



City Council Regular Meeting

Monday, January 06, 2025

5:15 PM

City Hall, 129 E Memorial Dr, Dallas GA 30132

Individuals 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 a meeting or the facilities, are required to promptly contact the City's ADA Coordinator Brandon Rakestraw at 770.443.8110 ext. 1401 to allow the city to make reasonable accommodations for those persons.

AGENDA

CALL TO ORDER

INVOCATION AND PLEDGE

RECOGNITION OF VISITORS AND COMMENTS

Cody Gilkerson, Key Assistant Location Mgr.; Filming in Dallas

MINUTES APPROVAL

- [1.](#) December 02, 2024, Regular Meeting Minutes

CONSENT AGENDA

- [2.](#) Resolution 2025-01; Civility
- [3.](#) Final Audit Budget Adjustments
- [4.](#) Authorize the Mayor to sign a Mutual Aid Agreement between the Paulding County Sheriff's Office and the Dallas Police Department.
- [5.](#) Approval for film use of road closures.

OLD BUSINESS

- [6.](#) Second Read: Ordinance Amendment OA-2024-08; Municipal Judge term of office.
- [7.](#) Second Read: Ordinance Amendment #OA 2024-07; Chapter 16 Environment, Article VI. Stormwater Management and Create a New Article VII of Chapter 16 – Environment.

NEW BUSINESS

ADDITIONAL/COMMENTS

ADJOURNMENT



City Council Regular Meeting

Monday, December 02, 2024

5:15 PM

City Hall, 129 E Memorial Dr, Dallas GA 30132

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MINUTES

CALL TO ORDER

PRESENT

Mayor L. James Kelly
Councilmember Leah Alls
Councilmember Nancy Arnold
Councilmember Christopher Carter
Councilmember James Henson
Councilmember Cooper Cochran
Councilmember Candace Callaway

INVOCATION AND PLEDGE

Andrew Rodriguez led the Invocation and Pledge.

RECOGNITION OF VISITORS AND COMMENTS

1. Proclamation: PROC 2024-08 Harper's Day
2. Proclamation: PROC 20204-09 Dallas Woman's Club
3. Cody Gilkeson - Key Assistant Location Manager: Filming in Dallas

MINUTES APPROVAL

4. Motion to adopt the Monday, November 4, 2024, Regular Meeting Minutes.

Motion made by Councilmember Callaway, Seconded by Councilmember Carter.

Voting Yea: Councilmember Alls, Councilmember Arnold, Councilmember Carter, Councilmember Henson, Councilmember Cochran, Councilmember Callaway

CONSENT AGENDA

Motion to approve the following items.

Motion made by Councilmember Henson, Seconded by Councilmember Alls.

Voting Yea: Councilmember Alls, Councilmember Carter, Councilmember Henson, Councilmember Cochran, Councilmember Callaway

Voting Abstaining: Councilmember Arnold

5. 2025 Council Meeting Schedule
6. Resolution: RES 2024-11 PTSD Benefits
7. Appoint Ronald Johnson to the Paulding County Economic Development Board, as presented.
8. Design review for Merchants Park Townhomes (Z-2023-08), located at 200 Clay Drive/260 Merchants Drive, as presented.
9. Enter into a contract with Primacq Group for the completion of the Downtown Water System Improvements Project – Phase I; Easement Acquisition Services in the amount of \$35,750.00.
10. Enter into a contract with Pace for the completion of the UCMR5 Lab Services in the amount of \$7,876.00.
11. Purchase (1) one Kubota M7060HD 4WD Utility Tractor from Mason Tractor & Equipment Co., Inc. in the amount of \$57,932.31.
12. Purchase (1) one Kubota SVL75-3HFWVC Skid Loader from Mason Tractor & Equipment Co., Inc. in the amount of \$66,414.40.

OLD BUSINESS

13. Motion to adopt Ordinance Amendment OA-2024-06; Alcohol Licensing.

Motion made by Councilmember Alls, Seconded by Councilmember Arnold.

Voting Yea: Councilmember Alls, Councilmember Arnold, Councilmember Carter, Councilmember Henson, Councilmember Cochran, Councilmember Callaway

NEW BUSINESS

14. Motion to adopt RES-2024-10 Revision to the city's fee schedule (Zoning Fees), as presented.

Motion made by Councilmember Henson, Seconded by Councilmember Carter.

Voting Yea: Councilmember Alls, Councilmember Arnold, Councilmember Carter, Councilmember Henson, Councilmember Cochran, Councilmember Callaway

15. First Read: Ordinance Amendment OA-2024-08; Municipal Judge term of office.

16. Motion to approve the contract for Flock Safety Annual Fees (5 years) to be paid for as a sole source out of the Crime Reduction Grant in the amount of \$58,850 (first year, then \$54,000 thereafter).

Motion made by Councilmember Callaway, Seconded by Councilmember Carter.

Voting Yea: Councilmember Alls, Councilmember Arnold, Councilmember Carter, Councilmember Henson, Councilmember Cochran, Councilmember Callaway

17. Motion to approve the purchase of Glock Firearms to replace current firearms, lights, and holsters for the Police Department and the Marshall's Office in the total Amount of \$26,010.48.

Motion made by Councilmember Carter, Seconded by Councilmember Callaway.

Voting Yea: Councilmember Alls, Councilmember Arnold, Councilmember Carter, Councilmember Henson, Councilmember Cochran, Councilmember Callaway

18. Motion to approve the Creekside Landing Development Phase I Sewer Only Improvements Warranty Bond Release; Bond No. 2022-11 in the amount of \$33,572.94.

Motion made by Councilmember Cochran, Seconded by Councilmember Henson.

Voting Yea: Councilmember Alls, Councilmember Arnold, Councilmember Carter, Councilmember Henson, Councilmember Cochran, Councilmember Callaway

19. Motion to approve the Intergovernmental Agreement for Paulding County Bridge Maintenance Assessment Contract; Pond & Company in the amount of \$4,287.52.

Motion made by Councilmember Cochran, Seconded by Councilmember Henson.

Voting Yea: Councilmember Alls, Councilmember Arnold, Councilmember Carter, Councilmember Henson, Councilmember Cochran, Councilmember Callaway

20. First Read: Ordinance Amendment #OA 2024-07; Chapter 16 Environment, Article VI. Stormwater Management and create a New Article VII of Chapter 16 – Environment.

21. Motion to approve the West Dallas Collector Sewer Extension – Phase I: Change Order No. #2; Time Extension Request.

Motion made by Councilmember Callaway, Seconded by Councilmember Arnold.

Voting Yea: Councilmember Alls, Councilmember Arnold, Councilmember Carter, Councilmember Henson, Councilmember Cochran, Councilmember Callaway

22. Motion to approve the West Dallas Collector Sewer Extension – Phase I: GEFA Loan CW2021008A; Amendment No.1 Request.

Motion made by Councilmember Cochran, Seconded by Councilmember Alls.

Voting Yea: Councilmember Alls, Councilmember Arnold, Councilmember Carter, Councilmember Henson, Councilmember Cochran, Councilmember Callaway

ADDITIONAL/COMMENTS

None

ADJOURNMENT

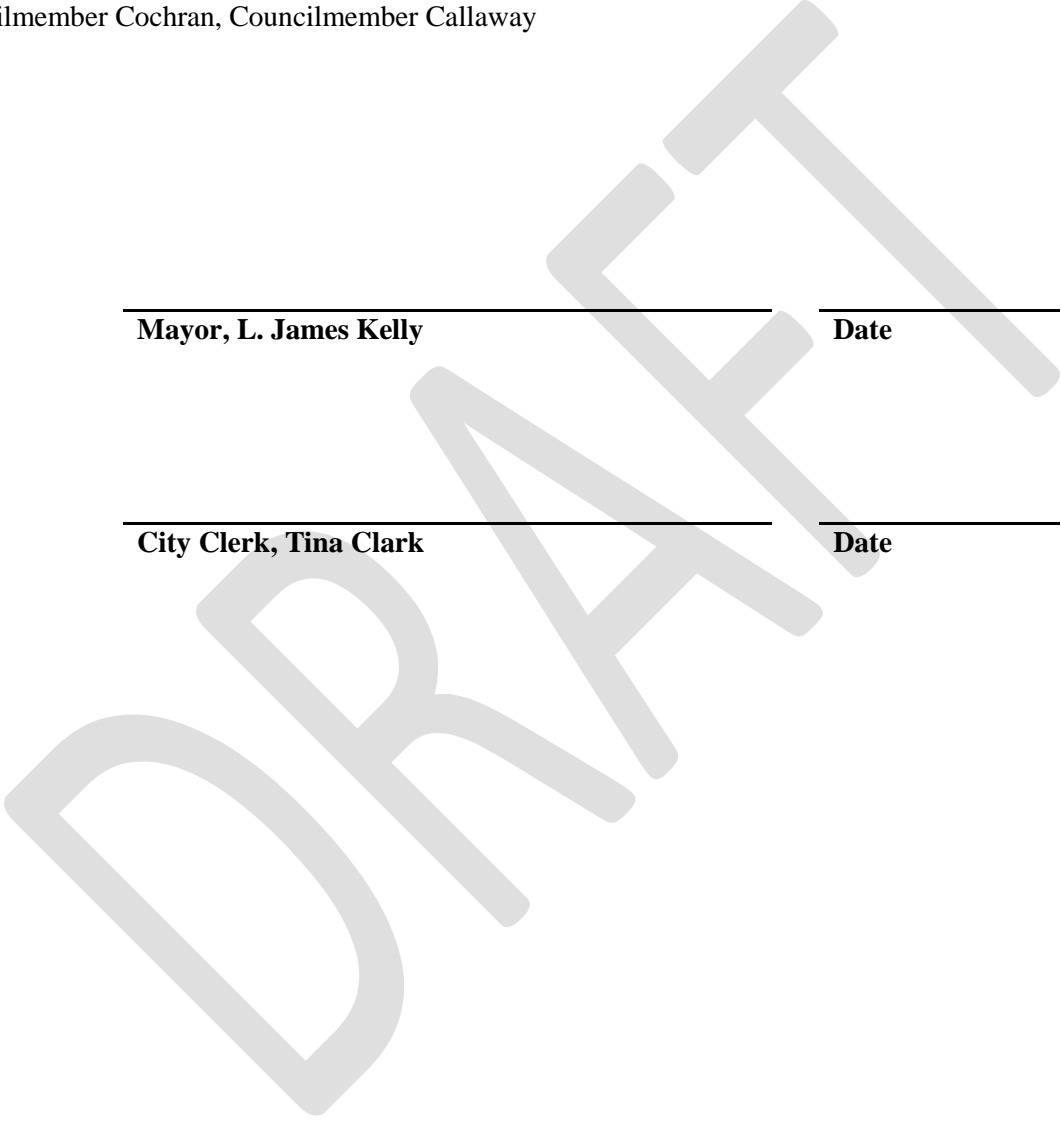
Motion to adjourn.

Motion made by Councilmember Arnold, Seconded by Councilmember Cochran.

Voting Yea: Councilmember Alls, Councilmember Arnold, Councilmember Carter, Councilmember Henson, Councilmember Cochran, Councilmember Callaway

Mayor, L. James Kelly **Date**

City Clerk, Tina Clark **Date**



RESOLUTION 2025-01

A RESOLUTION PLEDGING TO CONTINUE TO PRACTICE AND PROMOTE CIVILITY IN THE CITY OF DALLAS

WHEREAS, the Mayor and Council of the City of Dallas, the governing body of the City of Dallas, Georgia (the “Municipality”), recognizes that robust debate and the right to self-expression, as protected by the First Amendment to the United States Constitution, are fundamental rights and essential components of democratic self-governance; and

WHEREAS, the City of Dallas Mayor and Council further recognizes that the public exchange of diverse ideas and viewpoints is necessary to the health of the community and the quality of governance in the Municipality; and

WHEREAS, the members of City of Dallas Mayor and Council, as elected representatives of the community and stewards of the public trust, recognize their special role in modeling open, free and vigorous debate while maintaining the highest standards of civility, honesty and mutual respect; and

WHEREAS, City Mayor and Council meetings are open to the public and thus how City officials execute their legal duties is on public display; and

WHEREAS, civility by City officials in the execution of their legislative duties and responsibilities fosters respect, kindness and thoughtfulness between City officials, avoiding personal ill will which results in actions being directed to issues made in the best interests of residents; and

WHEREAS, civility between City officials presents an opportunity to set a positive example of conduct and promotes thoughtful debate and discussion of legislative issues, resulting in better public policy and a more informed electorate while also encouraging civil behavior between residents; and

WHEREAS, civility between City officials is possible if each member of the elected body remembers that they represent not only themselves, but the constituents of their district and city; and

WHEREAS, in order to publicly declare its continuing commitment to civil discourse and to express its concern for the common good and well-being of all of its residents, the City of Dallas Mayor and Council has determined to adopt this resolution.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION ONE

The City of Dallas pledges to continue to practice and promote civility within the governing body as a means of conducting legislative duties and responsibilities.

SECTION TWO

The elected officials of the City of Dallas, Mayor and Council, enact this civility pledge to build a stronger and more prosperous community by advocating for civil engagement, respecting others and their viewpoints, and finding solutions for the betterment of the City of Dallas.

SECTION THREE

This pledge strives to ensure that all communication be open, honest, and transparent as this is vital for cultivating trust and relationships.

SECTION FOUR

This pledge strives to show courtesy by treating all colleagues, staff and members of the public in a professional and respectful manner whether in-person, online or in written communication, especially when we disagree.

SECTION FIVE

This pledge strives to ensure mutual respect to achieve municipal goals, recognizing that patience, tolerance and civility are imperative to success and demonstrates the Mayor & Council commitment to respect different opinions, by inviting and considering different perspectives, allowing space for ideas to be expressed, debated, opposed, and clarified in a constructive manner.

SECTION SIX

This pledge demonstrates our commitment against violence and incivility in all their forms whenever and wherever they occur in all our meetings and interactions.

SECTION SEVEN

The City of Dallas expects members of the public to be civil in its discussion of matters under consideration by and before the City of Dallas Mayor and Council, with elected officials, staff, and each other.

RESOLVED this _____ day of January, 2025

L. James Kelly, Mayor

James Henson, Councilmember

Christopher B. Carter, Councilmember

Nancy R. Arnold, Councilmember

Leah Alls, Councilmember

Cooper Cochran, Councilmember

Candace Callaway, Councilmember

Attest: _____
Tina Clark, City Clerk

City of Dallas
Year End: June 30, 2024
Adjusting journal entries
Date: 7/1/2023 To 6/30/2024

400.07

Prepared by JG 12/29/2024 Partner
Supervisor Quality Review
Manager

Number	Date	Name	Account No	Reference	Annotation	Debit	Credit	Recurrence	Misstatement
108	6/30/2024	STREET LIGHT DISTRICT FEE	274-034-3220-324274 274	FOR MICHELLE			-152,000.00		
108	6/30/2024	Budgeted Fund Balance	274-013-3220-131000 274	FOR MICHELLE		152,000.00			
108	6/30/2024	TAXES - HOTEL / MOTEL	215-031-1400-314100 215	FOR MICHELLE			-2,400.00		
108	6/30/2024	PAYMENT TO DMO-RESTRICTED	215-151-0052-523930 215	FOR MICHELLE		2,400.00			
108	6/30/2024	TAX ALLOCATION DISTRICT	273-031-1110-311111 273	FOR MICHELLE			-26,000.00		
108	6/30/2024	Capital outlay	273-000-1110-54000 273	FOR MICHELLE		26,000.00			
108	6/30/2024	SAL & WAGES - REGULAR EMPLOYEE	100-110-0051-511100 100	FOR MICHELLE		66,000.00			
108	6/30/2024	SAL & WAGES- REGULAR EMPLOYEE	100-265-0051-511100 100	FOR MICHELLE		58,000.00			
108	6/30/2024	SAL & WAGES - REGULAR EMPLOYEE	100-320-0051-511100 100	FOR MICHELLE		242,000.00			
108	6/30/2024	REAL PROP-PUB UTIL-CURR YR	100-031-1110-311110 100	FOR MICHELLE			-366,000.00		
108	6/30/2024	TIP BATTLEFIELD 885	100-033-3430-334320 100	FOR MICHELLE			-2,000,000.00		
108	6/30/2024	FROM / TO WATER REVENUE ACCT	100-039-9100-391105 100	FOR MICHELLE		2,000,000.00			
TO BOOK BUDGET ADJUSTMENTS.									
						2,546,400.00	-2,546,400.00		
Net Income (Loss) 0.00									

12/29/2024
5:48 PM



ACTION ITEM

MEETING DATE:
01/06/2024

PRESENTED BY:
Michelle Collings

AGENDA ITEM DESCRIPTION (Agenda Content): Final Audit Budget Adjustments

REPORT/INFORMATION: Final Audit Budget Adjustments



ACTION ITEM

MEETING DATE:
01/06/2024

PRESENTED BY:
Darrin Keaton

AGENDA ITEM DESCRIPTION (Agenda Content): Mutual Aid Agreement with Paulding County to allow Dallas Police Department and PCSO to cooperate under the Mutual Aid Act

REPORT/INFORMATION:

“Authorize the Mayor to sign a Mutual Aid Agreement with Paulding County to allow Dallas Police Department and PCSO to cooperate under the Mutual Aid Act (O.C.G.A. 36-69-1 et. seq.). Council ratification will occur at next regular meeting.”



STAFF ACTION ITEM

MEETING DATE: January 6, 2025

PRESENTED BY: Jody Martin/Cody Gilkerson-Scar Tissue Filming in Dallas

AGENDA ITEM DESCRIPTION (Agenda Content):

Approval for road closures

REPORT/INFORMATION:

Roads to be used (subject to change as more night time filming is moving to stage):

Prep in the Bullock Building would begin Tuesday Jan 21 through Feb 14
-Use of Joe Parker Park probably

Filming in Dallas from Feb 18 through Feb 26

Preliminary Filming Schedule:

Tues 2/18 - INT Coffee Shop - Call Time 7:30am Maybe Joe Parker Park

Wed 2/19 - EXT Main St., EXT Coffee Shop, Police Station, EXT Rooftop? Call Time 10am

Thurs 2/20 - EXT Town (Driving) INT Coffee Shop, EXT Main St (Shop Window) possible Night closure

Fri 2/21 - EXT Street (Spring ST) - Call Time 6pm

Mon 2/24 - INT Coffee Shop - Call Time 12pm-possible Joe Parker Park

Tues 2/25 - Rooftops?? - Call time 2pm (Main St. Night)

Wed 2/26 - INT Coffee Shop, EXT Restaurant (Hop Frog) - Call Time 3pm

Strike Feb 27 - March 5 -



STAFF REPORT

MEETING DATE: 01/6/2025

PRESENTED BY:

LeAnn Adams-Court Services

AGENDA ITEM DESCRIPTION :

January-2025-Ordinance Amendment-OA-2024-08

REPORT/INFORMATION:

Ordinance Amendment-OA-2024-08-Updated Judge term for clarification, second read.

**ORDINANCE AMENDMENT
NO. OA – 2024 - 08**

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF DALLAS, GEORGIA TO PROVIDE FOR A TERM OF OFFICE FOR THE MUNICIPAL COURT JUDGE; TO PROVIDE FOR REMOVAL OF JUDGE; TO PROVIDE AN EFFECTIVE DATE; TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.

WHEREAS, The Charter of the City of Dallas, Georgia does allow the Mayor and Council to adopt Ordinances to provide for a Municipal Court within the City of Dallas, Georgia and for the safety, health, and welfare of the citizens of the City of Dallas, Georgia; **AND**

WHEREAS, O.C.G.A. §36-32-2 provides that any Judge appointed to a Municipal Court position shall serve for a minimum term of two years and shall only be removed subject to the procedure in O.C.G.A. §36-32-2.1; **AND**

WHEREAS, The Mayor and the City Council of Dallas, Georgia have determined that a two-year term is desirable for the position of Dallas Municipal Court Judge; **AND**

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

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

SECTION ONE

That **Chapter 2 – ADMINISTRATION; ARTICLE III. – OFFICERS AND EMPLOYEES; Sec. 2-71 Selection of chief judge and associate court judges.**, of the Code of Ordinances be amended as follows:

Sec. 2-71. – Selection of chief judge and associate court judges.

- (a) The Mayor of the City shall recommend and the Council of the City shall confirm and approve by majority vote, a qualified person to serve as the chief judge of the Municipal Court of the City.
 - 1. No person shall be qualified or eligible to serve as a judge of the Municipal Court unless he or she shall be in compliance with the requirements of state law on qualifications to serve in such office.
 - 2. All judges of the municipal court for the Municipal Court of Dallas shall be appointed by resolution of the City Council and shall serve a term of two years. The compensation of the judge shall be fixed by the City Council by adoption of a resolution. The position of judge created in this article shall not be a full-time position, and the person serving in said position may engage in the private practice of law; provided, however, a judge may not appear and represent a client before the Municipal Court of Dallas.
 - 3. A judge of the Municipal Court shall serve for the designated term but may be removed from the position by resignation, by a two-thirds vote of the entire membership of the City Council or upon action taken by the State Judicial Qualifications Commission. All removal proceedings by the City shall be governed by O.C.G.A. §36-22-2.1.

(b) Any necessary associate judges shall be nominated by the chief judge and then approved by majority vote of the City Council of the City. Any associate judges shall serve at the pleasure of the chief judge and may be removed at any time with or without cause by the chief judge.

- 1. Compensation of associate judges shall be set by resolution of the Mayor and Council of the City.

SECTION TWO

All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

SECTION THREE

This Ordinance shall become effective immediately upon passage.

SO SHALL IT BE ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DALLAS, GEORGIA, THIS THE ____ DAY OF _____, 2024.

L. James Kelly, Mayor

James R. Henson, Councilmember

Cooper Cochran, Councilmember

Nancy R. Arnold, Councilmember

Christopher B. Carter, Councilmember

Leah Alls, Councilmember

Candace Callaway, Councilmember

ATTEST:

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

Date



STAFF ACTION ITEM

MEETING DATE: 01/06/2025

TITLE: Ordinance Amendment #OA2024-07; Chapter 16 Environment, Article VI. Stormwater Management and Create a New Article VII of Chapter 16 – Environment (2nd Read)

PRESENTED BY: Brandon Rakestraw – Public Works Director

AGENDA ITEM DESCRIPTION (Agenda Content):

Ordinance Amendment #OA 2024-07; Chapter 16 Environment, Article VI. Stormwater Management and Create a New Article VII of Chapter 16 – Environment (2nd Read)

HISTORY/PAST ACTION:

This is a 2nd read request

FINANCIAL IMPACT:

N/A

INFORMATION:

Request Council Approval:

Amendment to the City of Dallas, Georgia, Code of Ordinances; To Repeal and Replace Part II - The Code of Ordinances, Chapter 16 Environment, Article VI. Stormwater Management; To Create a New Article VII of Chapter 16 - Environment, To Repeal Conflicting Ordinances; and for Other Purposes.

The proposed amendment is a mandate from the Environmental Protection Division of the State of Georgia and contains language for compliance with NPDES Municipal Separate Storm Sewer Systems (MS4) permit.

ORDINANCE AMENDMENT #OA 2024-07

**AMENDMENT TO THE CITY OF DALLAS, GEORGIA,
CODE OF ORDINANCES; TO REPEAL AND REPLACE PART II - THE
CODE OF ORDINANCES, CHAPTER 16 ENVIRONMENT,
ARTICLE VI. STORMWATER MANAGEMENT; TO CREATE A NEW
ARTICLE VII OF CHAPTER 16 - ENVIRONMENT, TO REPEAL
CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES**

WHEREAS, The Charter of the City of Dallas, Georgia does allow for the Mayor and Council to adopt Ordinances and/or amend existing Ordinances, AND

WHEREAS, The Mayor and Council have the responsibility to provide for the public health, safety and welfare by the control and efficient adoption of Ordinances within the City of Dallas, Georgia, AND

WHEREAS, The proposed amendment is a mandate from the Environmental Protection Division of the State of Georgia and contains language for compliance with NPDES Municipal Separate Storm Sewer Systems (MS4 permit), AND

WHEREAS, The Mayor and Council desire to amend Chapter 16, Environment, Article VI Stormwater Management and redesignate Sec. 16-287 through Sec. 16-292 of Code of Ordinances of the City of Dallas, Georgia, NOW

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

SECTION I.

That Dallas Code of Ordinances Chapter 16 - Environment, Article VI Stormwater Management, is hereby repealed in its entirety and replaced as follows:

Chapter 16 - Environment

Article VI. Post-Construction Stormwater Management for New Development and Redevelopment.

Sec. 16-199. Purpose and Intent.

The purpose of this article is to protect, maintain and enhance the public health, safety, environment, and general welfare by establishing minimum requirements and procedures to control the adverse effects of increased post-construction stormwater runoff and nonpoint source pollution associated with new development and redevelopment. Proper management of post-construction stormwater runoff will minimize damage to public and private property and infrastructure, safeguard the public health, safety, environment, and general welfare of the public, and protect water and aquatic resources. Additionally, the City of Dallas, Georgia is required to comply with several State and Federal laws, regulations and permits and the requirements of the Metropolitan North Georgia Water Planning District’s regional water plan related to managing the water quantity, velocity, and quality of post-construction stormwater runoff.

Sec. 16-200. Definitions.

For this Article, the terms below shall have the following meanings:

“administrator” means the person appointed to administer and implement this Article on Post-Construction Stormwater Management for New Development and Redevelopment in accordance with Sec. 16-202.

“applicant” means a person submitting a land development application for approval.

“BMP” or “best management practice” means both structural devices to store or treat stormwater runoff and non-structural programs or practices which are designed to prevent or reduce the pollution of the waters of the State of Georgia.

“BMP landscaping plan” means a design for vegetation and landscaping that is critical to the performance and function of the BMP including how the BMP will be stabilized and established with vegetation. It shall include a layout of plants and plant names (local and scientific).

“channel” means a natural or artificial watercourse with a definite bed and banks that conveys continuously or periodically flowing water.

“detention” means the temporary storage of stormwater runoff in a stormwater detention facility for the purpose of controlling the peak discharge.

“detention facility” means a structure designed for the storage and gradual release of stormwater runoff at controlled rates.

“development” means new development or redevelopment.

“extended detention” means the storage of stormwater runoff for an extended period of time.

“extreme flood protection” means measures taken to prevent adverse impacts from large low-frequency storm events with a return frequency of 100 years or more.

“flooding” means a volume of surface water that exceeds the banks or walls of a BMP, or channel; and overflows onto adjacent lands.

“GSMM” means the latest edition of the Georgia Stormwater Management Manual, Volume 2: Technical Handbook, and its Appendices.

“hotspot” means a land use or activity on a site that has the potential to produce higher than normally found levels of pollutants in stormwater runoff. As defined by the administrator, hotspot land use may include gasoline stations, vehicle service and maintenance areas, industrial facilities (both permitted under the Industrial Stormwater General Permit and others), material storage sites, garbage transfer facilities, and commercial parking lots with high-intensity use.

“impervious surface” means a surface composed of any material that significantly impedes or prevents the natural infiltration of water into the soil.

“Industrial Stormwater General Permit” means the National Pollutant Discharge Elimination System (NPDES) permit issued by Georgia Environmental Protection Division to an industry for stormwater discharges associated with industrial activity. The permit regulates pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies based on Standard Industrial Classification (SIC) Code.

“infiltration” means the process of percolating stormwater runoff into the subsoil.

“inspection and maintenance agreement” means a written agreement providing for the long-term inspection, operation, and maintenance of the stormwater management system and its components on a site.

“land development application” means the application for a land development permit on a form provided by the City of Dallas, Georgia along with the supporting documentation required in Sec. 16-208(a).

“land development permit” means the authorization necessary to begin construction-related, land-disturbing activity.

“land disturbing activity” means any activity which may result in soil erosion from water or wind and the movement of sediments into state water or onto lands within the state, including but not limited to clearing, dredging, grading, excavating, and filling of land. Land disturbing activity does not include agricultural practices as described O.C.G.A. 12-7-17(5) or silvicultural land management activities as described O.C.G.A. 12-7-17(6) within areas zoned for these activities.

“linear feasibility program” means a feasibility program developed by the City of Dallas, Georgia and submitted to the Georgia Environmental Protection Division, which sets reasonable criteria for determining when implementation of stormwater management standards for linear transportation projects being constructed by City of Dallas, Georgia is infeasible.

“linear transportation projects” means construction projects on traveled ways including but not limited to roads, sidewalks, multi-use paths and trails, and airport runways and taxiways.

“MS4 Permit” means the NPDES permit issued by Georgia Environmental Protection Division for discharges from the City of Dallas, Georgia’s municipal separate storm sewer system.

“new development” means land disturbing activities, structural development (construction, installation, or expansion of a building or other structure), and/or creation of impervious surfaces on a previously undeveloped site.

“nonpoint source pollution” means a form of water pollution that does not originate from a discrete point such as a wastewater treatment facility or industrial discharge, but involves the transport of pollutants such as sediment, fertilizers, pesticides, heavy metals, oil, grease, bacteria, organic materials, and other contaminants from land to surface water or groundwater via mechanisms such as precipitation, stormwater runoff, and leaching. Nonpoint source pollution is a by-product of land use practices such as agricultural, silvicultural, mining, construction, subsurface disposal, and urban runoff sources.

“overbank flood protection” means measures taken to prevent an increase in the frequency and magnitude of out-of-bank flooding (i.e. flow events that exceed the capacity of the channel and enter the floodplain).

“owner” means the legal or beneficial owner of a site, including but not limited to, a mortgagee or vendee in possession, receiver, executor, trustee, lessee or other person, firm, or corporation in control of the site.

“person” means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, city, county or other political subdivision of the State, any interstate body, or any other legal entity.

“post-construction stormwater management” means stormwater best management practices that are used on a permanent basis to control and treat runoff once construction has been completed in accordance with a stormwater management plan.

“post-development” means the conditions anticipated to exist on site immediately after completion of the proposed development.

“practicability policy” means the latest edition of the Metropolitan North Georgia Water Planning District’s Policy on Practicability Analysis for Runoff Reduction.

“pre-development” means the conditions that exist on a site immediately before the implementation of the proposed development. Where phased development or plan approval occurs (preliminary grading, roads, and utilities, etc.), the existing conditions at the time before the first item being approved or permitted shall establish pre-development conditions.

“pre-development hydrology” means (a) for new development, the runoff curve number determined using natural conditions hydrologic analysis based on the natural, undisturbed condition of the site immediately before implementation of the proposed development; and (b) for redevelopment, the existing conditions hydrograph may take into account the existing development when defining the runoff curve number and calculating existing runoff, unless the existing development causes a negative impact on downstream property.

“previously developed site” means a site that has been altered by paving, construction, and/or land disturbing activity.

“redevelopment” means structural development (construction, installation, or expansion of a building or other structure), creation or addition of impervious surfaces, replacement of impervious surfaces not as part of routine maintenance, and land disturbing activities associated with structural or impervious development on a previously developed site. Redevelopment does not include such activities as exterior remodeling.

“routine maintenance” means activities to keep an impervious surface as near as possible to its constructed condition. This includes ordinary maintenance activities, resurfacing paved areas, and exterior building changes or improvements which do not materially increase or concentrate stormwater runoff, or cause additional nonpoint source pollution.

“runoff” means stormwater runoff.

“site” means an area of land where development is planned, which may include all or portions of one or more parcels of land. For subdivisions and other common plans of development, the site includes all areas of land covered under an applicable land development permit.

“stormwater concept plan” means an initial plan for post-construction stormwater management at the site that provides the groundwork for the stormwater management plan including the natural resources inventory, site layout concept, initial runoff characterization, and first round stormwater management system design.

“stormwater management plan” means a plan for post-construction stormwater management at the site that meets the requirements of Sec. 16-206(d) and is included as part of the land development application.

“stormwater management standards” means those standards set forth in Sec. 16-205.

“stormwater management system” means the entire set of non-structural site design features and structural BMPs for collection, conveyance, storage, infiltration, treatment, and disposal of stormwater runoff in a manner designed to prevent increased flood damage, streambank channel erosion, habitat degradation and water quality degradation, and to enhance and promote the public health, safety, and general welfare.

“stormwater runoff” means flow on the surface of the ground, resulting from precipitation.

“subdivision” means the division of a tract or parcel of land resulting in one or more new lots or building sites for the purpose, whether immediately or in the future, of sale, other transfer of ownership or land development, and includes divisions of land resulting from or made in connection with the layout or development of a new street or roadway or a change in an existing street or roadway.

Other terms used but not defined in this Article shall be interpreted based on how such terms are defined and used in the GSMM and the City of Dallas, Georgia’s MS4 permit.

Sec. 16-201. Adoption and Implementation of the GSMM; Conflicts and Inconsistencies.

- (a) In implementing this Article, the City of Dallas, Georgia shall use and require compliance with all relevant design standards, calculations, formulas, methods, and other guidance from the GSMM as well as all related appendices.
- (b) This Article is not intended to modify or repeal any other Article, ordinance, rule, regulation, or other provision of law, including but not limited to any applicable stream buffers under state and local laws, and the Georgia Safe Dams Act and Rules for Dam Safety. In the event of any conflict or inconsistency between any provision in the City of Dallas, Georgia’s MS4 permit and this Article, the provision from the MS4 permit shall control. In the event of any conflict or inconsistency between any provision of this Article and the GSMM, the provision from this Article shall control. In the event of any other conflict or inconsistency between any provision of this Article and any other ordinance, rule, regulation or other provision of law, the provision that is more restrictive or imposes higher protective standards for human health or the environment shall control.
- (c) If any provision of this Article is invalidated by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of this Article.

Sec. 16-202. Designation of Administrator.

The City Manager may from time to time appoint someone to administer and implement this Article.

Sec. 16-203. Applicability Criteria for Stormwater Management Standards.

This Article applies to the following activities:

- (a) New development that creates or adds 5,000 square feet or greater of new impervious surface area or that involves land disturbing activity of 1 acre of land or greater;
- (b) Redevelopment (excluding routine maintenance and exterior remodeling) that creates, adds, or replaces 5,000 square feet or greater of new impervious surface area or that involves land disturbing activity of 1 acre or more;
- (c) New development and redevelopment if
 - (i) such new development or redevelopment is part of a subdivision or other common plan of development, and
 - (ii) the sum of all associated impervious surface area or land disturbing activities that are being developed as part of such

subdivision or other common plan of development meets or exceeds the threshold in (a) and (b) above;

- (d) Any commercial or industrial new development or redevelopment, regardless of size, that is a hotspot land use as defined in this Article; and
- (e) Linear transportation projects that exceed the threshold in (a) or (b) above.

Sec. 16-204. Exemptions from Stormwater Management Standards.

This Article does not apply to the following activities:

- (a) Land disturbing activity conducted by local, state, authority, or federal agencies, solely to respond to an emergency need to protect life, limb, or property or conduct emergency repairs;
- (b) Land disturbing activity that consists solely of cutting a trench for utility work and related pavement replacement;
- (c) Land disturbing activity conducted by local, state, authority, or federal agencies, whose sole purpose is to implement stormwater management or environmental restoration;
- (d) Repairs to any stormwater management system deemed necessary by the administrator;
- (e) Agricultural practices as described O.C.G.A. 12-7-17(5) within areas zoned for these activities except for buildings or permanent structures that exceed the threshold in Sec. 16-203(a) or (b);
- (f) Silvicultural land management activities as described O.C.G.A. 12-7-17(6) within areas zoned for these activities except for buildings or permanent structures that exceed the threshold in Sec. 16-203(a) or (b);
- (g) Installations or modifications to existing structures solely to implement Americans with Disabilities Act (ADA) requirements, including but not limited to elevator shafts, handicapped access ramps and parking, and enlarged entrances or exits; and
- (h) Linear transportation projects being constructed by City of Dallas, Georgia to the extent the administrator determines that the stormwater management standards may be infeasible to apply, all or in part, for any portion of the linear transportation project. For this exemption to apply, an infeasibility report that is compliant with the City of Dallas, Georgia linear feasibility program shall first be submitted to the administrator that contains adequate documentation to support the evaluation for the applicable portion(s) and any resulting infeasibility determination, if any, by the administrator.

Sec. 16-205. Stormwater Management Standards.

Subject to the applicability criteria in Sec. 16-203 and exemptions in Sec. 16-204, the following stormwater management standards apply. Additional details for each standard can be found in the GSMM Sec. 2.2.2.2:

- (a) Design of Stormwater Management System: The design of the stormwater management system shall be in accordance with the applicable sections of the GSMM as directed by the administrator. Any design which proposes a dam shall comply with the Georgia Safe Dams Act and Rules for Dam Safety as applicable.

- (b) Natural Resources Inventory: Site reconnaissance and surveying techniques shall be used to complete a thorough assessment of existing natural resources, both terrestrial and aquatic, found on the site. Resources to be identified, mapped, and shown on the Stormwater Management Plan, shall include, at a minimum (as applicable):
- (i) Topography (minimum of 2-foot contours) and Steep Slopes (i.e., Areas with Slopes Greater Than 15%),
 - (ii) Natural Drainage Divides and Patterns,
 - (iii) Natural Drainage Features (e.g., swales, basins, depressional areas),
 - (iv) Natural feature protection and conservation areas such as wetlands, lakes, ponds, floodplains, stream buffers, drinking water wellhead protection areas and river corridors,
 - (v) Predominant soils (including erodible soils and karst areas), and
 - (vi) Existing predominant vegetation including trees, high quality habitat and other existing vegetation.
- (c) Better Site Design Practices for Stormwater Management: Stormwater management plans shall preserve the natural drainage and natural treatment systems and reduce the generation of additional stormwater runoff and pollutants to the maximum extent practicable. Additional details can be found in the GSMM Sec. 2.3.
- (d) Stormwater Runoff Quality/Reduction: Stormwater Runoff Quality/Reduction shall be provided by using the following:
- (i) For development with a stormwater management plan submitted before December 6, 2020, the applicant may choose either (A) Runoff Reduction or (B) Water Quality.
 - (ii) For development with a stormwater management plan submitted on or after December 6, 2020, the applicant shall choose (A) Runoff Reduction and additional water quality shall not be required. To the extent (A) Runoff Reduction has been determined to be infeasible for all or a portion of the site using the Practicability Policy, then (B) Water Quality shall apply for the remaining runoff from a 1.2 inch rainfall event and must be treated to remove at least 80% of the calculated average annual post-development total suspended solids (TSS) load or equivalent as defined in the GSMM.
 - (A) Runoff Reduction - The stormwater management system shall be designed to retain the first 1.0 inch of rainfall on the site using runoff reduction methods, to the maximum extent practicable.
 - (B) Water Quality – The stormwater management system shall be designed to remove at least 80% of the calculated average annual post-development total suspended solids (TSS) load or equivalent as defined in the GSMM for runoff from a 1.2-inch rainfall event.

- (iii) If a site is determined to be a hotspot as detailed in Sec. 16-203, the City of Dallas, Georgia may require the use of specific or additional components for the stormwater management system to address pollutants of concern generated by that site.
- (e) Stream Channel Protection: Stream channel protection shall be provided by using all the following three approaches:
 - (i) 24-hour extended detention storage of the 1-year, 24-hour return frequency storm event;
 - (ii) Erosion prevention measures, such as energy dissipation and velocity control; and
 - (iii) Preservation of any applicable stream buffer.
- (f) Overbank Flood Protection: Downstream overbank flood protection shall be provided by controlling the post-development peak discharge rate to the pre-development rate for the 25-year, 24-hour storm event.
- (g) Extreme Flood Protection: Extreme flood protection shall be provided by controlling the 100-year, 24-hour storm event such that flooding is not exacerbated.
- (h) Downstream Analysis: Due to peak flow timing and runoff volume effects, some structural components of the stormwater management system fail to reduce discharge peaks to pre-development levels downstream from the site. A downstream peak flow analysis shall be provided to the point in the watershed downstream of the site or the stormwater management system where the area of the site comprises 10% of the total drainage area in accordance with Sec. 3.1.9 of the GSMM. This is to help ensure that there are minimal downstream impacts from development on the site. The downstream analysis may result in the need to resize structural components of the stormwater management system.
- (i) Stormwater Management System Inspection and Maintenance: The components of the stormwater management system that will not be dedicated to and accepted by the City of Dallas, Georgia, including all drainage facilities, best management practices, credited conservation spaces, and conveyance systems, shall have an inspection and maintenance agreement to ensure that they continue to function as designed. All new development and redevelopment sites are to prepare a comprehensive inspection and maintenance agreement for the on-site stormwater management system. This plan shall be written in accordance with the requirements in Sec. 16-214.

Sec. 16-206. Pre-Submittal Meeting, Stormwater Concept Plan, and Stormwater Management Plan Requirements.

- (a) Before a land development permit application is submitted, an applicant may request a pre-submittal meeting with the City of Dallas, Georgia. The pre-submittal meeting should take place based on an early step in the development process such as before site analysis and inventory (GSMM Sec. 2.4.2.4) or the stormwater concept plan (GSMM Sec. 2.4.2.5). The purpose of the pre-submittal meeting is to discuss opportunities, constraints, and ideas for the stormwater management system before formal site design engineering. To the extent applicable, local and regional watershed plans, greenspace plans, trails and

greenway plans, and other resource protection plans should be consulted in the pre-submittal meeting. Applicants must request a pre-submittal meeting with the City of Dallas, Georgia when applying for a Determination of Infeasibility through the Practicability Policy.

- (b) The stormwater concept plan shall be prepared using the minimum following steps:
- (i) Develop the site layout using better site design techniques, as applicable (GSMM Sec. 2.3).
 - (ii) Calculate preliminary estimates of the unified stormwater sizing criteria requirements for stormwater runoff quality/reduction, channel protection, overbank flooding protection and extreme flood protection (GSMM Sec. 2.2).
 - (iii) Perform screening and preliminary selection of appropriate best management practices and identification of potential siting locations (GSMM Sec. 4.1).
- (c) The stormwater concept plan shall contain:
- (i) Common address and legal description of the site,
 - (ii) Vicinity map, and
 - (iii) Existing conditions and proposed site layout mapping and plans (recommended scale of 1" = 50'), which illustrate at a minimum:
 - (A) Existing and proposed topography (minimum of 2-foot contours),
 - (B) Perennial and intermittent streams,
 - (C) Mapping of predominant soils from USDA soil surveys,
 - (D) Boundaries of existing predominant vegetation and proposed limits of clearing and grading,
 - (E) Location and boundaries of other natural feature protection and conservation areas such as wetlands, lakes, ponds, floodplains, stream buffers and other setbacks (e.g., drinking water well setbacks, septic setbacks, etc.),
 - (F) Location of existing and proposed roads, buildings, parking areas and other impervious surfaces,
 - (G) Existing and proposed utilities (e.g., water, sewer, gas, electric) and easements,
 - (H) Preliminary estimates of unified stormwater sizing criteria requirements,
 - (I) Preliminary selection and location, size, and limits of disturbance of proposed BMPs,
 - (J) Location of existing and proposed conveyance systems such as grass channels, swales, and storm drains,
 - (K) Flow paths,

(L) Location of the boundaries of the base flood floodplain, future-conditions floodplain, and the floodway (as applicable) and relationship of site to upstream and downstream properties and drainage, and

(M) Preliminary location and dimensions of proposed channel modifications, such as bridge or culvert crossings.

(d) The stormwater management plan shall contain the items listed in this part and be prepared under the direct supervisory control of either a registered Professional Engineer or a registered Landscape Architect licensed in the state of Georgia. Items (iii), (iv), (v), and (vi) shall be sealed and signed by a registered Professional Engineer licensed in the state of Georgia. The overall site plan must be stamped by a design professional licensed in the State of Georgia for such purpose. (GSMM Sec. 2.4.2.7)

- (i) Natural Resources Inventory
- (ii) Stormwater Concept Plan
- (iii) Existing Conditions Hydrologic Analysis
- (iv) Post-Development Hydrologic Analysis
- (v) Stormwater Management System
- (vi) Downstream Analysis
- (vii) Erosion and Sedimentation Control Plan
- (viii) BMP Landscaping Plan
- (ix) Inspection and Maintenance Agreement
- (x) Evidence of Acquisition of Applicable Local and Non-Local Permits
- (xi) Determination of Infeasibility (if applicable)

(e) For redevelopment and to the extent existing stormwater management structures are being used to meet stormwater management standards the following must also be included in the stormwater management plan for existing stormwater management structures

- (i) As-built Drawings
- (ii) Hydrology Reports
- (iii) Current inspection of existing stormwater management structures with deficiencies noted
- (iv) BMP Landscaping Plans

Sec. 16-207. Application Fee.

The fee for review of any land development application shall be based on the fee structure established by the City of Dallas, Georgia, and payment shall be made before the issuance of any land disturbance permit or building permit for the development.

Sec. 16-208. Application Procedures.

Land development applications are handled as part of the process to obtain the land disturbance permit pursuant to Sec. 16-147 - Application/permit process and Sec. 34-23 - Procedures for development approval, or building permit Sec. 8-36 - Permits, as applicable. Before any person begins development on a site, the owner of the site shall first obtain approval in accordance with the following procedure:

- (a) File a land development application with the City of Dallas, Georgia on the City of Dallas, Georgia's form of application with the following supporting materials:
 - (i) the stormwater management plan prepared in accordance with Sec. 16-206(d),
 - (ii) a certification that the development will be performed in accordance with the stormwater management plan once approved,
 - (iii) a Preliminary Determination of Infeasibility, as applicable, prepared in accordance with the practicability policy, and
 - (iv) an acknowledgement that applicant has reviewed the City of Dallas, Georgia's form of inspection and maintenance agreement and that applicant agrees to sign and record such inspection and maintenance agreement before the final inspection.
- (b) The administrator shall inform the applicant whether the application and supporting materials are approved or disapproved.
- (c) If the application or supporting materials are disapproved, the administrator shall notify the applicant of such fact in writing. The applicant may then revise any item not meeting the requirements hereof and resubmit the same for the administrator to again consider and either approve or disapprove.
- (d) If the application and supporting materials are approved, the City of Dallas, Georgia may issue the associated land disturbance permit or building permit, provided all other legal requirements for the issuance of such permits have been met. The stormwater management plan included in such applications becomes the approved stormwater management plan.

Sec. 16-209. Compliance with the Approved Stormwater Management Plan.

All development shall be:

- (a) consistent with the approved stormwater management plan and all applicable land disturbance and building permits, and
- (b) conducted only within the area specified in the approved stormwater management plan.

No changes may be made to an approved stormwater management plan without review and advanced written approval by the administrator.

Sec. 16-210. Inspections to Ensure Plan Compliance During Construction.

Periodic inspections of the stormwater management system during construction shall be conducted by the staff of the City of Dallas, Georgia or conducted and certified by a professional engineer who has been approved by the City of Dallas, Georgia. Inspections shall use the approved stormwater management plan for establishing

compliance. All inspections shall be documented with written reports that contain the following information:

- (a) The date and location of the inspection;
- (b) Whether the stormwater management system is in compliance with the approved stormwater management plan;
- (c) Variations from the approved stormwater management plan; and
- (d) Any other variations or violations of the conditions of the approved stormwater management plan.

Sec. 16-211. Final Inspection; As-Built Drawings; Delivery of Inspection and Maintenance Agreement.

Upon completion of the development, the applicant is responsible for:

- (a) Certifying that the stormwater management system is functioning properly and was constructed in conformance with the approved stormwater management plan and associated hydrologic analysis,
- (b) Submitting as-built drawings showing the final design specifications for all components of the stormwater management system as certified by a professional engineer,
- (c) Certifying that the landscaping is established and installed in conformance with the BMP landscaping plan, and
- (d) Delivering to the City of Dallas, Georgia a signed inspection and maintenance agreement that has been recorded by the owner in the property record for all parcel(s) that make up the site.

The required certification under part (a) shall include a certification of volume, or other performance test applicable to the type of stormwater management system component, to ensure each component is functioning as designed and built according to the design specifications in the approved stormwater management plan. This certification and the required performance tests shall be performed by a qualified person and submitted to the City of Dallas, Georgia with the request for a final inspection. The City of Dallas, Georgia shall perform a final inspection with applicant to confirm applicant has fulfilled these responsibilities.

Sec. 16-212. Violations and Enforcement.

Any violation of the approved stormwater management plan during construction, failure to submit as-built drawings, failure to submit a final BMP landscaping plan, or failure of the final inspection shall constitute and be addressed as violations of, or failures to comply with, the underlying land disturbance permit pursuant to Sec. 16-147 - Application/permit process and Sec. 34-23 - Procedures for development approval or the underlying building permit pursuant to Sec. 8-36 - Permits. To address a violation of this Article, the City of Dallas, Georgia shall have all the powers and remedies that are available to it for other violations of building and land disturbance permits, including without limitation the right to issue notices and orders to ensure compliance, stop work orders, and penalties as set forth in the applicable ordinances for such permits.

Sec. 16-213. Maintenance by Owner of Stormwater Management Systems Predating Current GSMM.

For any stormwater management systems approved and built based on requirements predating the current GSMM and that is not otherwise subject to an inspection and

maintenance agreement, such stormwater management systems shall be maintained by the owner so that the stormwater management systems perform as they were originally designed.

Sec. 16-214. Inspection and Maintenance Agreements.

- (a) The owner shall execute an inspection and maintenance agreement with the City of Dallas, Georgia obligating the owner to inspect, clean, maintain, and repair the stormwater management system; including vegetation in the final BMP landscaping plan. The form of the inspection and maintenance agreement shall be the form provided by the City of Dallas, Georgia. After the inspection and maintenance agreement has been signed by the owner and the City of Dallas, Georgia, the owner shall promptly record such agreement at the owner's cost in the property record for all parcel(s) that make up the site.
- (b) The inspection and maintenance agreement shall identify by name or official title the person(s) serving as the point of contact for carrying out the owner's obligations under the inspection and maintenance agreement. The owner shall update the point of contact from time to time as needed and upon request by the City of Dallas, Georgia. Upon any sale or transfer of the site, the new owner shall notify the City of Dallas, Georgia in writing within 30 days of the name or official title of new person(s) serving as the point of contact for the new owner. Any failure of an owner to keep the point of contact up to date shall, following 30 days' notice, constitute a failure to maintain the stormwater management system.
- (c) The inspection and maintenance agreement shall run with the land and bind all future successors-in-title of the site. If there is a future sale or transfer of only a portion of the site, then:
 - (i) The parties to such sale or transfer may enter into and record an assignment agreement designating the owner responsible for each portion of the site and associated obligations under the inspection and maintenance agreement. The parties shall record and provide written notice and a copy of such assignment agreement to the City of Dallas, Georgia.
 - (ii) In the absence of a recorded assignment agreement, all owners of the site shall be jointly and severally liable for all obligations under the inspection and maintenance agreement regardless of what portion of the site they own.

Sec. 16-215. Right of Entry for Maintenance Inspections.

The terms of the inspection and maintenance agreement shall provide for the City of Dallas, Georgia's right of entry for maintenance inspections and other specified purposes. If a site was developed before the requirement to have an inspection and maintenance agreement or an inspection and maintenance agreement was for any reason not entered into, recorded, or has otherwise been invalidated or deemed insufficient, then the City of Dallas, Georgia shall have the right to enter and make inspections pursuant to the City of Dallas, Georgia's general provisions for property maintenance inspections pursuant to (Right to entry) Sec. 8-35(b) and (Property Maintenance Code) Sec. 8-11(a)(9) and Sec. 8-33(a)(3).

Sec. 16-216. Owner's Failure to Maintain the Stormwater Management System.

The terms of the inspection and maintenance agreement shall provide for what constitutes a failure to maintain a stormwater management system and the enforcement options available to City of Dallas, Georgia. If a site was developed before the requirement to have an inspection and maintenance agreement or an inspection and maintenance agreement was for any reason not entered into, recorded, or has otherwise been invalidated or deemed insufficient, then:

- (a) An owner's failure to maintain the stormwater management system so that it performs as it was originally designed shall constitute and be addressed as a violation of, or failure to comply with, owner's property maintenance obligations pursuant to Sec. 8-11(a)(9) and Sec. 8-33(a)(3).
- (b) To address such a failure to maintain the stormwater management system, the City of Dallas, Georgia shall have all the powers and remedies that are available to it for other violations of an owner's property maintenance obligations, including without limitation prosecution, penalties, abatement, and emergency measures.

Secs. 16-217—16-285. Reserved.

AND;

THAT Chapter 16 – Environment be amended to add the following Article VII:

ARTICLE VII. ILLICIT DISCHARGE AND ILLEGAL CONNECTION

Sec. 16-286. Introduction.

It is hereby determined that:

Discharges to the city separate storm sewer system that are not composed entirely of stormwater runoff contribute to increased nonpoint source pollution and degradation of receiving waters;

These non-stormwater discharges occur due to spills, dumping and improper connections to the city separate storm sewer system from residential, industrial, commercial, or institutional establishments.

These non-stormwater discharges not only impact waterways individually, but geographically dispersed, small volume non-stormwater discharges can have cumulative impacts on receiving waters.

The impacts of these discharges adversely affect public health and safety, drinking water supplies, recreation, fish and other aquatic life, property values and other uses of lands and waters;

These impacts can be minimized through the regulation of spills, dumping and discharges into the city separate storm sewer system;

Localities in the State of Georgia are required to comply with a number of state and federal laws, regulations and permits which require a locality to address the impacts of stormwater runoff quality and nonpoint source pollution due to improper non-stormwater discharges to the city separate storm sewer system;

Therefore, the city adopts this Article to prohibit such non-stormwater discharges to the city separate storm sewer system. It is determined that the regulation of spills, improper dumping and discharges to the city separate storm sewer system is in the

public interest and will prevent threats to public health and safety, and the environment.

(Ord. of July 10, 2006, (Intro); Ord. of Oct. 2, 2006, (Intro))

Sec. 16-287. General provisions.

- (a) *Purpose and intent.* The purpose of this Article is to protect the public health, safety, environment, and general welfare through the regulation of non-stormwater discharges to the city separate storm sewer system to the maximum extent practicable as required by federal law. This Article establishes methods for controlling the introduction of pollutants into the city separate storm sewer system in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process. The objectives of this Article are to:
 - (1) Regulate the contribution of pollutants to the city separate storm sewer system by any person;
 - (2) Prohibit illicit discharges and illegal connections to the city separate storm sewer system;
 - (3) Prevent non-stormwater discharges, generated as a result of spills, inappropriate dumping, or disposal, to the city separate storm sewer system; and
 - (4) To establish legal authority to carry out all inspection, surveillance, monitoring, and enforcement procedures necessary to ensure compliance with this Article.
- (b) *Applicability.* The provisions of this Article shall apply throughout the incorporated area of the city.
- (c) *Compatibility with other regulations.* This Article is not intended to modify or repeal any other ordinance, rule, regulation, other provision of law. The requirements of this article are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this article imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.
- (d) *Severability.* If the provisions of any section, subsection, paragraph, subdivision or clause of this article shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision or clause of this Article.
- (e) *Responsibility for administration.* The city manager of the city shall administer, implement, and enforce the provisions of this Article.

(Ord. of July 10, 2006, § 1; Ord. of Oct. 2, 2006, § 1)

Sec. 16-288. Definitions.

Accidental discharge means a discharge prohibited by this article which occurs by chance and without planning or thought prior to occurrence.

Clean Water Act means the Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Construction activity means activities subject to the Georgia Erosion and Sedimentation Control Act or NPDES General Construction Permits. These include construction projects resulting in land disturbance. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

Illicit discharge means any direct or indirect non-stormwater discharge to the city separate storm sewer system, except as exempted in Sec. 16-289 of this Article.

Illegal connection means either of the following:

- (1) Any pipe, open channel, drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm drain system including but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system, regardless of whether such pipe, open channel, drain or conveyance has been previously allowed, permitted, or approved by an authorized enforcement agency; or
- (2) Any pipe, open channel, drain, or conveyance connected to the city separate storm sewer system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Industrial activity means activities subject to NPDES Industrial Permits as defined in 40 CFR, Sec. 122.26 (b)(14).

National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit means a permit issued by the Georgia EPD under authority delegated pursuant to 33 USC § 1342(b) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

City of Dallas, Georgia separate storm sewer system means any facility designed or used for collecting and/or conveying stormwater, including but not limited to any roads with drainage systems, highways, city streets, curbs, gutters, inlets, catch basins, piped storm drains, pumping facilities, structural stormwater controls, ditches, swales, natural and man-made or altered drainage channels, reservoirs, and other drainage structures, and which is:

- (1) Owned or maintained by the City of Dallas, Georgia;
- (2) Not a combined sewer; and
- (3) Not part of a publicly-owned treatment works.

Non-stormwater discharge means any discharge to the storm drain system that is not composed entirely of stormwater.

Person means, except to the extent exempted from this Article, any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, city, county or other political subdivision of the state, any interstate body, or any other legal entity.

Pollutant means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; petroleum hydrocarbons; automotive fluids; cooking grease; detergents (biodegradable or otherwise); degreasers; cleaning chemicals; non-hazardous liquid and solid wastes

and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; liquid and solid wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; concrete and cement; and noxious or offensive matter of any kind.

Pollution means the contamination or other alteration of any water's physical, chemical or biological properties by the addition of any constituent and includes but is not limited to, a change in temperature, taste, color, turbidity, or odor of such waters, or the discharge of any liquid, gaseous, solid, radioactive, or other substance into any such waters as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety, welfare, or environment, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

Premises means any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

State waters mean any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface and subsurface water, natural or artificial, lying within or forming a part of the boundaries of the State of Georgia which are not entirely confined and retained completely upon the property of a single person.

Stormwater runoff or stormwater means any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Structural stormwater control means a structural stormwater management facility or device that controls stormwater runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release or the velocity of flow.

(Ord. of July 10, 2006, § 2; Ord. of Oct. 2, 2006, § 2)

Sec. 16-289. Prohibitions.

- (a) *Prohibition of illicit discharges.* No person shall throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the city separate storm sewer system any pollutants or waters containing any pollutants, other than stormwater.

The following discharges are exempt from the prohibition provision above:

- (1) Water line flushing performed by a government agency, other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation, or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, natural riparian habitat or wetland flows, and any other water source not containing pollutants;
- (2) Discharges or flows from firefighting, and other discharges specified in writing by the city manager of the city or his/her designee as being necessary to protect public health and safety;
- (3) The prohibition provision above shall not apply to any non-stormwater discharge permitted under an NPDES permit or order

issued to the discharger and administered under the authority of the state and the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the city separate storm sewer system.

(Ord. of July 10, 2006, § 3; Ord. of Oct. 2, 2006, § 3)

(b) *Prohibition of illegal connections.* The construction, connection, use, maintenance, or continued existence of any illegal connection to the city separate storm sewer system is prohibited.

- (1) This prohibition expressly includes, without limitation, illegal connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (2) A person violates this article if the person connects a line conveying sewage to the city separate storm sewer system, or allows such a connection to continue.
- (3) Improper connections in violation of this article must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system upon approval of the city manager of the city or his/her designee.
- (4) Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the city manager of the city or his/her designee requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be completed, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the city manager of the city or his/her designee.

(Ord. of July 10, 2006, § 3; Ord. of Oct. 2, 2006, § 3)

Sec. 16-290. Industrial or construction activity discharges.

Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the city manager of the city or his/her designee prior to allowing discharges to the city separate storm sewer system.

(Ord. of July 10, 2006, § 4; Ord. of Oct. 2, 2006, § 4)

Sec. 16-291. Access and inspection of properties and facilities.

The city manager of the city or his/her designee shall be permitted to enter and inspect properties and facilities at reasonable times as often as may be necessary to determine compliance with this Article.

- (1) If a property or facility has security measures in force which require proper identification and clearance before entry into its premises, the

owner or operator shall make the necessary arrangements to allow access to representatives of the city.

- (2) The owner or operator shall allow the city manager of the city or his/her designee ready access to all parts of the premises for the purposes of inspection, sampling, photography, videotaping, examination and copying of any records that are required under the conditions of an NPDES permit to discharge stormwater.
- (3) The city manager of the city or his/her designee shall have the right to set up on any property or facility such devices as are necessary in the opinion of the city manager of the city or his/her designee to conduct monitoring and/or sampling of flow discharges.
- (4) The city manager of the city or his/her designee may require the owner or operator to install monitoring equipment and perform monitoring as necessary, and make the monitoring data available to the city manager of the city or his/her designee. This sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the owner or operator at his/her own expense. All devices used to measure flow and quality shall be calibrated to ensure their accuracy.
- (5) Any temporary or permanent obstruction to safe and easy access to the property or facility to be inspected and/or sampled shall be promptly removed by the owner or operator at the written or oral request of the city manager of the city or his/her designee and shall not be replaced. The costs of clearing such access shall be borne by the owner or operator.
- (6) Unreasonable delays in allowing the city manager or his/her designee access to a facility is a violation of this article.
- (7) If the city manager of the city or his/her designee has been refused access to any part of the premises from which stormwater is discharged, and the city manager of the city or his/her designee is able to demonstrate probable cause to believe that there may be a violation of this article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this article or any order issued hereunder, or to protect the overall public health, safety, environment and welfare of the community, then the city manager of the city or his/her designee may seek issuance of a search warrant from any court of competent jurisdiction.

(Ord. of July 10, 2006, § 5; Ord. of Oct. 2, 2006, § 5)

Sec. 16-292. Notification of accidental discharges and spills.

Notwithstanding other requirements of law, as soon as any person responsible for a facility, activity or operation, or responsible for emergency response for a facility, activity or operation has information of any known or suspected release of pollutants or non-stormwater discharges from that facility or operation which are resulting or may result in illicit discharges or pollutants discharging into stormwater, the city separate storm sewer system, state waters, or waters of the U.S., said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release so as to minimize the effects of the discharge.

Said person shall notify the authorized enforcement agency in person or by phone, facsimile or in person no later than 24 hours of the nature, quantity, and time of

occurrence of the discharge. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the city manager of the city or his/her designee within three business days of the phone or in person notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years. Said person shall also take immediate steps to ensure no recurrence of the discharge or spill.

In the event of such a release of hazardous materials, emergency response agencies and/or other appropriate agencies shall be immediately notified.

Failure to provide notification of a release as provided above is a violation of this Article.

(Ord. of July 10, 2006, § 6; Ord. of Oct. 2, 2006, § 6)

Sec. 16-293. Violations, enforcement, and penalties.

- (a) *Violations.* It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Article. Any person who has violated or continues to violate the provisions of this article, may be subject to the enforcement actions outlined in this Sec. or may be restrained by injunction or otherwise abated in a manner provided by law.

In the event the violation constitutes an immediate danger to public health or public safety, the city manager of the city or his/her designee is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property. The city manager of the city or his/her designee is authorized to seek costs of the abatement as outlined in subsection (e).

- (b) *Notice of violation.* Whenever the city manager of the city or his/her designee finds that a violation of this article has occurred, the city manager of the city or his/her designee may order compliance by written notice of violation.

(1) The notice of violation shall contain:

- a. The name and address of the alleged violator;
- b. The address when available or a description of the building, structure, or land upon which the violation is occurring, or has occurred;
- c. A statement specifying the nature of the violation;
- d. A description of the remedial measures necessary to restore compliance with this Article and a time schedule for the completion of such remedial action;
- e. A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed; and,
- f. A statement that the determination of violation may be appealed to the mayor and council of the city by filing a written notice of appeal within 30 days of service of notice of violation.

(2) Such notice may require without limitation:

- a. The performance of monitoring, analyses, and reporting;
- b. The elimination of illicit discharges and illegal connections;

- c. That violating discharges, practices, or operations shall cease and desist;
 - d. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
 - e. Payment of costs to cover administrative and abatement costs; and,
 - f. The implementation of pollution prevention practices.
- (c) *Appeal of notice of violation.* Any person receiving a notice of violation may appeal the determination of the city manager of the city or his/her designee. The notice of appeal must be received within 30 days from the date of the notice of violation. Hearing on the appeal before the mayor and council of the city shall take place within 15 days from the date of receipt of the notice of appeal. The decision of the mayor and council of the city shall be final.
- (d) *Enforcement measures after appeal.* If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal, within 30 days of the decision of the mayor and council of the city upholding the decision of the city manager of the city, or his/her designee, then the city manager of the city or his/her designee or other representatives of the city may enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent, or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.
- (e) *Costs of abatement of the violation.* Within 30 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protect to the city manager of the city or his/her designee, objecting to the assessment or to the amount of the assessment within 15 days of such notice. If the property owner objects to the decision by the city manager of the city or his/her designee concerning said written protect within 30 days from such decision by the city manager of the city or his/her designee, the property owner may file a written appeal to the mayor and council of the city. If the amount due is not paid within 30 days after receipt of the notice, or if an appeal is taken, within 30 days after a decision by the mayor and council of the city on said appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. Any person violating any of the provisions of this article shall become liable to the city by reason of such violation.
- (f) *Civil penalties.* In the event the alleged violator fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten days, or such greater period as the city manager of the city or his/her designee shall deem appropriate, after the city manager of the city or his/her designee has taken one or more of the actions described above, the city manager of the city or his/her designee may impose a penalty not to exceed \$1,000.00 (depending on the severity of the violation) for each day the violation remains unremedied after receipt of the notice of violation.
- (g) *Criminal penalties.* For intentional and flagrant violations of this article, the city manager of the city or his/her designee or the city police department may

issue a citation to the alleged violator requiring such person to appear in municipal court to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed \$1,000.00 or imprisonment for 60 days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

- (h) *Violations deemed a public nuisance.* In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this article is a threat to public health, safety, welfare, and environment and is declared and deemed a nuisance, and may be abated by injunctive or other equitable relief as provided by law.
- (i) *Remedies not exclusive.* The remedies listed in this article are not exclusive of any other remedies available under any applicable federal, state, or local law and the city manager of the city or his/her designee, may seek cumulative remedies. The city manager of the city or his/her designee, may recover attorney's fees, court costs, and other expenses associated with enforcement of this article, including sampling and monitoring expenses.

(Ord. of July 10, 2006, § 7; Ord. of Oct. 2, 2006, § 7)

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

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

SECTION IV. EFFECTIVE DATE. This ordinance shall be effective immediately following passage and approval of this ordinance by the Mayor and City Council.

SO SHALL IT BE ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DALLAS, GEORGIA, THIS THE ____ DAY OF _____, 2024.

L. James Kelly, Mayor

James R. Henson, Councilmember

Cooper Cochran, Councilmember

Nancy R. Arnold, Councilmember

Christopher B. Carter, Councilmember

Leah Alls, Councilmember

Candace Callaway, Councilmember

Attest: _____
Tina Clark, City Clerk