately cleaned up by said establishment.

3. Bulk containers shall be locked at all times and posted with signage notifying the general public that said containers are for the private use of the establishment.

B. Loading and Unloading Areas

All loading and unloading areas shall be provided with solid wastes receptacles for loose debris, paper, packaging materials and other trash. The owner or occupant of the commercial establishment shall be responsible for the placement of the number of containers in said area necessary to maintain a clean, neat and sanitary condition at all times. The number of such containers to be placed in service for a particular establishment shall be as reasonably required to hold solid waste generated at the property. The occupant of the premises shall maintain surveillance to ensure that all litter is placed in the proper container and the area is kept clean.

C. Parking Lots

1. All parking lots and establishments with parking lots shall provide solid wastes receptacles. The number of such containers to be placed in service for a particular establishment shall be as reasonably required to hold solid waste generated at the property. Such receptacles shall be weighted or attached to the ground as necessary to prevent spillage. It shall be the responsibility of the owner or his agent to collect the solid wastes and trash deposited in such containers and store this material in a location until collected by a private hauler or to otherwise dispose of the same.
2. It shall be the obligation of all persons using the parking areas to place any litter in receptacles or containers and it shall be unlawful for any person or persons to dump, scatter, or throw on any parking lot, any solid wastes, garbage or trash of any kind.
3. The owner and the tenant in possession of any parking lot or establishment with a parking lot shall collect and remove on a regular basis all loose solid wastes, garbage, litter or trash of any kind from the parking lot and open area of the premises and shall maintain surveillance to insure that all solid wastes are placed in the proper container and the area is kept in a clean, neat and sanitary condition at all times.

D. Construction Sites and Demolition Sites

All construction and demolition contractors shall provide on-site solid wastes receptacles, bulk containers, or detachable containers for loose debris, paper, building material waste, scrap construction/demolition wastes, and other trash produced by those working at the construction site. The site shall be kept in as litter-free condition as reasonably practicable. The number of solid wastes receptacles or bulk containers, or detachable containers, shall be adequate based upon the size of the job. If it appears that inadequate measures have been taken the County Marshal may require additional measures be taken to accommodate the amount of solid waste being produced. Dirt, mud, construction materials or other debris upon any public or private property belonging to a person other than the owner of the construction site shall be removed by the contractor as generated. Building material originating from private property preliminary to, during or

subsequent to the construction of new building, alterations or additions to an existing building of whatever type or from demolition of existing structures shall be removed by the owner of the property or by the contractor. All solid wastes from construction and related activities shall be kept on site in such a manner as to eliminate wind-driven debris and unsightly litter in and about the site.

E. Residences and Private Properties

1. All owners or occupants of property shall maintain their property in litter-free condition. Every owner, occupant, tenant and lessee using or occupying a residence, apartment, duplex, or other dwelling, jointly and severally, are required to remove all litter, solid wastes, household trash, garbage and other solid wastes and dispose of the same by depositing in a public landfill or public compactor in accordance with this Chapter or by placing in proper containers in a suitable place readily accessible to sanitation collection crews or contracting with a private hauler to collect the same on a regular basis, but at least once each week. Where collection is conducted by means of curbside pickup, the containers shall be placed at the curb for pickup no earlier than twenty-four (24) hours prior to the scheduled pickup time and shall be removed from the curb no later than twenty-four (24) hours after the scheduled pickup time and placed out of view of the public street.
2. No person shall sweep into or deposit onto any street or sidewalk or adjacent property any accumulation of litter, garbage, grass or yard trimmings, or any other material from any building or property.

46-6. PRACTICES AND PROCEDURES

A. General

1. The following practices and procedures shall be employed by persons in Dawson County in order to facilitate the collection of solid waste:
 - a. Solid Wastes. All solid wastes shall be placed and maintained in containers as specified herein. All containers shall be maintained at all times with tight-fitting lids or covers.
 - b. Garbage. All garbage placed in containers for collection shall be wrapped, bagged, or enclosed in paper or plastic material.
 - c. Household Trash. Household trash may be combined with other bagged garbage.
 - d. Injurious Trash Items. All waste material of an injurious nature, such as broken glass, light bulbs, sharp pieces of metal, and television tubes shall be securely packaged or wrapped for the purpose of preventing injury to the collection crews or other third parties.

2. Dumping Unlawful. It shall be unlawful for any person or persons to dump, deposit, throw, or leave or cause or permit the dumping, depositing, placing, throwing, or leaving of solid waste on any road or street or any public or private property in the County, unless:
 - a. The litter is placed into a litter receptacle, container, or dumpster installed on such property and designated for the disposal of litter.
3. Public Streets and Private Property. No person shall place any accumulations of solid waste, trash, grass or yard trimmings or any other material in any street, median strip, alley or other public place of travel, parking lot, upon any private property, except with the written consent of the owner of the property, and then only in accordance with the provisions of this Ordinance.
4. Blockage of Drainage. No person shall place any solid wastes, trash, solid wastes receptacles, or containers, grass or yard trimmings or any other material on, over or near any storm drain or drainage ditch, or so close thereto as to cause such material to interfere in any way with such drainage.
5. Unauthorized Storage. Any accumulation of solid wastes or trash items on any lot, property, premises, public streets, alley or other public or private place not permitted by this Ordinance, is hereby declared to be a nuisance. Failure of owner or occupant to remove and correct any such accumulation of solid wastes after written notice from the Public Official shall raise the presumption that such person intended to violate this Ordinance.
6. Appliances. It shall be unlawful for any person to leave in any place accessible to children any abandoned, unattended, or discarded appliance, refrigerator, or other container which has an airtight snap lock or similar device without first removing therefrom the lock or door as provided in Official Code of Georgia Annotated § 16-11-100.
7. Use of Streets. It shall be unlawful for any vehicle transporting loose materials on any road or street to transport same without covers suitable to prevent the materials within such vehicle from shaking, blowing, falling, leaking or spilling from the vehicle. Suitable covering may vary from vehicle to vehicle, but the primary purpose of the cover shall be to prevent materials from escaping the storage area of the vehicle. This paragraph shall not apply to the transportation of poultry, livestock, silage or other feed grain used in the feeding of poultry or livestock. The operator of any vehicle from which any material or solid wastes are thrown, dropped, spilled or blown shall stop and retrieve such material and solid wastes.
8. Junk. It shall be unlawful for any person to place or leave outside any building or dwelling, any machinery, equipment, building material, junked motor vehicle, or other item which is either in a partially rusted, wrecked, junked, dismantled, or inoperative condition, and which is not completely enclosed within a building or dwelling. Any such item or items which remain on the property of the occupant for a period of thirty (30) days after notice of violation of this Ordinance, shall be presumed to be abandoned and subject to being removed from the property by the County without further notice. The County may charge

the owner or occupant a fee for the cost of removing said item or items. This paragraph shall not apply to licensed junk dealers or currently licensed establishments engaged in the repair, rebuilding, reconditioning, or salvaging of equipment or furniture, unless stated in ordinances of local government.

9. Scavenging. No person shall disturb or interfere with any container used for the purpose of storing solid wastes pending its collection or remove any contents therefrom or remove such container from its location.
10. Scattering of Solid Wastes and Littering. It shall be unlawful for any person to: (a) throw or deposit any solid wastes on any public or private street or to scatter such solid wastes or litter on public or private property; (b) throw or deposit any solid wastes, trash, or debris in any marsh area, stream, drainage ditch, body of water or beach area.

B. Contagious Disease Solid Wastes

The removal of clothing, bedding or other solid wastes from some or other places where highly infectious diseases have prevailed shall be decontaminated prior to removal under the supervision and direction of the Dawson County Health Department. Such solid wastes shall not be placed in receptacles or bulk containers for collection until decontaminated.

C. Hypodermic Instruments

No person shall dispose of or discard any hypodermic syringe, hypodermic needle or any instrument or device for making hypodermic injections before first breaking, disassembling, destroying or otherwise rendering inoperable and incapable of reuse, such as hypodermic syringe, needle, instrument or device, and without safeguarding the disposal thereof, by wrapping or securing same in a suitable manner so as to avoid the possibility of causing injury or infection to the collection personnel or other parties.

D. Hazardous Waste and Industrial Waste

No hazardous waste or Industrial Waste shall be placed in any receptacle at any time. All hazardous waste shall be secured against the possibility of causing injury to any person and shall not be placed on public property or private property without the written consent of the State Environmental Protection Division and the owner thereof.

E. Yard Trimmings

1. It shall be unlawful to place or mix yard trimmings with municipal solid waste within Dawson County.
2. Yard trimmings shall not be disposed of at any municipal solid waste disposal facility having a liner and leachate collection system or requiring vertical expansion located within Dawson County.

Yard trimmings, including, but not limited to, grass, leaves and tree limbs shall be composted on the owner's premises or removed by the owner of the property and/or disposed of in a manner consistent with state law. This part shall not require the removal of wood cut and stored for later use as firewood. Tree and shrubbery branches, limbs and trimming cut by landscape or tree service contractors or other commercial workmen or resulting from land being cleared shall be removed by the person(s) or entity completing said work.

F. Receptacles and Containers

1. Every person in possession, charge or control of any building or residence from which trash, industrial waste or other waste is accumulated or produced shall provide and keep in a suitable place readily accessible to licensed private collectors' receptacles and containers suitable for the storage of all such waste materials which will normally accumulate between the established collection dates. This provision shall not be construed to require such persons to use the services of a licensed private collector for solid wastes removal so long as each person assures the removal and disposal of such solid wastes in a manner permitted by this Ordinance at least as frequently as private collector's normal schedule for the area, but in any event at least once each week.
2. All receptacles and containers as required by this Ordinance shall be constructed of an opaque, non-porous material such as metals, hard plastics or similar materials, or safe construction and design and shall be maintained in good, orderly and serviceable condition at all times. Any receptacle or container which does not conform to the requirements of this Ordinance, or which have ragged or sharp edges or any other defects likely to hamper or injure the person collecting the contents therefrom or the public generally, shall be promptly replaced by the user thereof.

G. Maintenance

It shall be the duty and responsibility of the owner of any private property and the tenant in possession of any private property, jointly and severally, to keep the property in an orderly condition and maintained so as not to be a public nuisance or a menace to public health.

H. Burning

No garbage, solid wastes, litter or other trash shall be burned as a private means of disposal. This provision shall not be construed to prohibit commercial incinerators where appropriate and necessary approvals have been obtained from State and Federal authorities, a special permit is obtained from Dawson County, and the incinerator is operated and maintained in compliance with all applicable regulations.

I. Handbills and Advertising Matter

The distribution of information such as public announcement, political endorsement, opinions, invitation, solicitations, and commercial advertisements is an activity protected by both the U.S.

Constitution and the Georgia Constitution. This Section is to regulate and control litter incidental to the distribution of papers and packaging.

1. Unless otherwise prohibited by state or federal law, nothing herein shall restrict the placement of any handbill, circular, pamphlet, poster, or other literature on any automobile in the County so long as the same is secured to prevent wind-driven debris and unsightly litter.
2. Unless otherwise prohibited by state or federal law, nothing herein shall restrict the placement on any private property any handbill, circular, pamphlet, poster, postcard, newspaper or other literature or advertising device, so long as the following conditions are met:
 - a. Such publications and materials may be placed in a box provided for that purpose, secured to a doorknob or placed in a secure area of a building such as a door jamb or screen door; or
 - b. Such publications and materials may be placed or thrown on to private property so long as the distributor of such materials “sweeps” the distribution area and retrieves all remaining items within four (4) days of distribution. This procedure shall be referred to as “sweeping.” Any papers distributed and not “Swept” from private property, vacant lands, and/or public rights of way become litter under this ordinance after four (4) days, and citations can be issued pursuant to this ordinance for violations thereof.
3. Should such publications and materials be placed or thrown on to private property and the owner of said property notifies the publisher in writing that he/she does not wish to receive such publications at a particular street address, continued delivery of publication directly to said property by the publisher or his/her agents shall constitute a violation of this Ordinance. Absent a written expression of intent to the contrary, a property owner shall be presumed to consent to delivery by such means.
4. It shall be unlawful for any person to tack, post, or nail any paper, metal, wood or other signs of any character on any telegraph, telephone or electric light pole, located in any public right-of-way or in any means erect said signs within the public right-of -way.

J. Dead Animals

1. Any person who owns or is caring for an animal which has died or been killed shall dispose of said dead animal in the manner provided for in either the Georgia Dead Animal Disposal Act, O.C.G.A. § 4-5-1 et seq.; the Rules and Regulations of the Georgia Department of Agriculture, Chapter 40- 16-2; or the Georgia Comprehensive Solid Waste Management Act, O.C.G.A. § 12-8-20 et seq., as applicable.

K. Lead Acid Vehicle Batteries

No person shall place or dispose of a lead acid vehicle or boat battery in any compactor, dumpster, or landfill located in Dawson County, Georgia, or otherwise discard or dispose of a lead acid

vehicle or boat battery except by delivery to a battery retailer or wholesaler, to a secondary lead smelter, or to a collection or recovered materials processing facility that accepts lead acid vehicle or boat batteries.

L. Motor Oil

No person shall place or dispose of motor oil in any compactor, dumpster, or landfill located in Dawson County, Georgia, or otherwise discard or dispose of motor oil except by delivery to a recycling collection facility or a disposal facility authorized and specifically designed to accept motor oil.

M. Recyclable Material

The collection, transportation, handling, storage and conversion of recyclable materials shall be permitted so long as such activities conform to the requirements of State law.

N. Biomedical Wastes

All biomedical wastes shall be handled and disposed of in accordance with the Rules of the Georgia Department of Natural Resources Environmental Protection Division and the Georgia Comprehensive Solid Waste Management Act of 1990, as now or hereafter amended.

46-7. COMMUNITY HEALTH AND WELFARE

A. Declared Nuisances

Declared Nuisances shall be governed by the Dawson County Nuisance Abatement Ordinance. Declared Nuisances shall not apply to poultry farms, agricultural activities and or farm operations which are in compliance with state guidelines regarding the same.

B. Trash

Within the County, it shall be unlawful for any person to maintain his premises, including vacant lots or land, in such a way as to allow trash, garbage or miscellaneous solid wastes to accumulate if the condition of the property causes a nuisance, or causes injury to the health or welfare of residents in the vicinity, or causes injury to neighboring property.

46-8. ENFORCEMENT

A. Enforcing Officers

The Dawson County Marshal's Office and or the Dawson County Sheriff's Office or designee shall be authorized to issue citations to violators of any provision of this Ordinance or to the owner or any other person who may be in possession of any property upon which any condition exists, which constitutes a violation of any provision of this Ordinance. Such citation shall state the time and place at which the accused is to appear for trial, shall identify the offense with which the

accused is charged, shall have an identifying number by which it shall be filed with the Court, shall indicate the identity of the accused and the date of service, and shall be signed by the representative of the Public Official who completes and serves it.

B. Rebuttable Presumptions

1. Whenever solid waste is thrown, deposited, dropped, or dumped from any motor vehicle, boat, airplane, or other conveyance in violation of this Ordinance, it shall be prima-facie evidence that the operator of the conveyance has violated this Ordinance. In the case of a commercial or private hauler if the operator is unknown, then it shall be prima-facie evidence that the company or owner of the service has violated this Ordinance.
2. Whenever any solid waste which is dumped, deposited, thrown, or left on public or private property in violation of this Ordinance is discovered to contain any article or articles, including but not limited letters, bills, publications, or other writings which display the name of a person thereon in such a manner as to indicate that the article belongs or belonged to such person, it shall be a rebuttable presumption that such person has violated this Ordinance.
3. Whenever this Ordinance is violated by an employee or agent, then the employer or principal shall be rebuttably presumed to have violated this Ordinance.

C. Enforcement

This Chapter shall be enforced by the appropriate Public Officer as may be applicable to the particular offense.

D. Penalties

1. The applicable Public Officer is hereby authorized and directed to administer and enforce all the provisions of this Chapter. Failure to comply with any requirement of this Chapter shall constitute a violation subject to citation and penalty as provided herein.
2. Upon the first violation of any of the provisions of this Chapter, a warning notice shall be issued by the Public Officer with a notice to cure the violation within a time determined reasonable under the circumstances by the Public Officer. Upon the second violation of any of the provisions of this Chapter, a citation shall be issued, and the individual shall go before the Dawson County Magistrate Court. Upon conviction by a court of competent jurisdiction, the offending person will be guilty of a criminal misdemeanor and shall be subject to criminal penalties not to exceed \$1,000.00, by imprisonment in the county jail for a period of time not to exceed 60 days, or by both such fine and imprisonment, or up to the limits of any penalty provided by state law for the ordinance. For purposes of sentencing, the first citation before the Magistrate Court shall be deemed the "first offense," however; consideration may be given by the court to the previous warning citation.

3. Nothing contained in this section shall be construed to preclude Dawson County from pursuing any and all other remedies provided by law, including, but not limited to, pursuit of a restraining order, injunction, abatement of the nuisance, condemnation, or other appropriate legal action, or proceeding through a court of competent jurisdiction to prevent, restrain, or abate the unlawful use or activity.
4. Each violation of this Chapter shall constitute a separate offence. Additionally, each day of noncompliance with the terms of this Chapter is considered a separate offense and the offending person will be subject to the penalties in subsection B above for each day of noncompliance.



DAWSON COUNTY BOARD OF COMMISSIONERS AGENDA FORM

Department: Planning & Development
Prepared By: S.O. Farrell, Director
Presenter: S.O. Farrell

Work Session: 10/20/22

Voting Session: 11/03/22

Public Hearing: Yes

Agenda Item Title: Presentation of amendments to the *Abatement of Nuisance Property* code.

Background Information:

A new chapter for Property Maintenance is being proposed, creating the need to amend the Abatement of Nuisance Property code.

Current Information:

Staff worked with legal counsel to draft the amendments to the Abatement of Nuisance Property Code, in conjunction with the new code Chapter 44 Property Maintenance.

Budget Information: Not Applicable.

Fund	Dept.	Acct No.	Budget	Balance	Requested	Remaining

Recommendation/Motion: Staff recommends that the BOC approve the request to advertise for public hearing to amend the Litter Control/Solid Waste code

Department Head Authorization: S.O. Farrell

October 6, 2022

Finance Dept. Authorization: Vickie Neikirk

Date: 10/11/22

County Manager Authorization: David Headley

Date: 10-11-2022

County Attorney Authorization: _____

Date: _____

Attachment:

Chapter 48 amended and a "clean" copy of changes incorporated.

CHAPTER 48: ABATEMENT OF NUISANCE PROPERTY

48-1.	Purpose and Authority
48.2.	Definitions
48-3.	Duty of Owners
48-4.	Enforcement
48-5.	Complaints Relating to Unfit Dwellings or Structures
48-6.	Service of Complaints
48-7.	Order of the Court
48-8.	Failure to Comply with Order of the Court
48-9.	Salvage of Reusable Materials
48-10.	Lien on Property
48-11.	Waiver of Lien
48-12.	Appellate Review; Injunction
48-13.	Summary Proceedings

48-1. PURPOSE AND AUTHORITY

This Chapter is intended to provide additional enforcement authority to the County in accordance with the abatement of nuisance provisions set forth in O.C.G.A. § 41-2-1, et seq.

- A. The County intends that this Chapter shall comport with, and be susceptible to enforcement under, O.C.G.A. § 41-2-1, et seq. Pursuant thereto, it is found and declared that there is the existence or occupancy of dwellings or other buildings or structures which are unfit for human habitation or for commercial, industrial, or business occupancy or use and are detrimental to the welfare and are dangerous and injurious to the health, safety, and welfare of the people of this County; and that a public necessity exists for the repair, closing, or demolition of such dwellings, buildings or structures. It is further found and declared that where there is in existence a condition or use of property which renders adjacent property unsafe or inimical to safe human habitation, such use is dangerous and injurious to the health, safety, and welfare of the people of this County and a public necessity exists for the repair of such condition or the cessation of such use which renders the adjacent property unsafe or inimical to safe human habitation.
- B. Such dwellings, buildings, and property may be deemed unfit due to the following reasons; dilapidation and not in compliance with applicable codes; defects increasing the hazards of fire, accidents, or other calamities; lack of adequate ventilation, light or sanitary facilities; properties that have an accumulation of weeds, trash, junk, filth, and/or other unsanitary or unsafe conditions which create a public health hazard or a general nuisance to those persons residing in the vicinity; other conditions resulting in a violation of this article which renders such dwellings, buildings, or property unsafe, unsanitary, dangerous or detrimental to the health, safety, or welfare, or otherwise detrimental to the welfare of the residents of the County; or vacant, dilapidated dwellings or buildings in which drug crimes are being committed.

48-2. DEFINITIONS

Except as otherwise provided herein, all words shall have the customary dictionary meaning. The present tense includes the future tense; the singular shall include the plural, and the plural the singular; and the use of masculine or feminine gender is for convenience only, and the use of each shall include the other.

As used in this chapter, the term:

Applicable codes means:

1. any optional housing or abatement standard provided in O.C.G.A. Title 8, Chapter 2, as adopted by ordinance or operation of law, or other property maintenance or solid waste standards as adopted by ordinance or operation of law, or general nuisance law, relative to the safe use of real property;
2. (ii) any fire or life safety code as provided for in O.C.G.A. Title 25, Chapter 2; and
3. (iii) any building codes adopted by local ordinance prior to October 1, 1991, or the minimum standard codes provided in O.C.G.A. Title 8, Chapter 2, after October 1, provided that such building or minimum standard codes for real property improvements shall be deemed to mean those building or minimum standard codes in existence at the time such real property improvements were constructed unless otherwise provided by law.

Closing means causing a dwelling, building, structure, or property to be vacated and secured against unauthorized entry.

County means Dawson County.

Drug crime means an act which is a violation of O.C.G.A. Title 16, Chapter 14, art. 2, known as the "Georgia Controlled Substances Act."

Dwellings, buildings, structures, or properties means any building or structure or part thereof used and occupied for human habitation or commercial, industrial, or business uses, or intended to be so used, and includes any outhouses, improvements, and appurtenances belonging thereto or usually enjoyed therewith and also includes any building or structure of any design and any associated property. However, as used in this article, the term "dwellings, buildings, structures, or properties" shall not mean or include any farm, any building, structure, or property located on a farm, or any agricultural facility or other building or structure used for the production, growing, raising, harvesting, storage, or processing of crops, livestock, poultry, or other farm products.

Interested parties means:

1. Owner;
2. Those parties having an interest in the property as revealed by a certification of title to the property conducted in accordance with the title standards of the State Bar of Georgia;
3. Those parties having filed a notice in accordance with O.C.G.A. § 48-3-9;

4. Any other party having an interest in the property whose identity and address are reasonably ascertainable from the records of the petitioner or records maintained in the county courthouse or by the clerk of the court. Interested parties shall not include the holder of the benefit or burden of any easement or right of way whose interest is properly recorded which interest shall remain unaffected; and
5. Persons in possession of said property and premises.

Owner means the holder of the title in fee simple and every mortgagee of record.

Public authority means any member of a governing authority, any housing authority officer, or any officer who is in charge of any department or branch of the government of Dawson County or the state relating to health, fire, or building regulations or to other activities concerning dwellings, buildings, structures, or properties in the county.

Public Officer means the officer or officers who are authorized to exercise the powers prescribed by this article or any agent or designee of such officer or officers.

Repair means altering or improving a dwelling, building, structure, or property so as to bring the structure or property into compliance with the applicable codes in the jurisdiction where the property is located. This includes, but is not limited to, and the cleaning or removal of tall grass, weeds, debris, trash, and other accumulated materials which create a health or safety hazard in or about any dwelling, building, structure, or property.

Resident means any person residing in Dawson County on or after the date on which the alleged nuisance arose.

48-3. DUTY OF OWNERS

Every owner of every dwelling, building, structure, or property within Dawson County, Georgia, has the duty to construct and maintain such dwelling, building, structure, or property in conformance with the applicable Dawson County Ordinances or other applicable codes which regulate and prohibit activities on property and which declare it to be a public nuisance to construct or maintain any dwelling, building, structure, or property in violation of such codes or ordinances.

48-4. ENFORCEMENT

A. Designation of Public Officers

The Dawson County Manager, Dawson County Director of the Planning and Development, the Dawson County Marshal, Dawson County Building Official, the Dawson County Sheriff's Office and their designees are all designated and appointed to exercise the power presented by this Ordinance as Public Officers.

B. Powers of Enforcement Authorized

Each Public Officer is hereby authorized to exercise such power as may be necessary or convenient to carry out and effectuate the purpose and provisions of this Ordinance and O.C.G.A § 41-2-8 to § 41-2-17, including the following additional powers:

1. To investigate the dwelling conditions in the unincorporated area of the County in order to determine which dwellings, buildings, structures, or properties therein are unfit for human habitation or are unfit for current commercial, industrial, or business use;
2. To administer oaths and affirmations, to examine witnesses, and to receive evidence;
3. To enter upon premises for the purpose of making examinations provided, however, that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession and shall follow applicable due process of law;
4. To appoint and fix the duties of such officers, agents and employees as he/she deems necessary to carry out the purposes of this Ordinance;
5. To delegate any of his/her functions and powers under this Ordinance to such officers and agents as he may designate; and
6. To consult with any engineers or other qualified professionals in carrying out the functions and powers of this Ordinance.

C. Standards for Determining Violation

The Public Officer may determine, under existing ordinances, including, but not limited to, the Dawson County Property Maintenance Ordinance and the Dawson County Litter Control and Solid Waste Management Ordinance, that a dwelling, building, structure, or property is unfit for human habitation or is unfit for its current residential, commercial, industrial, or business use if he/she finds that conditions exist in such building, dwelling, structure, or property which are dangerous or injurious to the health, safety, or morals of the occupants of such dwelling, building, structure or property; of the occupants of neighborhood dwellings, buildings, structures or properties; or of other residents of Dawson County, Georgia; such conditions may include the following (without limiting the generality of the foregoing):

1. Defects increasing the hazards of fire, accidents, or other calamities;
2. Lack of adequate ventilation, light or sanitary facilities;
3. Dilapidation;
4. Disrepair;
5. Structural defects;
6. Uncleanliness constituting an unsanitary condition;

7. Tall grass and weeds which indicate long-term neglect, abandonment or vacancy;
8. Improperly maintained swimming pools which indicate long-term neglect, abandonment, or vacancy;
9. Dwellings, buildings or structures that have been burned and left unrepaired;
10. An accumulation of solid waste or presence of inoperable or junked vehicles or inoperable or junked marine vessels as such are defined in the Dawson County Property Maintenance Ordinance and the Litter Control and Solid Waste Management Ordinance;
11. Standing water allowed to pool in containers or on surfaces; and
12. Tire storage piles located less than fifty (50) feet from lot lines and buildings.

48-5.

COMPLAINTS RELATING TO UNFIT DWELLINGS OR STRUCTURES

- A. Whenever a written request for an investigation to be conducted using the appropriate form is filed with the Marshal's Office or notification is received from a public authority or by at least five residents of the County charging that any dwelling or building is unfit for human habitation or for commercial, industrial, or business use and not in compliance with applicable codes; or is vacant and being used in connection with the commission of illegal activities; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the Marshal's Office along with other appropriate personnel shall make an investigation or inspection of the specific dwelling, building, structure, or property.
- B. If the Marshal's Office investigation or inspection identifies that any dwelling, building, structure, or property is unfit for human habitation or for commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with commission of illegal activities; or constitutes an endangerment to the public health or safety as the result of unsanitary or unsafe conditions, the Marshal's Office shall notify the board of commissioners of such finding and shall either issue a 30-day notice to comply or file a complaint in rem as indicated below.
- C. *Issuance of 30-day notice.* The Marshal's Office may issue and cause to be served via certified and regular mail upon the owner and any interested parties notice that the dwelling, building, structure, or property is unfit for human habitation or for commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of illegal activities; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions. The notice shall instruct the owner to repair, alter, improve, vacate and close or demolish said dwelling, building, structure, or property within 30 days of the date the notice is mailed via regular delivery.

- D. *Filing a complaint.* If the dwelling, building, structure or property is not repaired, altered, improved, vacated and closed or demolished within 30 days, or, if the public official determines that it is in the best interest of the county to proceed without first issuing a 30-day notice, the Marshal's Office may issue a complaint in rem against the lot, tract, or parcel of real property on which such dwelling, building, or structure is situated or where such public health hazard or general nuisance exists and shall cause summons and a copy of the complaint to be served on the interested parties for such dwelling, building, structure or property.
- E. The complaint shall identify the subject real property by appropriate street address and official tax map reference; identify the owner and other interested parties; state with particularity the factual basis for the action; and contain a statement of the actions sought by the Marshal's Office to abate the nuisance. The summons shall notify the interested parties that a hearing will be held before the Magistrate Court at a date and time certain and at a place within the County where the property is located. Such hearing shall be held not less than 15 days, nor more than 45 days after the filing of said complaint in the Magistrate Court. The interested parties shall have the right to file an answer to the complaint and to appear in person or by attorney and offer testimony at the time and place fixed for the hearing.

48-6. SERVICE OF COMPLAINTS

- A. Complaints issued by the Marshal's Office pursuant to this division shall be served in the following manner. At least 14 days prior to the date of the hearing, the Marshal's Office shall mail copies of the complaint by certified mail or statutory overnight delivery, return receipt requested, to all interested parties whose identities and addresses are reasonably ascertainable. Copies of the complaint shall also be mailed by First Class Mail to the property address to the attention of the occupants of the property, if any, and shall be posted on the property within three business days of filing the complaint and at least 14 days prior to the date of the hearing.
- B. For interested parties whose mailing address is unknown, a notice stating the date, time and place of the hearing shall be published in the legal organ in which the County's advertisements appear in Dawson County once a week for two consecutive weeks prior to the hearing.
- C. A notice of lis pendens shall be filed in the Office of the Clerk of Superior Court in Dawson County at the time of filing the complaint in the Magistrate Court. Such notice shall have the same force and effect as other lis pendens notices provided by law.
- D. Orders and other filings made subsequent to service of the initial complaint shall be served in the manner provided in this section on any interested party who answers the complaint or appears at the hearing. Any interested party who fails to answer or appear at the hearing shall be deemed to have waived all further notice in the proceedings.

48-7.**ORDER OF THE COURT**

If, after notice and hearing as provided above, the Magistrate Court determines that the dwelling, building, structure, or property under consideration is unfit for human habitation or is unfit for its current commercial, industrial, or business use; or is vacant, and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the court shall issue an order that states in writing its findings of fact in support of such determination and shall issue and cause to be served upon the interested parties that have answered the complaint or appeared at the hearing, an order as follows:

- A. If the repair, alteration, or improvement of the said dwelling, building, structure, or property can be made at a reasonable cost in relation to the present value of the dwelling, building, structure, or property requiring the owner within the time specified in the order, to repair, alter or improve such dwelling, building, structure, or property so as to bring it into full compliance with the applicable codes relevant to the cited violation, and, if applicable, to secure the structure so that it cannot be used in connection with the commission of drug crimes; or
- B. If the repair, alteration or improvement of the said dwelling, building, structure, or property cannot be made at a reasonable cost in relation to the present value of the dwelling, building, structure, or property requiring the owner, within the time specified in the order, to demolish and remove such dwelling, building or structure and all debris from the property.

For purposes of this section, the court shall make its determination of "reasonable cost in relation to the present value of the dwelling, building, structure or property" without consideration of the value of the land on which the structure is situated; provided, however, that costs of the preparation necessary to repair, alter, or improve a structure may be considered. Income and financial status of the owner shall not be a factor in the court's determination. The present value of the structure and the costs of repair, alteration, or improvement may be established by affidavits of real estate appraisers with a Georgia Appraiser classification as provided in O.C.G.A. Title 43, Chapter 39A, qualified building contractors, or qualified building inspectors without actual testimony presented. Costs of repair, alternation, or improvement of the structure shall be the costs necessary to bring the structure into compliance with the applicable codes relevant to the cited violations in force in Dawson County.

48-8.**FAILURE TO COMPLY WITH ORDER OF THE COURT**

If the owner fails to comply with an order of the court to repair, alter, improve, remove, close, or demolish the dwelling, building, structure, or property, the Marshal's Office may cause such dwelling, building, structure, or property to be repaired, altered, or improved or to be vacated and closed or demolished. Such abatement action shall commence within 270 days after the expiration of time specified in the order for abatement by the owner. Any time during which such action is prohibited by a court order issued pursuant to O.C.G.A. § 41-2-13 or any other equitable relief granted by a court of competent jurisdiction shall not be counted toward the 270 days in which

such abatement action must commence. The Marshal's Office shall cause to be posted on the main entrance of the dwelling, building, structure, or property a placard with the following words: "This building is unfit for human habitation or commercial, industrial, or business use and does not comply with the applicable codes or has been ordered secured to prevent its use in connection with drug crimes or constitutes an endangerment to public health or safety as a result of unsanitary or unsafe conditions. The use or occupation of this dwelling, building or structure is prohibited and unlawful."

48-9. SALVAGE OF REUSABLE MATERIALS

If the Marshal's Office has the structure demolished, reasonable effort shall be made to salvage reusable materials for credit against the cost of demolition. The proceeds of any money shall be used or applied against the cost of the demolition and removal of the structure, and proper records shall be kept showing application of sales proceeds. Any such sale of salvaged materials may be made without the necessity of public advertisement and bid, according to O.C.G.A. § 41-2-9(a)(6). The Marshal's Office and Board of Commissioners are relieved of any and all liability resulting from, or occasioned by, the sale of any such salvaged materials, including, without limitation, defects in such salvaged materials consistent with O.C.G.A. § 41-2-9(a)(6).

48-10. LIEN ON PROPERTY

- A. The cost of repairing, altering, improving, removing, closing or demolishing the dwelling, building or structure incurred by the Marshal's Office in accordance with exercising his/her authority as described in this Article, including all court costs, appraisal fees, administrative costs incurred by the Dawson County Tax Commissioner, and all other costs necessarily associated with the abatement action, including restoration to grade of the real property after demolition, shall be a lien against the real property upon which such cost was incurred. Said lien shall attach to the real property upon the filing of a certified copy of the order requiring repair, closure or demolition in the Office of the Clerk of Superior Court of Dawson County and shall relate back to the date of the filing of the lis pendens notice required in this article. The Clerk of Superior Court shall record and index such certified copy of the order in the deed records of the County and enter the lien on the general execution docket. The lien shall be superior to all other liens on the property, except liens for taxes to which the lien shall be inferior, and shall continue in force until paid.
- B. Upon final determination of costs, fees and expenses incurred in accordance with this section, the Marshal's Office shall transmit to the Dawson County Tax Commissioner a statement of the total amount due and secured by said lien, together with copies of all notices provided to interested parties. The statement of the Marshal's Office shall be transmitted within 90 days of completion of the repairs, demolition or closure. It shall be the duty of the County Tax Commissioner to collect the amount of the lien using all methods available for collecting real property ad valorem taxes, including, specifically, O.C.G.A. Title 48, Chapter 4; provided, however, that the limitation of O.C.G.A. § 48-4-78, which requires 12 months of delinquency before commencing a tax foreclosure, shall not apply. The County Tax Commissioner shall remit the amount collected to the Dawson County Board of Commissioners.

- C. Enforcement of liens pursuant to this section may be initiated at any time following receipt by the Dawson County Tax Commissioner of the final determination of costs. The unpaid lien amount shall bear interest and penalties from and after the date of final determination of costs in the same amount as applicable to interest and penalties on unpaid real property ad valorem taxes. An enforcement proceeding pursuant to O.C.G.A. § 48-4-78 for delinquent ad valorem taxes may include all amounts due under this section.
- D. The redemption amount in any enforcement proceeding pursuant to this article shall be the full amount of the costs as finally determined in accordance with this section, together with interest, penalties, and costs incurred by the County and the Dawson County Tax Commissioner in the enforcement of such lien. Redemption of property from the lien may be in accordance with O.C.G.A. § 48-4-80 and § 48-4-81.
- E. This section is intended to adopt and be consistent with O.C.G.A. § 41-2-9(b).

48-11. WAIVER OF LIEN

The County may waive and release any lien imposed on property if the owner of such property enters into a contract with the County agreeing to a timetable for rehabilitation of the real property or the dwelling, building or structure on the property and demonstrating the financial means to accomplish such rehabilitation.

48-12. APPELLATE REVIEW; INJUNCTION

Review of the Magistrate Court's order requiring the repair, alteration, improvement, or demolition of a dwelling, building or structure shall be by direct appeal to the Dawson County Superior Court according to O.C.G.A. § 5-3-29.

Any person affected by an order issued by the Public Officer may petition to the Dawson County Superior Court for an injunction restraining the Public Officer from carrying out the provisions of the order, and the court may, upon such petition, issue a temporary injunction restraining the public officer pending the final disposition of the cause; provided, however, that such person shall present such petition to the court within 15 days of the posting and service of the order of the public officer. De novo hearings shall be held by the court on petitions within 20 days. The court shall hear and determine the issues raised and shall enter such final order or decree as law and justice may require; provided, however, that it shall not be necessary to file bond in any amount before obtaining a temporary injunction under this section.

48-13. SUMMARY PROCEEDINGS

Nothing in this Article shall be construed to impair or limit in any way the power of the County to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise when, upon a majority vote of the Dawson County Board of Commissioners, the County determines that a nuisance exists and the repair, alteration, improvement, removal, closing or demolition will not exceed \$1,000.00.

CHAPTER 48: ABATEMENT OF NUISANCE PROPERTY

48-1.	Purpose and authority
48.2.	Definitions
48-32.	Duty of Owners
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48-354.	Complaints Relating to Unfit Dwellings or Structures
48-654.	Service of Complaints
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48-1210.	Appellate Review; <u>Injunction</u>
48-1321.	Summary Proceedings

48-1. PURPOSE AND AUTHORITY

This ~~Article~~ Chapter is intended to provide additional enforcement authority to the County in accordance with the abatement of nuisance provisions set forth in O.C.G.A. § 41-2-1, et seq. ~~The remedies provided in Article III this Chapter are in addition to those remedies available to the County for violations of the article under section 12-104. It is intended that violations of this Article Chapter shall be addressed according to section 12-104 as a general matter, and that only those properties that fail to come into compliance and which constitute a nuisance as such is defined by state law and under the terms of this division Chapter will require resort to the enforcement remedies provided in Article III this Chapter.~~

A. The County intends that this ~~division~~ Chapter shall comport with, and be susceptible to enforcement under, O.C.G.A. § 41-2-~~71~~, et seq. Pursuant thereto, it is found and declared that there is the existence or occupancy of dwellings or other buildings or structures which are unfit for human habitation or for commercial, industrial, or business occupancy or use and are ~~inimical-detrimental~~ to the welfare and are dangerous and injurious to the health, safety, and welfare of the people of this County; and that a public necessity exists for the repair, closing, or demolition of such dwellings, buildings or structures. It is further found and declared that where there is in existence a condition or use of property which renders adjacent property unsafe or inimical to safe human habitation, such use is dangerous and injurious to the health, safety, and welfare of the people of this County and a public necessity exists for the repair of such condition or the cessation of such use which renders the adjacent property unsafe or inimical to safe human habitation.

B. Such dwellings, buildings, and property may be deemed unfit due to the following reasons; dilapidation and not in compliance with applicable codes; defects increasing the hazards of

fire, accidents, or other calamities; lack of adequate ventilation, light or sanitary facilities; properties that have an accumulation of weeds, trash, junk, filth, and/or other unsanitary or unsafe conditions which create a public health hazard or a general nuisance to those persons residing in the vicinity; other conditions resulting in a violation of this article which renders such dwellings, buildings, or property unsafe, unsanitary, dangerous or detrimental to the health, safety, or welfare, or otherwise inimical-detrimental to the welfare of the residents of the County; or vacant, dilapidated dwellings or buildings in which drug crimes are being committed.

48-2. DEFINITIONS

Except as otherwise provided herein, all words shall have the customary dictionary meaning. The present tense includes the future tense; the singular shall include the plural, and the plural the singular; and the use of masculine or feminine gender is for convenience only, and the use of each shall include the other.

As used in this chapter, the term:

Applicable codes means:

1. ~~(i)~~ any optional housing or abatement standard provided in O.C.G.A. Title 8, Chapter 2, as adopted by ordinance or operation of law, or other property maintenance or solid waste standards as adopted by ordinance or operation of law, or general nuisance law, relative to the safe use of real property;
2. (ii) any fire or life safety code as provided for in O.C.G.A. Title 25, Chapter 2; and
3. (iii) any building codes adopted by local ordinance prior to October 1, 1991, or the minimum standard codes provided in O.C.G.A. Title 8, Chapter 2, after October 1, provided that such building or minimum standard codes for real property improvements shall be deemed to mean those building or minimum standard codes in existence at the time such real property improvements were constructed unless otherwise provided by law.

Closing means causing a dwelling, building, structure, or property to be vacated and secured against unauthorized entry.

County means Dawson County.

Drug crime means an act which is a violation of O.C.G.A. Title 16, Chapter 14, art. 2, known as the "Georgia Controlled Substances Act."

Dwellings, buildings, structures, or properties means any building or structure or part thereof used and occupied for human habitation or commercial, industrial, or business uses, or intended to be so used, and includes any outhouses, improvements, and appurtenances belonging thereto or usually enjoyed therewith and also includes any building or structure of any design and any associated property. However, as used in this article, the term "dwellings, buildings, structures, or properties" shall not mean or include any farm, any building, structure, or property located on a

farm, or any agricultural facility or other building or structure used for the production, growing, raising, harvesting, storage, or processing of crops, livestock, poultry, or other farm products.

Interested parties means:

1. (1) Owner;
2. (2) Those parties having an interest in the property as revealed by a certification of title to the property conducted in accordance with the title standards of the State Bar of Georgia;
3. (3) Those parties having filed a notice in accordance with O.C.G.A. § 48-3-9;
4. (4) Any other party having an interest in the property whose identity and address are reasonably ascertainable from the records of the petitioner or records maintained in the county courthouse or by the clerk of the court. Interested parties shall not include the holder of the benefit or burden of any easement or right of way whose interest is properly recorded which interest shall remain unaffected; and
5. (5) Persons in possession of said property and premises.

Owner means the holder of the title in fee simple and every mortgagee of record.

Public authority means any member of a governing authority, any housing authority officer, or any officer who is in charge of any department or branch of the government of Dawson County or the state relating to health, fire, or building regulations or to other activities concerning dwellings, buildings, structures, or properties in the county.

Public Officer means the officer or officers who are authorized to exercise the powers prescribed by this article or any agent or designee of such officer or officers.

Repair means altering or improving a dwelling, building, structure, or property so as to bring the structure or property into compliance with the applicable codes in the jurisdiction where the property is located. This includes, but is not limited to, and the cleaning or removal of tall grass, weeds, debris, trash, and other materials present and accumulated materials which create a health or safety hazard in or about any dwelling, building, structure, or property.

Resident means any person residing in Dawson County on or after the date on which the alleged nuisance arose.

48-32. DUTY OF OWNER

Every owner of every dwelling, building, structure, or property within Dawson County, Georgia, has the duty to construct and maintain such dwelling, building, structure, or property in conformance with the applicable Dawson County Ordinances or other applicable codes which regulate and prohibit activities on property and which declare it to be a public nuisance to construct or maintain any dwelling, building, structure, or property in violation of such codes or ordinances.

48-243. ENFORCEMENT

A. Designation of Public Officers

The Dawson County Manager, Dawson County Director of the Planning and Development ~~Department~~, the Dawson County Marshals, Dawson County ~~Compliance Officers~~ ~~Building Official~~, the ~~Dawson County Sheriff's Office~~ and their designees are all designated and appointed to exercise the power presented by this Ordinance as Public Officers.

B. Powers of Enforcement Authorized

~~The Each~~ Public Officer is hereby authorized to exercise such power as may be necessary or convenient to carry out and effectuate the purpose and provisions of this Ordinance and O.C.G.A § 41-2-8 to § 41-2-17, including the following additional powers:

1. To investigate the dwelling conditions in the unincorporated area of the County in order to determine which dwellings, buildings, structures, or properties therein are unfit for human habitation or are unfit for current commercial, industrial, or business use;
2. To administer oaths and affirmations, to examine witnesses, and to receive evidence;
3. To enter upon premises for the purpose of making examinations provided, however, that such entries shall be made in such manner as to cause the least possible inconvenience to the persons in possession and shall follow applicable due process of law;
4. To appoint and fix the duties of such officers, agents and employees as he/she deems necessary to carry out the purposes of this Ordinances;
5. To delegate any of his/her functions and powers under this Ordinance to such officers and agents as he may designate; and
6. To consult with any engineers or other qualified professionals in carrying out the functions and powers of this Ordinance.

C. Standards for Determining Violation

The Public Officer may determine, under existing ordinances, including, but not limited to, the Dawson County Property Maintenance Ordinance and the Dawson County Litter Control and Solid Waste Management Ordinance, that a dwelling, building, structure, or property is unfit for human habitation or is unfit for its current residential, commercial, industrial, or business use if he/she finds that conditions exist in such building, dwelling, structure, or property which are dangerous or injurious to the health, safety, or morals of the occupants of such dwelling, building, structure or property; of the occupants of neighborhood dwellings, buildings, structures or properties; or of other residents of Dawson County, Georgia; such conditions may include the following (without limiting the generality of the foregoing):

1. Defects increasing the hazards of fire, accidents, or other calamities;
2. Lack of adequate ventilation, light or sanitary facilities;
3. Dilapidation;
4. Disrepair;
5. Structural defects;
6. Uncleanliness constituting an unsanitary condition;

7. Tall grass and weeds which indicate long-term neglect, abandonment or vacancy;
8. Improperly maintained swimming pools which indicate long-term neglect, abandonment, or vacancy; ~~and~~
9. Dwellings, buildings or structures that have been burned and left unrepaired;:-
10. An accumulation of solid waste or presence of inoperable or junked vehicles or inoperable or junked marine vessels as such are defined in the Dawson County Property Maintenance Ordinance and the Litter Control and Solid Waste Management Ordinanceboats;:-
11. Standing water allowed to pool in containers or on surfaces; and
- 9.12. Tire storage piles located less than fifty (50) feet from lot lines and buildings.

48-~~54~~3.

COMPLAINTS RELATING TO UNFIT DWELLINGS OR STRUCTURES

- A. Whenever a written request for an investigation to be conducted using the appropriate complaint form is filed with ~~Code Compliance~~the Marshal's Office or notification is received by from a public authority or by at least five residents of the County charging that any dwelling or building is unfit for human habitation or for commercial, industrial, or business use and not in compliance with applicable codes; or is vacant and being used in connection with the commission of ~~drug crimes~~illegal activities; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the Marshal's Office along with other appropriate personnel shall make an investigation or inspection of the specific dwelling, building, structure, or property.
- B. If the Marshal's Office's investigation or inspection identifies that any dwelling, building, structure, or property is unfit for human habitation or for commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with commission of ~~drug crimes~~illegal activities; or constitutes an endangerment to the public health or safety as the result of unsanitary or unsafe conditions, the Marshal's Office shall notify the board of commissioners of such finding and shall either issue a 30-day notice to comply or file a complaint in rem as indicated below.
- C. Issuance of 30-day notice. The Marshal's Office may issue and cause to be served via certified and regular mail upon the owner and any interested parties notice that the dwelling, building, structure, or property is unfit for human habitation or for commercial, industrial, or business use and not in compliance with applicable codes; is vacant and being used in connection with the commission of ~~drug crimes~~illegal activities; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions. The notice shall instruct the owner to repair, alter, improve, vacate and close or demolish said dwelling, building, structure, or property within 30 days of the date the notice is mailed via regular delivery.
- B-D. Filing a complaint. If the dwelling, building, structure or property is not repaired, altered, improved, vacated and closed or demolished within 30 days, or, if the public official determines that it is in the best interest of the county to proceed without first

issuing a 30-day notice, the Marshal's Office may issue a complaint in rem against the lot, tract, or parcel of real property on which such dwelling, building, or structure is situated or where such public health hazard or general nuisance exists and shall cause summons and a copy of the complaint to be served on the interested parties for such dwelling, building, ~~or~~ structure or property.

- E.** The complaint shall identify the subject real property by appropriate street address and official tax map reference; identify the owner and other interested parties; state with particularity the factual basis for the action; and contain a statement of the actions sought by the Marshal's Office to abate the nuisance. The summons shall notify the interested parties that a hearing will be held before the Magistrate Court at a date and time certain and at a place within the County where the property is located. Such hearing shall be held not less than 15 days, nor more than 45 days after the filing of said complaint in the Magistrate Court. The interested parties shall have the right to file an answer to the complaint and to appear in person or by attorney and offer testimony at the time and place fixed for the hearing.

48-~~65~~4.

SERVICE OF COMPLAINTS

- A. Complaints issued by the Marshal's Office pursuant to this division shall be served in the following manner. At least 14 days prior to the date of the hearing, the Marshal's Office shall mail copies of the complaint by certified mail or statutory overnight delivery, return receipt requested, to all interested parties whose identities and addresses are reasonably ascertainable. Copies of the complaint shall also be mailed by First Class Mail to the property address to the attention of the occupants of the property, if any, and shall be posted on the property within three business days of filing the complaint and at least 14 days prior to the date of the hearing.
- B. For interested parties whose mailing address is unknown, a notice stating the date, time and place of the hearing shall be published in the legal organ in which the County's advertisements appear in Dawson County once a week for two consecutive weeks prior to the hearing.
- C. A notice of lis pendens shall be filed in the Office of the Clerk of Superior Court in Dawson County at the time of filing the complaint in the Magistrate Court. Such notice shall have the same force and effect as other lis pendens notices provided by law.
- D. Orders and other filings made subsequent to service of the initial complaint shall be served in the manner provided in this section on any interested party who answers the complaint or appears at the hearing. Any interested party who fails to answer or appear at the hearing shall be deemed to have waived all further notice in the proceedings.

48-~~76~~5.

ORDER OF THE COURT

If, after notice and hearing as provided above, the Magistrate Court determines that the dwelling, ~~or~~ building, structure, or property under consideration is unfit for human habitation or is unfit for

its current commercial, industrial, or business use; or is vacant, and being used in connection with the commission of drug crimes; or constitutes an endangerment to the public health or safety as a result of unsanitary or unsafe conditions, the court shall issue an order that states in writing its findings of fact in support of such determination and shall issue and cause to be served upon the interested parties that have answered the complaint or appeared at the hearing, an order as follows:

- A. If the repair, alteration, or improvement of the said dwelling, building, ~~or structure, or~~ property can be made at a reasonable cost in relation to the present value of the dwelling, building, ~~or structure, or~~ property requiring the owner within the time specified in the order, to repair, alter or improve such dwelling, building, ~~or structure, or~~ property so as to bring it into full compliance with the applicable codes relevant to the cited violation, and, if applicable, to secure the structure so that it cannot be used in connection with the commission of drug crimes; or
- B. If the repair, alteration or improvement of the said dwelling, building, ~~or structure, or~~ property cannot be made at a reasonable cost in relation to the present value of the dwelling, building, ~~or structure, or~~ property requiring the owner, within the time specified in the order, to demolish and remove such dwelling, building or structure and all debris from the property.

~~C.~~—For purposes of this section, the court shall make its determination of "reasonable cost in relation to the present value of the dwelling, building, ~~or structure~~ or property" without consideration of the value of the land on which the structure is situated; provided, however, that costs of the preparation necessary to repair, alter, or improve a structure may be considered. Income and financial status of the owner shall not be a factor in the court's determination.

The present value of the structure and the costs of repair, alteration, or improvement may be established by affidavits of real estate appraisers with a Georgia Appraiser classification as provided in O.C.G.A. ~~§ Title~~ 43, ~~ch.~~ Chapter 39A, qualified building contractors, or qualified building inspectors without actual testimony presented. Costs of repair, alternation, or improvement of the structure shall be the costs necessary to bring the structure into compliance with the applicable codes relevant to the cited violations in force in Dawson County-enforced in the jurisdiction.

48-~~87~~6.

FAILURE TO COMPLY WITH ORDER OF THE COURT

If the owner fails to comply with an order of the court to repair, alter, improve, remove, close, or demolish the dwelling, building, ~~or structure, or~~ property, the Marshal's Office may cause such dwelling, building, ~~or structure, or~~ property to be repaired, altered, or improved or to be vacated and closed or demolished. Such abatement action shall commence within 270 days after the expiration of time specified in the order for abatement by the owner. Any time during which such action is prohibited by a court order issued pursuant to O.C.G.A. § 41-2-13 or any other equitable relief granted by a court of competent jurisdiction shall not be counted toward the 270 days in which such abatement action must commence. The Marshal's Office shall cause to be posted on the main entrance of the dwelling, building, ~~or structure, or~~ property a placard with the following words: "This building is unfit for human habitation or commercial, industrial, or business use and

does not comply with the applicable codes or has been ordered secured to prevent its use in connection with drug crimes or constitutes an endangerment to public health or safety as a result of unsanitary or unsafe conditions. The use or occupation of this dwelling, building or structure is prohibited and unlawful".

48-798.

SALVAGE OF REUSABLE MATERIALS

If the Marshal's Office has the structure demolished, reasonable effort shall be made to salvage reusable materials for credit against the cost of demolition. The proceeds of any money shall be used or applied against the cost of the demolition and removal of the structure, and proper records shall be kept showing application of sales proceeds. Any such sale of salvaged materials may be made without the necessity of public advertisement and bid, according to O.C.G.A. § 41-2-9(a)(6). The Marshal's Office and Board of Commissioners are relieved of any and all liability resulting from, or occasioned by, the sale of any such salvaged materials, including, without limitation, defects in such salvaged materials consistent with O.C.G.A. § 41-2-9(a)(6).

48-1098.

LIEN ON PROPERTY

- A. The cost of repairing, altering, improving, removing, closing or demolishing the dwelling, building or structure incurred by the Marshal's Office in accordance with exercising his/her authority as described in this Article, including all court costs, appraisal fees, administrative costs incurred by the Dawson County Tax Commissioner, and all other costs necessarily associated with the abatement action, including restoration to grade of the real property after demolition, shall be a lien against the real property upon which such cost was incurred. Said lien shall attach to the real property upon the filing of a certified copy of the order requiring repair, closure or demolition in the Office of the Clerk of Superior Court of Dawson County and shall relate back to the date of the filing of the lis pendens notice required in this article. The Clerk of Superior Court shall record and index such certified copy of the order in the deed records of the County and enter the lien on the general execution docket. The lien shall be superior to all other liens on the property, except liens for taxes to which the lien shall be inferior, and shall continue in force until paid.
- B. Upon final determination of costs, fees and expenses incurred in accordance with this section, the Marshal's Office shall transmit to the Dawson County Tax Commissioner a statement of the total amount due and secured by said lien, together with copies of all notices provided to interested parties. The statement of the Marshal's Office shall be transmitted within 90 days of completion of the repairs, demolition or closure. It shall be the duty of the County Tax Commissioner to collect the amount of the lien using all methods available for collecting real property ad valorem taxes, including, specifically, O.C.G.A. ~~tit~~Title 48, ~~ch~~Chapter 4; provided, however, that the limitation of O.C.G.A. § 48-4-78, which requires 12 months of delinquency before commencing a tax foreclosure, shall not apply. The County Tax Commissioner shall remit the amount collected to the Dawson County Board of Commissioners.
- C. Enforcement of liens pursuant to this section may be initiated at any time following receipt by the Dawson County Tax Commissioner of the final determination of costs. The unpaid

lien amount shall bear interest and penalties from and after the date of final determination of costs in the same amount as applicable to interest and penalties on unpaid real property ad valorem taxes. An enforcement proceeding pursuant to O.C.G.A. § 48-4-78 for delinquent ad valorem taxes may include all amounts due under this section.

D. The redemption amount in any enforcement proceeding pursuant to this article shall be the full amount of the costs as finally determined in accordance with this section, together with interest, penalties, and costs incurred by the County and the Dawson County Tax Commissioner in the enforcement of such lien. Redemption of property from the lien may be in accordance with O.C.G.A. § 48-4-80 and § 48-4-81.

E. This section is intended to adopt and be consistent with O.C.G.A. § 41-2-9(b).

48-~~110~~9.

WAIVER OF LIEN

The County may waive and release any lien imposed on property if the owner of such property enters into a contract with the County agreeing to a timetable for rehabilitation of the real property or the dwelling, building or structure on the property and demonstrating the financial means to accomplish such rehabilitation.

48-1~~0~~21.

APPELLATE REVIEW; INJUNCTION

Review of the Magistrate Court's order requiring the repair, alteration, improvement, or demolition of a dwelling, building or structure shall be by direct appeal to the Dawson County Superior Court according to O.C.G.A. § 5-3-29.

Any person affected by an order issued by the P~~u~~public O~~o~~fficer may petition to the Dawson County Superior Court for an injunction restraining the Public Officer from carrying out the provisions of the order, and the court may, upon such petition, issue a temporary injunction restraining the public officer pending the final disposition of the cause; provided, however, that such person shall present such petition to the court within 15 days of the posting and service of the order of the public officer. De novo hearings shall be held by the court on petitions within 20 days. The court shall hear and determine the issues raised and shall enter such final order or decree as law and justice may require; provided, however, that it shall not be necessary to file bond in any amount before obtaining a temporary injunction under this section.

48-1~~32~~1.

SUMMARY PROCEEDINGS

Nothing in this Article shall be construed to impair or limit in any way the power of the County to define and declare nuisances and to cause their removal or abatement by summary proceedings or otherwise when, upon a majority vote of the Dawson County Board of Commissioners, the County determines that a nuisance exists and the repair, alteration, improvement, removal, closing or demolition will not exceed \$1,000.00.

**PROFESSIONAL OFFICE SPACE
LEASE AGREEMENT**

THIS LEASE AGREEMENT (the "Lease") is made this ____ day of _____, 2022 between **NORTHEAST GEORGIA HEALTH SYSTEM, INC.**, a Georgia non-profit corporation, and an organization described in §501 (c)(3) of the Internal Revenue Code of 1986, as amended, whose principal office address is 743 Spring Street NE, Gainesville, Georgia 30501-3741, Attn: Real Estate Dept. ("Landlord") and **GEORGIA FAMILY CONNECTION PARTNERSHIP, INC.** a Georgia non-profit corporation and an organization described in §501(c)(3) of the Internal Revenue Code of 1986, as amended, whose principal office address is 235 Peachtree Street, Suite 1600, Atlanta, GA 30303, Attention: Donald G. Walraven ("Tenant").

WHEREAS, Landlord hereby agrees to lease to Tenant and Tenant hereby agrees to lease from Landlord the square feet of space subject to this Lease Agreement;

NOW, THEREFORE, in consideration of the mutual benefits, covenants, and conditions herein set forth, the parties hereto agree as follows:

Landlord hereby leases to Tenant, and Tenant accepts from Landlord, on the terms, conditions and limitations herein set forth, the premises outlined on the floor plan attached hereto as **Exhibit "A"**, containing approximately Four Hundred Eighty-Two rentable square feet (482 sq. ft.) (the "Premises") in the building located at **45 Medical Center Drive, Dawsonville, Dawson County, Georgia** (the "Building"), said Premises and Building being located on the property more particularly described on **Exhibit "B"** (the "Property").

1.

TERM; TERMINATION: The term of this Lease shall be for a period of four (4) years, eight (8) months, two (2) days and shall commence on October 28, 2022 (the "Commencement Date"), and shall end on June 30, 2027 (the "Initial Term"), unless sooner terminated as provided herein, to be occupied and used only by Tenant exclusively for its own non-profit charitable purposes. Either party hereto may terminate this Lease upon ninety (90) days written notice to the other party made pursuant to Section 19 hereof.

2.

INTENTIONALLY OMITTED

3.

RENT: Tenant shall not be required to pay monthly rental or operating expenses to Landlord (the "Rent"); however, the parties hereto agree that the current fair market value base rent rate for the Premises is Twenty two and no/100 (\$22.00) Dollars per square foot for finished space, escalating annually on July 1st three percent (3%), and the current operating expenses, including the utilities, set forth in Section 10(G), which would otherwise be chargeable to the Tenant are currently estimated at Five and no/100 (\$5.00) Dollars per square foot per year.

Additionally, both of the undersigned parties hereby acknowledge that the combination of

the base rent and the operating expenses (including utilities) identified in this Lease Agreement total a cumulative amount of \$27.00 per square foot from October 28, 2022 – June 30, 2023 with the base rent being \$22.00 per square foot and the operating expenses being \$5.00 per square foot.

4.

ASSIGNMENT AND SUBLETTING: Tenant may not sublet the Premises or assign any interest under this Lease, without the prior written consent of the Landlord. Landlord shall be entitled to insist that approved subtenant or assignee satisfy the then current guidelines regarding the presence of medical specialists in the Building, if applicable.

Tenant acknowledges that Landlord may assign all of its right and interest under this Lease Agreement to any party, at any time, in its sole discretion and/or pursuant to either a sale of the Building of which the Premises are a part or pursuant to a loan transaction in which said interest is assigned as security for a loan from a third party. When a new owner takes title to the Premises, Tenant agrees to attorn to said new owner in all respects as the new landlord.

5.

CASUALTY: If the Premises are made untenantable in whole or in part by fire or other casualty such damage shall be so extensive that the Premises cannot reasonably be restored by Landlord within the period of four (4) months, either party shall have the right to cancel this Lease by written notice with immediate effect to the other given at any time within thirty (30) days after the date of such damage. If the Lease is not so terminated, Landlord will promptly repair the damage at Landlord's expense but only to the extent of insurance proceeds available. Landlord's repair obligations shall not exceed that of returning the Premises to substantially the same condition as existing prior to the casualty. Provided, however, if such fire or other casualty resulted or was caused by the negligence, act or omission of Tenant, its contractors, agents or employees, then any termination hereof shall be without prejudice to Landlord's right to recover for said damage against Tenant to the extent not covered by insurance and the waiver of subrogation set forth in Section 8.

6.

CERTAIN RIGHTS RESERVED TO LANDLORD: Landlord reserves the following rights:

(i) To have pass keys to the Premises; and

(ii) To enter the Premises at any time in the event of an emergency, and otherwise at reasonable times, to take any and all measures, including inspections, repairs, alterations, additions, and improvements to the Premises or to the Building as may be necessary in the operation of the Building, or in order to comply with all laws, orders, and requirements of any governmental or other authority. Landlord will not enter the Premises during normal working hours without the authorized permission and scheduling with the Tenant.

7.

LIABILITY INSURANCE: Tenant shall, at its expense, maintain during the term of this Lease, Commercial General Liability Insurance, and property damage insurance under policies issued by insurers authorized to do business in the State of Georgia and acceptable to Landlord, with limits of not less than \$1,000,000 for personal injury, death, or for damage or injury to or destruction of property for any one

occurrence with a \$3,000,000 combined single limit per occurrence umbrella policy. Tenant's policies shall name Landlord as a named insured. At the request of Landlord, Tenant shall provide requesting party with the certificates evidencing such insurance, and/or copies of such policies of insurance. Such insurance shall provide that it may not be cancelled except upon thirty (30) days' prior written notice to Landlord. Landlord shall, at its expense, maintain during the term of this Lease, such insurance as it shall deem prudent with respect to the Premises, and shall provide Tenant with a copy of certificate(s) of insurance evidencing same upon request.

8.

WAIVER OF SUBROGATION: If either party to this Lease is paid any proceeds under any policy of insurance naming such party as an insured, on account of any loss or damage, then such party hereby releases the other party hereto, to and only to the extent of the amount of such proceeds, from any and all liability for such loss or damage, notwithstanding that such loss, damage or liability may arise out of the negligent or intentionally tortious act or omission of the other party, its agents, officers, or employees; provided, that such release shall be effective only as to a loss or damage occurring while the appropriate policy of insurance of the releasing party provides that such release shall not impair the effectiveness of such policy or the insured's ability to recover thereunder. Each party hereto shall use reasonable efforts to have a clause to such effect included in its insurance policies, and shall promptly notify the other, in writing, if such clause cannot be included in any such policy.

9.

INDEMNIFICATION AND WAIVER OF CERTAIN CLAIMS:

A. Tenant: Tenant hereby releases Landlord from all liability for and indemnifies and holds harmless Landlord against all losses, costs, expenses, and liabilities incurred by Landlord as a result of: (i) Tenant's failure to fulfill any term or condition of this Lease; (ii) any damage arising as a result of any negligent act or omission of Tenant or by anyone for whose negligent acts Tenant is responsible or injury occurring in or about the Premises or Building to Tenant's employees, invitees, or licensees as a result of any negligent act or omission of Tenant; (iii) Tenant's failure to comply with any requirements imposed on Tenant by any governmental authority; and (iv) any judgment, lien, or other encumbrance filed against the Premises or the Building as a result of Tenant's actions or arising by or through Tenant. Tenant, to the extent permitted by law, waives all claims it may have against Landlord, and against Landlord's agents and employees, for damage to person or property sustained by Tenant or by any occupant of the Premises, or by any other person, resulting from any part of the Property or any equipment or appurtenances becoming out of repair or resulting from any accident in or about the Property or resulting directly or indirectly from any act or neglect of any tenant or occupant of any part of the Property or of any other person, unless such damage is the result of the negligence of Landlord, or Landlord's agents or employees acting within the scope of their employment. All personal property belonging to Tenant or any occupant of the Premises that is in or on any part of the Property shall be there at the risk of Tenant or of such other person only, and Landlord, its agents and employees, shall not be liable for any damage thereto or for the theft or misappropriation thereof unless due to the negligence of Landlord or Landlord's agents or employees. The obligation of Tenant to indemnify Landlord and certain other persons shall survive any termination or cancellation of this Lease.

B. Landlord: Landlord hereby releases Tenant from all liability for and indemnifies and holds harmless Tenant against all losses, costs, expenses, and liabilities incurred by Tenant as a result of: (i) Landlord's failure to fulfill any term or condition of this Lease; (ii) any damage arising as a result of any negligent act or omission of Landlord or by anyone for whose negligent acts Landlord is responsible or injury occurring in or about the Premises or Building to Landlord's employees, invitees, or licensees as a

result of any negligent act or omission of Landlord; (iii) Landlord's failure to comply with any requirements imposed on Landlord by any governmental authority; and (iv) any judgment, lien, or other encumbrance filed against the Premises or the Building as a result of Landlord's actions or arising by or through Landlord. Landlord, to the extent permitted by law, waives all claims it may have against Tenant, and against Tenant's agents and employees, for damage to person or property sustained by Landlord or by any occupant of the Premises, or by any other person, resulting from any part of the Property or any equipment or appurtenances becoming out of repair or resulting from any accident in or about the Property or resulting directly or indirectly from any act or neglect of any tenant or occupant of any part of the Property or of any other person, unless such damage is the result of the negligence of Tenant, or Tenant's agents or employees acting within the scope of their employment. The obligation of Landlord to indemnify Tenant and certain other persons shall survive any termination or cancellation of this Lease.

10.

USE OF PREMISES:

A. The Premises shall be used and occupied by Tenant solely for its own nonprofit, charitable purposes. Tenant shall not use the Premises for any purpose requiring approval under the Certificate of Need laws and regulations nor for any purpose which is not solely charitable and tax-exempt in nature.

B. Tenant shall not use the Premises in any manner which will increase the premium rate for any kind of insurance affecting the Building and if, because of anything done or caused to be done, permitted or omitted by Tenant, the premium rate for any kind of insurance affecting the Building shall be raised, then and in such event the amount of the increase in premium which Landlord shall be thereby obligated to pay for insurance shall be paid by Tenant to Landlord on demand as additional Rent.

C. Tenant agrees to comply with the rules and regulations attached hereto as **Exhibit "C"** and with such reasonable modifications thereof and additions thereto as Landlord may hereafter from time to time make for the Building.

D. Tenant shall not abandon or vacate the Premises during the term of this Lease without the prior written consent of Landlord.

E. Tenant shall not paint or place signs upon the windows or corridor doors of the Premises without Landlord's prior written consent. Tenant shall place no signs upon the outside wall or the roof of the Premises or Building without Landlord's prior written consent.

F. Tenant hereby agrees to, at all times during the term hereof and during any extensions or renewals hereof, at Tenant's expense, keep and maintain the Leased Premises and all portions thereof in good repair and in a neat and clean condition. Landlord shall be under no obligation to, but shall have the right to, inspect said Leased Premises at reasonable times during the term hereof.

G. Landlord shall pay all ad valorem taxes, if any, which may be legally assessed against the Leased Premises.

H. Landlord will pay all utilities at the Leased Premises, excluding telephone, internet and related services.

11.

SURRENDER OF PREMISES: At the termination of this Lease, Tenant shall return the Premises in as good condition as when Tenant took possession, ordinary wear and tear excepted, failing which Landlord may restore the Premises to such condition and Tenant shall pay the cost thereof on demand.

12.

REPAIRS: Tenant shall give Landlord prompt written notice of any damage to or defective condition in any part or appurtenance of the Building's plumbing, electrical, elevator, heating, air conditioning, or other systems serving, or passing through the Premises. Tenant shall, at Tenant's own expense, keep the Premises in good order, condition, and repair during the term, except that Landlord, at Landlord's expense (unless caused by the negligence, act, or omission of Tenant, its contractors, agents, or employees) shall keep in repair the electrical lines and plumbing fixtures located in the Building, heating and air conditioning equipment, elevator, outside walls, including windows, building structural components, and roof.

13.

IMPROVEMENTS AND ALTERATIONS: Tenant shall have the right, from time to time, to make improvements or alterations to the Premises, subject to the following conditions:

A. No improvement or alteration shall at any time be made which shall impair the structural soundness or diminish the value of the Building.

B. Tenant shall not paint, remodel, or alter the Premises without Landlord's prior written consent, which consent shall not be unreasonably withheld. Tenant shall deliver to Landlord all plans required for any remodeling, improvement, or alteration at the time that Tenant requests Landlord's consent thereto. If Landlord approves such plans, Tenant shall thereupon insure that the work is carried out in a first-class manner strictly in accordance with such plans, or at Landlord's option, Landlord shall perform such work at Tenant's sole cost and expense provided the sums charged by Landlord do not exceed those charged by Tenant's contractor.

C. No improvement or alteration shall be undertaken until Tenant shall have procured and paid for all required municipal and other governmental permits and authorizations of the various municipal departments and governmental subdivisions having jurisdiction.

D. All work done in connection with any improvements or alterations shall be done in a good and workmanlike manner and in compliance with all building and zoning laws, and with all other laws, ordinances, rules, regulations and requirements of federal, state or municipal governments or agencies having jurisdiction.

E. All improvements or alterations to the Premises, except moveable furniture, trade fixtures, and medical equipment, shall at once become the absolute property of Landlord and shall remain upon and be surrendered with the Premises as a part thereof at the termination of this Lease, without disturbance or injury.

F. Tenant shall be liable for and shall pay the costs of any improvements or alterations made pursuant to this paragraph and no liens shall be placed on the Building or Premises as a result of making

any such improvements or alterations and Tenant shall indemnify Landlord and hold it harmless from the cost of any such improvements or alterations.

14.

PARKING: Tenant is authorized to utilize at no additional cost the parking lot located adjacent to the Building. Tenant is also authorized to permit parking at no additional cost in said parking lot by Tenant's employees, agents, invitees, licensees and guests. Landlord reserves the right to promulgate reasonable rules and regulations in connection with Tenant's use of the parking lot.

15.

DEFAULT: LANDLORD'S REMEDIES UPON DEFAULT:

A. If Tenant defaults in the prompt and full performance of any provision of this Lease and such default continues for thirty (30) days after written notice, or if the leasehold interest of Tenant be levied upon under execution or be attached by process of law, and the same is not dismissed within thirty (30) days, or if Tenant abandons the Premises, then and in any such event (which events are individually known as an "Event of Default") Landlord shall have the immediate right, at its election, to reenter the Premises, by summary proceedings, or otherwise, and pursuant to applicable law, and to dispossess Tenant and all other occupants therefrom and remove and dispose of all property therein or, at Landlord's election, to store such property in a public warehouse or elsewhere at the cost of, and for the account of, Tenant, all without service of any notice of intention to reenter and without Landlord being deemed guilty of trespass or becoming liable for any loss or damage which may be occasioned thereby. Upon the occurrence of any such Event of Default, Landlord shall also have the right, at its option, in addition to and not in limitation of any other right or remedy, to terminate this Lease by giving Tenant ten (10) days' notice of cancellation and upon the expiration of said ten (10) days, this Lease and the term hereof shall end and expire as fully and completely as if the date of expiration of such ten (10) day period were the date herein definitely fixed for the end and expiration of this Lease and the term hereof and thereupon, unless Landlord shall have theretofore elected to reenter the Premises, Landlord shall have the immediate right of reentry, in the manner aforesaid, and Lessee and all other occupants shall quit and surrender the Premises to Landlord, but Tenant shall remain liable as hereinafter provided.

B. If by reason of the occurrence of any such Event of Default, the term of this Lease shall end before the date theretofore originally fixed herein, or Landlord shall reenter the Premises, or Tenant shall be ejected, dispossessed, or removed therefrom by summary proceedings or in any other manner, Landlord at any time thereafter may relet the Premises, or any part or parts thereof, either in the name of Landlord or as agent for Tenant. Landlord shall receive the rents from such reletting and shall apply the same, first, to the payment of any indebtedness due from Tenant to Landlord other than hereunder; second, to the payment of such reasonable and necessary expenses as Landlord may have incurred in connection with reentering, ejecting, removing, dispossession, reletting, altering, repairing, redecorating, subdividing, or otherwise preparing the Premises for reletting, including brokerage and attorneys' fees; and the residue, if any, Landlord shall apply to the fulfillment of the terms, conditions and covenants of Tenant hereunder. Tenant shall be liable for and shall pay Landlord any deficiency between the items due hereunder and the net proceeds of reletting, if any, for each month of the period which otherwise would have constituted the balance of the term of this Lease. Tenant shall pay such deficiency on an accelerated basis at Landlord's sole option, in monthly installments due on the first day of each month, and any suit or proceeding brought to collect the deficiency for any month, either during the term of this Lease or after any termination thereof, shall not prejudice or preclude in any way the rights of Landlord to collect the deficiency for any subsequent month by a similar suit or proceeding. Landlord shall in no event be liable in any way whatsoever for the

failure to collect the rents reserved thereunder. Tenant hereby grants and Landlord shall have a valid and subsisting lien and security interest for the payment of all charges, and other sums to be paid by Tenant under this Lease (including all reasonable and necessary costs and expenses incurred by Landlord in recovering possession of the Premises and the reletting thereof as provided under this Section 15, which shall be deemed to be additional Rent) upon Tenant's goods, wares, equipment, signs, fixtures, furniture, and other personal property situated in the Premises, and such property shall not be removed therefrom without the consent of Landlord until and all items then due to Landlord hereunder have first been paid and discharged. Upon the occurrence of an Event of Default by Tenant, and after expiration of any notice and cure periods set forth herein, Landlord may, in addition to any other remedies provided herein or by law, enter upon the Premises and take possession of any and all equipment, signs, fixtures, furniture, and other personal property of Tenant situated in the Premises without liability for trespass or conversion, and sell the same with notice at public or private sale, with or without having such property at the sale, at which Landlord or its assigns may purchase, and apply the proceeds thereof less any and all expenses connected with the taking of possession and the sale of the property, as a credit against any sums due from Tenant to Landlord. Any surplus shall be paid to Tenant, and Tenant shall pay any deficiency forthwith, after demand. Landlord, at its option may foreclose said lien in the manner provided by law. The lien herein granted to Landlord shall be in addition to any landlord's lien that may now or at any time hereafter be provided by law. Tenant agrees to execute and deliver to Landlord such financing statements and other documents as are necessary to perfect the lien of Landlord.

C. No such reentry or taking possession of the Premises by Landlord shall be construed as an election on its part to terminate this Lease unless notice of such intention be given to Tenant or unless the termination thereof shall result as a matter of law to be decreed by a court of competent jurisdiction. Notwithstanding any such reletting without termination, Landlord may at any time thereafter elect to terminate this Lease for such previous breach.

D. Nothing herein contained, however, shall limit or prejudice the right of Landlord to prove and obtain as damages by reason of such termination, an amount equal to the maximum allowed by any statute or rule of law in effect at the time when, and governing the proceedings in which, such damages are to be proved, whether or not such amount be greater, equal to, or less than the amounts referred to in this Section 15.

16.

REMOVAL OF PERSONAL PROPERTY: Upon the expiration or proper termination of this Lease, Tenant may remove all moveable furniture, trade fixtures, medical equipment, and other items of personal property which do not constitute alterations or improvements which the Tenant has placed in the Premises, provided Tenant repairs all damages to the Premises and the Building caused by such removal. If Tenant shall fail to remove all such property from the Premises upon the termination of this Lease for any cause whatsoever, Landlord may, at the Landlord's option, remove the same in any reasonable manner the Landlord shall choose and store it without liability to Tenant for loss thereof. In such event, Tenant shall pay Landlord on demand any and all expenses incurred in such removal, including court costs, attorney's fees and storage charges for the length of time the same shall be in storage. Alternatively, Landlord may, at its option, without notice, and without legal process, sell the property or any part thereof at a private sale for such price as Landlord may obtain, and apply the proceeds of the sale upon any amounts due under this Lease and upon the expenses incident to the removal and sale of said property.

17.

GOVERNMENTAL REQUIREMENTS: Tenant shall, at Tenant's own expense, promptly comply with all requirements of any legally constituted public authority necessitated by reason of Tenant's

occupancy of the Premises. Landlord shall, at Landlord's own expense, promptly comply with all requirements of any legally constituted public authority necessitated by reason of Landlord's ownership and operation of the Building.

18.

QUIET ENJOYMENT: Upon payment by Tenant of the rents and other charges set forth in this Lease, and the observance and performance of all the covenants, terms, and conditions on Tenant's part to be observed and performed, Tenant shall peaceably and quietly hold and enjoy the Premises for the term hereby demised without hindrance or interruption by Landlord or any other person or persons lawfully or equitably claiming by, through, or under Landlord, subject, nevertheless, to the terms and conditions of this Lease, and any security deeds to which this Lease is subordinate.

19.

NOTICES: All notices, demands, requests, consents, or approvals which may or are required to be given by either party to the other shall be in writing and shall be deemed given when delivered personally or sent by overnight delivery which may be tracked or by United States certified or registered mail, postage prepaid, to the parties at the addresses set forth in the first paragraph of this Agreement or at such other addresses as shall be given in writing by either party to the other in compliance with this paragraph.

20.

NO ESTATE IN LAND: This Lease shall create the relationship of landlord and tenant between Landlord and Tenant; no estate shall pass out of Landlord; and Tenant has only a usufruct which is not subject to levy and sale.

21.

NO WAIVER: Failure of Landlord to insist upon strict compliance with the terms of this Lease, including any omission by Landlord to take action on account of any default by Tenant hereunder, if such default persists or will be repeated, shall not constitute a waiver and shall not affect Landlord's right to strictly enforce the terms of this Lease.

22.

SEVERABILITY: If any term of this Lease is declared to be illegal or unenforceable, the unaffected terms shall remain in full force and effect.

23.

PARTIES: The words Landlord and Tenant as used herein shall include the parties to the Lease, whether singular or plural, masculine or feminine, or corporation, partnership or other entity and their or its heirs, personal representatives, successors, and assigns.

24.

NO MODIFICATIONS: This Lease shall not be amended or modified except by an agreement in writing, signed by the parties hereto.

25.

LEGALITY: As of the date of the execution and delivery of this Lease, the parties, in good faith, believe that the covenants contained herein, the relationship created hereby and this Lease as a whole are in compliance with all existing laws, regulations and interpretations thereof. However, the parties recognize that interpretations of existing laws have evolved over time, particularly in the health care area, and the parties hereto agree that the following shall be deemed illegalities (“Illegality”) hereunder: in the event either is advised in good faith by counsel that the continued participation of that party in this Lease is illegal or could result in the imposition of a civil penalty or a criminal fine or imprisonment, or in the event that a state or federal governmental agency having jurisdiction of either party determines that such participation by a party hereto is so illegal. Upon the occurrence of an Illegality, the parties agree as follows:

- (1) to, in good faith, seek to arrive at an amendment to this Agreement which would resolve such Illegality; or
- (2) absent a timely amendment resolving such Illegality, either party hereto may terminate this Lease Agreement upon thirty (30) days prior written notice and neither party shall have any continuing obligation hereunder.

26.

ENTIRE AGREEMENT: This Lease, the attached rules and regulations, and any addendums attached hereto, constitute the entire agreement among the parties and no party has made any representations or promises, except as contained herein. It is understood and agreed that this Lease shall not be binding until and unless both Landlord and Tenant have signed it.

IN WITNESS WHEREOF, Landlord and Tenant have respectively signed this Lease as of the day and year first above written.

TENANT:
GEORGIA FAMILY CONNECTION
PARTNERSHIP, INC.

By: _____

Title: _____

Date: _____

(CORPORATE SEAL AFFIXED)

LANDLORD:
NORTHEAST GEORGIA HEALTH
SYSTEM, INC.

By: _____

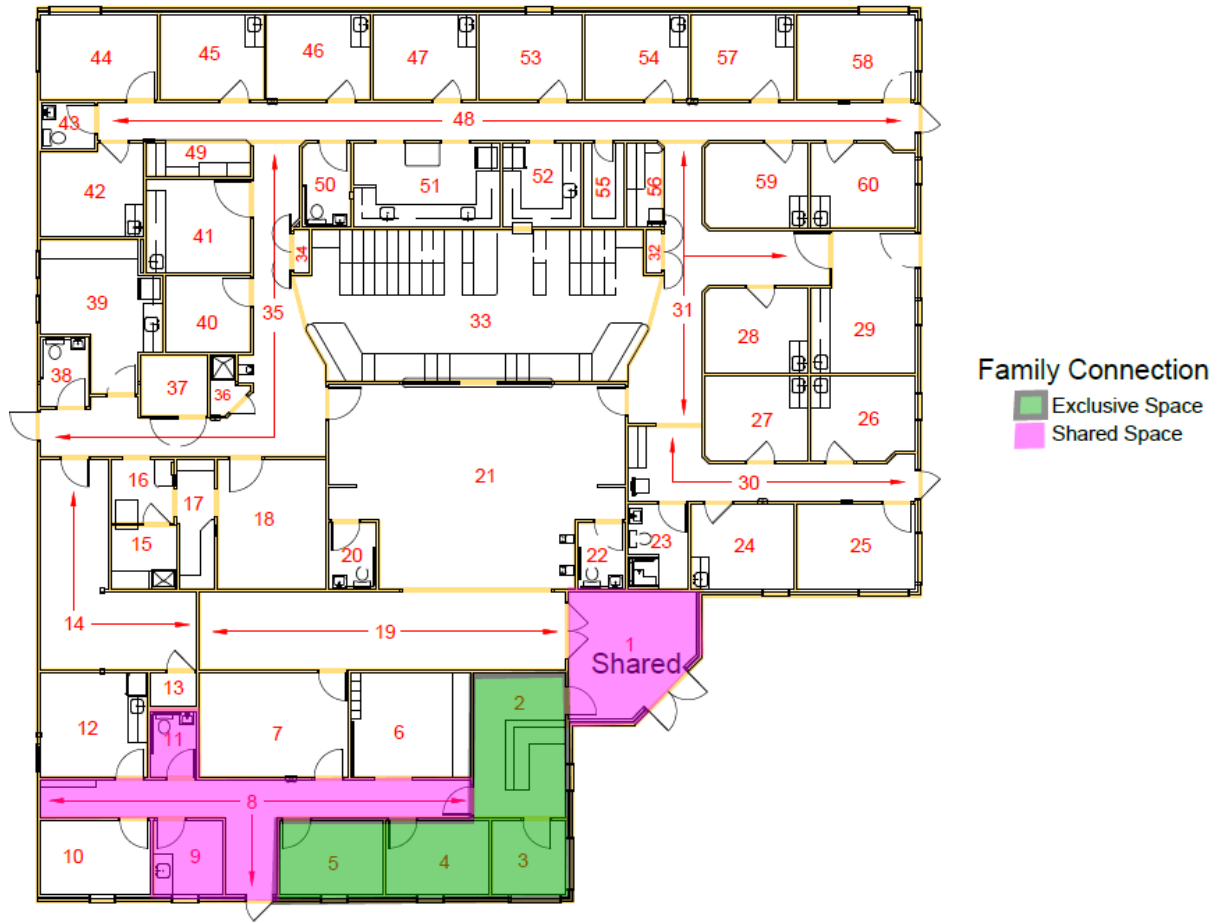
Title: _____

Date: _____

(CORPORATE SEAL AFFIXED)

EXHIBIT "A"

FLOOR PLAN



NORTHEAST
GEORGIA
MEDICAL CENTER

- 45 MEDICAL
- CENTER DRIVE
- 1/16"=1'-0"

EXHIBIT "B"

LEGAL DESCRIPTION OF PROPERTY

All that tract or parcel of land, situate, lying and being in Land Lots 254 and 283 of the South half of the 13th District, 1st Section of Dawson County, Georgia, containing 2.096 acres as shown on survey for Northeast Georgia Primary Care, Inc., prepared by Moreland Altobelli Associates, Inc. dated December 5, 1995, and being more particularly described according to said Moreland Altobelli Associates, Inc. Survey as follows:

TO ARRIVE AT THE TRUE POINT OF BEGINNING commence at the Southeast corner of Land Lot 254 of the aforesaid District and Section; thence North 00 degrees 26 minutes 28 seconds East along the East Land Lot Line of said Land Lot 254 a distance of 80.00 feet to an iron pin corner; thence North 89 degrees 33 minutes 29 seconds West 457.06 feet to an iron pin corner, which iron pin corner is the TRUE POINT OF BEGINNING; thence from said TRUE POINT OF BEGINNING South 00 degrees 26 minutes 31 seconds West 404.26 feet to an iron pin corner; thence South 48 degrees 4 minutes 14 seconds West 40.00 feet to an iron pin corner; thence North 41 degrees 55 minutes 46 seconds West 130.00 feet to an iron pin corner; thence South 48 degrees 18 minutes 26 seconds West 54.30 feet to an iron pin corner; thence North 41 degrees 36 minutes 26 seconds West 147.90 feet to an iron pin corner; thence North 00 degrees 26 minutes 31 seconds East 251.02 feet to an iron pin corner; thence North 74 degrees 28 minutes 10 seconds East 39.10 feet to an iron pin corner; thence South 89 degrees 33 minutes 29 seconds East 218.89 feet to the TRUE POINT OF BEGINNING.

TOGETHER WITH as an appurtenance to the title to the hereinabove described property a perpetual, non-exclusive easement for purposes of vehicular and pedestrian access, ingress and egress, in, to, over, across, and through the following described property:

All that tract or parcel of land, together with improvements thereon, situate, lying and being in Land Lot 283 of the South half of the 13th District, 1st Section, Dawson County, Georgia, containing 0.354 acres and being shown as proposed ingress/egress easement on survey for Northeast Georgia Primary Care, Inc., prepared by Moreland Altobelli Associates, Inc. dated December 5, 1995, and being more particularly described according to said Moreland Altobelli Associates, Inc. survey as follows:

TO ARRIVE AT THE TRUE POINT OF BEGINNING, COMMENCE at the Southeast corner of Land Lot 254 of the aforesaid District and Section; thence North 00 degrees 26 minutes 28 seconds East 80.00 feet to an iron pin corner; thence North 89 degrees 33 minutes 29 seconds West 457.06 feet to an iron pin corner; thence South 00 degrees 26 minutes 31 seconds West 404.26 feet to an iron pin corner, which iron pin corner is the TRUE POINT OF BEGINNING OF SAID EASEMENT; thence from said TRUE POINT OF BEGINNING South 41 degrees 55 minutes 46 seconds East 137.36 feet to a point; thence South 48 degrees 12 minutes 5 seconds West 240.00 feet to a point located along the Northeasterly right-of-way of Georgia Highway 53 (60 foot right-of-way) thence North 41 degrees 55 minutes 46 seconds West along the Northeasterly right-of-way of Georgia Highway 53 a distance of 49.74 feet to a point; thence North 48 degrees 12 minutes 5 seconds East 200.00 feet to a point; thence North 41 degrees 55 minutes 46 seconds West 87.53 feet to an iron pin corner; thence North 48 degrees 4 minutes 14 seconds East 40.00 feet to the TRUE POINT OF BEGINNING OF SAID EASEMENT. In connection with the granting of the above-described easement, it is acknowledged and agreed that the Grantee will be required to utilize the easement for access to and ingress and egress to and from the above-described property on to Georgia Highway 53 as such easement is critical to the future use and enjoyment of said property by Grantee.

EXHIBIT “C”

RULES AND REGULATIONS

1. CONDUCT

Tenant shall not conduct its practice or business, or advertise such business, profession or activities of Tenant conducted in the Premises in any manner which violates local, state or federal laws or regulations.

2. HALLWAYS AND STAIRWAYS

Tenant shall not obstruct or use for storage, or for any purpose other than ingress or egress, the sidewalks, entrance, passages, courts, corridors, vestibules, halls, elevators and stairways of the Building.

3. NUISANCES

Tenant shall not make or permit any noise, odor or act that is objectionable to other occupants of the Building to emanate from the Premises, and shall not create or maintain a nuisance thereon.

4. MUSICAL INSTRUMENTS, ETC.

Tenant shall not install or operate any phonograph, musical instrument, radio receiver or similar device in the Building in such manner as to disturb or annoy other tenants of the Building or the neighborhood. Tenant shall not install any antennae, aerial wires or other equipment outside the Building without the prior written approval of Landlord.

5. LOCKS

With the exception of Tenant's pharmaceuticals locker or storage facility, no additional locks or bolts of any kind shall be placed upon any of the doors or windows by Tenant, nor shall any changes be made in existing locks or the mechanism thereof. Tenant must upon the termination of its tenancy restore to Landlord all keys to the Premises and toilet rooms either furnished to or otherwise procured by Tenant, and in the event of loss of any keys so furnished, Tenant shall pay to Landlord the cost thereof.

6. OBSTRUCTING LIGHT, DAMAGE

The door sash, window sashes, glass doors, lights and skylights that reflect or admit light into the halls or other places of the Building shall not be covered or obstructed. The toilets and urinals shall not be used for any purpose other than those for which they were intended and constructed, and no rubbish, newspapers or other substance of any kind shall be thrown into them. Waste and excessive or unusual use of water shall not be allowed. Tenant shall not mark, drive nails, screw or drill into, paint, nor in any way deface the walls, ceilings, partitions, floors, wood, stone or iron work. The expense of any breakage, stoppage or damage resulting from a violation of this rule by Tenant shall be borne by Tenant.

Tenant shall be permitted to hang pictures on office walls, but it must be done in a workmanlike manner and in such a way as not to damage or deface such walls.

7. WIRING

Electrical wiring of every kind shall be introduced and connected only as directed by Landlord, and no boring or cutting of wires will be allowed except with the consent of Landlord. The location of the telephone, call boxes, etc., shall be subject to the approval of Landlord.

8. EQUIPMENT, MOVING, FURNITURE, ETC.

Landlord shall approve the weight, size and position of all fixtures, equipment and other property brought into the Building, and the times of moving which must be done under the supervision of Landlord. Landlord will not be responsible for any loss of or damage to any such equipment or property from any cause, and all damage done in the Building by moving or maintaining any such property shall be repaired at the expense of Tenant. All equipment shall be installed as required by law, and in accordance with and subject to written approval received on written application of Tenant.

9. REQUIREMENTS OF TENANT

The requirements of Tenant will be attended to only upon application at the office of Landlord or its Property Manager. Employees of Landlord or its Property Manager shall not perform any work nor do anything outside their regular duties unless under special instructions from Landlord or its Property Manager. No such employees shall admit any person, Tenant or otherwise, to any other office without instruction from the office of Landlord or its Property Manager. All janitorial services personnel, guards or any outside contractors employed by Tenant shall be subject to the regulations and control of Landlord, but shall not act as an agent or servant of Landlord.

10. MEDICAL AND HAZARDOUS WASTES

Tenant shall comply with all policies established from time to time by Landlord regarding the storage and disposal of hazardous substances, wastes and materials, and medical, special or infectious wastes.

11. ACCESS TO BUILDING

Any person entering or leaving the Building may be questioned by Building security regarding his/her business in the Building and may be required to sign in and out. Anyone who fails to provide a satisfactory reason for being in the Building may be excluded.

12. VEHICLES, ANIMALS, REFUSE

Tenant shall not allow anything to be placed on the outside window ledges of the Premises or to be thrown out of the windows of the Building. No bicycle or other vehicle, and no animal shall be brought into the offices, halls, corridors, elevators or any other parts of the Building by Tenant or the agents, employees or invitees of Tenant, and Tenant shall not place or permit to be placed any obstruction or refuse in any public part of the Building.

13. EQUIPMENT DEFECTS

Tenant shall give Landlord prompt notice of any accidents to or defects in the water pipes, gas pipes, electric lights and fixtures, elevators, heating or cooling apparatus, or any other service equipment.

14. PARKING

Unless otherwise specified by Landlord, Tenant and its employees may park automobiles only in spaces designated by Landlord for such purpose and shall in no event park in spaces reserved for public parking. Tenant agrees that Landlord assumes no responsibility of any kind whatsoever in reference to such automobile parking area or the use thereof by Tenant or its agents or employees.

15. CONSERVATION AND SECURITY

Tenant will see that all windows and doors are securely locked, and that all faucets and electric light switches are turned off before leaving the Building.

16. SIGNAGE

Tenant shall not place any sign upon the Premises or the Building without Landlord's prior written consent.



DAWSON COUNTY BOARD OF COMMISSIONERS

October 20, 2022

Billy Thurmond
Chairman

Sharon Fausett
Commissioner
District 1

Chris Gaines
Commissioner
District 2

Tim Satterfield
Commissioner
District 3

Emory Dooley
Commissioner
District 4

David Headley
County Manager

Kristen Cloud
County Clerk

Mr. James Stallings, Director
Georgia Emergency Management Agency
Office of Homeland Security
P.O. Box 18055
Atlanta, GA 30316-0055

Re: New EMA Director Nomination

Dear Director Stallings,

This is to inform you that Mr. Troy Leist has been nominated by the Dawson County Board of Commissioners to serve as the director of the Dawson County Emergency Management Agency. This position will be full time and will report directly to County Manager David Headley.

We look forward to working with you on this all-important position.

Please call if you have any questions.

Sincerely,

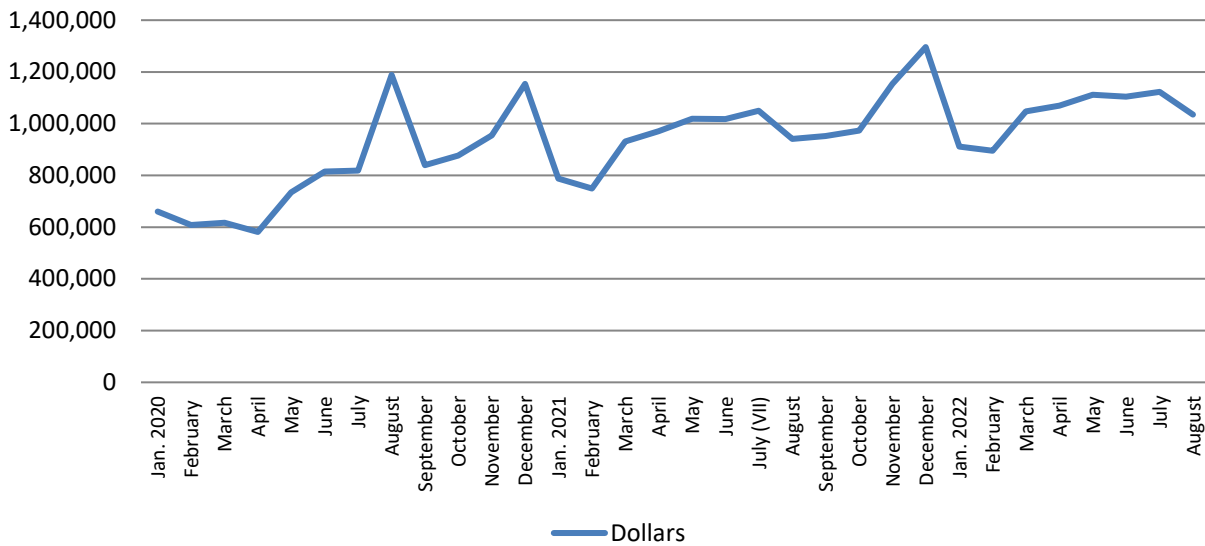
Billy Thurmond, Chairman
Dawson County Board of Commissioners

cc: File
Tim Reeve, Area Six Field Coordinator

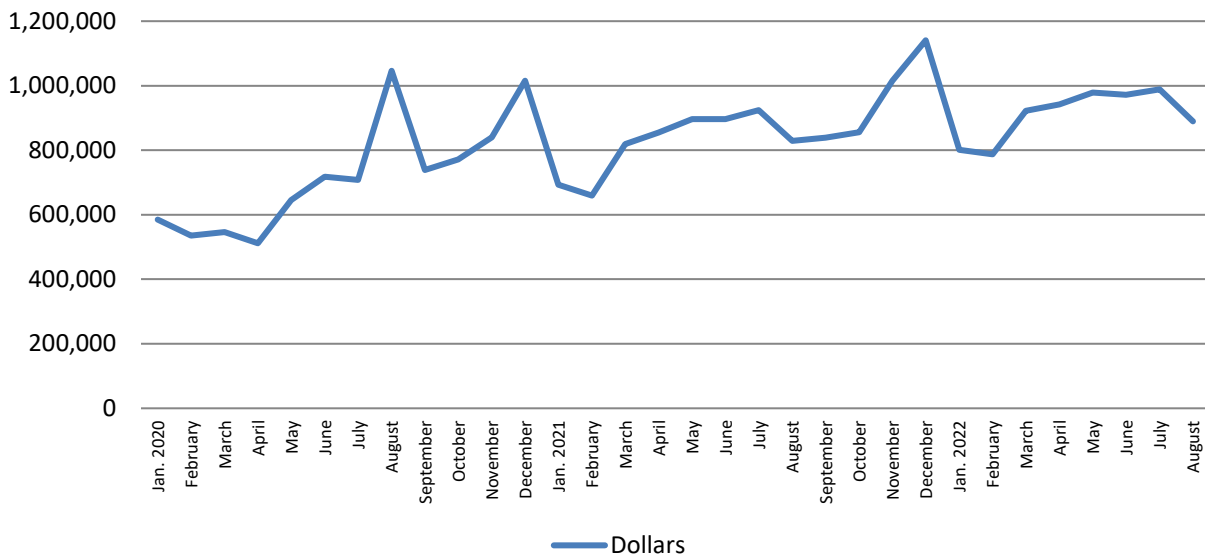


Key Indicator Report
September 2022

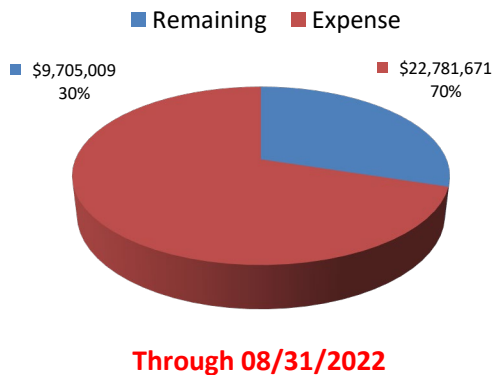
SPLOST VI and VII COLLECTION CHART



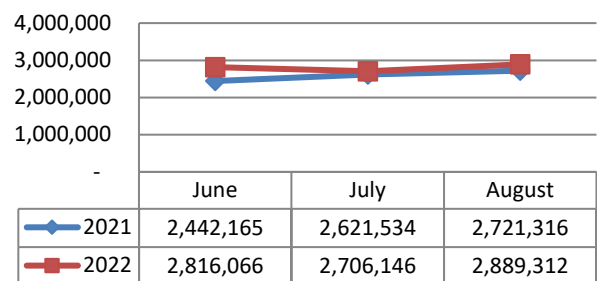
LOST COLLECTION CHART



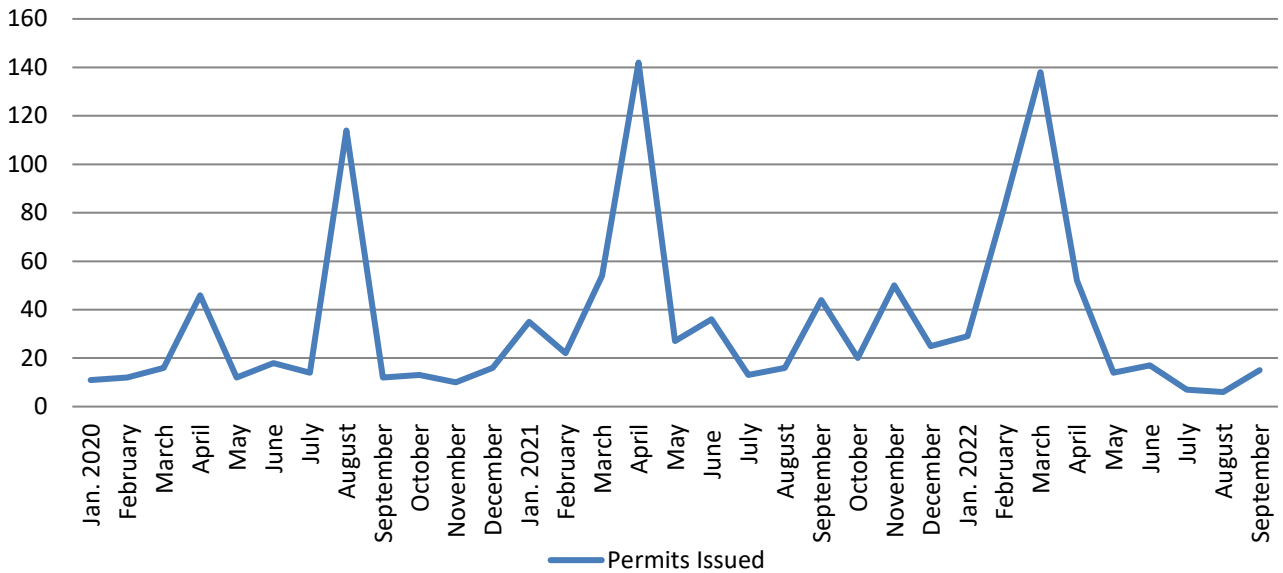
Budget



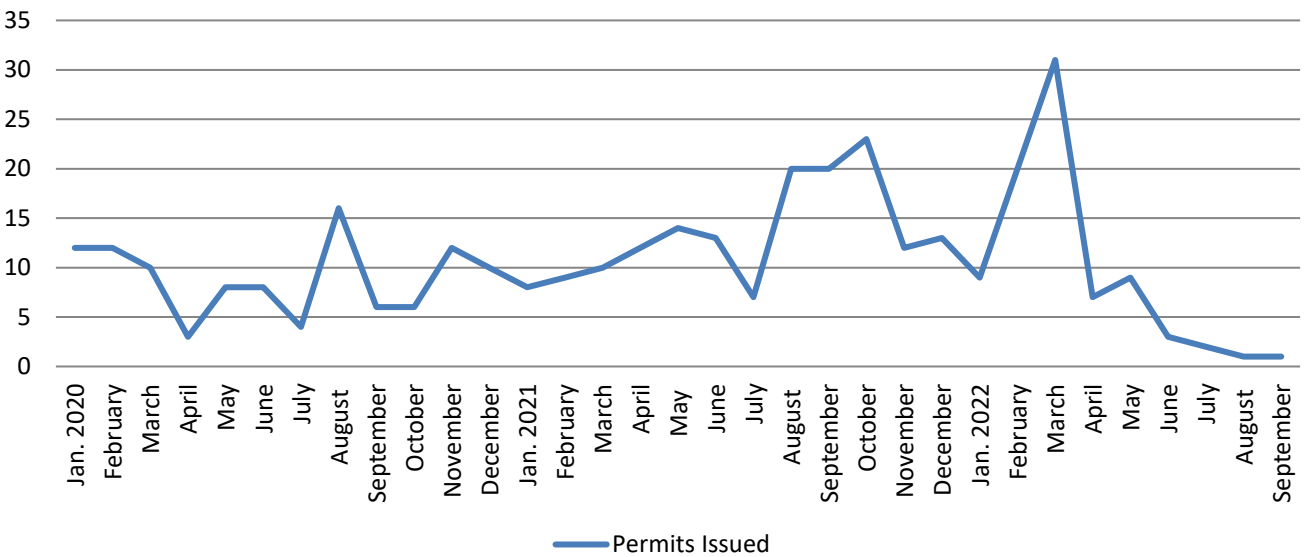
All Revenue Per Month



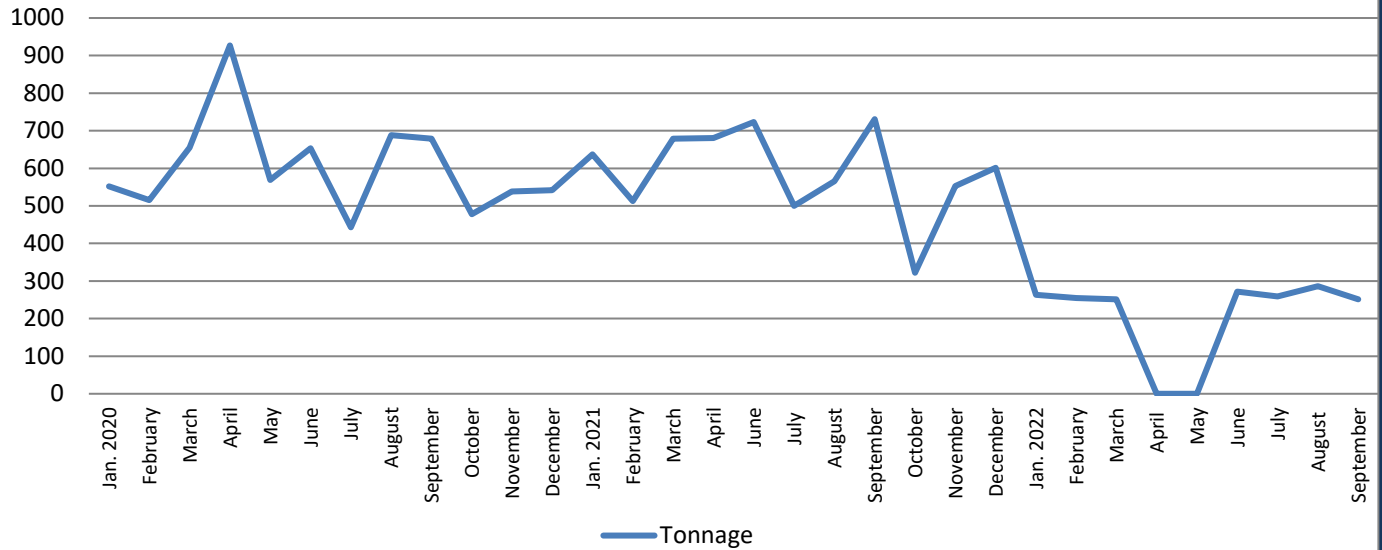
SINGLE-FAMILY HOME BUILDING PERMITS ISSUED



COMMERCIAL BUILDING PERMITS ISSUED

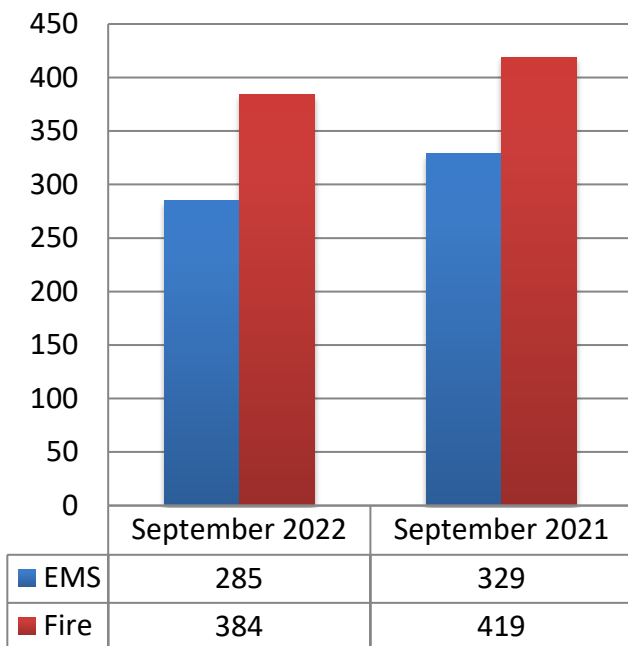


TRANSFER STATION TONNAGE COLLECTION

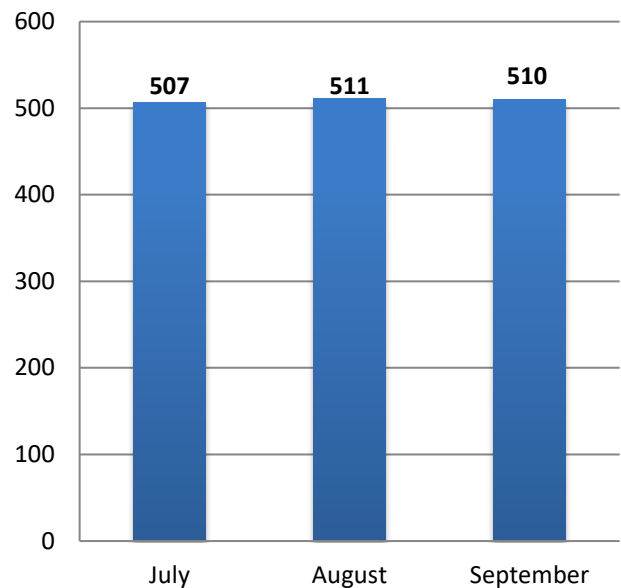


**No Transfer Station Tonnage Collection Report submitted for April or May 2022.*

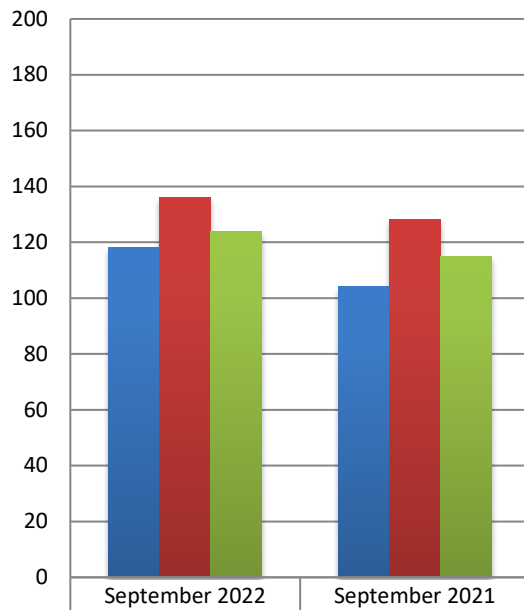
EMS/Fire Calls for Service



Number of County Employees

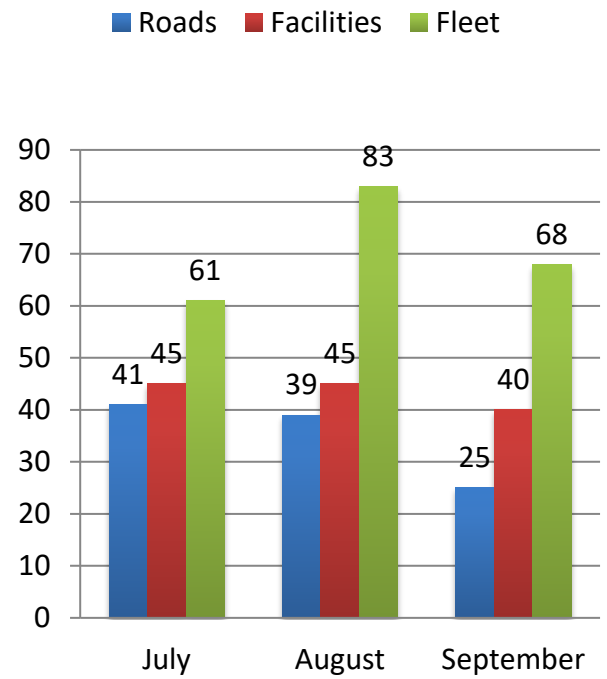


Inmate Population



	September 2022	September 2021
Lowest Daily Count	118	104
Highest Daily Count	136	128
Daily Average	124	115

Repair Requests





Dawson County Board of Commissioners

Elections/Registrar Monthly Report – September 2022

- **New Applications/Transfers In: 372**
- **Changes/Duplicates: 1211**
- **Cancelled/Transferred Out: 183**
- **Total Processed: 1766**

HIGHLIGHTS

Voter Registration Projects:

- Processing of daily voter registration changes/additions to meet the October 11, 2022 deadline.
- Preparing for Absentee by mail voting for the November 8th General Election.
- Processing absentee by mail applications received beginning August 22, 2022.
- Mailed UOCAVA (military & overseas) ballots by the Federal cutoff date of September 24, 2022.
- Processing new street additions and city annexations.

Elections Projects:

- 2022 Election Calendar:
 - General Election November 8, 2022
 - Advance Voting October 17-November 4; Sat 10/22&29
 - General Election Runoff (if applicable) December 6, 2020
 - GE Federal Runoff (if applicable) January 10, 2023
- Daily task list check-off in preparation for the November General Election continues.
- Voting schedule and voting notices have been posted.
- Absentee/Emergency ballots received and ready for the General Election.
- Logic & Accuracy testing of equipment for the November General Elections is complete
- Election software programs/equipment ready for the November General Election is complete.

Highlights of plans for upcoming month:

- Training for the November Advance Voting and Day of Election scheduled 10/5 & 6 & 10/12, 2022
- Set up voting room and prepare Advance Voting to begin October 17, 2022.
- Continue to prepare day of election polling places for greater voter flow in November.
- Inventory & order election supplies.
- Packout election supplies for election day polling places.
- Equipment distribution preparation & training.
- Board of Elections & Registration monthly meeting to be held at 96 Academy Avenue on October 20 2022.



Dawson County Board of Commissioners

Dawson County Emergency Services Monthly Report – Sept 2022

Fire Responses	JULY	AUG	SEP	EMS Responses	JULY	AUG	SEP	EMS Revenue		
2020	371	391	345	2020	291	296	249	2021	Sept	\$59,371.33
2021	386	467	419	2021	285	366	329	2022	Sept	\$61,918.70
2022	456	449	384	2022	339	351	285	4.29% increase from last year		

Plan Review and Inspection Revenue Total		Business Inspections Total	
		Final Inspections	Annual & Follow Up Inspections
County	\$ N/A*	0	75
City	\$ N/A*	1	21

*N/A: Revenue totals Not available due to lack of personnel-Will update next month

HIGHLIGHTS: Dawson County Emergency Services Projects			
Training Hours Completed by Staff	1,097.5	Fire Investigations	0
PR Detail	1	CPR Training per Individual	60
Smoke Detector Installations	0	Stop the Bleed Training per Individual	0
First Aid Training	0	Child Safety Seat Installations	1
Search & Rescue / Water Rescue	0	Plan Reviews	1

Types of Fires Total – 5			
(11) 111-118: Structure Fire Building, Cooking, Chimney- Flue, Incinerator, Fuel Burner-Boiler	1	(14) 141-143: Natural Vegetation Fire Forest, Woods, Wildland, Brush, Grass	1
(12) 121-123: Fire in Mobile but Fixed Structure Mobile Home, Motor Home, RV, Camper, Portable Building	0	(15) 151-155: Outside Rubbish Fire Rubbish, Trash, Waste, Dump, Landfills, Dumpsters	0
(13) 131-138: Mobile/Vehicle Property Fire Passenger, Road Freight, Transport, Rail, Water Vehicles, Aircraft, Campers/RV, Off Road Vehicles, Heavy Equipment	3	(16) 161-164: Special Outside Fire Storage, Equipment, Gas/Vapor, Mailbox	0

Total Water Usage – 0 gallons			
Etowah Water	0 gallons	Pickens County	0 gallons
City of Dawsonville	0 gallons	Big Canoe	0 gallons
Forsyth County	0 gallons	Other	0 gallons



FACILITIES DEPARTMENT

MONTHLY REPORT

For Period Covering the Month of Sept 2022

SN	TASKS/ WORK DONE	LOCATION/S of Service
1	Removed wall in hallway.	Chappell Building
2	Repaired toilets in front office. Repaired Freezer.	Health Department
3	Installed awning on side of building.	Chappell Building
4	Interviewed (4) people for Admin Assistant job - Hired one.	County
5	H.V.A.C. preventative maintenance completed.	Government Center
6	Replaced (60) air filters (in house) and H.V.A.C. belts.	New Jail
7	Had igniter replaced on boiler.	Government Center
8	Cleaned carpet on 1st and 2nd floor.	Government Center
9	Repaired H.V.A.C.	Veterans / Health Dept.
10	Repaired garage door.	Station #8
11	Working on well issues.	Station #8
12	Shore Sweep Lake Lanier.	War Hill
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26	Total Work Orders for the month = 40	Facilities
27	Total Community Service for the month = 0	Facilities

These numbers do not reflect daily/ weekly routine duties to include:

Cutting of grass and landscape maintenance on all county properties

Cutting of grass and landscape maintenance on all five (5) parks on the west side of county

Cleaning of the new government center and other county owned buildings, offices and facilities

Emptying outside trash receptacles at county owned buildings

Collecting and recycling of all county buildings, offices and facilities



Dawson County Board of Commissioners

Facilities Monthly Report –September 2022

- Total Work Orders: 40
- Community Service Workers: 0

HIGHLIGHTS:

- *Removed wall in hallway of Chappell Building.
- *Replaced (60) air filters and HVAC Belts in house at the New Jail
- *Cleaned carpet on the 1st and 2nd floors of the Government Center.
- *Working on well issue at Station #8.
- *Shore Sweep at Lake Lanier War Hill.

Dawson County Board of Commissioners

Finance Monthly Report – September 2022

FINANCE HIGHLIGHTS

- **LOST Collections:** \$889,581 – up 7.4% compared to August 2021
- **SPLOST Collections:** \$1,035,395 – up 10.0% compared to August 2021 (County = \$945,315 / City = \$90,079); Total SPLOST VII collections: \$14,666,680
- **TAVT:** \$268,425 – up 25.7% compared to August 2021
- **See attached Revenue and Expenditure Comparison for 2022**
- **Total County Debt:** \$1,915,000 (See attached Debt Summary)
- **Audit Status:** FY 2021 audit complete as of 6/30/2022
- **EMS Billing Collections:** \$133,338 for August 2022; \$742,030 YTD
- **Budget Status:** Chairman's Proposed Budget Presentation - October 6, 2022
- **Monthly Donations/Budget Increases:** \$108,667
 - Passport Fees - \$4,865
 - Donations - \$902
 - 17 Fire Hydrants (Use of Fund Balance) - \$76,400
 - Environmental Assessment & Survey for Donated Land (Use of Fund Balance) - \$16,500
 - Increased Revenues for Probate Court Fines & Forfeitures - \$10,000

PURCHASING HIGHLIGHTS

Formal Solicitations

- Insurance Broker – Human Resources

Informal Solicitations

- None

Quotes for less than \$25,000 this month

- Gasoline – Fleet Maintenance
- Diesel – Fleet Maintenance
- Youth & Adult Uniforms – Park & Rec
- HDPE Pipe – Roads
- Transmission Replacement - Fleet

Purchase for less than \$25,000 that did not receive required quotes

- None

Pending Projects

- Awaiting Delivery of New Vehicles
- Radio System Upgrade Plans
- All-Inclusive Health Care Services
- Electric Vehicle Chargers
- Thompson Creek Park Road Realignment
- 3 Turf Fields for Park & Rec

Work in Progress

- Road Rehabilitation
- Etowah River Canoe Input
- Comprehensive Upgrade of Security System
- Environmental Assessment / Master Plan Update for War Hill Park

Future Bids

- Install Soil Vapor Extraction System at Closed Landfill
- Inmate Banking/Commissary
- Inmate Food Services

Future Bids – SPLOST VI

- Pothole Patching Machine – Roads
- Water Filtration System for DCGC & DCSO – Facilities
- 2022 Capital & SPLOST Projects

Purchase for more than \$25,000 that did not receive required sealed bids

- None

Budget to Actual

	Actual at 8/31/2022	Percent of Budget Actually Collected/ Expended	2022 BOC (2) Approved Budget	Over(Under) Approved Budget	Percentage Over(Under) Approved Budget
Revenue	\$ 21,133,868	65.05%	\$ 32,486,680	\$ (11,352,812)	-34.95%
Expenditures	22,781,671	70.13%	32,486,680	(9,705,009)	-29.87%
	<u>\$ (1,647,803)</u>	<u>-5.07%</u>	<u>\$ -</u>	<u>\$ (1,647,803)</u>	<u>-5.07%</u>

***NOTE:** Adjustments will be made during the year-end close out. The actual revenue and expenditure totals are subject to change pending normal year-end adjustments such as accruals and results of the audit.

(1) Reporting actuals as of 8/31/2022 because revenue collections are 30 days behind. The LOST revenues for the month of August were received in September.

(2) Change in total budget due to account adjustments:

\$ 32,486,680	Original Budget
\$ 2,302,959	Carryover Balances
\$ (29,833)	January
\$ 126,493	February
\$ 14,292	March
\$ 212,746	April
\$ 139,838	May
\$ 11,735	June
\$ 63,353	July
\$ 108,667	August
	September
	October
	November
	December
<u>\$ 35,436,930</u>	<u>Revised Budget</u>

**ACTUAL COMPARISON
JANUARY - DECEMBER 2022**

MONTH	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec*	YTD													
2021 REVENUE	1,404,244	2,358,206	2,399,317	2,824,690	2,662,284	2,442,165	2,621,534	2,721,316	2,812,122	4,533,072	2,920,562	4,583,317	34,282,828													
2022 REVENUE	1,404,244	2,524,222	3,048,541	2,719,353	3,025,983	2,816,066	2,706,146	2,889,312					21,133,868													
% CHANGE	0%												-38%													
2021 EXPENSE	1,985,299	2,033,065	2,512,136	2,268,779	2,264,957	2,532,193	3,103,383	2,289,953	2,573,384	2,146,187	2,255,732	3,497,579	29,462,647													
2022 EXPENSE	2,260,506	2,651,571	2,154,712	2,356,007	2,584,631	5,190,746	3,036,054	2,547,444					22,781,671													
%CHANGE	14%												-23%													
2022 Total Rev-Exp	\$	(856,262)	\$	(127,349)	\$	893,829	\$	363,347	\$	441,352	\$	(2,374,680)	\$	(329,908)	\$	341,868	\$	-	\$	-	\$	-	\$	-	\$	(1,647,803)

REVENUE
YTD 2021 19,433,755
YTD 2022 21,133,868
% Changed 8.75%

EXPEDITURES
YTD 2021 18,989,765
YTD 2022 22,781,671
% Changed 19.97%

*NOTE: Adjustments will be made during the year-end close out. The actual revenue and expenditure totals are subject to change pending normal year-end adjustments such as accruals and results of the audit.

DAWSON COUNTY LOST COLLECTION ANALYSIS

LOST COLLECTIONS BY SALES MONTH	2021								
				TAVT			TOTAL OF		
	2021 LOST	\$ CHANGE	%CHANGE	TAVT	\$ CHANGE	%	LOST & TAVT	\$ CHANGE	% CHANGE
JANUARY	693,527	108,451	18.54%	190,308	(7,472)	-3.8%	883,834	100,979	12.90%
FEBRUARY	659,451	124,300	23.23%	181,007	18,129	11.1%	840,458	142,429	20.40%
MARCH	819,160	272,988	49.98%	246,536	82,968	50.7%	1,065,696	355,956	50.15%
APRIL	854,327	342,780	67.01%	218,835	115,530	111.8%	1,073,162	458,310	74.54%
MAY	896,340	250,384	38.76%	218,332	53,839	32.7%	1,114,672	304,223	37.5%
JUNE	895,943	178,263	24.84%	217,706	24,427	12.6%	1,113,649	202,690	22.3%
JULY	923,876	215,975	30.51%	188,197	16,992	9.9%	1,112,073	232,966	26.5%
AUGUST	828,631	(217,553)	-20.79%	213,580	42,368	24.7%	1,042,211	(175,185)	-14.4%
SEPTEMBER	838,437	99,416	13.45%	213,535	40,085	23.1%	1,051,973	139,501	15.3%
OCTOBER	856,016	84,564	10.96%	220,277	35,162	19.0%	1,076,293	119,726	12.5%
NOVEMBER	1,015,873	176,041	20.96%	171,995	(9,219)	-5.1%	1,187,868	166,821	16.3%
DECEMBER	1,140,733	125,241	12.33%	223,920	33,613	17.7%	1,364,654	158,853	13.2%
Prorata Distribution(June)	1,144	538	88.67%						
Prorata Distribution (Dec.)	692	(409)	-37.14%						
TOTAL	\$ 10,424,150	\$ 1,760,979		\$2,504,229			12,926,543	\$2,207,269	

2022								
			TAVT			TOTAL OF		
2022 LOST	\$ CHANGE	%CHANGE	TAVT	\$ CHANGE	%	LOST & TAVT	\$ CHANGE	% CHANGE
801,629	108,102	15.6%	180,716	(9,592)	-5.0%	982,344	98,510	11.1%
787,733	128,281	19.5%	211,339	30,332	16.8%	999,071	158,613	18.9%
921,813	102,653	12.5%	265,697	19,162	7.8%	1,187,510	121,814	11.4%
941,923	87,597	10.3%	229,378	10,543	4.8%	1,171,301	98,140	9.1%
979,020	82,680	9.2%	201,163	(17,169)	-7.9%	1,180,183	65,510	5.9%
971,752	75,809	8.5%	223,626	5,920	2.7%	1,195,378	81,729	7.3%
989,009	65,133	7.0%	229,143	40,946	21.8%	1,218,151	106,079	9.5%
889,581	60,950	7.4%	268,425	54,845	25.7%	1,158,006	115,795	11.1%
2,026	882	77.1%						
\$ 7,284,485	\$ 712,087		\$1,809,487			9,091,946	\$846,190	

FY22 LOST & TAVT	9,091,946
FY21 LOST & TAVT	\$ 12,926,543
FY20 LOST & TAVT	\$ 10,720,980
FY19 LOST & TAVT	\$ 9,755,416
FY18 LOST & TAVT	\$ 8,871,741
FY17 LOST & TAVT	\$ 8,094,043
FY16 LOST & TAVT	\$ 7,147,120
FY15 LOST & TAVT	\$ 7,024,812
FY14 LOST & TAVT	\$ 6,771,602
FY13 LOST & TAVT	\$ 6,287,973
FY12 CONVERTED	\$ 5,763,005
FY12	\$ 5,632,027
FY11	\$ 5,244,606
FY10	\$ 4,939,542
FY09	\$ 4,789,221
FY08	\$ 5,015,881
FY07	\$ 5,621,760
FY06	\$ 5,608,446
FY05	\$ 4,426,013
FY04	\$ 3,527,663

FY21 ACTUAL TO DATE	\$6,571,254
FY22 ACTUAL TO DATE	\$7,284,485
\$ DIFFERENCE	713,231
% DIFFERENCE	10.9%

BELOW FIGURES INCLUDE	
TAVT CALCULATIONS	
FY21 ACTUAL TO DATE	\$8,245,756
FY22 ACTUAL TO DATE	\$9,091,946
\$ DIFFERENCE	846,190
% DIFFERENCE	10.3%

	SPLOST 6						
SPLOST COLLECTIONS BY SALES MONTH	Total Actual 2021	County (85%)	City (15%)	% Change 2021	2021 Projections	2021 Actuals vs. Projections	
JANUARY	787,979	669,783	118,197	19.44%	Total SPLOST VI projection of \$46 million reached in 2020		
FEBRUARY	749,380	636,973	112,407	23.27%			
MARCH	930,667	791,067	139,600	50.84%			
APRIL	970,671	825,071	145,601	66.97%			
MAY	1,018,430	865,666	152,765	38.75%			
JUNE	1,017,979	865,282	152,697	24.84%			
JULY							
AUGUST							
SEPTEMBER							
OCTOBER							
NOVEMBER							
DECEMBER							
Prorata Distribution (June)	1,304	1,108	196	89.7%			
Prorata Distribution (Dec.)							
SPLOST Jet Fuel Tax (July)							
TOTAL	\$ 5,476,412	\$ 4,654,950	\$ 821,462				

2015 \$ 3,665,116
 2016 \$ 7,064,885
 2017 \$ 7,913,104
 2018 \$ 8,587,749
 2019 \$ 9,226,607
 2020 \$ 9,849,401
 2021 \$ 5,476,412
 Total SPLOST 6 Collections to date: **\$51,783,273**

SPLOST 7						
Total Actual 2021	County (85%)	City (15%)	% Change 2021	Total Actual 2022	County	City
				910,941	910,941	15.6%
				894,728	894,728	19.4%
				1,047,001	327,247	12.5%
				1,070,088	264,626	10.2%
				1,111,923	1,015,185	9.2%
				1,103,941	1,007,898	8.4%
				1,123,275	1,025,550	7.0%
				1,035,395	945,315	10.0%
1,049,558	1,049,558		28.14%			
941,469	941,469		-20.80%			
952,448	952,448		13.45%			
972,563	972,563		10.95%			
1,154,214	1,154,214		20.95%			
1,296,045	1,296,045		12.32%			
				2,305	2,104	200
787	787					
\$ 6,367,083	\$ 6,367,084	\$ -		\$ 8,299,597	\$ 6,393,595	\$ 1,906,001

2021 \$ 6,367,083
 2022 \$ 8,299,597
 2023
 2024
 2025
 2026
 2027
 Total SPLOST 7 Collections to date: **\$ 14,666,680**

Total Collections (%)	
County	City
85.18%	14.82%
85.76%	14.22%
86.26%	13.74%
86.68%	13.32%
87.00%	13.00%

**DAWSON COUNTY
DEBT SCHEDULE**

9/30/2022

DEBT DESCRIPTION	BANK/PAYEE	CURRENT SOURCE OF PAYMENT	DEBT ORIGINATION DATE	DUE DATE OF FINAL PMT	PRINCIPAL BAL AT 12/31/2021	NEW LOANS IN 2022	2022 PMTS TO DATE		BALANCE DUE	PENDING 2022 PAYMENTS		PROJECTED BAL AT 12/31/2022	NOTES
							PRINCIPAL	INTEREST		PRINCIPAL	INTEREST		
2012 EWSA Bonds	Community & Southern Bank	General Fund	5/14/2012	3/1/2027	2,200,000.00	-	285,000.00	60,925.42	1,915,000.00	-	-	1,915,000.00	Partial defeasement of bonds in April 2012 reduced principal by \$1,525,000. Refunded Bonds and received lower interest rate of 2.96% on 5/14/2012. Interest due semi-annually on March 1 and Sept. 1.
Fire Pumper Truck	BB & T	SPLOST VI	1/12/2018	1/12/2025	267,812.50		267,812.50	7,793.34	-		-	-	Pumper was purchased January 2018. First annual payment from SPLOST VI paid Jan 12, 2019. Annual payments made in January each year. BOC voted to pay off loan during FY 22 Budget process using SPLOST Overage. Payoff occurred 1/12/22
Totals					\$ 2,467,812.50	\$ -	\$ 552,812.50	\$ 68,718.76	\$ 1,915,000.00	\$ -	\$ -	\$ 1,915,000.00	



Dawson County Board of Commissioners

Fleet Maintenance and Fuel Center Monthly Report – September 2022

FLEET

- **Preventative Maintenance Performed: 35**
- **Tires Mounted: 12**
- **Repair Orders Completed: 68**
- **Labor Hours: 361.75**
- **Labor Cost Savings: \$ 19,896.25**
(Comparison of the Fleet Maintenance rate of \$25.00 per labor hour to outsourced vendors rate of \$80.00 per labor hour)
- **Parts Cost Savings: \$ 3,853.48**
(Comparison of Dawson County's parts discounts to outsourced markup; average 20%)
- **Total Cost Savings for Sept: \$ 23,749.73**

FUEL CENTER

- **Average Fuel Center Price Per Gallon:**
Gasoline: \$ 2.57
Diesel: \$ 3.63
- **Fuel Center Usage - Dawson County and Board of Education**
Gasoline: 15,969.4 gallons; 993 transactions
Diesel: 6,053.3 gallons; 156 transactions
- **Fuel Center Usage - Etowah Water and City of Dawsonville**
Gasoline: 1,441.6 gallons; 68 transactions
Diesel: 750.7 gallons; 19 transactions
- **Revenue from Etowah Water and City of Dawsonville: \$ 109.62**



Dawson County Board of Commissioners

Human Resources Department Key Indicator Monthly Report – September 2022

POSITION CONTROL

- Positions approved by BOC: 612
- # of filled F/R Positions: 314
- # of filled F/T Positions: 1
- # of filled Grant Funded Positions: 13
- # of filled P/R Positions: 65
- # of filled P/T Positions: 63
- # of Supplemental Positions: 55
- # of Vacant Positions: 101
- # of Frozen Positions: 23
- % of Budgeted/Actual Positions: 83.50%

ADDITIONAL INFORMATION

FMLA/LOA/Military tracking: 5/1/1
Unemployment Claims received: 0
Property & Liability Claims: New: 1 - Open: 11
Worker's Compensation Claims: New: 2 - Open: 8
Performance Evaluations received: 1

HIGHLIGHTS

Positions Advertised/Posted: 14

- Facilities – FT Custodian- 2
- Facilities - PT Custodian- 0
- Facilities- Administrative Specialist - 11
- Public Works – Roads Operator III - 1
- Public Works- Roads Operator I – 4
- Public Works- Transfer Station Operator I- 0
- Public Works- Transfer Station Operator II – 1
- Planning and Development- Building Inspector (Temporary)- 1
- Planning & Development- Developmental Services Office Manager- 7
- Marshal's Office- Animal Control Officer – 7
- District Attorney's Office- Assistant District Attorney- 0
- District Attorney's Office- Assistant District Attorney (ARPA funded)- 0
- Sheriff's Office – Detention Officer – N/A
- Sheriff's Office – Deputy Sheriff – N/A
- Other – 0

Applications Received: 34

New Hires added into system: 7

- Leah Prichard- Planning and Development- Developmental Services Representative II
- Michael Catarroja- Sheriff's Office- Detention Officer
- Christopher Tiller- Sheriff's Office- Patrol Officer
- Edwin McCollum- Sheriff's Office- Detention Officer
- Taylor Rayburn- Emergency Services- Emergency Services Recruit
- Troy Leist- Emergency Services- Directo
- Dorothy Wilder- Facilities- Administrative Specialist

Promotions: 2 Transfers: 3 Re-Classed: 0 Personnel/Payroll Updates: 17 + (450+ 5%'s) = approx. 475

Termination/Resignation/Retirement Processed: 13

- Timothy Johnson- Public Works- Transfer Station - Operator II
- Kasey McCallister- Public Works- Roads - Oper I
- Joshua Bearden- Superior Court- Intern
- Lauren Crocker- Emergency Services- Volunteer Firefighter
- Keith Mangum-Public Works- Transfer Station Operator I
- John Ranstadler- Sheriff's Office – Detention Officer
- Brandon Bell- Emergency Services- Part Time Firefighter/EMT
- Donald Silverberg- Emergency Services-Volunteer Firefighter
- Justin Mathis- Emergency Services-Firefighter/Paramedic
- Brendan Grindle- Marshal's Office- Code Enforcement Officer
- Eauleta Chodora- Elections- Assistant Poll Manager
- Gwendolyn McDonald- Elections- Poll Worker
- Janet Vice- Elections - Poll Worker

Additional Highlights:

- Completed 5% payroll update for all county employees
- Completed annual workers' comp audit
- Completed annual property & liability renewal
- Established 2nd training console for new hires
- Planned Mini Fall Fair for October 2023



Dawson County Board of Commissioners

Information Technology –September 2022

- **Calls for Service: 176**
- **Service Calls Completed:176**

Highlight

- Move to Office 365 for all county hosted e-mail account complete
- Move to .gov domain completed for all county .org e-mail accounts
- Family Connection Internet connection completed and ready to go

Marshal's Office 2022 Monthly Report

Activity	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	Total Activities / Revenues
Total Open Cases	158	190	193	233	257	116	65	57	55	
Code Cases Open	51	70	84	75	62	51	36	36	25	490
Code Cases Closed	34	38	81	54	214	89	32	35	9	586
Erosion Control Complaint Cases	9	11	11	1	2	5	6	2	7*	47
Illegal Signs Removed	0	0	0	0	0	0	0	23	39	62
Alcohol Audits	0	0	0	0	0	0	0	0	0	0
Donation Box Audits	0	0	0	0	0	0	0	0	0	0
Vape Audits	0	0	0	0	0	0	0	0	0	0
Code Enforcement STOP Work Orders/ Citations	2	11	11	2	5	7	1	2	0	41
Monthly Total of Code On-site visits									69	69
New Animal Control Cases	29	33	31	31	37	46	33	17	30	287
Animal Cruelty Investigations	4	4	1	1	5	1	1	1	0	18
Animal Bite Investigations	2	2	4	5	2	4	2	0	1	22
Animals Quarantined	1	2	4	5	2	4	2	0	1	21
Animals transported to DC Humane Society	16	8	30	32	25	29	48	16	46	250
Animal Control Citations Issued	0	0	0	0	1	0	0	1	0	2
Animal Control Court Cases	0	0	0	0	0	2	1	1	0	4
Monthly Total of Animal On-site visits									49	49
New Short Term Rentals	3	8	0	7	3	6	3	3	2	35
Short Term Rental Renewals	4	6	5	2	3	8	1	0	3	32
Short term Rental Letters Sent	65	2	6	3	9	0	4	6	7	102
Alcohol Pouring, Tatoo, Massage Permits Issued	31	17	32	34	59	43	27	40	42	325
Alcohol Licenses processed								1	0	1
Open Record Requests	7	2	7	3	4	4	2	1	1	31
Short-term Rental Revenues	1,200.00	2,300.00	1,500.00	8,100.00	1,800.00	4,200.00	900.00	900.00	1,500.00	\$ 22,400.00
Donation Box Revenues	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	\$ -
Excise Tax Revenues (30)	41,736.88	44,396.95	50,990.52	39,198.65	58,283.75	56,370.95	54,780.28	57,602.67		\$ 403,360.65
Pouring, Tatoo, Massage Permit Revenues	620.00	340.00	960.00	710.00	1,465.00	860.00	540.00	888.00	862.00	\$ 7,245.00
Magistrate Revenues	0.00	0.00	0.00	0.00	0.00	0.00	750.00		0.00	\$ 750.00
STOP WORK, Dangerous Dog, Appeals,	400.00	2,400.00	2,000.00	200.00	600.00	600.00	200.00	0.00	0.00	\$ 6,400.00
Alcohol Permit Revenues		0.00	4,500.00	n/a	n/a	n/a	n/a	1,400.00	0.00	\$ 5,900.00

- Proactively sent 15 improper sign letters to business owners during September.
- Initiated bi-weekly 1:1's with staff members. The first one was to gauge their 1st 6 weeks; position?, AHA moments, things they would change if they could



Dawson County Board of Commissioners

Parks and Recreation Monthly Report – September 2022

- **Youth Sports Participants:**
 - September 2022: 2,379 – up 69.4% compared to same month last year
 - YTD 2022: 27,377 – up 27.0% compared to last year
- **Facility Rentals/Bookings/Scheduled Use:**
 - September 2022: 2,085 – up 16.0% compared to same month last year
 - YTD 2022: 24,491 – down 45.3% compared to last year
- **Adult and Youth Wellness and Specialty Program Participation:**
 - September 2022: 613 – up 36.5% compared to same month last year
 - YTD 2022: 9,761 – down 23.1% compared to last year
- **Total Customers Served:**
 - September 2022: 5,077 – up 39.1% compared to same month last year
 - YTD 2022: 61,629 – down 22.0% compared to last year

HIGHLIGHTS

Park Projects:

- The River Park Canoe Put-in river entry area will be replaced in the upcoming months.
- A family restroom will be added to the Small Pavilion at Rock Creek in the upcoming months, courtesy of the Rotary Club of Dawson County.
- Bids have been awarded on conversion of the t-ball fields at Rock Creek to an ADA field, as well as the turfing of the football field and multipurpose field at Veterans Memorial Park. Both projects should start in October.

Athletic and Program Summary:

- Adult Boot Camp, Kids Yoga, Pickleball, Tai Chi, Tennis clinics, Volleyball lessons, Water Aerobics, Yoga continue to go well.
- Travel Team activities continue to go well.
 - 15 total teams registered (baseball, softball, basketball, tennis)
- Pickleball open play continues to go well.
- The EPIC program continues to meet monthly and is going great!
- The final Water Aerobics session of the year ended September 2nd.
- The final day for the pool at Veterans and the splash pad at Rock Creek was September 5th.

- Fall baseball, softball, and t-ball games began the week of September 19th and have gone well.
- Football, cheer, and flag football season is continuing to go well!

On the Horizon:

- Winter Sports (basketball/wrestling) online registration began September 12th. Our registration numbers are on target to surpass the 2021-2022 numbers.
- Despite multiple inquiries, the adult softball tournament series has not yet yielded any registered teams so it is unlikely that we will offer it again in the upcoming fall seasons.
- Winter Sports registration will end on October 10th.
- The 2nd outdoor movie of the year is scheduled for October 14th at Veterans Memorial Park.
- Player evaluations for the 8U-14U basketball leagues will be held on October 22nd.
- Instructional League Basketball will begin October 29th.
- The 11th annual Trunk or Treat event is scheduled for October 31st at Rock Creek.
- The final day for the 2022 camping season at War Hill Park is October 31st.
- Practices for the 8U-14U basketball leagues and wrestling will begin November 1st.

2022 Dawson County Permits for the Month of September

Building Permits	75			
Single Family	15			
Accessory Structure	5			
Additions/Remodels	2			
Farm Building	0			
Pool	2			
Retail Com	1			
Misc.	3			
Multi-family	0			
Mobile Home	4			
Electrical	16			
Plumbing	0			
Heating & Air	5			
Zoning/Variances	0			
Plan Review-Plats	14			
Plan Review Sign	5			
Grading Permits	12			
Agricultural Grading Permits	0			
Business License	92			
Sign Permits	5			
Short Term Rental	5			
Tenant change	8			
Demolition	1			



**Communications & Public Affairs
Key Indicator Report
September 1 - 30, 2022**

Facebook		Facebook Live Videos	
Followers	5,207	(# of people watching live)	
Page Likes	4,899		Work/Voting Session
New Page Likes	13	9/1/2022	24/20
Page Reach	20,713	9/15/2022	28/26

Twitter/Instagram		Nextdoor	
	Followers	Members	6,362
Twitter	656	Claimed Households	4,638
Instagram	86	Neighborhoods	41

Constant Contact	
Subscribers	3,225

Upcoming Events for Public Affairs:

10/31/2022 Trunk or Treat hosted by Parks & Recreation
 11/16/2022 GIS Day
 12/3/2022 Breakfast with Santa



Dawson County Board of Commissioners

Public Works Monthly Report – September 2022

ROADS:

- Work Orders: 25
- Gravel: GAB: 53 Tn
- No. 89 stone: 2 Tn
- Limb ROW: 2.6 miles
- Mow ROW: 53.58 miles

TRANSFER STATION:

- Solid Waste: 251.11 Tn
- Recycling: 19.82 Tn
- Recycling Tires: none
- Recycling Scrap Metal: 18,380 lbs.
- Shore Sweep: 24.25 Tn

PROJECT MANAGEMENT:

Elliott Road Realignment

Direction is to field fit. Existing right-of-way is to be delineated and utilities locate/relocate. Etowah Water & Sewer Authority has located their utilities. Approximate/rough right-of-way delineation, limbing and mowing activities stopped as directed due to resident's concerns/engagement with staff. Project being rescheduled as directed.

Dawson Forest/53 Round About

Legal descriptions needed for the acquisition of right-of-way, easements, and right-of-way abandonment have been received and recorded. Closing on acquisitions and abandonment are completed. Local permitting is underway. Plans were sent to Etowah Water and Sewer Authority to coordinate utility relocation. Due to GDOT refunding options the award for IFB #402-22 (realignment of Thompson Creek Park Road portion of the project) was denied on 10/06/2022. Full project is to be let by county pending partial funding thru 2023 LIMIG.

Rock Creek River Canoe Put In

On July 25 the request for the proposed buffer variance was approved and the public notice was published by EPD. County permitting is currently being secured. Estimated start of construction is October, 2022.

Recycling Center Retrofit Project

Received BOC approval for the proposed project on 08/04/2022. Earthwork and piping to accommodate compactors-containers is completed. Water and electrical service specifications/details are being sought after. Maneuverability testing was successfully completed. Moving forward with the acquisition of quotes for the retrofitting of the existing structure. Investigating covered storage options for salt and firewood relocation from the project site.

Nix Bridge, River Overlook and Afton Roads Asphalt Widening

Earth widening, clipping shoulders, and repairing base failures along the EOP as required prior to GDOT widening work has been completed. Awaiting response from GDOT contractor to coordinate and commence widening. On September 2, 2022 was notified that GDOT is scheduling to receive bids on this project. GDOT construction date: 2023.

Public Works Monthly Report – September 2022 (Continued)

Municipal Measure Program (MMP)

Per directive, Public Works has entered into this free program in order better manage waste and recycling programs. Draft form data has been submitted and was finalized the week of July 11, 2022. Grant funding opportunities are available and are continually being pursued.

Shoal Creek/136 Round About

SEI submitted final plans to GDOT on Friday, March 3rd. Dawson County received plans for our review on Tuesday, March 1st. Below is the updated Project Schedule. GDOT & Dawson County Approval-April 25, 2022. Project on hold pending GDOT Shoal Creek Bridge project.

Public Works received notification from USACE that the County would NOT require a CORPS permit for this project.

School Zone Warning Lights

Met with the Board of Education on August 30, 2022 to discuss antiquated school zone warning lights. Acquired estimates to update and replace 8 existing warning lights and install 6 new warning lights at schools that have none. Working with GDOT to procure grant monies for the replacement of the existing lights and school zone pavement markings. Met with GDOT on September 6, 2022 for further discussion/guidance. GDOT processing request.



Dawson County Board of Commissioners

Dawson County Senior Services Monthly Report – September 2022

SENIOR CENTER

- **Home Delivered Meals Served**
 - September 2022: 2,663
 - YTD 2022: 26,027
- **Congregate Meals Served**
 - September 2022: 460
 - YTD 2022: 3,925
- **Physical Activity Participation** (Tai Chi, Silver Sneakers, Yoga, individual fitness)
 - September 2022: 518
 - YTD 2022: 3,848
- **Lifestyle Management Participation** (Awareness, Prevention, Virtual Learning)
 - September 2022: 1,449
 - YTD 2022: 10,077

TRANSIT

- **DOT Trips Provided**
 - September 2022: 452
 - YTD 2022: 2,766
- **Senior Trips Provided**
 - September 2022: 640
 - YTD 2022: 5,455
- **# Of Miles**
 - September 2022: 9,202
 - YTD 2022: 77,273
- **Gallons of Fuel**
 - September 2022: 1,082
 - YTD 2022: 8,911

LOST and SPLOST Collections

Local Option Sales Tax (LOST) collections are up 7.4% for the same month in 2021 and up 10.9% for 2022 year to date. Special Purpose Local Option Sales Tax (SPLOST) collections are up 10.0% for the same month in 2021. Total SPLOST VII collections (July 2021 to present) are \$14,666,680.

August collections received in September are as follows:

LOST	\$889,580.96
SPLOST	\$1,035,394.65
County	\$945,315
City	\$90,079

Items Approved by the County Manager or Chief Financial Officer Since Last Report

DRC Emergency Services, LLC	Public Works / EMS	Debris Removal and Disposal Services	RFP – Awarded by the BOC	Contract	Will Depend on the Natural Damage and the Federal Reimbursement	Funding Source – No Cost Unless Activated
Tanner Hoskins Consultants, LLC	Sheriff's Office	A & E Design Work for Security System Upgrade	Contract Amendment	Purchase Order	\$23,000	Funding Source – SPLOST VII Funds