



# City Council Regular Meeting

Monday, October 09, 2023

5:15 PM

City Hall, 129 E Memorial Dr, Dallas GA 30132

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*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 at 770-443-8110 ext. 1604 or e-mail [rbruce@dallasga.gov](mailto:rbruce@dallasga.gov) to allow the city to make reasonable accommodations for those persons.*

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## AGENDA

### CALL TO ORDER

### INVOCATION AND PLEDGE

### RECOGNITION OF VISITORS AND COMMENTS

Jody Martin - Georgia Certified Clerk Certification

### MINUTES APPROVAL

- [1.](#) September 11, 2023, Regular Meeting Minutes
- [2.](#) September 21, 2023, Special Called Meeting Minutes

### CONSENT AGENDA

### OLD BUSINESS

- [3.](#) **Second Read:** Ordinance Amendment OA-2023-5; Alcoholic Beverages
- [4.](#) **Second Read:** Ordinance Amendment OA-2023-06; Chapter 34 - Subdivisions
- [5.](#) **Second Read:** Ordinance Amendment OA-2023-07; Chapter 40 – Utilities; Article II. – Water and Sewer Service; Division 2. – Sewer Use; Sections 40-47 through 40-61

### NEW BUSINESS

- [6.](#) Proclamation 2023-08: Domestic Violence Awareness Month; Recognizes Shepherd's Rest Ministries, Inc., and the Dallas Police Department
- [7.](#) RES 2023-15: Recertification of GMA Ethics Certification
- [8.](#) Special Event: 2023 Invitational Christmas Parade scheduled for December 2, 2023
- [9.](#) ORD-2023-01: Operating Budget FY24
- [10.](#) ORD-2023-02: Millage Rate - 6.500 effective starting 2023

- [11.](#) Ordinance Amendment: OA-2023-08; Criminal Trespass Repeal
- [12.](#) West Dallas Collector Sewer Extension Project – Phase I: WK Dickson Amendment #5 in the amount of \$38,158.50
- [13.](#) **First Read:** Ordinance Amendment OA-2023-10; Create Office of Municipal Solicitor
- [14.](#) **First Read:** Ordinance Amendment OA-2023-11; Chapter 30, Solid Waste; Sections 30-1 through 30-21
- [15.](#) **First Read:** Ordinance Amendment OA-2023-12; Regulation of Heavy Vehicles
- [16.](#) **First Read:** Ordinance Amendment OA-2023-13, Chapter 2, Administration; Article II – Legislative Body; Sections 2-37 through 2-70
- [17.](#) **First Read:** Ordinance Amendment OA-2023-14; Alcohol - Hours of Sale

**ADDITIONAL/COMMENTS**

**ADJOURNMENT**



# City Council Regular Meeting

Monday, September 11, 2023

5:15 PM

City Hall, 129 E Memorial Dr, Dallas GA 30132

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## MINUTES

### CALL TO ORDER

#### PRESENT

Councilmember Leah Alls  
 Councilmember Nancy Arnold  
 Councilmember Christopher Carter  
 Councilmember Michael Cason  
 Councilmember James Henson  
 Councilmember Cooper Cochran

#### ABSENT

Mayor L. James Kelly

### INVOCATION AND PLEDGE

Councilman Cason led the Invocation and Pledge.

### RECOGNITION OF VISITORS AND COMMENTS

Proclamation 2023-07 Georgia Highlands College Day; GHC President, Dr. Mike Hobbs, Ph.D.

Jessica Worthington, EDFP & Elizabeth Elliott, EDFP from Georgia Main Street: Classic Main Street

### MINUTES APPROVAL

1. Motion to adopt the Monday, August 07, 2023, Regular Meeting Minutes.

Motion made by Councilmember Carter, Seconded by Councilmember Henson.

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

### CONSENT AGENDA

None

**OLD BUSINESS**

Paulding Lane Water System Upgrade – Phase II: Material supply bid tabulation error found. The project engineer shall reimburse the city for monetary value. The remaining project material is to be purchased from Hayes Pipe and Supply.

**NEW BUSINESS**

2. Motion to approve the Amended 2022 Budget, General Fund.

Motion made by Councilmember Cochran, Seconded by Councilmember Arnold.

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

Motion to approve the Amended 2022 Budget, Confiscated Drug Fund.

Motion made by Councilmember Henson, Seconded by Councilmember Carter.

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

3. **First Read:** Ordinance Amendment OA-2023-05 Alcoholic Beverages
4. **First Read:** Ordinance Amendment NO. OA-2023-06: Chapter 34 - Subdivisions
5. **First Read:** Ordinance Amendment NO. OA-2023-07: Chapter 40 – Utilities; Article II. – Water and Sewer Service; Division 2. – Sewer Use; Sections 40-47 through 40-61
6. Motion to approve the West Dallas Collector Sewer Extension Project – Phase I: GEFA Loan Application Process Approval in the amount of \$2,500,000.00 in additional funding to complete Phase I construction.  
  
Motion made by Councilmember Alls, Seconded by Councilmember Cochran.  
Voting Yea: Councilmember Alls, Councilmember Arnold, Councilmember Carter, Councilmember Henson, Councilmember Cochran
7. Motion to take over ownership and maintenance of an E One Grinder Pump System located at 311 Wildwood Drive.  
  
Motion made by Councilmember Carter, Seconded by Councilmember Alls.  
Voting Yea: Councilmember Alls, Councilmember Arnold, Councilmember Carter, Councilmember Henson, Councilmember Cochran
8. Motion to pre-purchase: 2024 Mack Chassis – Solid Waste Collection; Issue PO (2024-2025 Budget Purchase).

Motion made by Councilmember Henson, Seconded by Councilmember Arnold.

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

- 9. Motion to approve the purchase of Catalyst Propulsion Dispatch Console System to provide interoperability with other agencies and faster response during critical incidents in the amount of \$105,000.00 to be paid from 911 fees.

Motion made by Councilmember Arnold, Seconded by Councilmember Henson.  
 Voting Yea: Councilmember Alls, Councilmember Arnold, Councilmember Carter, Councilmember Henson, Councilmember Cochran

**ADDITIONAL/COMMENTS**

None

**ADJOURNMENT**

Motion to adjourn.

Motion made by Councilmember Henson, Seconded by Councilmember Arnold.  
 Voting Yea: Councilmember Alls, Councilmember Arnold, Councilmember Carter, Councilmember Henson, Councilmember Cochran

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

\_\_\_\_\_  
**City Clerk, Tina Clark** **Date**



# Special Called Meeting

Thursday, September 21, 2023

5:15 PM

129 E. Memorial Dr., Dallas, GA 30132

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## MINUTES

### PUBLIC HEARING

Final (3rd) Public Hearing for Proposed FY 2023-2024 Millage Rate. Mayor Kelly closed the hearing at 5:16pm.

Final (2nd) Public Hearing on Proposed FY 2023-2024 Budget. Mayor Kelly closed the hearing at 5:19pm.

### CALL TO ORDER

#### PRESENT

Mayor L. James Kelly  
 Councilmember Leah Alls  
 Councilmember Nancy Arnold  
 Councilmember Christopher Carter  
 Councilmember Michael Cason  
 Councilmember James Henson  
 Councilmember Cooper Cochran

### INVOCATION AND PLEDGE

Mayor Kelly led the Invocation and Pledge.

### RECOGNITION OF VISITORS AND COMMENTS

Candace Callaway

### NEW BUSINESS

1. Motion to adopt the FY 2023-2024 Millage Rate.

Motion made by Councilmember Cason, Seconded by Councilmember Alls.

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

2. Motion to adopt the FY 2023-2024 Budget.

Motion made by Councilmember Arnold, Seconded by Councilmember Carter.

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

**ADDITIONAL COMMENTS**

None

**EXECUTIVE SESSION:**

Motion to open Executive Session.

Motion made by Councilmember Carter, Seconded by Councilmember Alls.

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

Motion to close Executive Session.

Motion made by Councilmember Cochran, Seconded by Councilmember Cason.

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

**ADJOURNMENT**

Motion to adjourn.

Motion made by Councilmember Arnold, Seconded by Councilmember Cason.

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

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

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**City Clerk, Tina Clark**

\_\_\_\_\_  
**Date**

**ORDINANCE  
AMENDMENT  
NO.    OA-2023-05**

**CHAPTER 4 – ALCOHOLIC BEVERAGES**

**ARTICLE I. – PURPOSE AND LICENSING**

**SECTION 4-2. Definitions**

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**CHAPTER 4 – ALCOHOLIC BEVERAGES**

**ARTICLE VII – CONSUMPTION ON PREMISES OF ALCOHOLIC  
BEVERAGES**

**SECTION 4-87. – No Outside Consumption**

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**CHAPTER 4 – ALCOHOLIC BEVERAGES**

**ARTICLE VII – CONSUMPTION ON PREMISES OF ALCOHOLIC  
BEVERAGES**

**SECTION 4-97—4-99. - Reserved**

**WHEREAS,** The Charter of the City of Dallas, Georgia does allow the Mayor and Council to adopt Ordinances to provide for rules and regulations concerning consumption and sales of alcoholic beverages including beer, wine, and distilled spirits within the City of Dallas, Georgia and for the safety, health, and welfare of the citizens of the City of Dallas, Georgia; **AND**

**WHEREAS,** The Charter of the City of Dallas, Georgia does allow the Mayor and the City Council, by ordinance, to create a Courtyard Market designation for regulation of consumption and sales of alcoholic beverages; **AND**

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

**WHEREAS,** The Mayor and the City Council of Dallas, Georgia have determined that it is in the best interest of the City’s residences for their safety, health and welfare including regulation of consumption and sales of alcoholic



beverages including beer, wine and distilled spirits within the City of Dallas, Georgia; **AND**

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

**SECTION I.**

The Code of Ordinances of the City of Dallas, Georgia, **CHAPTER 4 – ALCOHOLIC BEVERAGES, ARTICLE I. PURPOSE AND LICENSING, Sec. 4-2 - DEFINITIONS** shall be amended by adding the definition of *Courtyard Market* in its alphabetical place as follows:

**Sec. 4-2. - Definitions**

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*Courtyard Market* shall mean a commercial center consisting of one or more structures on one or more contiguous tracts or parcels of land, having a minimum of at least ten acres and at least 50,000 square feet of structures, having a minimum of 40,000 square feet of retail uses and not less than 45,000 square feet of outdoor areas used for public and private events, entertainment, farmer's markets, exhibitions, performances, shows, events, concerts and community events occurring on plazas, lawns, parks, rooftops, and streets (when not open to vehicular traffic) and sidewalks that are in the dominion and physical control of the owner of the courtyard market, the owner's agent or the owner's lessee, provided however that no adult entertainment as that term is defined and used in Sec. 10-246 of City of Dallas Code, shall be permitted. The applicant for a license of a courtyard market shall show by plat or survey submitted with the application for a license, the physical delineation of the area in which alcoholic beverages will be sold, consumed and stored and such area shall be included as part of the premises as defined in this section. Licenses to sell alcoholic beverages for consumption on the premises in a courtyard market may be issued to the owner or property manager of the courtyard market.

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The Code of Ordinances of the City of Dallas, Georgia, **CHAPTER 4 – ALCOHOLIC BEVERAGES, ARTICLE VII. – CONSUMPTION ON PREMISES OF ALCOHOLIC BEVERAGES, Sec. 4-87 – No Outside consumption** shall be struck in its entirety and replaced as follows:

**Sec. 4-87. – No Outside Consumption**

- (a) A consumption on premises licensee shall not permit a purchaser to remove from the premises any alcoholic beverage from the premises and it is the licensee's responsibility to ensure that no beverages are sold and carried out.
- (b) It shall be unlawful for any licensee hereunder to make deliveries of any alcoholic beverage beyond the boundaries of the premises covered by the license.

- (c) It is prohibited for customers to gather outside an alcoholic beverage premise and consume alcoholic beverages.
- (d) It is prohibited for the manager or any employee to allow persons to gather outside an alcoholic beverage premise and consume alcoholic beverages.
- (e) This section shall not apply in the following instances:
  - (1) For events that are sponsored or organized by the City of Dallas, Georgia but only for malt beverage and wine and where the alcohol is obtained from a participating business within the designated area and is contained in and consumed from an approved, clear plastic container and where the person consuming or possessing such alcohol is wearing an approved wristband.
  - (2) Where the City of Dallas, Georgia council through a resolution has permitted otherwise.
  - (3) For restaurants that have a valid sidewalk café permit provided that all outdoor activities are contained within the permitted sidewalk café.
  - (4) For an open- air café as defined by this chapter.
  - (5) Beverages for consumption at a publicly owned or privately owned golf course.
  - (6) Beverages purchased in a designated entertainment district.
  - (7) On the property of a licensed Courtyard Market

The Code of Ordinances of the City of Dallas, Georgia, **CHAPTER 4 – ALCOHOLIC BEVERAGES, ARTICLE VII. – CONSUMPTION ON PREMISES OF ALCOHOLIC BEVERAGES, Secs. 4-97—4-99 Reserved** shall be struck in their entirety and replaced as follows:

**Sec. 4-97. – Signage for Courtyard Markets**

Any licensed Courtyard Market that allows patrons to leave an establishment with an alcoholic beverage as regulated herein shall have an 11-inch by 17-inch sign with clearly visible text, in no less than 20-point font size, posted at the door for public view whereas any patron exiting the establishment can reasonably read the following:

"All patrons leaving this establishment with an alcoholic beverage do hereby take full responsibility to only consume an alcoholic beverage served in a clear plastic cup not to exceed 16 ounces in size and obtained by this establishment licensed to sell alcoholic beverages in this complex boundary outlined on the map below. Any individual that leaves the permitted area with an alcoholic beverage in an open container is in violation of city code and may be subject to a citation and/or fine."

This sign shall also include a map of the Courtyard Market area with clearly delineated boundaries designating the extent of the Courtyard Market as licensed. The size of the map shall fill the dimensions of no less than 8.5 inches by 11 inches. This sign to be used shall be approved by the licensing officer in any application prior to the issuance of a license for a Courtyard Market.

**Secs. 4-98 – 4-99. – Reserved.**

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

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

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

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

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

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

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

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

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

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

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

ATTEST:

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

\_\_\_\_\_  
Date



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## STAFF ACTION ITEM

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**MEETING DATE:**06/05/2023

**TITLE:** Courtyard Market

**PRESENTED BY:** Marshal's Bureau

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**AGENDA ITEM DESCRIPTION (OA 2023-03)**

Courtyard Market

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**HISTORY/PAST ACTION:**

First Read on 09/11/2023

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**FINANCIAL IMPACT:**

none

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**INFORMATION:**

Consideration for adoption



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## STAFF ACTION ITEM

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**MEETING DATE:** 10/09/2023

**TITLE:** Ordinance Amendment NO. OA-2023-06: Chapter 34 – Subdivisions (2<sup>nd</sup> read)

**PRESENTED BY:** Brandon Rakestraw – Public Works Director

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**AGENDA ITEM DESCRIPTION (Agenda Content):**

Ordinance Amendment NO. OA-2023-06: Chapter 34 - Subdivisions

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**HISTORY/PAST ACTION:**

Original adoption 2005, amended 2009, amended 2017

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**FINANCIAL IMPACT:**

N/A

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**INFORMATION:**

Request approval to amend Chapter 34 – Subdivisions

This is a 2<sup>nd</sup> read request and approval.

**ORDINANCE  
AMENDMENT  
NO. \_\_OA-2023-06\_\_  
CHAPTER 34 - SUBDIVISIONS**

**WHEREAS,** The Mayor and the City Council of Dallas, Georgia have determined that the City is required to make certain amendments to its subdivision ordinance to update definitions and requirements to comply with new City zoning ordinances and zoning regulations as codified in the Official Code of Georgia; **AND**

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

**WHEREAS,** The Mayor and the City Council of Dallas, Georgia have determined that the proposed amendment to the subdivision ordinance serves such purposes and benefits the public health safety and welfare of the Citizens and the City of Dallas, Georgia; **AND**

**THEREFORE,** be it ordained by the Mayor and the City Council of Dallas, Georgia that the Code of Ordinances of the City of Dallas, Georgia be amended as follows:

**SECTION I.**

**Chapter 34 – SUBDIVISIONS** shall be deleted in its entirety and a new **Chapter 34 – SUBDIVISION** shall be created to read as follows:

**Chapter 34 SUBDIVISIONS**

***ARTICLE I. IN GENERAL***

**Secs. 34-1—34-18. Reserved.**

***ARTICLE II. REGULATIONS***

## Sec. 34-19. Definitions.

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

*Arterial road, major*, means a road intended to move through traffic to and from major areas of activity and/or as a route for traffic between communities or large areas.

*Arterial road, minor*, means a road intended to collect and distribute traffic in a manner similar to major arterial roads, except that these roads service major activity centers, and are designed to carry traffic from collector streets to the major arterials.

*Block* means a piece or parcel of land entirely surrounded by public highways or streets or by a combination of streets and public parks, cemeteries, railroad, rights-of-way, shorelines, or municipal boundary lines.

*Building codes* means the minimum state and city construction and building codes as required and defined in chapter 8.

*Building setback line* means a line beyond which no foundation wall or part of the structure of any building shall project, with the exception of roof overhang and the subsurface projection of footings.

*Collector streets* means streets or roads which carry traffic from minor streets to the system of arterial streets or highways, including the principal entrance streets of a residential development and circulation streets within such subdivision.

*Construction plans* means the maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the subdivision in accordance with the requirements for plat approval.

*County* means the unincorporated areas of the county.

*County commission* means the board of commissioners of the county.

*Cul-de-sac* means a street having one end open to traffic and the other end permanently terminated in the minimum right-of-way and paved turnaround specified in this article. Cul-de-sacs shall be no longer than 1,600 feet in length with the distance to be measured from the center point of the cul-de-sac turnaround to the nearest intersection with a through street.

*Developer* means the owner of the land proposed to be subdivided or his authorized agent or representative.

*Development plan* means the preliminary drawings, described in this article, indicating the proposed manner or layout of the subdivision to be submitted to the city for approval.

*Easement* means authorization by a property owner for the use by another for a specified purpose, of any designated part of his property.

*Final plat* means a plat of a tract of land which meets the requirements of this article for recording in the office of the clerk of superior court of the county.

*Frontage* means that side of a lot measured along the street right-of-way line abutting on a street or way and ordinarily regarded as the front of the lot, but it shall not be considered as the ordinary side of a corner lot.

*Health department* means the county health department.

*Land use plan* means an element of the comprehensive plan adopted for the county and the city which may consist of several maps, data and other descriptive matter for the physical development of the city and/or county or any portion thereof. The term "land use plan" includes any amendments, extensions or additions thereof recommended by the planning commission or city council indicating the general location for major roads, parks, historic districts, public spaces, public building sites, routes for utilities, zoning districts, etc.

*Lot* means a portion of a subdivision intended as a unit for transfer of ownership or for development or both. In determining the area and dimensions of a lot, no part of the right-of-way of a road, crosswalk, or sidewalk may be included. The term "lot" includes the term "plot" or the term "parcel."

*Lot width* means the width of a lot at the building line measured parallel to the street right-of-way, or in the case of a curvilinear street, parallel to the chord of the arc between the intersection of the side lot lines and the street right-of-way line.

*Minor commercial subdivision* means a private subdivision of four lots or less which uses private streets to provide lot access for ingress or egress and intended for commercial/industrial use.

*Minor residential city subdivision* means the subdivision of a tract or parcel of land into no more than three lots for the purpose of sale, legacy, or building development intended for residential use where no new public streets are involved.

*Owner* means any person, group of persons, firm, corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land sought to be subdivided under this article.

*Planning commission* means the city planning commission.

*Private street* means a drive serving as the exclusive access for lots not fronting on a city or county-maintained street or road, and which is not owned or maintained nor intended to be owned or maintained by the city and lies within a right-of-way of 50 feet. Private easements cannot be used to meet this requirement. A private street must intersect with a city or county-maintained street or road and must be built to prohibit through traffic.

*Private subdivision* means a development that provides for the subdivision of property and for the private ownership, operation, and maintenance of all improvements, including streets, utilities, common areas, parking areas, etc., within its defined boundaries, e.g., a mobile home park, an industrial complex, duplex rental subdivision, etc.

*Residential or local street* means a road or street intended to provide access to other roads or streets from individual properties.

*Resubdivision* means a change in the map of an approved or recorded subdivision plat if such change affects any street layout on such map or areas reserved for public use, or any lot line; or if it affects any map or plan legally recorded prior to the adoption of the ordinance from which this article is derived; or if it increases the number of lots approved in the original plat.

*Right-of-way* means a strip of land occupied or intended to be occupied by a public use.

*Single lot subdivision* means the subdivision of a tract or parcel of land into two lots, of which one lot is for the purpose of sale, legacy or building development and where no new public streets or public facilities are involved.

*Soil erosion and sedimentation control plan* means as required and defined in article IV of chapter 16.

*Street* means, relates to and includes streets, avenues, boulevards, roads, highways, expressways, lanes, drives, courts and ways that are on the official city and/or the state department of transportation street/road map.

*Subdivider* means any person, corporation, or duly authorized agent who undertakes the subdivision of land as defined herein.

*Subdivision* means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, legacy or building development and includes all division of land involving a new street, or a change in existing streets, and includes resubdivision and, where appropriate to the context, relates to the process of subdividing or to the land or area subdivided; provided, however, that the following are not included within the definition of a subdivision:



- (1) The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to the standards of the city.
- (2) Any subdivision of land provided that no lots thereby produced contain less than five acres each; have a minimum frontage width of 200 feet or more; and where no new streets, roads, lanes, drives or other public rights-of-way, not already on the official city or county street/road maintenance map, are involved.
- (3) A division or sale of land among heirs by judicial decree; provided, however the number of lots does not exceed the number of heirs named in the decree and where no new streets, roads, lanes, public drives or other public rights-of-way, not already on the official city or county street/road maintenance map, are involved.
- (4) The sale or exchange of a parcel of land between owners of adjoining properties, provided that additional lots are not thereby created.
- (5) Any subdivision of land among family members including mothers, fathers, sons, daughters, sisters, brothers and grandchildren is exempt from meeting the requirements of this article as long as the resultant lots meet health regulations, building codes, minimum lot sizes and other city codes that affect any single building lot. All such resultant lots must either front on a city or county-maintained street/road or must have recorded a 30-foot private access (either in the form of an easement or fee simple title) from the nearest city or county street/road, and any structure must have a 30-foot setback from said access.

*Zoning ordinance* means the zoning regulations of the city as set forth in chapter 44.

(Comp. Ords. 2005, § 5-1602)

### **Sec. 34-20. Violations, penalties, amendment, and legal status.**

- (a) *Violations and penalties.* Any violations of any provision of this article shall constitute a misdemeanor and be punishable as provided by law.
- (b) *Prosecution by city.* Whenever it shall come to the attention of the city that any of the provisions of this article has been or is being violated within the city, the city will issue a citation to the violator for appearance in the city's municipal court.
- (c) *Conflict with other standards.* Whenever the provisions of this article impose more restrictive standards than are required in or under any other statute, ordinance or resolution, the regulations herein contained shall prevail. Whenever the provisions of any other statute, ordinance or resolution require more restrictive standards than are required herein, the requirements of such statute, ordinance or resolution shall prevail.
- (d) *Amendments and legal status provisions.*
  - (1) *Amendments.* The city council may amend this article on their own motions or on recommendations of the planning commission, but no amendment shall become effective unless it shall have been proposed by or shall have been submitted to the planning commission for review, comments and recommendations. Before enacting an amendment to this article, the city shall give public notice and hold a public hearing thereon. The public hearing shall follow the same procedures as a public hearing for a zoning ordinance amendment including legal notice.
  - (2) *Repeal of conflicting regulations.* All ordinances and resolutions regulating the subdivision of land adopted prior to this article are hereby repealed upon the adoption of the ordinance from which this article is derived.

(Comp. Ords. 2005, § 5-1607)

### **Sec. 34-21. Purpose.**

The public health, safety, morals and general welfare require that the harmonious, orderly and progressive development of land within the city. In furtherance of this purpose, the regulations from which this article is derived are adopted to:

- (1) Encourage the development of economically sound and stable communities;
- (2) Ensure the provision of required streets, and where practical, utilities and other facilities and services to new land development;
- (3) Ensure the adequate provision of safe and convenient traffic access and circulation, both vehicular and pedestrian, in new land development;
- (4) Ensure the provision of needed open space and building sites in new land developments, through the dedication or reservation of land for recreational, educational and other public purposes;
- (5) Ensure, in general, the wise development of new areas, in harmony with the comprehensive plan of the community as it now exists or may hereafter be established.

(Comp. Ords. 2005, § 5-1600)

### **Sec. 34-22. Platting jurisdiction; enforcement.**

- (a) *Platting authority.* From and after the passage of the ordinance from which this article is derived, the city manager shall be the official platting authority, and no plat of a land subdivision as defined under this article shall be entitled to be recorded in the office of the clerk of the superior court of the county unless it shall have the approval of the city manager inscribed thereon. The filing or recording of a plat of a subdivision without the approval of the city manager as required by this article is declared to be a misdemeanor and shall be cited as such.
- (b) *Use of plat.* The transfer of, sale of, agreement to sell or negotiate to sell land, by reference to or exhibition of, or other use of a plat of a subdivision that has not been given final approval by the city manager and recorded in the office of the clerk of the superior court of the county is prohibited, and the description by metes and bounds in the instrument of transfer or other document shall not exempt the transaction from such penalties imposed upon violations herewithin.
- (c) *Opening and improving public streets; installing utilities.* Prior to making any improvements, or installing any utilities, the subdivider shall submit to the city manager or his/her designee, a development plan of the proposed subdivision prepared in accordance with the provisions of this article.
- (d) *Erection of buildings.* No building permit shall be issued, and no buildings shall be erected on any lot in the city unless access has been established in accordance with this article. No building permits shall be issued before approval of the final plat and the final plat has been recorded.
  - (1) Approval of a house location plan by the community development department is required prior to issuance of the building permit. A house location plan is required for all subdivision lots.
  - (2) In all such lots requiring house location plan, an as-built survey of the dwelling, building or structure shall be provided to the community development department prior to final inspections and the issuance of a certificate of occupancy. In the event the as-built survey shows the dwelling does not have proper setbacks, flood standards, lot drainage, floor elevations or other discrepancies, the community development department may deny the issuance of the certificate of occupancy.

(3) Within any subdivision that is under construction on the basis of approved preliminary plat and development permit, up to two model homes may be permitted for construction on proposed lots prior to final plat approval and recordation, subject to the following requirements:

- i. Paved road access must be in place between each model home and the nearest public street.
  - ii. The main water line shall be installed, pressurized, and providing potable water service in front of the model home prior to construction, including providing adequate fire-fighting pressure and flow at the nearest fire hydrant.
  - iii. Sewer mains, and taps, including those off-site mains serving the model home shall be installed and have met test criteria for placing them in service.
  - iv. Such model homes must obtain a limited certificate of occupancy which shall only authorize the use of the model home for sales and marketing purposes. No model home may be occupied as a residence until the model home obtains a full certificate of occupancy.
- (e) *Suitability and character of land.* Land which the city manager or his/her designee finds to be unsuitable for subdivision or development due to flooding, poor percolation for septic tanks, improper drainage, steep slopes, rock formations, or other features which will be reasonably harmful to the health, safety, and/or general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the developer and approved by the city manager or his/her designee to solve the problems created by the unsuitable land conditions. If the unsuitable land conditions cannot be made suitable for development, then the unsuitable land shall be set aside for other uses that do not endanger the health, safety, and/or general welfare of the public.
- (f) *Variances.* Variances may be required from time to time from the requirements of this article in order to accomplish the overall aims of this article. In recognition of this fact, the following criteria are established for consideration by the developer and the city council when a request for a variance arises:
- (1) Whether the parcel is irregular, unusually narrow or shallow in shape, and the condition existed at the time of the adoption of the regulations from which this article is derived or was created by natural forces or governmental action for which no compensation was paid;
  - (2) Where financial hardship may occur due to a change of regulations during the active construction of a subdivision. Active construction is defined as actual work in the installation or construction of road base, drainage, and/or utilities. Variances for financial hardship may only be granted to that phase, section, units, etc., of the approved subdivision that is under active construction at the time of the change in regulations.
  - (3) Variances for deviations or changes in construction or building codes, utility location and installation, street preparation and construction, soil erosion and sedimentation control plans, and other technical items cannot be granted until reviewed by the city manager or his/her designee and recommended for approval to the city council.

(Comp. Ords. 2005, § 5-1603)

### **Sec. 34-23. Procedures for development approval.**

- (a) *General procedures.*
- (1) *Preapplication review.* Whenever a subdivision of a tract of land within the jurisdiction of this article is proposed, the subdivider is urged to consult informally with the city manager or his/her designee in a preapplication review. The preapplication review may be scheduled by calling the community development department.

- (2) *Submit preliminary plat.* The subdivider shall submit sketch plans or preliminary plat and data showing existing conditions within the site and its vicinity, as well as the proposed layout and development of the subdivision to include streets, number of lots, lot sizes, and location to existing utilities that must be extended.
- (3) *Submit development plans.* The subdivider shall submit development plans of the proposed subdivision prepared in accordance with the provisions of this article and all other applicable City ordinances.
- (4) *Submit final plat.* After completion of the physical development, or proper arrangements for same, of all or part of the area shown on the development plans as approved by the city manager or his/her designee, a final plat together with the required certificates shall be submitted to the city manager for approval. This final plat, when approved by the city manager and duly signed, shall become the instrument to be recorded in the office of the clerk of the superior court of the county.
- (5) *Submit as-builts.* After completion of the physical development, the developer shall provide to the City record as-built drawings of the water, sanitary sewer, and stormwater improvements. The as-built drawings shall be submitted in both electronic portable document format (pdf) and paper formats. Additionally, electronic CAD files compatible with GIS shall be provided by the developer. The developer must also submit a video of the sanitary sewer and storm sewer lines.
- (6) *Subdivisions not requiring new streets, facilities.*
  - a. A subdivision which does not involve the platting, construction or opening of new streets, sewer or water facilities or the improvement to same, as determined by the city manager, shall be accepted in the form of a final plat.
  - b. Minor residential subdivisions involving no more than four lots which do not involve the platting, construction or opening of new streets, sewer or water facilities or improvement to same, as determined by the city manager, shall be accepted in the form of a final plat; provided, however, that if public sewers are not available, then a certification from the health department must be on the plat showing that a private sewerage system is approved for the lots. Such subdivisions must meet the requirements of all other applicable City ordinances.
  - c. A single lot subdivision can be exempt from the final plat requirements upon review and approval of the city manager where there are no new public streets or other public facilities involved. Certification by the health department is required for private sewerage facilities prior to review by the city manager.
  - d. FHA approval. In the event the subdivider plans to secure approval of this subdivision layout by the Federal Housing Administration, it is suggested that such approval be secured prior to the submission of a development plan to the city manager.
- (b) *Preliminary plat requirements.* Following the preapplication review of a proposed subdivision, the subdivider shall submit a preliminary plat prepared by a registered land surveyor or civil engineer and shall include the following information:
  - (1) *Generally.*
    - a. Proposed name of subdivision and date of submittal.
    - b. Name, address, and telephone number of developer.
    - c. Date of survey, north point and graphic scale, date of plat drawing and space for revision dates.
    - d. Location sketch map showing the relationship of the subdivision to the surrounding area.
    - e. Location (land lot and district) and gross acreage of tract.

- f. Exact boundary lines of the tract indicated by a heavy line giving lengths and bearings. The boundary lines shall include the entire tract to be eventually subdivided and data as required herein shall apply to the entire tract. In the event that the entire tract to be developed is not submitted, provide master plan and additional data to support immediate development in order to ensure proper overall planning.
- g. The development plan shall be drawn to a scale of not less than one-inch equals 100 feet on a sheet or equal sized sheets. If the complete development plan cannot be shown on one sheet, then several sheets with an index map on each sheet shall be used. In no case shall sheet size be smaller than 8½ inches by 11 inches, or larger than 24 inches by 36 inches.

(2) *Existing conditions.*

- a. Zoning district classifications of land to be subdivided and classifications of adjoining properties.
- b. Copy of zoning conditions and variances for the property, if any.
- c. Recorded deed names of adjoining property owners or subdivisions.
- d. In case of resubdivision, a copy of existing plat with proposed resubdivision superimposed thereon.
- e. Show any jurisdictional (city or county) boundary lines.
- f. Show topography by contours at vertical intervals of not more than five feet.
- g. Show location of existing utilities.
- h. Show location of streams, lakes, wetlands, and floodplains.

(3) *Proposed conditions.*

- a. State the total number of acres and number of lots. State proposed lot density. State building setbacks.
- b. Show the layout of all lots, including front, side and rear building setback lines, scaled dimensions on lots and utility easements with width and use.
- c. Note the minimum lot size requirement.
- d. State minimum lot width requirements. Show lot width dimensions on plat.
- e. Identify all land to be reserved or dedicated for public use, common areas, amenity areas, postal service cluster box unit location, stormwater management areas, etc.
- f. Show all required buffers (if applicable).
- g. Show and state names, right-of-way, dimension from centerline, pavement width and surface type of all proposed roads.
- h. Show water line plan and sewer line plan, including all lines required to serve any lots to be developed and any surrounding property that may be served through the property.

- (c) *Development plan requirements.* Following the approval of a preliminary plat of a proposed subdivision, the subdivider shall submit development plans and supporting data. The development plans, prepared by a registered land surveyor or civil engineer, shall meet the higher minimum standards of design set forth in this article and/or those required by O.C.G.A. § 44-3-3 as now or hereafter amended and shall include the following information:

(1) *Generally.*

- a. Proposed name of subdivision.

- b. Name and address of person to be notified of action.
  - c. Date of survey, north point and graphic scale, source of datum, date of plat drawing and space for revision dates.
  - d. Location sketch map showing the relationship of the subdivision to the surrounding area.
  - e. Location (land lot and district) and gross acreage of tract.
  - f. Exact boundary lines of the tract indicated by a heavy line giving lengths and bearings. The boundary lines shall include the entire tract to be eventually subdivided and data as required herein shall apply to the entire tract. In the event that the entire tract to be developed is not submitted, provide master plan and additional data to support immediate development in order to ensure proper overall planning.
  - g. The development plan shall be drawn to a scale of not less than one-inch equals 100 feet on a sheet or equal sized sheets. If the complete development plan cannot be shown on one sheet, then several sheets with an index map on each sheet shall be used. In no case shall sheet size be smaller than 8½ inches by 11 inches, or larger than 24 inches by 36 inches.
  - h. Name of former subdivision if the development has been previously subdivided.
  - i. Water and sewer availability in accordance with local and state regulations.
- (2) *Existing conditions.*
- a. Topography by contours shall be required as follows:
    - 1. On land with less than approximately two percent slope, show contours at intervals of not more than one foot;
    - 2. On land with slopes greater than approximately two percent, show contours with an interval of not more than two feet;
    - 3. Contours shall be based on the datum plane of the U.S. Coast and Geodetic Survey.
  - b. Zoning district classifications of land to be subdivided and classifications of adjoining properties.
  - c. Recorded deed names of adjoining property owners or subdivisions.
  - d. In case of resubdivision, a copy of existing plat with proposed resubdivision superimposed thereon.
  - e. Location of significant features, streams (including applicable state and local stream buffers and impervious setbacks), wetlands, ponds, lakes, swamps and land subject to floods, including any area having an elevation below the 100-year floodplain. Where lots contain some areas with an elevation below the 100-year floodplain, a showing of a viable home site above such floodplain elevation. Any lot having no such viable home site shall be properly filed to provide same before final plat approval and must be in accordance with U.S. Corp of Engineers' requirements.
  - f. Location of existing adjoining property lines and buildings on the property to be subdivided.
  - g. Location, names, and right-of-way of streets, roads, railroads and utility lines either on or adjacent to the property to be subdivided. Specify whether utility lines are in easements or rights-of-way and show location of poles or towers.
  - h. Size and location of existing sanitary sewers, water mains, storm sewers, drains, culverts and location of easements for other underground facilities within the tract or

within the right-of-way of streets or roads adjoining the tract. Grades and elevations of sewers are to be shown.

- i. The acreage of each drainage area affecting the proposed subdivision.
  - j. All elevations shall refer to the mean sea level datum where public water and/or public sewers are to be installed.
  - k. Preliminary soil erosion and sedimentation control plan in accordance with the specifications and requirements of chapter 16, article IV, pertaining to erosion and sedimentation control, if applicable.
- (3) *Proposed conditions.*
- a. Plan and profile of streets, roads, and sidewalks showing widths, road names, and a typical road section inclusive of sidewalks where required.
  - b. Topography by contours of proposed streets, drainage ditches and other improvements as provided in subsection (a)(1) of this section.
  - c. Layout of all lots, including building setback lines; scaled dimensions on lots; utility easements with width and use; acreage of each lot; lot numbers and block numbers; and drainage. No lot numbers shall be duplicated.
  - d. Plan and profile of sanitary sewers (if applicable) with grade, pipe size, material, and point of discharge.
  - e. Plan and profile of storm sewer system with grade, pipe size, material, and location of outlets, inlets, and stormwater management facilities.
  - f. Plan of water supply system with pipe sizes and location of hydrants. Water system shall be designed to furnish a minimum of 25 psi and maximum demand flow of 15 gal./min. to each building. All water mains shall be a minimum of eight inches in diameter.
  - g. Designation of all land to be reserved or dedicated for private and/or public use.
  - h. Proposed phase division or stage development, if any, as proposed by the subdivision developer.
  - i. Site grading plan with soil sediment control structures, as required.
  - j. A plan of street lighting must be shown as determined by the utility power company serving the area.
- (4) *Development plan review and approval.* Within 45 days after the submission of the development plan, the city manager or his/her designee shall review and approve, conditionally approve, or disapprove the plan. One copy of the plan shall be returned to the developer with notice of the approval, conditional approval or disapproval with the reasons thereof.
- (5) *Effective period of development plan approval.*
- a. Approval of the development plan shall lapse unless a final plat of all or part of the area shown on the development plan is submitted within two years from the date of approval by the city manager or his/her designee, unless an extension of time is requested by the developer and approved by the city manager or his/her designee.
  - b. Approval of the development plan shall lapse and have no force and effect unless actual construction of required improvements have been commenced within 12 months of the approval by the city manager or his/her designee.

- c. Notwithstanding the provisions of this article, a developer operating under a previously approved preliminary plan may continue to submit final plats in conformance therewith, provided that the approved preliminary plan is an active preliminary plan. Preliminary plans may be deemed inactive if a final plat for a portion thereof has not been submitted to the city manager or his/her designee within the past two years of the adoption of the ordinance from which this article is derived.
- (6) *Land disturbing permit.* Upon approval of the development plan by the city manager or his/her designee, a land disturbing permit may be issued, upon request, by the city manager or his/her designee to cover the following construction phases, provided that all soil erosion and sedimentation control structures are in place:
- a. Grading, clearing and grubbing;
  - b. Storm drainage construction;
  - c. Water and sewer line construction;
  - d. Curbing construction;
  - e. Base and paving construction.
- (7) *Environmental compliance.* Prior to issuance of a land disturbance permit by the City, the owner shall provide to the City proof of compliance with other applicable state and federal environmental regulations including a Notice of Intent to the Georgia Environmental Protection Division for NPDES General Permit and, if applicable, Preconstruction Notification to the U.S. Army Corps of Engineers.
- (8) *Restrictive covenants.* If the owner places restrictive covenants on any land or use thereof within the subdivision greater than those required by the ordinances of the city, such restrictive covenants, or reference thereto, may be required to be indicated on the final plat, or recorded with the deeds as filed with the clerk of the superior court of the county in a form approved by the city attorney.
- (9) *Filing fee.* In order to process the application, a filing fee in an amount as set forth in the schedule of fees and charges on file in the office of the city clerk shall be submitted with each development plan. Said fee is to defray the cost of advertising, meetings, review process, and site visits as examples of expenses.
- (e) *Final plat requirements.*
- (1) *Submission procedures.* Any developer desiring approval of a final plat must submit to the city manager copies of the final plat and other supporting data required with the approval of the development plan. The developer shall also submit an electronic copy of the plat in a format approved by the city manager. The city manager shall review the final plat and data for compliance with this article, other city ordinances and any requirements placed upon the development during the approval of the development plan. If compliance is satisfactory, then the city manager will secure the city clerk's signature upon the final plat and said plat shall be ready for recording.
  - (2) *Conformance and phasing.* The final plat shall conform to the development plan and it may constitute only that portion of the approved development plan which the subdivider proposes to record and subdivide at this time, provided that such portion conforms to the phase established in the development plan procedure and to the requirements of this article.
  - (3) *Final plat required information.* The final plat shall be prepared in accordance with all applicable requirements of the development plan and subsection (b) of this section and in addition, the following information:
    - a. Final plat shall be identified in the title.



- b. All maps or plats shall show the direction and distance from a point of reference to a point on the boundary of the individual survey, and such additional data as may be required to relocate the boundary point from the point of reference with the same degree of accuracy required of the parcel surveyed. The point of reference shall be an established, monumented position which can be identified or relocated from maps, plats, or other documents on public record.
- c. All maps or plats of boundary surveys or subdivision surveys shall show bearings of all lines or angles at all corners and angle points of the boundary or lot lines, and distances of all boundary or lot lines, and area of the parcels expressed in acres or square feet.
- d. All maps or plats of boundary surveys shall show the closure precision of the field surveys as the ratio of one foot to the traversed distance in which an error of one foot would occur and a statement as to the method of adjustment. The closure may be stated as follows:  

"The field data upon which this map or plat is based has a closure precision of one foot in \_\_\_ feet and an angular error of \_\_\_\_\_ per angle point and was adjusted using \_\_\_\_\_ rule."
- e. All maps or plats of boundary surveys shall show the closure precision of the data shown on the map or plat. The closure may be stated as follows:  

"This map or plat has been calculated for closure and is found to be accurate within one foot in \_\_\_ feet."
- f. All maps or plats shall show the width and the former widths, if pertinent, of all rights-of-way adjacent to or crossing the property or adjacent to any point of reference.
- g. All maps or plats shall show easements and apparent encroachments, if pertinent.
- h. Curve data shall be required for all curves of greater than ten degrees on new roads. Pertinent data including radius, central angle, and tangent distance must be given for regular curves. Chord distances and directions shall be given for irregular curves on preexisting streets or roads.
- i. All land lot lines, land district lines, land section lines, and city/county boundaries intersection or adjacent to the surveyed property shall be indicated by lines drawn upon the map or plat with appropriate words and figures.
- j. All corner markers and markers of pertinent reference points shall be fully described and indicated as to their material or types and shall be constructed of a permanent material such as iron, steel, concrete, or stone. When applicable, monuments that are to be placed after final street improvements shall be designated as future.
- k. An arrow shall be shown on the map or plat to indicate the principal meridian, and a notation shall be made as to the reference of bearings to magnetic north, astronomic north, or grid north. A grid north reference shall indicate the zone.
- l. All linear distances shown on maps or plats shall be horizontal and all dimensions to the nearest 1/100th of a foot.
- m. All linear distances shown on maps or plats shall be represented in degrees, minutes and seconds. All angular directions shall be referenced to the principal meridian.
- n. A statement shall be shown on the map or plat to indicate the type of equipment used to obtain the linear and angular measurements used in the preparation of the map or plat.
- o. All maps or plats shall show the state plane coordinates of at least two permanent monuments thereon, when a National Geodetic Survey monument is within 500 feet

of any point on the property mapped or platted, or any point of reference shown thereon.

- p. Variances, if any, and date approved by the planning commission and the mayor and city council.
  - q. The location of all sewers, manholes, and cleanouts shall be shown on the final plat.
- (4) *Certifications.* Each final plat submitted shall carry the following certificates printed or stamped thereon as follows:
- a. *Surveyor's acknowledgment.*

I hereby certify that the final plat shown and described hereon is a true and correct survey made on the ground and has been made under my supervision, that the monuments have been placed as shown hereon, and is to the accuracy and specifications required by the City of Dallas, Georgia subdivision regulations.

_____
Georgia Registered Land Surveyor
[Seal]
_____
RLS Number
_____
Date

- b. *Certificate of ownership and dedication.*

I hereby certify as the owner of the land shown on this plat and whose name is subscribed hereto, acknowledge that this plat was made from an actual survey, and for value received the sufficiency of which is hereby acknowledged, do hereby convey all streets and rights-of-way, water mains and sewer lines shown hereon in fee simple to the City of Dallas, Georgia and further dedicate to the use of the public forever all alleys, parks, water courses, drains, easements and public places hereon shown for the purposes and considerations herein expressed. In consideration of the approval of this development plan and other valuable considerations, the owner further releases and holds harmless the City of Dallas, Georgia from any and all claims, damages or demands arising: on account of the design, construction and maintenance of the property shown hereon; on account of the roads, fills, embankments, ditches, cross drains, culverts, water mains, sewer lines, and bridges within the proposed rights-of-way and easements shown; and on account of backwater, the collection and discharge of surface water, or the changing of courses of streams. And further the owner warrants that he owns fee simple title to the property shown hereon and agrees that the City of Dallas, Georgia shall not be liable to him, his heirs, successors or assigns for any claims or damages resulting from the construction or maintenance of cross drain extensions, drives, structures, street, culverts, curbs or sidewalks, the changing of courses of streams and rivers, flooding from natural creeks and rivers, surface waters and any other matter whatsoever. I further warrant that I have the right to sell and convey the land according to this plat and do hereby bind myself and owners subsequent in title to defend by virtue of these presents.

_____	_____
Authorized Signature	Date

- c. *City certification.*

It is hereby certified that the streets, utilities, easements, and other required improvements in this subdivision, have been installed in an acceptable manner according to the approved plans or surety has been provided in an amount to ensure their installation, and that this plat meets all the requirements of the City of Dallas subdivision regulations.

_____ City Manager, City of Dallas	_____ Date
_____ City Clerk, City of Dallas	_____ Date

d. *Certification for surety.*

I hereby certify that a cash deposit in the amount of \$ \_\_\_\_\_ to expire on \_\_\_\_\_, 20\_\_\_\_, has been received to ensure the completion of all required improvements in the subdivision, as shown hereon, in the event of default by the developer.

_____ City Manager, City of Dallas	_____ Date
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e. *Health department certification.* The health department must certify that the water and/or sewerage systems installed, or proposed to be installed, meet the requirements of state health standards and regulations. This certification may be submitted on a separate form as specified by the health department. The health department certification statement shall include written notice that each lot not on public sewer must have an individual septic tank permit approved before any building permit is issued. For developments with public sewerage and public water, this certification shall be omitted.

- (5) *Final plat review and approval.* The city manager shall review the final plat and verify that all final plat requirements have been met. Within 30 days after submission of the final plat together with all required supporting data and certifications, the city manager shall review and approve, or disapprove, the plat and state the reasons therefore if disapproved. The developer shall have the right to appeal any disapproval of the final plat to the mayor and city council. Approval of the final plat by the city shall not be deemed to constitute or effect an acceptance by the city of the dedication of any street or other ground shown upon the plat.
- (6) *Record final plat.* The final plat shall be recorded by the office of the clerk of the superior court of the county within three days after the necessary signatures have been placed on it unless the developer requests an extension of time. A copy of the recorded plat is retained by the city manager and the original returned to the developer, or his authorized representative.
- (7) *Sale of lots.* The subdivider may begin to sell lots after recording the final plat.
- (8) *Status of streets and improvements.* After approval of the final plat by the city manager and the completion of all the improvements required by this article, the subdivider may request the city to accept such streets and/or other improvements.
- (9) *Final plat revisions.* Should a developer/subdivider need to amend or revise a previously approved final plat, the developer/subdivider shall submit to the community development department the following:
  - a. A letter specifically identifying the modifications/revisions to the final plat and stating that all necessary infrastructure (storm, sanitary sewer and water) has been adjusted in accordance with city requirements to address the modifications.

- b. Submission of the latest recorded original final plat with a specific statement regarding the nature of the revision on the face thereof. The format for such a revision statement shall be as follows:
- "This plat supersedes the plat recorded in Plat Book \_\_\_\_\_, Page \_\_\_\_\_. The purpose of this revision is to:"
- c. If the original final plat is otherwise unavailable, then the developer/subdivider may submit a plat prepared to show the specific revision to the original plat of record with the revisions noted thereon with references to the previously recorded plat (latest revision).
- (f) *Private subdivisions (nondedicated streets, utilities, etc.).* Private subdivisions are prohibited within the city.
- (g) *Procedures for approval of a minor city subdivision.*
- (1) Up to three lots shall be allowed with the approval of the health department, if applicable, and the city manager.
  - (2) The drive serving as the access to the maximum three lots is to be called a "private city street" and will be required to have a 50-foot right-of-way which meets the approval of the city manager. Said drive shall be posted with a blue sign at its intersection with a city street denoting that it is a private street. The words "private street" will also be required to appear on the plat to designate the drive as private.
  - (3) The private street cannot serve as a connecting street between two other public or private streets/roads and must end in a cul-de-sac and shall not exceed 1,600 feet in length. At the end of each private street, a cul-de-sac of at least 40 feet radius is required. Each private street is required to intersect with a city or county-maintained street/road.
  - (4) In order to request approval of a minor city subdivision, the applicant must supply the city manager with five copies of the plat along with copies of any deed restrictions or covenants and/or street maintenance agreements affecting the property to be subdivided. The plat will be required to be labeled "private city subdivision." In addition, the language in subsection (d)(8)b.1 of this section will be required in all deeds and so stated on the plat to be recorded.
  - (5) Any modifications, changes or amendments to the approved plat or document shall be submitted to the city manager or his/her designee for approval.
- (h) *Surety for completion of improvements.* In lieu of completion of the required improvements in a subdivision and/or previous to the final approval of a plat, the city manager may accept security in an amount, and with surety and conditions satisfactory to him, providing for and securing to the city the estimated cost of construction and/or installation of such improvements and utilities, and within a period of time agreed to between the city and the developer as expressed specifically in the bond. In the event that the required improvements cannot be completed within the specified time period, such time period may be extended for good cause shown, if agreeable by the city.
- (1) *Requirements.* To ensure the construction and installation of all required improvements, as specified in section 34-25, the subdivider shall deliver to the city a certified check, cashier's check, money order or cash (i.e., cash deposit) in such amount as is required for the estimated cost of construction and installation of all public improvements which are the responsibility of the subdivider as specified herewithin. The subdivider shall also submit a statement enumerating the cost of construction and installation of all required improvements to be reviewed and approved by the city manager.
    - a. Preconstruction surety in the city shall be 135 percent of the estimated total construction and installation costs. Preconstruction surety shall be required for work within city right-of-way.
    - b. Warranty surety shall be a cash deposit as stated in this subsection (f)(1) which shall be equal to 15 percent of the actual construction and installation cost and shall be held

by the city for a minimum of period of 24 months. The 24-month time period shall begin after the final plat is approved by the City and recorded with the Paulding County clerk of court.

- c. If a subsequent phase of a multi-phased subdivision or a new subdivision requires that construction traffic must travel through a street or streets within the multi-phased or new subdivision that have been accepted by the city, then the cash deposit for the new phase or the new subdivision shall include an amount to repair any possible damage that may occur upon any previously accepted streets. The required cash deposit shall be based on an amount computed at a rate of \$65.00 per linear foot of the existing street or streets that shall be subject to the construction traffic.
  - d. If a subdivider requests final plat approval prior to the completion of final asphalt pavement topping of subdivision streets, the subdivider shall provide as performance surety, a cash deposit in the amount of 135 percent of the actual total construction and installation costs, for the completion of the final asphalt pavement topping of subdivision streets.
- (2) *Conditions.* Cash deposits, as stated in subsection (f)(1) of this section shall be payable upon default to the city and provide that subdivider, his heirs, successors, and/or assignors and their agents or servants will comply with all applicable terms, conditions, provisions, and requirements of this article and any other applicable requirements; will faithfully perform and complete work constructing and installing the facilities and/or improvements in accordance with this article and any other applicable requirements; and the subdivider shall be responsible to the city for any unnecessary expense incurred through the failure of the subdivider, his heirs or successors, and assignors, or their agents or servants to complete work of the construction and installation in an acceptable manner and from any damages growing out of negligence in performing or failing to perform the construction installation.
- (3) *Duration and release.* The cash deposit paid as required by this section shall be released or returned as the case may be, at such time as the facilities guaranteed hereby have been installed, maintained for a minimum of 24 months and accepted by the city, if applicable in accordance with Ordinance No. 04-08, effective August 1, 2004. Acceptance by the city shall be by resolution of the mayor and council of the city and shall accurately identify the specific improvements covered. Utilities, streets, and/or other facilities shall not be accepted until they conform to the city's specifications and standards.
- (4) *Default.* In the event that construction, installation and/or maintenance of any improvements or facilities for which a required cash deposit is deposited are:
- a. Not completed within the time stipulated;
  - b. Installed, but not properly maintained or repaired under warranty; or
  - c. Not constructed or installed in accordance with applicable standards;

the city may proceed to construct, maintain and/or repair the improvements or facilities using the cash deposited to pay for such work. Such work may be done under contract or with city employees, whichever is appropriate to the case. In the event that any portion of a required cash deposit is not depleted or used by the city, then any excess shall be rebated to the person or corporation making the cash deposit.

(Comp. Ords. 2005, § 5-1604; Ord. 04-08, 8-1-2004; Ord. No. OA-2009-06, 12-7-2009)

State law reference(s)—Plat approval procedures for subdivisions near a part of the state highway system are regulated by, O.C.G.A. § 32-6-150; standards for maps and plats recorded in the office of the clerk of superior court are set in, O.C.G.A. § 15-6-67.

### Sec. 34-24. Minimum design standards.

- (a) *Relationship to comprehensive plan for the city.* In considering any development plan or final plat, the city manager or his/her designee shall give consideration to the city comprehensive plan, as adopted or amended, as well as any existing land use plans that may have been approved by the mayor and city council that may affect the area in which the subdivision is to be located.
- (b) *Streets.* The location and width of all streets and roads shall conform to this article, chapter 44, pertaining to zoning, the city comprehensive plan and any other adopted transportation plan that the city has adopted or will adopt in the future. All streets established in connection with the development of a subdivision shall comply with the following requirements:
- (1) *Continuation of existing street pattern.* Whenever topography will permit, the arrangement of streets in a subdivision shall provide for the alignment and continuation or projection of adjoining areas at the same or greater width, but in no case, less than the required minimum width.
  - (2) *Access restrictions.*
    - a. When a subdivision fronts on an arterial or collector street or highway, the city manager or his/her designee may limit access on double frontage lots to an interior street with no access to the arterial street. Generally, lots shall not derive access exclusively from any street designated as an arterial or collector street, but rather lots shall have access from an interior street of the subdivision. The subdivider must consult and receive approval from the state department of transportation for any access upon any street or road that is on the state DOT road system. The subdivider must consult and receive approval from the Paulding County department of transportation for any access upon any street or road that is subject to Paulding County jurisdiction.
    - b. Where, in the opinion of the city manager or his/her designee, it is essential to provide for street access to an adjoining tract or parcel of land, street right-of-way shall be extended to the boundary of such tract or parcel of land.
    - c. Every lot established shall front or abut on a street which is to be dedicated to the public and/or conforms to the provisions of this article. When land is subdivided into larger parcels than ordinary building lots (larger than one acre), such parcels shall be arranged so as not to landlock any parcel.
    - d. A maximum of 120 residential dwelling units shall be allowed to be constructed with only one street outlet on an existing public street. If a second access to an existing public street is not available or its existence may induce nonresidential traffic through the development as determined by the city manager or his/her designee or by the Paulding County DOT, the second access requirement may be waived by the city if, and only if, the original street outlet is designed and constructed with sufficient right-of-way and improvements to provide a divided median road with two lanes in and two lanes out. The 120 dwelling unit threshold is applicable for any location within the development. No further building permits may be issued within the development upon reaching the capacity of 120 residential dwelling units without a second access or without an approved waiver of the second access requirement.

Subdivisions with greater than 400 residential dwelling units will be required to provide three (3) access outlets onto existing public streets. No further building permits may be issued within the development upon reaching the capacity of 400 residential dwelling units without three (3) access outlets onto existing public streets.
  - (3) *Access improvements.* When property that abuts upon an existing or proposed city road is to be developed or redeveloped as a single-family detached or duplex subdivision and the city

street will provide access to the property, Project access improvements to the city road (deceleration lanes, turn lanes, etc.) shall be provided by the developer as required herein.

- a. A deceleration lane shall be required at each subdivision street entrance that is provided street access as applicable. In the event a street has an existing or proposed median, and the developer desires to construct a median break to serve the subdivision, a left turn lane leading to the median break shall be required by the developer and shall meet the standards contained herein.
  - b. Deceleration lanes shall have a length of 75 - 200 feet (refer to the standard drawing), with an additional 50-foot taper length, a pavement width of 12 feet (exclusive of curb and gutter) and shall be provided with curb and gutter. Additional right-of-way to accommodate the deceleration lane and an 11-foot shoulder shall be dedicated by the developer to the city at no cost. Associated drainage improvements as deemed necessary by the construction of the deceleration lane shall also be required.
  - c. Other project access improvements may be required by the department of transportation in order to ensure adequate site access, pedestrian access, convenience and safety to the motoring public.
  - d. The developer shall be responsible for the relocation of public or private utilities and drainage structures, as may be occasioned by the required project access improvements.
  - e. The subdivider must consult and receive approval from the state department of transportation for any access upon any street or road that is on the state DOT road system. The subdivider must consult and receive approval from the Paulding County department of transportation for any access upon any street or road that is subject to Paulding County jurisdiction.
- (3) *Private streets.* Private streets are only permitted within a private subdivision as defined in section 34-19.
  - (4) *Cul-de-sac requirements.* Cul-de-sacs shall terminate in a circular turnaround having a minimum right-of-way of 110 feet in diameter and a paved turnaround with a minimum outside diameter of 80 feet. Maximum street length with a cul-de-sac shall not be greater in length than 1,600 feet from the centerline of the access street to the point of radius, unless topographic conditions necessitate no alternative for access. A variance on any additional length of a cul-de-sac must be approved by the city.
  - (5) *Temporary dead-end streets.* Temporary dead-end streets which extend for a distance greater than the depth of one abutting lot shall be provided with a paved temporary turnaround having a diameter of 80 feet, or other suitable turnaround.
  - (6) *Half streets.* Half streets are prohibited. Whenever a street is planned adjacent to the proposed subdivision tract boundary, the entire street right-of-way shall be platted within the proposed subdivision.
  - (7) *Split level streets and one-way streets.* Streets which are construed so as to have two traffic ways, each at a different level within the right-of-way, shall provide a paved traffic surface of at least 20 feet on each level and a slope between the two traffic ways of not less than three to one (3:1). One-way streets and split-level streets will be allowed when:
    - a. Topographic conditions are so that alternatives to the typical street design and construction would be more desirable;
    - b. Shape and size of the parcel could be more efficiently developed.

In either case, approval must be obtained from the city manager or his/her designee.
  - (8) *Alleys.* Alleys shall not be provided in residential blocks except where the subdivider produces evidence satisfactory to the city of the need for alleys. Where alleys are permitted, they shall be graded and surfaced to specifications approved by the city manager or his/her designee.

- (9) *Intersections.*
  - a. The centerline of no more than two streets may intersect at any one point. Streets shall be laid out so as to intersect as nearly as possible to right angles (90 degrees) and no street shall intersect any other street at an angle of less than 60 degrees. The angle of intersection is to be measured at the intersection of the street centerlines. Curved streets shall have a minimum tangent of 100 feet at intersections as measured from the centerline of the cross street.
  - b. Whenever necessary to permit the construction of a curb having a desirable radius without curtailing the sidewalk at a street corner to less than normal width, the property line at such street corners shall be round or otherwise set back sufficiently to permit sidewalk construction.
  - c. Islands at intersections shall be subject to individual approval by the city manager or his/her designee. In no case shall anything extend more than three feet above the back of the curb within the right-of-way of the intersecting street.
  - d. Adjoining street intersections shall be spaced at least 200 feet apart measured from edge of right-of-way to edge of opposing right-of-way. Street jogs at intersections shall have a centerline offset of not less than 150 feet.
- (10) *Street grade and curve design.* Horizontal and vertical curve design shall be consistent with the city standard design specifications set forth in section 34-26.
- (11) *Street names and property address.*
  - a. Streets or roads that are extensions of, or obviously in alignment with, existing named streets shall bear that same name. The names of new streets and roads, except in the same subdivision, shall not duplicate or be similar in sound to existing names, irrespective of the use of the suffix street, avenue, circle, way, boulevard, drive, place or court, or however otherwise designated.
  - b. All street names are subject to the approval of the city manager or his/her designee and/or the city post office.
  - c. Property address numbers shall be provided by the city manager or his/her designee and recorded on final plats.
- (12) *Additional right-of-way.* Subdivisions which include an existing platted street or road that does not conform to the minimum right-of-way requirements of this article shall provide additional width along one or both sides of such street or road so that the minimum right-of-way required by this article is established, but only if the individual lots along said right-of-way have not been constructed upon. Subdivisions abutting only one side of such a street or road shall provide a minimum of one-half measured from the center of the existing right-of-way, of the right-of-way required by this article.
- (13) *Minimum right-of-way and pavement widths.* Minimum right-of-way and pavement widths shall be as follows:

Street Classification	Minimum Widths (in feet)		
	Right-of-Way	With Curb and Gutter	Without Curb and Gutter
Residential/local street	50	24(1)	
	60		22
Minor collector street	60	26(1)	24
Major collector street	80	30	28
Major/minor arterial	100	48	(2)



**Note—**

- (1) Measured between face of the curbs.
  - (2) To be determined by anticipated traffic loading.
- (14) *Substandard streets.* In the event that a development has access to a substandard street (i.e., a dirt, surface treatment, or gravel road), the following project access improvements shall be required:
- a. If the abutting substandard street providing access to the development is dirt, surface treatment or gravel, the street shall be upgraded by the developer to a paved roadway from the project entrance to the nearest standard paved road along the route of access.
  - b. The abutting substandard city street shall be improved to the minimum pavement widths required by this article.
  - c. The abutting substandard city street right-of-way shall be improved to provide an 11-foot shoulder and the project street frontage shall be graded to meet current AASHTO Roadside Design Guide safety requirements.
- (c) *Blocks.* The city manager or his/her designee shall examine every proposed subdivision as to its compliance with the following provisions:
- (1) *Nonresidential.* Blocks for other than residential use shall be of such length and width as may be suitable for their prospective use, including adequate provision for off-street parking and service.
  - (2) *Residential—Length.* In order that there may be convenient access between various parts of a subdivision and between the subdivision and surrounding areas, and in order to help prevent traffic congestion and undue inconvenience, and to serve the efficient use of land or desired features of street patterns; the length of blocks hereafter established shall not exceed 1,800 feet nor be less than 600 feet; provided, however, such length requirements may be granted a variance by the city council when appropriate due to the topography or physical shape of the property being subdivided.
  - (3) *Same—Width.* The width of any residential block shall be sufficient to permit two tiers of lots of minimum depth except where prevented by topographical conditions or size of the property, in which case the city manager or his/her designee may approve a single tier of lots of minimum dimensions.
- (d) *Lots.* All lots which shall hereafter be established in connection with the development of a subdivision, shall comply with the following design standards:
- (1) *Authority of the health department if public sewers not available.* Nothing contained in this article shall be construed as preventing the health department, after a study of the conditions existing in a proposed subdivision, from requiring that all or any portion of the area of such subdivision:
    - a. Shall not be built upon; or
    - b. That the minimum lot sizes set forth in this article are inadequate and must be increased to ensure the protection of the public health.

The developer is encouraged to consult with the health department regarding lot sizes prior to submitting a development plan.
  - (2) *Building lines.* All building lines and setbacks distances shall conform to chapter 44, pertaining to zoning. Building lines and setback distances shall be uniform for each and every lot within a platted subdivision. Front building setback distances shall not vary within a subdivision for the purpose of conforming with minimum required lot width.
  - (3) *Within city limits.* Lots shall not be divided by corporate boundary lines.

- (4) *Corner lots.* Corner lots shall be sufficiently large to permit the location of buildings so as to conform with the front building setback lines on both streets.
  - (5) *Side lines.* As far as practical, side lot lines shall be at right angles (90 degrees) to straight street lines and radial to curved street lines on which the lot faces. Side lot lines shall be radial to the radius points of all cul-de-sacs.
  - (6) *Minimum dimensions and area.* Minimum lot dimensions and areas shall be in conformity with chapter 44, pertaining to zoning.
  - (7) *Health requirements.* Percolation tests and/or soil data as provided by a registered soil scientist shall be required and shall be approved by the health department, which may require additional lot area depending on soil and slope conditions. The minimum lot size for a septic tank sewer system shall be one-half acre. No septic tank sewer system will be allowed if public sewer can be made available with reasonable cost to the developer. All dwellings shall connect to public sewer if such sewer is within 300 feet of the property being subdivided. The cost of providing public sewer to the property shall be negotiated between the developer and the appropriate utility owner.
  - (8) *Minimum frontage on five acre or more tracts.* Lots that contain five acres or more must have a minimum frontage width of 60 feet upon a publicly maintained street or road. The topography of this 60 feet frontage width must be suitable for the construction of a public road.
  - (9) *Flood damage prevention.* Each lot must have a suitable home site that is above the 100-year floodplain. The final plat must have a certification from the proper authority that this provision is complied with.
- (e) *Easements.* Easements shall be required pursuant to the table set forth in this subsection for the following purposes:
- (1) *Utility.* When it is found to be necessary and desirable to locate public utility lines in other than street rights-of-way, easements shall be shown on the plat for such purposes. The easements shall not be less than 20 feet in width and, whenever possible, shall be centered on rear and side lot lines.
  - (2) *Watercourse and drainage.*
    - a. Where a proposed subdivision is traversed by a watercourse, drainageway, stream or channel, drainage easements shall be made to accommodate stormwater and drainage through and from the proposed subdivision.
    - b. Drainage easements shall conform substantially with the lines of the watercourse and shall be of sufficient width or construction to be adequate for the purpose and as necessary to accommodate future construction as recommended by the city manager or his/her designee. Drainage easements may be altered within the proposed site, but shall conform to points of discharge to and from the site upon approval of the city manager or his/her designee, the soil erosion and sedimentation plan, and the post-development stormwater management plan.
    - c. Drainage easements shall be opened at the time of development to control surface water runoff.
    - d. Drainage easements off the street right-of-way shall be clearly defined on the plat and deed of the individual property owner and said property owner shall keep the easement free of obstructions and maintain that part of the easement within the property owner's boundary line so that free and maximum flow is maintained at all times.
    - e. Stormwater management facilities and associated easements must be clearly identified on the final plat. Stormwater management facilities must be located on a lot or

greenspace completely separate from any residential lot. Stormwater management facilities may be included as a component of a commercial lot.

- (3) *Water and sanitary sewer.* Permanent water and sanitary sewer easements shall be a minimum of 20 feet in width and shall be provided for necessary lines. Sewer easements shall be ten feet on each side of the sewer main.
- (4) *Overlapping.* Easements for water and sanitary sewer easements and drainage purposes shall not overlap unless approved by the city manager.
- (5) *Clearing and cover.* All easements shall be cleared of debris, excess dirt and other materials. The ground shall be smoothed down and grassed within ten days of completing construction work. The use of sediment control measures may be required to protect the area until a vegetative cover is obtained.
- (6) *Identified.* All easements shall be noted on the development plan, preliminary and final plats.

Easement Table		
Type	Minimum Width (in feet)	Purpose
Utility	20	To allow for the location of public utilities out of public right-of-way
Drainage—Piped	20	Surface water runoff
Drainage—Open ditch	20	Surface water runoff
Water/sanitary sewer	20	Elimination of septic tanks and wells

- (f) *Innovative land developments.*
  - (1) *General.* Recognizing that beneficial change often comes from experimental design and developers' response to consumer demand, the mayor and city council will consider innovative subdivision proposals which may deviate from approved subdivision regulations and standard design specifications as adopted by the city. The purpose and intent are to provide developers the flexibility of meeting consumer demand through innovative land developments and to ensure that the city remain competitive with other development markets.
  - (2) *Requirements.*
    - a. *Preapplication review.* Prior to the submittal of a development plan for an innovative subdivision, the developer shall meet with the city manager for a review of the location, scope and nature of the proposed development. The developer shall submit sketch plans showing how the property is to be developed.
    - b. *Review of plats.* The procedures of plat review shall be the same as outlined in this article for any development plan.
    - c. *Water and sewer.* All innovative land development proposals shall have public water and sanitary sewers available.

(Comp. Ords. 2005, § 5-1605)

**Sec. 34-25. Required improvements.**

- (a) *Subdivider's responsibility.* A well-designed subdivision means little to a prospective lot buyer until he can see actual physical transformation of raw land into lots with all necessary improvements provided. Likewise, a well-designed subdivision is not an asset to the community until the necessary improvements have been installed. In order that prospective lot purchasers

may get usable products and new subdivisions may be an asset rather than a liability to the community, the subdivider shall install and/or pay for the improvements required by this article necessary to serve his subdivision.

- (b) *Monuments.* Concrete monuments with aluminum or brass marking shall be placed at all corners of the exterior boundaries of the subdivision being developed and shall be set flush or up to six inches above finished grade. Existing permanent monuments which, in the professional opinion of a registered land surveyor or the city manager, are of sufficiently durable construction, may be maintained in lieu of a new concrete monument as described in this subsection. All other street or lot corners or at angle points and points of curve in each street shall be marked with an iron pipe or surveyor's marker at least 24 inches long and driven no less than one inch nor more than six inches above the finished grade. All such monuments shall be properly set in the ground and approved by a registered land surveyor prior to the time of final plat approval.
- (c) *Water supply.* All developments shall connect to a public water supply. The subdivider shall install water mains and fire hydrants according to plans and specifications approved by the city manager or his/her designee and/or other local, state, or federal regulations, specifications, or agencies. Fire protection systems shall be installed to current state insurance services office specifications and requirements. Fire hydrants shall be located at maximum spacing of 500 feet between hydrants. When the water main is located in the street right-of-way and it will be necessary to cut into the street surface to serve the abutting lot, a connection shall be stubbed out to the property line to serve each lot prior to surfacing the street. Water mains within the development shall be extended to locations where the city manager or his/her designee determines it is necessary to provide future connection to adjoining properties.
- (d) *Sanitary sewerage.* All developments shall connect to a public sanitary sewer. The subdivider shall install public sanitary sewers to plans and specifications approved by the city manager or his/her designee and/or other local, state or federal agencies. When the sewer is located in a street right-of-way and it will be necessary to cut into the street to serve the abutting lots, a connection shall be stubbed out to the property line (terminating with a cleanout that will be set at finish grade upon landscaping) to serve each lot prior to surfacing the street. Sewer mains shall be extended to the upstream property lines along each drainage course through the development or other locations where the city manager or his/her designee determines it is necessary to provide sewer service to adjoining properties.
- (e) *Private sewer disposal systems.* Private community sewage disposal systems such as an oxidation pond, land application system, or other type facility are not permitted within the jurisdictional boundaries of the city. All developments shall connect to a public sewerage system.
- (f) *Sidewalks, curb and gutter.* Sidewalks with a minimum width of five feet shall be installed on both sides of the street along all subdivision streets to provide a safe and convenient means for pedestrian movement. Developers shall also be required to construct sidewalks along existing public streets adjacent to the development property. Curbs and gutters shall be installed on all subdivision streets within the city.
- (g) *Street grading and surfacing.* Streets shall be graded and surfaced according to plans and specifications approved by the city.
- (h) *Storm drainage and utilities.* An adequate drainage system, including necessary open ditches, pipes, culverts, storm sewers, intersectional drains, drop inlets, bridges and other necessary appurtenances shall be installed by the subdivider and shall conform to the standard design drawings and specifications as contained in this article. The storm drainage system shall be designed in conformance with all applicable city ordinances and the Georgia Stormwater Management Manual. The maintenance of all stormwater management facilities on private property shall remain the responsibility of the property owner or homeowner association and not the responsibility of the City of Dallas.
- (i) *Street name signs.* Street name signs shall be installed at all intersections within a subdivision. The location and design of such signs shall be approved by the city manager or his/her designee.

- (j) *Utility strips.* The street right-of-way shall be graded at least six feet measured from the back of the curb or edge of pavement, on both sides of the street, to provide space for installation of utilities, to prevent the encroachment of driveways into the street surface, to provide walkways off the paved vehicular surface, and to provide space for the future installation of sidewalks.
  - (k) *Street trees.* The planting of street trees is generally not required, but may be required by other city ordinances. If the subdivider chooses to plant trees along the street to enhance the appearance of a subdivision, such trees shall not be planted on any street right-of-way to ensure that there will be no future conflict with utility lines either above or below the ground surface. Certain trees, however, are permitted on right-of-way subject to approval by the city manager if such species demonstrate growth characteristics which will not interfere with utilities and are in compliance with the city tree preservation ordinance.
  - (l) *Street addresses.* Numerals or letters indicating the official street address of each principal residence or business (as shown on the final plat), shall be installed by the subdividers of any subdivision either on a mailbox, mailbox post or other prominent place on the property so as to be visible to any emergency response unit trying to locate said residence or business. The numerals/letters shall be made of a durable reflective material, shall contrast in color with the background, and be at least three inches high for residences and four inches high for businesses.
  - (m) *Streetlights.* Prior to the sale of the first residence/business within any phase of the subdivision, there shall be streetlights installed by the subdividers of any subdivision or by the electric utility company for that area, and the installation costs as well as the monthly charges shall be borne by the subdivider until 50 percent of the total residences/business within that phase have been sold. At that time, the subdivider shall so notify the city manager who will in turn notify the respective electric utility company and transfer responsibility for payment to the city for that particular phase.
  - (n) *Two-year warranty and final inspection.* Developers of nonprivate subdivisions within the city shall provide the city with a two-year warranty on the infrastructures (streets, curb and gutter, water, sanitary sewer, storm sewers, signage, etc.) that is required to be installed by this article. The developers shall be required to compensate the city for the cost of performing a final acceptance and public dedication inspection of the infrastructure improvements set forth in this article. The compensation shall be based on a fee of \$50.00 per lot with a minimum fee of \$2,500.00 and must be paid prior to the final acceptance and dedication inspection. The city shall have the right to use its own employees or to hire a certified engineering firm to perform the final acceptance and dedication inspection.
- (Comp. Ords. 2005, § 5-1606; Ord. No. 96-18, 8-5-1996; Ord. No. 01-06, 3-4-2001; Ord. No. 04-08, 8-1-2004; Ord. No. OA-2017-02, 12-11-2017)

### **Sec. 34-26. Standard design specifications for streets and storm drainage.**

- (a) *Applicability.* All persons proposing construction within the public rights-of-way of the city or within easements that are required to conform to city standards shall perform all construction in accordance with these specifications and standard design drawings.
- (b) *Standards incorporated by reference.* Unless otherwise specifically set forth herein, all of the materials, quantities, methods of construction, and workmanship for the work covered in reference to street construction and storm drainage construction shall conform to the latest standard specifications of the state department of transportation. Design criteria and standards not specifically set forth herein shall conform to the latest edition of the American Association of State Highway and Transportation Officials (AASHTO) Policy on Geometric Design of Highways and Streets, or other AASHTO publications; American Society of Testing and Materials (ASTM) latest standards; and the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD). Construction plans for all facilities covered by this article shall conform to article IV of chapter 16, pertaining to erosion and sedimentation control.

(c) *Administration and enforcement.*

- (1) *Permits required.* All phases of construction are guided by a permit process. Before obtaining a permit for the construction phases of subdivision improvement, a development plan must have been approved by the city manager or his/her designee in accordance with this article. Plans for all other construction must be approved by the city manager or his/her designee. Permits will only be issued to the property owner, developer, or their authorized agent. The following types of construction are required to be reviewed:
- a. Grading and storm drainage;
  - b. Water and sewer line construction;
  - c. Curb construction;
  - d. Base and paving construction.

One permit shall be issued at the beginning of each construction activity. After inspection and approval of each phase, the developer may proceed with each subsequent phase.

(2) *Field inspections.*

- a. *Advance notice to city for inspection.* Authorized representatives of the city shall access to the work site for inspection at any time. When an inspection for approval of the work is needed, the permittee shall notify the city manager or his/her designee at least twenty-four hours in advance. After notification to the city and expiration of the twenty-four hour period, the work may proceed with or without the inspection. However, the city reserves the right to require modifications or corrections if said work does not conform to city regulations, specifications or ordinances.
- b. *Final inspection.* Each type of construction identified in subsection (c)(1) of this section shall be inspected at the time of completion. In addition, each phase of construction shall be inspected before it is covered, built over, or otherwise hidden for inspection purposes by subsequent work. For example, subgrade preparation shall be inspected before any placement of base material, and base shall be inspected prior to the laying of pavement. When all construction has been completed, the developer or his agent shall meet with a representative from the city on the job site. All work will be examined at this time to ensure the work has been accepted and the construction plans checked against what has been constructed to ensure that the work is complete and proper. A final field inspection of all improvements shall be held before acceptance of the work. Nothing in this provision shall prevent the completion of a job pending inspection so long as the developer has given 24 hours' notice to the city that the work is to be completed at a given date and time.

- (3) *Letter of acceptance.* If all work has been completed and is approved, a letter of acceptance will be issued by the city manager and/or the final plat be certified. Permits are not required when the work to be performed is by a city, county or state agency.

- (4) *Stop work order.* Any work not having the proper permit or not conforming to the requirements of this article or any other city or state requirement must be brought into compliance. Should the work not be permitted or corrected after notification by the city manager or his/her designee, a stop work order shall be issued by the city manager or his/her designee. Further failure by the property owner or developer to comply shall make him liable for a \$500.00 per day fine and charges of a misdemeanor.

(d) *Earthwork.*

- (1) *Clearing and grubbing.* The entire area within the typical grading section shall be cleared and grubbed of all trees, bushes, stumps and debris. Such debris shall be disposed of in a satisfactory manner.
- (2) *Grading.* Grading shall be accurately done to the lines and grades shown on the approved plans. Embankments shall be placed in uniform layers not to exceed six inches and

compacted to a density of 95 percent of the maximum dry weight per cubic foot as determined by an approved method. Proof-rolling shall be accomplished prior to placement of embankments to detect soft spots.

Slopes in Cut or Fill Sections	
Depth of cut or fill	Maximum Slopes
Two feet or less	4 to 1
Two to five feet	3 to 1
Over five feet	2 to 1

The depth of cut referenced in the table in this subsection shall be construed to be the maximum cut or fill occurring in any one section of cut or fill. The slope on cut or fill shall be uniform throughout for each section of cut or fill. When a cut is made in rock that requires blasting, slope may be changed to vertical slope upon the written approval of the city manager or his/her designee.

Residential lots shall be graded to drain surface water runoff directly to either a street or approved drainage easement. Runoff shall not be allowed to flow across adjacent lots.

- (3) *Blasting.* Any blasting activity must be approved by the Paulding County Fire Chief and conform to the Paulding County Fire Department requirements.
- (4) *Subgrade.* After the earth work has been completed, all storm drainage and other underground utilities have been installed under the roadbed, and the backfill in all ditches thoroughly compacted, the subgrade shall be brought to the lines, grades and cross section shown on the plans.
  - a. If any sections of the subgrade are composed of unsuitable or unstable material, such material shall be removed to the depth directed by the city manager or his/her designee and replaced with suitable, thoroughly compacted material.
  - b. When the street is to be used for construction traffic before the paving work is completed, a layer of No. 5 stone can be laid as a traffic surface if the developer desires under the following provisions:
    - 1. This material shall not be used as part of the base material;
    - 2. It may be worked into the subgrade or it shall be removed before the base course is set up for paving;
    - 3. Provision shall be made to drain low points in road construction when the final paving surface is delayed.

(e) *Storm drainage.*

- (1) *Standards.* The following standards are to be used in designing the system:
  - a. *Stormwater discharge rate.* The development shall comply with the current best management practices for stormwater management as contained in the Georgia Stormwater Management Manual, latest edition.
  - b. *Size and location of drainage structures and facilities.* The sizing and location of all drainage structures and facilities shall be the responsibility of a registered professional engineer, subject to the approval of the city manager or his/her designee. Stormwater management facilities shall be designed in accordance with the requirements set forth in the city stormwater management ordinance.
  - c. *Minimum velocity.* Storm drainage pipes shall be sloped so as to maintain a minimum velocity of three feet per second so that sediment will not collect. Stormwater

drainage systems shall be designed using the 25-year design storm, with the 100-year design storm used to evaluate local flooding.

- d. *Gauge of pipe, backfill and installation.* State department of transportation standard 1030D (or most current) shall be used in determining class (concrete) or gauge of pipe under fill, method of backfilling and pipe installation, unless otherwise specified and approved by the city manager or his/her designee.
  - h. *Drainage easement.* The drainage easements shall be a minimum of 20 feet wide. Drainage easements may be required to be wider when, in the opinion of the city manager or his/her designee, additional width is required for future maintenance purposes.
  - i. *Catchbasins.* Catchbasins and/or drop inlets shall be designed in accordance with the standard design drawings and specifications of the city, or of the state department of transportation.
  - j. *Street water.* Street water shall be limited to a maximum distance as follows:
    - 1. Zero up to seven percent grade: 400 feet maximum.
    - 2. Seven up to ten percent grade: 300 feet maximum.
    - 3. Over ten percent grade: 250 feet maximum.
    - 4. Or spaced to limit the gutter spread for the 25-year design storm to 8 feet, whichever is more stringent.
  - k. *Subdrainage.* Subdrainage will be installed to control the surplus groundwater by intercepting sidehill seepage or by lowering or regulating the groundwater where such conditions exist.
  - l. *Bridges.* Bridges shall be designed on a 100-year storm frequency.
- (2) *Cross drain pipes.*
- a. *Size.* Cross drain pipes shall be not less than 18 inches in diameter when under streets and not less than 15 inches in diameter when under a driveway.
  - b. *Headwalls.* Cross drains shall have headwalls of an approved type on inlet and outlet ends of the pipes.
  - c. *Shoulder.* All streets shall maintain full shoulder width across all cross drains as the minimum length.
  - d. *Maximum length.* Maximum continuous length of cross drains shall be 300 feet.
  - e. *Junction boxes.* Junction boxes having access to the cross drains shall be constructed to meet the requirements of the state DOT standard drawings and specifications. All pipe junctions shall have junction boxes with lids for access. Any change in material type must occur at a junction box or other stormwater structure such as a catch basin or drop inlet.
- (3) *Materials.*
- a. *Concrete pipe.* Concrete pipe shall be reinforced within the right-of-way but may be plain pipe outside the right-of-way. Flat bottom and circular pipe sections shall be laid in a prepared trench with the socket ends pointing upstream. Sections shall be joined in accordance with manufacturer's recommendations.
  - b. *High Density Polyethylene Pipe (HDPE).*
    - 1. Shall conform to the requirements of AASHTO M294, Type S.
    - 2. Pipe shall have smooth interior with annular exterior corrugations.



- 3. Joints shall be bell and spigot type and shall provide a water-tight connection.
- 4. Pipe shall meet requirements of Georgia Department of Transportation Standard Specifications, Section 550 and Section 845, and Standard Detail 1030P. Pipe shall be from an approved source listed on Qualified Products List QPL-51.
- (4) *Traffic and erosion.* Before any traffic over a storm drain is allowed, the developer shall provide an adequate depth and width of compacted backfill to protect the structure from damage or displacement. Any debris or silt that constricts the flow through a pipe shall be removed by the developer as often as necessary to maintain drainage. All pipe structures shall be cleaned before the work is accepted. Any damage or displacement that may occur due to traffic or erosion shall be repaired or corrected at the developer's expense. The developer's obligation to clean and repair pipes ceases after acceptance by the city.
- (5) *Minimum clearance.* Minimum clearances are one foot between the bottom of the roadway base and the exterior crown of the culvert and a minimum of one-half foot between underground utilities and the exterior crown of culverts.
- (6) *Trench construction.* Trench construction for storm drainage pipes shall be in accordance with the standard drawings contained herein.
- (f) *Streets.*
  - (1) *Street design criteria.* Street design criteria for proposed streets, and the redesigning of existing streets, shall conform to the following specifications:
    - a. *Minimum grade.* The minimum grade on subdivision streets shall be one percent (1.0%). The minimum grade on cul-de-sacs shall be 1½ percent to maintain one percent in curblines. The minimum grades for collector and arterial streets shall conform to Georgia DOT practice.
    - b. *Maximum design speeds and grades.* Maximum design speeds and maximum grades allowable by street classification shall be as follows:

Street Type	Maximum Grade (in percent)	Maximum Curve (in degrees)	Maximum Design Speed (in mph)
Arterial	8	10	55
Major collector	10	15	50
Minor collector	12	20	45
Local or residential	14	25	25

Maximum grade on any cul-de-sac turnaround shall be six percent.

- c. *Sight distance requirements.* The sight distance requirements at intersections, curves, and crests of hills shall be in accordance with AASHTO Policy on Geometric Design of Highways and Streets, latest edition, or with a minimum sight distance as follows:

Street Type	Sight Distance <sup>(1)</sup>
Arterial	500 feet
Major collector	400 feet
Minor collector	300 feet
Local or residential	200 feet

**Note**—<sup>(1)</sup> As measured between points four feet above the centerline of the street.

Where the required line of sight is located outside of the street right-of-way, a sight distance easement shall be shown on the final plat. No obstructions to the required line of sight are allowed to be constructed within a sight distance easement, such as fences, structures, or shrubbery.

- (2) *Curb and gutter.* Curb and gutter shall be required on all subdivision streets within the city as specified in section 34-25(f) and shall be a vertical type having the section and dimensions as shown in the standard drawings herewithin. Rollback curb and gutter may be allowed, only with special approval of the city manager or his/her designee, in residential developments where curb breaks for driveways would exceed 75 percent of the total curb installation.
  - a. *Residential curbing.* Concrete shall have a minimum strength of 3,000 psi at 28 days.
  - b. *Industrial or commercial curbing.* Concrete shall have a minimum strength of 3,000 psi at 28 days (vertical faced curbing only).
  - c. *Construction methods.*
    - 1. Line and grade shall be set by developer's engineer or surveyor.
    - 2. One-half inch expansion joints of premolded bitumastic expansion joint material shall be provided at all radius points and at intervals not to exceed 50 feet in the remainder of the curb and gutter.
    - 3. Special curbing designs (center islands, etc.) shall individually be approved by the city manager.
    - 4. Curb and gutter shall be set true to line and grade and finished by skilled workers to the section shown on the plans.
    - 5. Inferior workmanship or construction methods resulting in unsightly curb and gutter will be cause for rejection of the finished work.
    - 6. All curbing shall be backfilled and landscaped.
- (3) *Residential and industrial streets.* Residential and industrial streets shall be built to the standards as shown in the standard design drawings herewithin and applicable state DOT standards.

Required roadway paving sections shall be as follows:

Street Type	Graded Aggregate Base (GAB) (inches)	Asphalt Binder 19 mm Superpave (inches)	Asphalt Topping 12.5 mm Superpave (inches)
Arterial	10	5	1.5
Major collector	10	3	1.5
Minor collector	10	2	1.5
Local industrial or commercial	8	2	1.5
Local residential	6	2	1.5

- (4) *Roadway surfaces.* After 75 percent of the houses on the street have been built, the roadway or street shall receive the appropriate surface course. Two inches minimum of asphalt concrete is required on all public city streets. All asphalt concrete will be mixed in an asphalt plant which meets the latest requirements of the state department of transportation.
- (5) *Street cuts.* All utility street cuts within the city shall be by permit of the city manager or his/her designee and shall meet all of the following standards contained herewithin.
  - a. All trenches shall be backfilled and compacted the same day the trench is opened, or provide a steel running plate to cover the trench.

- b. Trenches under the paving shall be returned to 95 percent compaction as determined by appropriate inspection.
  - c. Trenches elsewhere shall be returned to 90 percent compaction as determined by appropriate inspection.
  - d. See the standard drawings for detail of approved trenches.
- (6) *Sidewalks.* Sidewalks, when required, will be built in accordance with the standard drawings herewithin and the following conditions:
- a. In single-family residential areas, concrete sidewalks shall be a minimum of five feet wide and four inches thick. In commercial areas, sidewalks shall be a minimum of five feet wide and four inches thick.
  - b. Concrete shall be 3,000 psi at 28 days strength.
  - c. Sidewalks will normally be located on both sides of the streets.
  - d. Sidewalks shall be backfilled and landscaped.
  - e. Sidewalks shall be located one foot from the back of curb, separated from the curb by a beauty strip. Where no curbing exists or proposed road improvements are anticipated, sidewalks shall be placed in a location acceptable to the city manager or his/her designee.
  - f. Curb ramps shall be provided at all locations where sidewalks terminate at curb.
  - g. All sidewalks and curb ramps shall meet ADA requirements.
- (7) *Street markers.* Street markers shall be diamond grade reflectorized white background with black letters and colored city logo mounted on ten-foot length posts. Developer shall supply approved markers or purchase from the city. Street markers for private streets shall be blue background.
- (8) *Traffic signs.* Traffic signs shall be supplied by the developer (may be purchased through the city) and installed as directed by the plans or the city manager or his/her designee. Traffic signs must comply with the MUTCD and must meet Georgia Department of Transportation standards and specifications.
- a. A "Speed Limit" sign shall be posted at each development entrance.
  - b. A "Watch for Children" sign shall be posted at each subdivision entrance.
  - c. Street name signs and stop signs shall be installed at all intersections within a development.
- (9) *Pavement markings.* The developer shall be responsible for the installation of all striping and pavement markings. All required striping must be complete prior to approval of the final plat. Thermoplastic shall be used for all permanent striping and pavement markings. All striping and markings must comply with the MUTCD and must meet Georgia Department of Transportation standards and specifications.
- (10) *Traffic signals.* Where required, traffic signals will be installed at the developer's expense. All work will be in accordance with approved signal design. Traffic signals must be in full operation prior to acceptance by the city.
- (11) *Underground utilities.* All utilities beneath pavement shall be installed and the ditches backfilled and thoroughly compacted before any pavement or base is installed.
- a. All utility manholes and valve boxes shall be brought to the finished grade within the roadway section.
  - b. All utility locations shall correspond to the typical layout as shown by the standard drawings herewithin.

- (12) *Foreign material on streets.* The developer and/or builders shall be responsible for keeping dirt, mud, building materials, concrete, gravel, trash, etc. off of the pavement and curbing during construction of buildings in all developments within the city.
- (13) *Removal of trash before acceptance.* Before streets are accepted by the city, all litter, construction debris, and/or trash shall be removed from the dedicated rights-of-way.

(Comp. Ords. 2005, § 5-1620; Ord. No. 01-06, 3-4-2001; Ord. No. OA-2017-02 , 12-11-2017; Ord. No. OA-2018-03 , 4-2-2018)

### **Sec. 34-27. Standard design drawings.**

Standard design drawings shall be kept by the Public Works Director as a separate document.

(Comp. Ords. 2005, pt. 5, ch. 16)

### **Sec. 34-28. Roadway and infrastructure project improvements.**

- (a) *Definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Infrastructure project improvement* means a site improvement required to provide water distribution, sewer collection, stormwater management, or streetlights within a specifically identified residential development that are necessary to bring the development into compliance with the standards set forth in the City of Dallas Development Regulations. Such an improvement is intended for the use and convenience of the occupants or users of the residential development alone and is not designed to provide service to the community at large.

*Infrastructure* means the water distribution, sewer collection, stormwater management, and street light systems contained within the final plat for a residential development recorded with the Office of the Clerk of the Superior Court of Paulding County.

*Roadway* means the roadway contained within the final plat for a residential development recorded with the Office of the Clerk of the Superior Court of Paulding County.

*Roadway project improvement* means a site improvement to a substandard roadway contained within a specifically identified residential development that is necessary to bring the roadway into compliance with the standards set forth in the City of Dallas Development Regulations. Such an improvement is intended for the use and convenience of the occupants or users of the residential development alone and is not designed to provide service to the community at large.

*System improvement* means an improvement designed to provide service to the community at large, in contrast to a roadway project improvement or an infrastructure project improvement.

*Vacant lot* means a lot within a residential subdivision upon which no residential structure has been constructed or for which no certificate of occupancy has been issued by the city.

- (b) *Applicability.* This article shall apply to those residential developments meeting the following criteria:
- (1) A final plat for the development has been lawfully recorded in Office of the Clerk of the Superior Court of Paulding County, but all or a portion of the roadways or infrastructure therein have not been accepted by the city for perpetual maintenance;
  - (2) All or a portion of the roadways or infrastructure shown on the final plat do not comply with the development regulations; and

- (3) The bonds or other security instruments posted, or which should have been posted for the residential development have failed to provide sufficient funds to the city for proper completion of the roadways and associated infrastructure within the residential development.
- (c) *Roadway and infrastructure project improvement fee.*
- (1) Where the city determines that a residential development meets the criteria set forth in subsection (b), the community development director may condition issuance of a building permit or certificate of occupancy for the remaining vacant lots within the development upon payment of a roadway and infrastructure project improvement fee.
  - (2) The roadway and infrastructure project improvement fee shall be determined by the community development director by dividing the anticipated costs to complete the residential development in compliance with the development regulations by the number of vacant lots existing within the residential development. Once the first roadway and infrastructure project improvement fee for a specific residential development is determined, the fee will remain constant for the remaining vacant lots within that residential development.
  - (3) No roadway and infrastructure project improvement fee may exceed \$2,500.00.
- (d) *Expenditure of roadway and infrastructure project improvement fees.*
- (1) Roadway and infrastructure project improvement fees shall be used solely to pay for expenses incurred by the city in bringing the roadways and associated infrastructure of the specific residential development for which they were assessed into compliance with the development regulations. No such fees may be utilized for system improvements.
  - (2) Roadway and infrastructure project improvement fees shall be accounted for and categorized separately for each individual residential development for which they were assessed.
  - (3) Upon collection of sufficient roadway and infrastructure project improvement fees to bring the roadways and associated infrastructure of a residential development into compliance with the development regulations, the city may commence construction of the improvements; however, this provision does not preclude the city from commencing such construction at an earlier date.

(Ord. No. OA-2014-05, 6-16-2014)

**Secs. 34-29—34-55. Reserved.**

### ***ARTICLE III. CONSERVATION AND OPEN SPACE PRESERVATION***

**Sec. 34-56. Purpose.**

The purpose of this article is to:

- (1) Provide for the preservation of greenspace as a nonstructural stormwater runoff and watershed protection measure.
- (2) Provide a residential zoning district that permits flexibility of design in order to promote environmentally sensitive and efficient uses of the land.
- (3) Preserve in perpetuity unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands and wildlife habitat.

- (4) Permit clustering of houses and structures on less environmentally sensitive soils which will reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development.
- (5) Reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential development.
- (6) Promote interconnected greenways and corridors throughout the community.
- (7) Promote contiguous greenspace with adjacent jurisdictions.
- (8) Encourage interaction in the community by clustering houses and orienting them closer to the street, providing public gathering places and encouraging use of parks and community facilities as focal points in the neighborhood.
- (9) Encourage street designs to reduce traffic speeds and reliance on main arteries.
- (10) Promote construction of convenient landscaped walking trails and bike paths both within the subdivision and connected to neighboring communities, businesses, and facilities to reduce reliance on automobiles.
- (11) Conserve scenic views and reduce perceived density by maximizing the number of houses with direct access to and views of open space.
- (12) Preserve important historic and archaeological sites.

(Ord. No. 06-16, § 1, 10-2-2006)

### **Sec. 34-57. General regulations.**

- (a) *Applicability of regulations.* This conservation subdivision option is available within the incorporated limits of the city as a use by right. Applicant shall comply with all other provisions of the zoning code and all other applicable laws, except those that are incompatible with the provisions contained herein.
- (b) *Ownership of development site.* The tract of land to be subdivided may be held in single and separate ownership or in multiple ownership. If held in multiple ownership, however, the site shall be developed according to a single plan with common authority and common responsibility.
- (c) *Housing density determination.* The maximum number of lots in the conservation subdivision shall be determined by either of the following two methods, at the discretion of the local jurisdiction:
  - (1) *Calculation.* The maximum number of lots is determined by dividing the area of the tract of land by the minimum lot size specified in the underlying zoning. In making this calculation, the following shall not be included in the total area of the parcel:
    - a. Slopes over 25 percent of at least 5,000 square feet contiguous area;
    - b. The 100-year floodplain;
    - c. Bodies of open water over 5,000 square feet contiguous area;
    - d. Wetlands that meet the definition of the U.S. Army Corps of Engineers pursuant to the Clean Water Act; or
    - e. Anticipated right-of-way needs for roads and utilities.
  - (2) *Yield plan.* The maximum number of lots is based on a conventional subdivision design plan, prepared by the applicant, in which the tract of land is subdivided in a manner intended to yield the highest number of lots possible. The plan has to meet formal requirements for an engineered site design plan, certified by an engineer licensed by the state.

(Ord. No. 06-16, § 2, 10-2-2006)

### **Sec. 34-58. Application requirements.**

- (a) *Site analysis map required.* Concurrent with the submission of a site concept plan, the applicant shall prepare and submit a site analysis map. The purpose of the site analysis map is to ensure that the important site features have been adequately identified prior to the creation of the site design, and that the proposed open space will meet the requirements of this article. The preliminary site plan shall include the following features:
- (1) Property boundaries;
  - (2) All streams, rivers, lakes, wetlands and other hydrologic features;
  - (3) Topographic contours of no less than ten-foot intervals;
  - (4) All primary and secondary conservation areas labeled by type, as described in section 34-59;
  - (5) General vegetation characteristics;
  - (6) General soil types;
  - (7) The planned location of protected open space;
  - (8) Existing roads and structures; and
  - (9) Potential connections with existing greenspace and trails.
- (b) *Open space management plan required.* An open space management plan, as described in section 34-59, shall be prepared and submitted prior to the issuance of a land disturbance permit.
- (c) *Instrument of permanent protection required.* An instrument of permanent protection, such as a conservation easement or permanent restrictive covenant and as described in section 34-59, shall be placed on the open space concurrent with the issuance of a land disturbance permit.
- (d) *Other requirements.* The applicant shall adhere to all other applicable requirements of the underlying zoning and development regulations.

(Ord. No. 06-16, § 3, 10-2-2006)

### **Sec. 34-59. Open space.**

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:
- Open space* means the portion of the conservation subdivision that has been set aside for permanent protection. Activities within the open space are restricted in perpetuity through the use of an approved legal instrument.
- (b) *Standards to determine open space.*
- (1) The minimum restricted open space shall comprise at least 40 percent of the gross tract area.
  - (2) The following are considered primary conservation areas and are required to be included within the open space, unless the applicant demonstrates that this provision would constitute an unusual hardship and be counter to the purposes of this article:
    - a. The regulatory 100-year floodplain;
    - b. Buffer zones of at least 75-foot width along all perennial and intermittent streams;
    - c. Slopes above 25 percent of at least 5,000 square feet contiguous area;

- d. Wetlands that meet the definition used by the Army Corps of Engineers pursuant to the Clean Water Act;
  - e. Populations of endangered or threatened species, or habitat for such species; and
  - f. Archaeological sites, cemeteries and burial grounds.
- (3) The following are considered secondary conservation areas and should be included within the open space to the maximum extent feasible:
- a. Important historic sites;
  - b. Existing healthy, native forests of at least one acre of contiguous area;
  - c. Individual existing healthy trees greater than an eight-inch caliper, as measured from their outermost drip line;
  - d. Other significant natural features and scenic view sheds such as ridge lines, peaks and rock outcroppings, particularly those that can be seen from public roads;
  - e. Prime agricultural lands of at least five acres contiguous area; and
  - f. Existing trails that connect the tract to neighboring areas.
- (4) Aboveground utility rights-of-way and small areas of impervious surface may be included within the protected open space but cannot be counted towards the 40 percent minimum area requirement. Historic structures and existing trails may be counted. Large areas of impervious surface shall be excluded from the open space.
- (5) At least 75 percent of the open space shall be in a contiguous tract. The open space should adjoin any neighboring areas of open space, other protected areas, and nonprotected natural areas that would be candidates for inclusion as part of a future area of protected open space.
- (6) The open space shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe, convenient access to the open space.
- (c) *Permitted uses of open space.* Uses of open space may include the following:
- (1) Conservation of natural, archeological or historical resources;
  - (2) Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;
  - (3) Walking or bicycle trails, provided they are constructed of porous paving materials;
  - (4) Passive recreation areas;
  - (5) Active recreation areas, provided that they are limited to no more than ten percent of the total open space and are not located within primary conservation areas. Active recreation areas may include impervious surfaces. Active recreation areas in excess of this limit must be located outside of the protected open space;
  - (6) Agriculture, horticulture, silviculture or pasture uses, provided that all applicable best management practices are used to minimize environmental impacts, and such activities are not conducted within primary conservation areas;
  - (7) Nonstructural stormwater management practices;
  - (8) Easements for drainage, access, and underground utility lines; or
  - (9) Other conservation-oriented uses compatible with the purposes of this article.
- (d) *Prohibited uses of open space.*
- (1) Golf courses;



- (2) Roads, parking lots and impervious surfaces, except as specifically authorized in the previous sections;
  - (3) Agricultural and forestry activities not conducted according to accepted best management practices; and
  - (4) Other activities as determined by the applicant and recorded on the legal instrument providing for permanent protection.
- (e) *Ownership and management of open space.*
- (1) *Ownership of open space.* The applicant must identify the owner of the open space who is responsible for maintaining the open space and facilities located thereon. If a homeowners' association is the owner, membership in the association shall be mandatory and automatic for all homeowners of the subdivision and their successors. If a homeowners' association is the owner, the homeowners' association shall have lien authority to ensure the collection of dues from all members. The responsibility for maintaining the open space and any facilities located thereon shall be borne by the owner.
  - (2) *Management plan.* The applicant shall submit a plan for management of open space and common facilities (the plan) that:
    - a. Allocates responsibility and guidelines for the maintenance and operation of the open space and any facilities located thereon, including provisions for ongoing maintenance and for long-term capital improvements;
    - b. Estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the open space and outlines the means by which such funding will be obtained or provided;
    - c. Provides that any changes to the plan be approved by the city manager or his designee; and
    - d. Provides for enforcement of the plan by the city manager or his designee.
  - (3) *Failure to maintain.* In the event the party responsible for maintenance of the open space fails to maintain all or any portion in reasonable order and condition, the city manager or his designee, or the state, on behalf of the city, may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance may be charged to the owner, homeowners' association or the individual property owners that make up the homeowners' association, and may include administrative costs and penalties. Such costs shall become a lien on all subdivision properties.
- (f) *Legal instrument for permanent protection.*
- (1) The open space shall be protected in perpetuity by a binding legal instrument that is recorded with the deed. The instrument shall be one of the following:
    - a. A permanent written conservation easement recorded with the clerk of the superior court of the county in favor of either:
      - 1. A land trust or similar conservation-oriented nonprofit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions; or
      - 2. A governmental entity with an interest in pursuing goals compatible with the purposes of this article. If the entity accepting the easement is not the city, then a third right of enforcement favoring the city shall be included in the recorded easement;

- b. A permanent written restrictive covenant for conservation purposes recorded with the clerk of the superior court of the county in favor of a governmental entity; or
  - c. An equivalent written legal tool recorded with the clerk of the superior court of the county that provides permanent protection, if approved by the city manager or his designee.
- (2) The instrument for permanent protection shall include clear restrictions on the use of the open space. These restrictions shall include all restrictions contained in this article, as well as any further restrictions the applicant chooses to place on the use of the open space.

(Ord. No. 06-16, § 4, 10-2-2006)

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

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

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

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

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

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

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

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

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

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

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

ATTEST:

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

\_\_\_\_\_  
Date



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## STAFF ACTION ITEM

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**MEETING DATE:** 10/09/2023

**TITLE:** Ordinance Amendment NO. OA-2023-07: Chapter 40 – Utilities; Article II. – Water and Sewer Service; Division 2. – Sewer Use; Sections 40-47 through 40-61 (2<sup>nd</sup> read)

**PRESENTED BY:** Brandon Rakestraw – Public Works Director

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**AGENDA ITEM DESCRIPTION (Agenda Content):**

Ordinance Amendment NO. OA-2023-07: Chapter 40 – Utilities; Article II. – Water and Sewer Service; Division 2. – Sewer Use; Sections 40-47 through 40-61 (2<sup>nd</sup> read)

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**HISTORY/PAST ACTION:**

Original adoption 2005, amended 2006, amended 2015, amended 2021

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**FINANCIAL IMPACT:**

N/A

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**INFORMATION:**

Request approval to amend Chapter 40 – Utilities; Article II. – Water and Sewer Service; Division 2. – Sewer Use; Sections 40-47 through 40-61

This is a 2<sup>nd</sup> read request and approval.

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

**CHAPTER 40 – UTILITIES**

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

**DIVISION 2. – SEWER USE**

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

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

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

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

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

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

**SECTION I.**

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

**DIVISION 2. – SEWER USE**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Notice.

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

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

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

(b) Penalties.

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

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



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

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

(Comp. Ords. 2005, § 4-512.9)

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

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

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

(Comp. Ords. 2005, § 4-512.2)

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

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

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

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

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

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

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

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

(Comp. Ords. 2005, § 4-512.4)

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

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

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

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



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

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

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

(Comp. Ords. 2005, § 4-512.5)

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

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

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

(Comp. Ords. 2005, § 4-512.6)

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

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

(Comp. Ords. 2005, § 4-512.7)

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

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

(Comp. Ords. 2005, § 4-512.8)

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

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

(Comp. Ords. 2005, § 4-512.10)

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

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

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

(Comp. Ords. 2005, § 4-512.11)

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

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

(Comp. Ords. 2005, § 4-512.12)

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

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

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

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

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

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

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

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

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

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

(a) **PURPOSE:**

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

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

(b) **DEFINITIONS:**

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

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

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

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

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

*Development*--The term means all divisions of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose, whether immediate or future, of sale, legacy or building development and includes all division of land involving a new street, or a change in existing streets, and includes re-subdivision and, where appropriate to the context relates to the process of subdividing or to the land or area subdivided. Provided, however, that the following are not included within the definition of a development:

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

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

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



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

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

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

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

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

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

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

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

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

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

(c) REQUIREMENT

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

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

### 3. Sewer Extensions

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

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

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

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

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

**Secs. 40-62—40-76. Reserved.**

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

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

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

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

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

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

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

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

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

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

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

ATTEST:

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

\_\_\_\_\_  
Date



## STAFF ACTION ITEM

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**MEETING DATE:** 10.09.2023  
**TITLE:** Chief of Police  
**PRESENTED BY:** Joe Duvall

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**AGENDA ITEM DESCRIPTION (Agenda Content):**

Proclamation 2023-08 – Domestic Violence Awareness Month

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**HISTORY/PAST ACTION:**

Enter Text Here

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**FINANCIAL IMPACT:**

Enter Text Here

---

**INFORMATION:**

Description of request.

# Proclamation

## DOMESTIC VIOLENCE AWARENESS MONTH OCTOBER 2023 PROCLAMATION 2023-08



**WHEREAS,** During the month of October, the Mayor and Council of the City of Dallas, Georgia, will recognize National Domestic Violence Awareness and will stand in support of those who have been affected by this terrible crime, recognize the individuals and groups who have stepped forward to break the cycle of violence, and commit to helping put an end to domestic violence as it occurs in our community; and

**WHEREAS,** The Mayor and Council recognize that Shepherd's Rest Ministries, Inc., Safe-House and Service for Battered Women and Children, has provided shelter and services for women and children of domestic violence circumstances since 1977, and continues to serve our community by ensuring that victims of this kind of abuse know that they are not alone, and that there are resources and choices available to them and their loved ones; and

**WHEREAS,** While the City of Dallas must do its part, it is also just as important that all citizens play a role in ending domestic violence by promoting healthy relationships within our own circles of influence, speaking out when we see injustice in our community, stand with survivors we know, and change attitudes that continue the cycle of abuse, and

**NOW, THEREFORE, BE IT RESOLVED,** I, James Kelly, Mayor of the City of Dallas, Georgia, by virtue of the authority vested in me by the laws of the City of Dallas and the state of Georgia, do hereby proclaim **October 2023, as Domestic Violence Awareness Month** in the City of Dallas, Georgia; and recognize Shepherd's Rest Ministries organization for its dedication to providing resources, shelter, counseling, love and support to victims of Domestic Violence; and commend the Dallas Police Department for their incident control and 55 arrests from January 1 through September 20, 2023.

**IN WITNESS WHEREOF, I have hereunto set my hand this Ninth day of October, in the year of our Lord Two Thousand Twenty-Three, and in the City of Dallas, in the state of Georgia.**



# RESOLUTION 2023-15

## Certified City of Ethics

**WHEREAS**, the Board of Directors of the Georgia Municipal Association has established a Certified City of Ethics program; and,

**WHEREAS**, the City of Dallas, Georgia, wishes to be certified as a Certified City of Ethics under the GMA Program; and,

**WHEREAS**, part of the certification process requires the Mayor and Council to subscribe to the ethics principles approved by the GMA Board;

**NOW THEREFORE BE IT RESOLVED** by the governing authority of the City of Dallas, Georgia, that as a group and as individuals, the governing authority subscribes to the following ethics principles and pledges to conduct its affairs accordingly:

- \* Serve Others, Not Ourselves
- \* Use Resources With Efficiency and Economy
- \* Treat All People Fairly
- \* Use The Power of Our Position For The Well Being Of Our Constituents
- \* Create An Environment Of Honesty, Openness And Integrity

**RESOLVED** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Councilmember

\_\_\_\_\_  
Councilmember

\_\_\_\_\_  
Councilmember

\_\_\_\_\_  
Councilmember

\_\_\_\_\_  
Councilmember

\_\_\_\_\_  
Councilmember

\_\_\_\_\_  
ATTEST:

## Requesting Use of City Property



# Christmas Parade

THE CITY OF  
DALLAS  
GEORGIA

Special Events  
Permit Application

200 Main Street  
Dallas, Ga. 30132

Individuals or groups wishing to hold events within the city limits of the City of Dallas, Georgia, on public or private property must obtain a Special Event Permit from the City of Dallas. This application is for City Property.

Special Event Permits are subject to the review of city departments and require approval of the Mayor and Council of the City of Dallas.

Complete & return to [awhisner@dallas-ga.gov](mailto:awhisner@dallas-ga.gov)

Applications for events requesting alcohol service will be subject to review by appointment only with the city's Chief Marshal.

For appointment call: 770.443.8110 x 1301 / or email [mhester@dallas-ga.gov](mailto:mhester@dallas-ga.gov)

*Applications should be submitted at least 60 days prior to the proposed event.*

A *Special Event* is any activity that occurs upon public or private property that affects the ordinary use of parks, public streets, rights-of-way or sidewalks, or causes an increase of more than 100% in average daily trips on any public street within the City.

*Special Events* may include, but are not limited to, activities such as arts festivals, fairs, tours, concerts, holiday celebrations, grand opening celebrations, certain business promotional events out of doors, block parties, bicycle races, runs, processions and motorcades. *Granting permission for use does not entitle exclusive use.*

Activities that do not require a Special Event Permit may include funeral processions; garage or lawn sales (or any similar casual sale of tangible personal property); and private social gatherings of up to 20 participants that make no use of city streets other than for lawful parking.

A request for a Special Event Permit may be denied if judged that the event will disrupt traffic within the city beyond practical solution; the event will interfere with access to fire hydrants; the event will cause undue hardship to adjacent businesses or residents; the event will require the diversion of so many public employees that allowing the event would unreasonably deny service to the remainder of the city; the event might otherwise interfere with the public welfare, peace, safety, health, good order and convenience of the general public; the application contains incomplete or false information; the applicant fails to comply with all requirements of the City of Dallas including failure to remit all fees and deposits and Hold Harmless Agreement to the city.

Special Events Permit Application

Page 1 of 8

Revised  
07/2021

# Special Events Permit Application Part I

Item 8.

Please initial acknowledgment in each item's box .

- Checks should be payable to The City of Dallas.**
- Rain Policy:** Events take place as scheduled; no allowances made for inclement weather.
- Fees:** The application fee is non-refundable and should be included with the application. If the event is approved, the user fee and security clean-up deposit will then be due. The security clean-up deposit will be returned if the facility or park is left in appropriate order and no damage is reported. Failure to comply will result in loss of deposit and denial of future applications.

## Fee Structure \*

Application Processing Fee (non-refundable): \$100.00\*\*

*(This fee will be applied toward User Fee if the event is approved and not cancelled)*

User Fee (per day):            1 day - \$400.00\*\*  
   2 days- \$750.00\*\*  
   3 days- \$1000.00\*\*  
   4 days- \$1200.00\*\*

Security Deposit:            \$150.00

Per Police Staff:            \$ 50.00 per hour (Minimum - 2 officers/4-hours)

*\*Fees may also be assessed for additional city services including, but not limited to, clean-up, maintenance, streets, Police and traffic control, electricity, etc.*

*\*\*Non-Profit organizations can receive a 50% reduction on the Application Processing Fee and User Fee(s) when proof of 501(c)3 status is given (form must be submitted).*

- Insurance:** If an event is approved, it will be approved pending receipt of the insurance certificate, due no less than 14 days prior to event.

When using a City facility, common area(s), street(s), park(s) or trail(s), provide a **Certificate of Insurance** with the City of Dallas named specifically and separately, as an additional insured under the policy. The insurance agency must be licensed to do business in the State of Georgia. In the event of any changes or cancellation in the policy, the city must be notified by certified mail.

<u>Type of Insurance</u>	<u>Limits</u>	
General Liability	Each Occurrence	1,000,000
	Damage to Rented Premises (Each occurrence)	50,000
	Med Exp (Any one person)	5,000
	Personal & Adv Injury	1,000,000
	General Aggregate	2,000,000
	Products (Completed Operations / Aggregate products)	1,000,000

**Occupation Tax Certificate:** If products or services are to be sold at this event, submit a copy of your Occupation Tax Certificate with this application. To apply for an Occupation Tax Certificate, contact the City Business Registration office at 770.443.8110 x 1202 *before you submit your application.*

**Police Requirements:** Only certified off-duty police officers are allowed to work special events. Officers may be required depending on the size of event (the number required will be determined by the Dallas Police Department). If a police escort is needed, contact the Dallas Police Department at 770.443.8110 x 1003.

**Signs:** Permits are required for temporary signs or advertising devices. Approval may be obtained through the City’s Community Development at 678.363.6175. No signs may be affixed to trees, buildings, street fixtures or in the street right-of-way. (Sec. 28-1 thru Sec. 28-23)

**Fireworks Permit:** For details on permitting, contact the Paulding County Probate at 770.443.7541 before you submit your application. (Fireworks are not permitted without county’s prior approval.)

**Hours:** Special Event activities are prohibited after 10:00 pm and before 7:00am Sunday through Thursday. On Fridays and Saturdays, events must end by 11:00pm and may not resume before 8:00am unless otherwise approved by the Mayor and Council of the City of Dallas.

**Length of Use:** There is a maximum use of four (4) days for each event. (This time frame does not include set up and take down; there will be a seven (7) days maximum period for set up and take down.) A permit will not be issued to a subsequent group or individual for the purpose of continuing a previously permitted event or display.

**Alcohol:** Refer to code of City of Dallas, Georgia, Alcoholic Beverage Catering, Sec. 4-10 for permitting of alcoholic beverage catering/sales.

**Trash:** It is the event organizer's responsibility to deposit any trash into appropriate trash receptacles following the event to warrant returning the security deposit. Daily cleanup is required to return event location to its pre-event condition. If the applicant fails to clean up such refuse, cleanup will be arranged by the city and the costs charged to the applicant.

There are 18 stationary trash receptacles located along Main Street. In addition, the City provides six (6) rolling trash carts for approved special events held on Main Street. The event organizer can choose to empty the city receptacles/carts into the city's dumpster (located in the parking lot directly behind the civic center) or may request additional rolling trash carts at the rate of \$25/per day. If the City determines the size of the event will **require** additional receptacles, the public works department will notify the organizer. It is the responsibility of the event organizer to make all arrangements and pay any fees applicable for any additional equipment or services. The event organizer should contact City Hall to arrange for any additional equipment/receptacles/services at least 2 weeks prior to any approved event.

**Restroom Facilities:** The city may require event sponsors to provide temporary toilet facilities. In cooperation with the Americans with Disabilities Act, at least one portable toilet is to be handicap accessible. It is the event organizer's responsibility to make all arrangements (drop-off & pick-up) and pay any fees for temporary toilet facilities. The event organizer will need to coordinate the appropriate locations with Public Works Manager. Daily cleanup is required returning event location to its pre-event condition. If the applicant fails to clean up such refuse, cleanup will be arranged by the city and the costs charged to the applicant.

**Sound System:** Not provided. Any intended use of a sound system during the event needs to be addressed in writing. The City maintains a noise ordinance. (Sec. 24-1)

**Traffic & Parking:** Parking is permitted in designated areas. Absolutely no parking is allowed on brickwork or sidewalks. The Paulding County Fire Department requires that all entries, exits and fire lanes be maintained.

**Swimming:** Available at designated pools.

**First Aid and Medical:** The City recommends that you have emergency medical personnel on site for your event.

# Special Event Permit Application Part II

Contact/Designee MUST remain on-site from set-up through clean-up

FOR CITY USE ONLY  
PERMIT APPROVED:

## APPLICANT INFORMATION

Company / Organization Rotary Club of Paulding County

Street Address \_\_\_\_\_

City, State, Zip \_\_\_\_\_

The City requires an individual named as a 24-hour contact for the event and a 24-hour phone number for the individual. One Alternate Contact is also requested.

Primary Contact Sam Elrod Phone 678-523-5551

Address Po Box 2150 Dallas, GA 30132 Email samegc@gmail.com

Alternate Contact \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_ Email \_\_\_\_\_

## Event Information

Event Title Annual Invitational Christmas Parade

Dates Requested: Start: Dec. 2nd <sup>Saturday</sup> Time 1 am/pm End Dec. 2nd <sup>Saturday</sup> Time 4 am/pm

Set-up date & time Dec. 2nd <sup>Saturday</sup> Morning of Parade Break-down date & time Dec. 2nd <sup>Saturday</sup> Immediately After Parade

Event Type:  Festival/Wedding  Concert/Performance  Exhibit/Special Attraction  
 Fundraiser  Parade/Processional  Bike/Walk/Run  
 Other: \_\_\_\_\_

City Facility Requested:  Downtown/Main Street  Gazebo at Dallas Trailhead  
 Sara Babb Park  McKoon Park  Dogwoods at Coleman Camp Park  
 Other: \_\_\_\_\_

Mark All That Apply:  Alcohol  Signage/Banners  Amplified Sound/Music  
 Tents/ Canopies  Carnival Rides  Fireworks/lasers  Portable Restrooms  
 Trash  Road Closing  Shuttles  Generators/Electricity  
 Inflatables  Vendors/Concessions  Animals  Parking/Shuttles

**Enforcement:** City of Dallas Police or Marshal Personnel may eject any citizen or event participant from any park or public facility for violation of rules and regulations. Fines may be applicable.

**Alteration to Parks:** Alterations to park facilities including attaching of decorations and displays are prohibited unless written permission has been given from the Public Works Manager for the City of Dallas. Construction and installation of special service facilities must be approved in writing prior to the event. Damage to any structure or plant material will be billed to the organization at replacement cost plus labor and a ten (10) percent administration fee added to that cost. The City of Dallas withholds the right to regulate placement and method of placement of items or structures in any City park.

**Downtown Streetscape:** Parking, cooking and skateboarding are prohibited on all brickwork.

**Performance Bond:** Event groups must take adequate measures to protect public and/or private property, wildlife and water from damage or injury. A Performance Bond in the amount of 150% of the total estimated cost of the special event to the city, may be required before the special event permit can be issued.

**Complete Application:** Applicants must provide a complete application. This includes, but is not limited to, a *Site Plan or Parade Route* which addresses:

- (a) the location of the event on the property, or the beginning/end of route;
- (b) features and attractions;
- (c) circulation;
- (d) proposed parking including how you will handle overflow parking;
- (e) any proposed road closures;
- (f) location of waste disposal facilities;
- (g) restrooms;
- (h) access for disabled;
- (i) proposed First Aid / Medical Plan
- (j) plan for emergency evacuation
- (k) approved MUTCD Traffic Plan.

**Please Continue to Part II**

**Event Description:** Describe type of your event, purpose of your event, projected attendance (including approximate number of persons and vehicles attending):

Annual Christmas Parade - we haven't released the application form yet, but when we close registration, we can supply you the number of vehicles/floats. Last year, I think it was around 100? And lots of people - LOTS!

**Will you require road(s) closure? If yes, describe as provided for by an approved MUTCD traffic**

**Plan:** Yes - the same parade route as always.

**City Property - List any electrical needs:**

**Please describe your plan for clean-up and removal of waste, recycling and garbage during and after the event:**

City of Dallas is the best and they do a fantastic job on all this!

**How do you plan to publicize this event?**

The Dallas New Era, and online.

**Schedule of the day's events (tentative is acceptable):**

Morning - everybody gets there. Afternoon - Parade. Then - everybody leaves.

**Attach and include a clear and clean copy of the Site Plan or Parade Route**

*Applicant should consider:*

- Assembly area
- Sound Equipment
- Lighting
- Signage
- Parking
- Restrooms
- Tents/Canopies
- Route to Travel
- Vendor Area
- Stage
- Detour Plan
- Water supply
- Communication Facilities
- Generators/Electric Supply
- Event Vehicles
- Medical Treatment Facility
- Adjacent Streets
- Trash Receptacles
- Barricades/crowd control barriers
- Disability Access
- Other Event Components
- Approved MUTCD Traffic Plan

**Applicant's Affidavit**

**I, applicant or authorized representative, have read and understand the contents of this application. The information contained herein and attached is complete and true, current and correct to the best of my knowledge.**

**I understand providing false information shall void the application and cancel the event.**

**I understand the permit may be cancelled by the Chief Marshal or Chief of Police for the City of Dallas, Georgia at any time with or without cause.**

**Organization/Group:** Rotary Club of Paulding County

**Applicant/Representative Name:** Sam Elrod

**Signature:** Sam Elrod **Date:** 9-6-2023



### Release and Hold Harmless Agreement

In consideration for being granted a Special Event Permit from the City of Dallas, Georgia, I, applicant or authorized representative, hereby release and hold harmless the City of Dallas, Georgia itself and its' employees from any liabilities and claims arising during or after this event. I agree that I will never prosecute or in any way aid in the prosecuting of any demand, claim or suit against the City of Dallas, Georgia or its' agents, officers, volunteer staff, or any employee acting officially or otherwise, for any loss, damage, or injury to my person or property that may occur during or after this event held in the City of Dallas, Georgia.

My signature constitutes my agreement and the agreement of my organization (as listed below), including all participants from my organization present at this event. The person or persons signing this document hereby represent to the City of Dallas, Georgia that they have the specific authority on behalf of the organization to execute this Hold Harmless Agreement.

Organization/Group: Rotary Club of Paulding County

Individual Representative: Sam Elrod

Signature: Sam Elrod Date: 9-6-2023

**Appointments for review of completed applications and any attachments may be scheduled with the Chief Marshal by phone or email at:  
770.443.8110 x 1003  
[mhester@dallas-ga.gov](mailto:mhester@dallas-ga.gov)**

### STOP

**FOR CITY USE ONLY**

Initial after complete review (any comments/requirements/exclusions should be noted):

Marshal \_\_\_\_\_ Police \_\_\_\_\_ Theater \_\_\_\_\_ Public Works \_\_\_\_\_  
Community Dev \_\_\_\_\_ Sanitation \_\_\_\_\_ Parks/Rec \_\_\_\_\_

Additional department review(s) needed: \_\_\_\_\_

Comments/Requirements/Exclusions/Changes: \_\_\_\_\_

Officers required (number): \_\_\_\_\_ at rate of \$ \_\_\_\_\_ per \_\_\_\_\_

Additional trash receptacles required (number): \_\_\_\_\_ at rate of \$25/each per day

Temporary toilets required (number): \_\_\_\_\_

Permits (sign or devices) required: \_\_\_\_\_

Alcoholic Beverage Catering License required: \_\_\_\_\_



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## STAFF ACTION ITEM

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**MEETING DATE:** 10/09/2023

**TITLE:** Request for Support for Special Event- 2023 Invitational Christmas Parade

**PRESENTED BY:** Amber Whisner, Business Development

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**AGENDA ITEM DESCRIPTION (Agenda Content):**

Request to approve and support the 2023 Invitational Christmas Parade 12/02/2023

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**HISTORY/PAST ACTION:**

None

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**FINANCIAL IMPACT:**

There is a financial impact regarding the parade. In the past, the City of Dallas has handled expenses such as labor, barricades, production, etc.

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**INFORMATION:**

See attached Special Event Permit.



CITY OF DALLAS General Fund Budget Fiscal Year 2024			
<b>100 GENERAL FUND</b>			
<b>Revenues :</b>			
3110	GENERAL PROPERTY TAXES		5,299,100
3130	GENERAL SALES & USE TAXES		3,456,000
3140	SELECTIVE SALES & USE TAXES		236,000
3160	BUSINESS TAXES		1,618,500
3180	OTHER TAXES		-
3190	PENALTIES & INTEREST-DELO TAX		17,900
3210	BUSINESS LICENSES & PERMITS		66,000
3220	NON-BUSINESS LICENSES & PERMITS		60,700
3230	REGULATORY FEES		107,000
3240	PN & INT-DELQ LICENSE & PERMIT		-
3310	GOVERNMENTAL & GRANT REVENUE		-
3330	FEDERAL GOVT N LIEU OF TAXES		7,200
3340	STATE GOVERNMENT GRANTS		2,107,000
3350	STATE GOVT N LIEU OF TAXES		-
3370	LOCAL GOVT SHARED REVENUES		-
3410	GENERAL GOVERNMENT		750
3470	CULTURE & RECREATION		178,000
3490	OTHER CHARGES FOR SERVICES		1,000
3510	FINES & FORFEITURES		685,000
3610	INTEREST REVENUES		-
3810	RENTS & ROYALTIES		384,300
3830	REIMBURSE DAMAGED PROPERTY		-
3890	OTHER MISCELLANEOUS REVENUES		50,050
3910	INTERFUND TRANSFERS		130,000
3920	GEN FIXED ASSET DISPOSITIONS		-
3930	GENERAL FUND "SURPLUS" FROM FUND BALANCE		(171,510)
<b>TOTAL REVENUES</b>			<b>14,232,990</b>
<b>Expenditures :</b>			
1100	MAYOR & COUNCIL		228,508
1400	ELECTIONS		25,869
1510	ADMINISTRATIVE DEPARTMENT		1,195,877
2650	MUNICIPAL COURT		441,556
3200	POLICE DEPARTMENT		5,057,947
4200	STREET DEPARTMENT		1,595,960
6200	PARKS & RECREATION		1,157,575
6500	THEATER		640,997
7220	COMMUNITY DEVELOPMENT		235,756
7250	MARSHAL'S DEPARTMENT		366,166
7410	PLANNING & ZONING		3,000
7500	CIVIC/CULTURAL CENTER		50,322
7510	BUSINESS DEVELOPMENT		750,986
<b>Capital:</b>			
5400	ADMIN		51,471
5400	COURT		-
5400	POLICE		115,000
5400	STREETS		149,000
5400	PARKS		2,142,000
5400	THEATER		5,000
5400	CIVIC/CULTURAL CENTER		-
5400	COMMUNITY DEVELOPMENT		-
5400	MARSHAL'S DEPARTMENT		-
5400	PLANNING & ZONING		-
5400	BUSINESS DEVELOPMENT		20,000
<b>TOTAL EXPENDITURES</b>			<b>14,232,990</b>
<b>GENERAL FUND Revenues Over (Under) Expenditures</b>			<b>-</b>

**ORDINANCE  
ORD-2023-01**

**AN ORDINANCE TO ADOPT THE FISCAL YEAR 2023-2024 BUDGET FOR EACH FUND OF THE CITY OF DALLAS, GEORGIA, APPROPRIATING THE AMOUNTS SHOWN IN EACH BUDGET AS EXPENDITURES, ADOPTING THE ANTICIPATED REVENUES FOR EACH FUND, PROHIBITING EXPENDITURES TO EXCEED APPROPRIATIONS FOR EACH FUND AND PROHIBITING EXPENDITURES TO EXCEED ACTUAL FUNDING AVAILABLE FOR EACH FUND**

**WHEREAS**, a proposed Budget for each of the various funds of the City has been presented to the Mayor and City Council by the City Manager; and

**WHEREAS**, appropriately advertised public hearings have been held on the proposed Budget, as required by State law and City Charter; and

**WHEREAS**, the Mayor and City Council have reviewed the proposed; and

**WHEREAS**, each of the funds has a balanced Budget, such that anticipated funding sources equal or exceed proposed expenditures; and

**WHEREAS**, the Mayor and City Council intend to adopt an annual Operating Budget for the Fiscal Year 2023-2024.

**NOW, THEREFORE BE IT ORDAINED** that the Operating Budget, shown as “Exhibit A” attached hereto and by this reference made a part of this Ordinance, shall be the City of Dallas FY 2023-24 Budget; and

**BE IT FURTHER ORDAINED** that this Budget be and is hereby approved and that the anticipated revenues presented for each fund are adopted in the amounts shown and that the amounts shown for each fund as proposed expenditures are hereby appropriated to the departments named in each fund; and

**BE IT FURTHER ORDAINED** that any increase or decrease in appropriations or revenues of any fund or for any department or the establishment of capital projects shall require approval of the Mayor and Council; and

**BE IT FURTHER ORDAINED** that, as provided in Section 6.27(c) of the City Charter, such revisions to the Budget may be made by majority vote of the Mayor and Council at any authorized meeting; and

**BE IT FURTHER ORDAINED** that the City Manager or his/her designee may promulgate all necessary internal rules, regulations, and policies to ensure compliance with this Budget Ordinance.

**BE IT FURTHER ORDAINED** that all ordinances or parts of ordinances in conflict herewith are hereby repealed.

**BE IT FURTHER ORDAINED** 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.

**BE IT FURTHER ORDAINED** 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 \_\_\_\_\_, 2023.**

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

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

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

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

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

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

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

ATTEST:

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

\_\_\_\_\_  
Date

**ORDINANCE  
ORD-2023-02**

**AN ORDINANCE TO ADOPT THE MILLAGE RATE FOR THE CITY OF  
DALLAS UPON ALL PROPERTY SUBJECT TO TAXATION BY THE CITY  
OF DALLAS, GEORGIA**

**WHEREAS**, the Mayor and Council for the City of Dallas, Georgia are the governing authority of the City of Dallas, Georgia; and

**WHEREAS**, the governing authority of the City of Dallas, Georgia is authorized by State Law at O.C.G.A.§48-5-32 and by City Charter to set the millage rate for the collection of ad valorem taxes; and

**WHEREAS**, all required notices have been published throughout the jurisdiction pursuant to said statute; and

**WHEREAS**, public hearings have been noticed and held pursuant to statute; and

**WHEREAS**, the Mayor and City Council intend to adopt a new millage rate.

**NOW, THEREFORE BE IT ORDAINED** that the Mayor and City Council of the City of Dallas, Georgia shall establish a millage rate of 6.500. This rate shall be effective for 2023 and all subsequent years.

***[REMAINDER OF PAGE INTENTIONALLY BLANK]***

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

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

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

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

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

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

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

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

ATTEST:

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

\_\_\_\_\_  
Date

**User Name:** Darrin Keaton

**Date and Time:** Wednesday, September 27, 2023 1:34:00PM EDT

**Job Number:** 206775460

## Document (1)

1. [O.C.G.A. § 48-5-32](#)

**Client/Matter:** -None-



[O.C.G.A. § 48-5-32](#)

Current through the 2023 Regular Session of the General Assembly.

*Official Code of Georgia Annotated > TITLE 48 Revenue and Taxation (Chs. 1 — 18) > CHAPTER 5 Ad Valorem Taxation of Property (Arts. 1 — 13) > Article 1 General Provisions (§§ 48-5-1 — 48-5-33)*

## **48-5-32. Publication by county of ad valorem tax rate.**

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(a) As used in this Code section, the term:

- (1) “Levying authority” means a county, a municipality, or a consolidated city-county governing authority or other governing authority of a political subdivision of this state that exercises the power to levy ad valorem taxes to carry out the governing authority’s purposes.
- (2) “Recommending authority” means a county, independent, or area school board of education that exercises the power to cause the levying authority to levy ad valorem taxes to carry out the board’s purposes.
- (3) “Taxing jurisdiction” means all the tangible property subject to the levy of a specific levying authority or the recommended levy of a specific recommending authority.

(b)

(1) Each levying authority and each recommending authority shall cause a report to be published in a newspaper of general circulation throughout the county and posted on such authority’s website, if available:

(A) At least one week prior to the certification of any recommending authority to the levying authority of such recommending authority’s recommended school tax for the support and maintenance of education pursuant to [Article VIII, Section VI, Paragraph I of the Constitution](#); and

(B) At least one week prior to the establishment by each levying authority of the millage rates for ad valorem taxes for educational purposes and ad valorem taxes for purposes other than educational purposes for the current calendar year.

(2) Such reports shall be in a prominent location in such newspaper and shall not be included with legal advertisements, and such reports shall be posted in a prominent location on such authority’s website, if available. The size and location of the advertisements shall not be grounds for contesting the validity of the levy.

(c) The reports required under subsection (b) of this Code section shall contain the following:

(1) For levying authorities, the assessed taxable value of all property, by class and in total, which is within the levying authority’s taxing jurisdiction and the proposed millage rate for the levying authority’s purposes for the current calendar year and such assessed taxable values and the millage rates for each of the immediately preceding five calendar years, as well as the proposed total dollar amount of ad valorem taxes to be levied for the levying authority’s purposes for the current calendar year and the total dollar amount of ad valorem taxes levied for the levying authority’s purposes for each of the immediately preceding five calendar years. The information required for each year specified in this paragraph shall also indicate the percentage increase and total dollar increase with respect to the immediately preceding calendar year. In the event the rate levied in the unincorporated area is different from the rate levied in the incorporated area, the report shall also indicate all required information with respect to the incorporated area, unincorporated area, and a combination of incorporated and unincorporated areas;

(2) For recommending authorities, the assessed taxable value of all property, by class and in total, which is within the recommending authority’s taxing jurisdiction and the proposed millage rate for the recommending authority’s

purposes for the current calendar year and such assessed taxable values and the millage rates for each of the immediately preceding five calendar years, as well as the proposed total dollar amount of ad valorem taxes to be recommended for the recommending authority's purposes for the current calendar year and the total dollar amount of ad valorem taxes levied for the recommending authority's purposes for each of the immediately preceding five calendar years. The information required for each year specified in this paragraph shall also indicate the percentage increase and total dollar increase with respect to the immediately preceding calendar year; and

(3) The date, time, and place where the levying or recommending authority will be setting its millage rate for such authority's purposes.

(d) The commissioner shall not accept for review the digest of any county which does not submit simultaneously a copy of such published reports for the county governing authority and the county board of education with such digest. In the event a digest is not accepted for review by the commissioner pursuant to this subsection, it shall be accepted for review upon satisfactory submission by such county of a copy of such published reports. The levies of each of the levying authorities other than the county governing authority shall be invalid and unenforceable until such time as the provisions of this Code section have been met.

## History

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Code 1981, § 48-5-32, enacted by Ga. L. 1990, p. 889, § 1; Ga. L. 1991, p. 1903, § 7; Ga. L. 1993, p. 947, § 7; [Ga. L. 2015, p. 1219, § 7/HB 202](#).

Official Code of Georgia Annotated  
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End of Document



## STAFF ACTION ITEM

**MEETING DATE:**10/09/2023

**TITLE:** Criminal Trespass  
Repeal

**PRESENTED BY:** Marshal's Bureau

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### AGENDA ITEM DESCRIPTION (OA 2023-8)

Criminal Trespass Repeal

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### HISTORY/PAST ACTION:

First read

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### FINANCIAL IMPACT:

none

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### INFORMATION:

Consideration for first read

**ORDINANCE  
AMENDMENT  
NO. \_\_OA-2023-08\_\_**

**CHAPTER 24 – OFFENSES AND MUNICIPAL COURT**

**ARTICLE I. – IN GENERAL**

**SECTION 24-11**

**WHEREAS,** The Mayor and the City Council of Dallas, Georgia have determined that since Paulding County now has a State Court established, it is necessary for the City to make certain amendments to its ordinances to comply with the provisions of O.C.G.A. §36-32-10.1; **AND**

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

**WHEREAS,** The Mayor and the City Council of Dallas, Georgia have determined that the proposed amendment repealing the City Ordinance offense of Criminal Trespass is required by the Official Code of Georgia; **AND**

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

**SECTION I.**

That **CHAPTER 24 – OFFENSES AND MUNICIPAL COURT, ARTICLE I. – IN GENERAL, SECTION 24-11** is **REPEALED**, struck in its entirety and amended as follows:

**CHAPTER 24 – OFFENSES AND MUNICIPAL COURT**

**ARTICLE I. – IN GENERAL**

**Sec. 24-11. Reserved.**

**SECTION II. EFFECT OF REPEAL.** Per City of Dallas Ordinances, Ch. 1, Sec. 1-5, this repeal shall not revive any prior ordinances in force prior to the effective date of this repealed ordinance **AND** the repeal of this ordinance shall not affect any prosecution, punishment or penalty incurred before this repeal.

**SECTION III. EFFECTIVE DATE.** This repeal 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  
\_\_\_\_\_, 2023.**

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

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

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

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

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

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

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

ATTEST:

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

\_\_\_\_\_  
Date



# STAFF ACTION ITEM

**MEETING DATE:** 10/09/2023

**TITLE:** West Dallas Collector Sewer Extension Project – Phase I: WK Dickson amendment #5; Approval

**PRESENTED BY:** Brandon Rakestraw – Public Works Director

**AGENDA ITEM DESCRIPTION (Agenda Content):**

West Dallas Collector Sewer Extension Project – Phase I: WK Dickson amendment #5; Approval

**HISTORY/PAST ACTION:**

Approval of amendments 1-4

**FINANCIAL IMPACT:**

\$38,158.50

**INFORMATION:**

Request approval to execute WK Dickson: Engineering Amendment #5

Amendment #5 includes the following:

Task 1 – Revise finance conditions for Phase II GEFA	\$5,657.00
Task 2 – Update to West Dallas Sewer Basin (Per new county zoning)	\$20,549.75
Task 3 – Revised project sequencing: cost estimates, pipe sizing	\$4,648.75
Task 4 – Equipment delivery coordination	\$3,042.50
Task 5 – GEFA loan modification; Phase I	\$4,440.50
<b>TOTAL</b>	<b>\$38,158.50</b>



**ORDINANCE  
AMENDMENT  
NO.   OA-2023-10**

**CHAPTER 24 – OFFENSES AND MUNICIPAL COURT**

**ARTICLE II. – PROCEDURES IN MUNICIPAL COURT**

**SECTIONS 24-51 through 24-100**

**WHEREAS,** The Mayor and the City Council of Dallas, Georgia have determined that it is necessary for the City to make certain amendments to its ordinances to comply with the provisions of O.C.G.A. §15-18-90 through O.C.G.A. §15-18-99 and create the office of municipal solicitor and provide for appointment, qualifications, authority and duties of said office; **AND**

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

**WHEREAS,** The Mayor and the City Council of Dallas, Georgia have determined that the proposed amendment creating the office of municipal solicitor serves such purposes and benefits the public health safety and welfare of the Citizens and the City of Dallas, Georgia; **AND**

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

**SECTION I.**

That **CHAPTER 24 – OFFENSES AND MUNICIPAL COURT, ARTICLE II. – PROCEDURES IN MUNICIPAL COURT, SECTIONS 24-51 through 24-100** are struck in their entirety and amended as follows:

**CHAPTER 24 – OFFENSES AND MUNICIPAL COURT**

**ARTICLE II. – PROCEDURES IN MUNICIPAL COURT**

**Sec. 24-51. Office of Municipal Solicitor created.**

The office of Municipal Solicitor is hereby created.

- a. The Mayor and the City Council shall appoint, by majority vote of all members, a person to serve as Solicitor in the Municipal Court in the City of Dallas.
- b. The Council may, at their discretion, provide for a preliminary appointment of Municipal Solicitor to determine the suitability of said appointment, to be finalized by a majority vote of all Council members at the end of the designated preliminary period.
- c. The Municipal Solicitor shall serve at the pleasure of the Mayor and City Council and shall be removed upon request of the Solicitor or a majority vote of all members of the City Council.
- d. Upon said appointment, the City Clerk shall comply with the notification requirements of O.C.G.A. §15-18-91.
- e. The creation of this office shall not invalidate any actions taken by the persons acting in the position of Municipal Solicitor as appointed by the Mayor and City Council prior to this Ordinance creation.



**Sec. 24-52. Qualifications.**

The person appointed to the position of Municipal Solicitor shall be a member in good standing with the State Bar of Georgia and shall be admitted to practice in all trial and appellate Courts in the State of Georgia. The City Attorney may serve as the Municipal Solicitor, provided that all other qualifications for being Municipal Solicitor are met.

**Sec. 24-53. Compensation.**

The Mayor and City Council, in consultation with the Court Clerk and City Manager, may set the compensation for the Municipal Solicitor as provided by the City Charter or Ordinances. If the City Attorney also serves as the Municipal Solicitor, no additional compensation will be made to the City Attorney for said services. However, the Municipal Solicitor shall always be entitled to be reimbursed for actual expenses incurred in the performance of his or her official duties in the same manner and rate as other City of Dallas employees. The compensation for an Assisting Solicitor as provided in Sec. 24-54 shall be at the discretion of the Solicitor and the Court Clerk but shall not exceed the regular per diem or hourly compensation of the appointed Municipal Solicitor.

**Sec. 24-54. Oath of Office**

The Municipal Solicitor shall take and subscribe to the following oath: "I swear (or affirm) that I will well, faithfully, and impartially and without fear, favor, or affection discharge my duties as prosecuting attorney of the City of Dallas, Georgia." Failure to take the oath in a timely manner shall not affect the validity of any official acts taken as Municipal Solicitor for the City of Dallas prior to taking the oath.

**Sec. 24-54. Authority and Duties of the Solicitor.**

The Municipal Solicitor shall have such authority and duties as provided in O.C.G.A. §15-18-96. If the Municipal Solicitor is disqualified from engaging in the prosecution of a particular case or is unable to perform the duties of said office due to illness or incapacity, the Municipal Solicitor may appoint an Assisting Solicitor to prosecute in his or her place as appropriate until the cases subject to disqualification are concluded or the illness or incapacity is resolved.

**Secs. 24-55—24-99. Reserved.**

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

**SECTION III. RATIFICATION.** This ordinance shall ratify the current appointment of the Municipal Solicitor by the Mayor and Council and all actions taken by the persons acting in the position of Municipal Solicitor for the City of Dallas to date as authorized by appointment of the Mayor and City Council.

**SECTION IV. 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 V 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  
\_\_\_\_\_, 2023.**

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

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

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

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

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

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

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

ATTEST:

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

\_\_\_\_\_  
Date



## STAFF ACTION ITEM

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**MEETING DATE:**06/05/2023

**TITLE:** Sec. 24-51 Office of Municipal Solicitor

**PRESENTED BY:** Marshal's Bureau

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### AGENDA ITEM DESCRIPTION (OA 2023-10)

Office of Municipal Solicitor created

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### HISTORY/PAST ACTION:

First read

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### FINANCIAL IMPACT:

none

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### INFORMATION:

Consideration creation of Office of Municipal Solicitor



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## STAFF ACTION ITEM

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**MEETING DATE:** 10/09/2023

**TITLE:** Ordinance Amendment NO. OA-2023-11: Chapter 30 – Solid Waste; Sections 30-1 through 30-21 (1<sup>st</sup> read)

**PRESENTED BY:** Brandon Rakestraw – Public Works Director

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**AGENDA ITEM DESCRIPTION (Agenda Content):**

Ordinance Amendment NO. OA-2023-11: Chapter 30 – Solid Waste; Sections 30-1 through 30-21 (1<sup>st</sup> read)

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**HISTORY/PAST ACTION:**

Amended 2021

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**FINANCIAL IMPACT:**

N/A

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**INFORMATION:**

Request approval to amend Chapter 30 – Solid Waste; Sections 30-1 through 30-21

This is a 1<sup>st</sup> read request.

**ORDINANCE  
AMENDMENT  
NO. \_\_OA-2023-11\_\_**

**CHAPTER 30 – SOLID WASTE  
SECTIONS 30-1 through 30-21**

**WHEREAS,** The Mayor and the City Council of Dallas, Georgia have determined that it is necessary for the City to make certain amendments to its ordinances regarding solid waste, collection, procedures and enforcement; **AND**

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

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

**WHEREAS,** The Mayor and the City Council of Dallas, Georgia have determined that the proposed amendment regarding solid waste, collection, procedures and enforcement serves such purposes and benefits the public health safety and welfare of the Citizens and the City of Dallas, Georgia; **AND**

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

**SECTION I.**

That **CHAPTER 30 – SOLID WASTE, SECTIONS 30 – 1 through 30 – 21** are amended as follows:

## Chapter 30 SOLID WASTE

### Sec. 30-1. Definitions.

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

*Commercial solid waste* means all types of solid waste generated by stores, offices, restaurants, warehouses and other nonmanufacturing activities, excluding residential and industrial waste.

*Composting* means the controlled biological decomposition of organic matter in a stable, odor free humus.

*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.

*Municipal solid waste:*

- (1) The term "municipal solid waste" means any solid waste derived from households, including garbage, trash and sanitary waste in septic tanks and includes solid waste from single-family and multifamily residences, hotels and motels, bunkhouses, campgrounds, picnic grounds, and day use recreation areas.
- (2) The term "municipal solid waste" 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 deposition of any amount of municipal solid waste occurs, whether or not mixed with or including any 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 sludges or small quantity generator hazardous waste, is disposed of by means of placing an approved cover thereon.

*Refuse:*

- (1) The term "refuse" means and includes garbage, rubbish, trash, and other refuse as those terms are generally defined.
- (2) The term "refuse" does not mean dead animals and fowl, body wastes, hot ashes, rocks, concrete, bricks, and similar materials; those things are expressly excluded therefrom.

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

( Ord. No. OA-2021-09, 6-6-2021 )

### Sec. 30-2. Throwing refuse on streets.

It shall be unlawful for any person to place or throw garbage, trash, or other refuse on any street, sidewalk, public alley or other public areas of the city.

( Ord. No. OA-2021-09, 6-6-2021 )

### Sec. 30-3. Refuse not acceptable for collection by city—Enumerated.

The following shall be refuse deemed not acceptable for collection by the city:

- (1) Dangerous materials or substances such as poisons, acids, caustics, infected materials and explosives.
  - (2) Building or construction refuse including lumber, brick, concrete, rock, plaster, mortar, roofing materials and dirt.
  - (3) Paint, oils, or any other hazards liquids.
  - (4) Ashes containing hot embers.
  - (5) Solid wastes resulting from industrial processes.
  - (6) Furniture and/or appliances.
  - (7) It shall be unlawful to place or mix yard trimmings with municipal solid waste within the city. Yard trimmings shall be disposed of in accordance with city regulations.
  - (8) Any other materials which have not been prepared for collection in accordance with this chapter.
  - (9) Amounts of refuse more than an equivalent of eight 30-gallon containers per week.
- ( Ord. No. OA-2021-09, 6-6-2021 )

#### **Sec. 30-4. Inspection.**

It is hereby made the duty of the public works director or designated representative, to make inspection trips at regular intervals to determine whether or not garbage, trash, recyclable materials and rubbish are being properly collected, removed and disposed of as required by this Code or any applicable health ordinance. In the event it is found that such ordinance or regulations are being violated, appropriate and timely action shall be taken to ensure full compliance with the provisions.

( Ord. No. OA-2021-09, 6-6-2021 )

#### **Sec. 30-5. Service requirement; exceptions; penalties; fee increases.**

- (a) Each resident or each business shall be billed garbage collection fees as a part of the water and/or sewer utility billing subject to the billing procedures and penalties as stated in sections 40-19, 40-20, and 40-27.
- (b) Residents who receive their utility bill for water and/or sewer from Paulding County Water System but are located within the city limits of Dallas shall subscribe to the sanitation service provided by the city for the collection of garbage.
- (c) Those persons found guilty of improper disposal of their household waste shall be fined the maximum allowed by law per occurrence. Improper disposal shall include placing waste in commercial dumpsters, along roadways, vacant lots, another person's cart, and similar situations.
- (d) Exceptions:
  - (1) In a single-owner multifamily or multi-business location where a dumpster of adequate capacity, and at least two cubic-yard capacity is provided by a private collection service licensed by the city; or
- (e) The only purpose of the mandatory fees is to ensure that collections are made on a regular basis to prevent the unhealthy and unsightly accumulation and scattering of refuse, garbage and trash.

( Ord. No. OA-2021-09, 6-6-2021 )

**Sec. 30-6. Plastic carts—Provided by city.**

- (a) Plastic wheeled carts shall be required for sanitation customers. The responsibility for obtaining such cart shall be upon the owner or occupant of the premises desiring and otherwise eligible, by the terms of this article. The owner or occupant of the premises is required to contact the City of Dallas Utilities Customer Service Department and request the delivery of a cart once an approved utility or sanitation account has been set up and deposit has been made.
- (b) Additional carts may be requested from the city by the owner or occupant and will be serviced according to the provision of this article. Additional carts requested will have an additional monthly service fee.

( Ord. No. OA-2021-09, 6-6-2021 )

**Sec. 30-7. Plastic carts—Placement for collection.**

All refuse shall be placed in carts for collection. The carts shall be placed at street-side for collection purposes. The collection schedule shall be announced by the department of utilities and public works. If the carts are not near the street-side at collection time, this will indicate no service is needed.

( Ord. No. OA-2021-09, 6-6-2021 )

**Sec. 30-8. [Plastic carts]—Non-street-side collection.**

Non-street-side collection will be provided for households within the city limits if all persons abiding in the household meet the following conditions:

- (1) Physically unable to walk a cart to the curb, due to being confined to a bed or confined to a wheelchair, or,
- (2) Physically unable to roll a garbage cart to street side, as certified by a medical doctor, or,
- (3) Older than 65 years of age,
- (4) Households that desire non-street-side collection not meeting requirements (1) through (3) above shall be charged a fee of \$21.00 per month for this service if approved by the public works director.

Each household desiring to receive backyard service must apply to city hall with the appropriate information. The household information will be verified and a decision provided. If the applicant is denied, the decision may be appealed to the governing body.

( Ord. No. OA-2021-09, 6-6-2021 )

**Sec. 30-9. Plastic carts—Time limit at street-side.**

Carts shall be placed at street-side on the day before the scheduled collection day and carts shall be removed from street-side on the day of collection after the cart has been serviced.

( Ord. No. OA-2021-09, 6-6-2021 )

**Sec. 30-10. Plastic carts—Replacement.**

- (a) The department of utilities and public works shall have the authority to require the replacement of any cart that is so worn or damaged as to hinder the effective street-side collection program.



- (b) Any cart that is damaged or destroyed through the negligence or misuse of the city shall be replaced at the expense of the city. The department of utilities and public works shall have the authority to determine in each case of damage whether the damage is sufficient to require replacement.
- (c) In all other cases in which a cart is rendered unserviceable, the city may replace the cart and charge the property owner for all replacement costs incurred in connection with the replacement. Fees are maintained by the city clerk on a fee schedule.
- (d) The property owner shall be responsible for replacement of any lost or stolen cart. Replacement fee will apply.

( Ord. No. OA-2021-09, 6-6-2021 )

**Sec. 30-11. Plastic carts—Not to be over-filled; placement of extra trash in disposable bags or boxes.**

Carts shall not be filled to overflowing. Lid to container must be able to shut when refuse is placed inside. When carts are fully loaded, extra refuse cannot be placed in next to the cart or in containers not provided by the city. Should a customer need a special pickup due to overflowing refuse, request can be made through the utility's customer service department. Special pickups are subject to a fee. Fee is maintained on fee schedule by city clerk.

( Ord. No. OA-2021-09, 6-6-2021 )

**Sec. 30-12. Material not to be collected from premises where violation exists.**

Refuse collectors are not required to collect from premises where the provisions of this chapter are violated. The failure to collect any trash or garbage from the premises because of a violation of the provisions of this chapter shall not relieve the persons responsible for such violation from prosecution and penalty therefor.

( Ord. No. OA-2021-09, 6-6-2021 )

**Sec. 30-13. Confinement of animals which interfere with collectors.**

Occupants of premises shall facilitate collections of refuse by confining animals which might interfere with collectors.

( Ord. No. OA-2021-09, 6-6-2021)

**Sec. 30-14. Frequency of collections.**

Except as otherwise in this chapter provided and except in the case of emergency arising from an act of nature or under circumstances over which the director has no control, the department shall collect, remove and dispose of all household refuse and trash in the city once per week.

- (1) If a holiday should fall during the week in which an area is due a regular collection, such collection shall be made on the following workday, unless otherwise announced by the department of public works.

( Ord. No. OA-2021-09, 6-6-2021 )

**Sec. 30-15. Disposition so as to avoid pick-up service.**

It shall be unlawful for any person to deposit any garbage, dirt, trash, dead animals or other refuse in any container provided or maintained by any owner, occupant, or tenant or lessee using or occupying any building, house or structure within the city for residences, schools, churches, colleges, lodges, commercial businesses in any quantity to avoid providing or subscribing to a service for the pick-up of garbage, trash, dirt, dead animals or other refuse at the residence or the site of the operations of the business of such persons.

( Ord. No. OA-2021-09, 6-6-2021 )

**Sec. 30-16. Disturbing containers.**

It shall be unlawful for any person to uncover, pilfer, dig into, turn over or in any manner disturb any refuse container belonging to another. This section shall not be construed to prohibit the use of public refuse containers for their intended purpose.

( Ord. No. OA-2021-09, 6-6-2021)

**Sec. 30-17. Refuse collection tiers of service; rate schedule maintained by clerk.**

- (a) The rate of charge for the collection and disposal of refuse shall be determined utilizing different tiers of service, as follows:
  - (1) Single-family residences.
  - (2) Multifamily dwellings and apartment houses.
  - (3) Institutions, businesses, and industrial establishments.
- (b) Refuse collection rates are not printed herein, but are maintained by the clerk in a separate rate schedule.

( Ord. No. OA-2021-09, 6-6-2021 )

**Sec. 30-18. Private collectors prohibited; exceptions.**

No private collector of garbage shall operate in the city. The collection of garbage shall be exclusively a municipal function except for the following exception:

- (1) Private collectors servicing commercial dumpsters and/or roll-offs can operate in the city in accordance with the provisions of this chapter.

( Ord. No. OA-2021-09, 6-6-2021 )

### **Sec. 30-19. Refuse collection outside the city.**

It shall be unlawful to use any city refuse collection vehicles or equipment to collect or dispose of refuse not within the corporate limits of the city.

( Ord. No. OA-2021-09, 6-6-2021 )

### **Sec. 30-20. Franchises.**

- (a) *Authority.* The mayor and council of the City of Dallas, Georgia, shall have the authority to grant the right, privilege and franchise to remove and dispose of solid waste in a commercial dumpster and/or roll-off within all zoning districts within the City of Dallas, Georgia. The franchise, authority or permit granted shall extend for a period not to exceed ten calendar years.
- (b) *Fees.* The grantee of a franchise to remove and dispose of solid waste via commercial dumpster shall pay to the city a fee in the amount of five percent of the total monthly billing collected. This fee shall be paid on or before the fifteenth day of each month for the collection of solid waste the preceding month. If the franchise fee shall be in arrears in whole or in part for 15 or more days, the mayor and council of the City of Dallas, Georgia, shall have the option to cancel the franchise. This franchise fee is subject to an annual increase by the mayor and council of the City of Dallas, Georgia, effective July 1 of every year.
- (c) *Records.* All books and records of a grantee concerning its operations within the City of Dallas, Georgia, and the collection of bills shall be made available for inspection and audit by the Finance Director or his/her designee within 30 days after any request for such inspection or audit.
- (d) *Additional contract and operational requirements.*
- (1) The City of Dallas, Georgia, shall grant to companies a nonexclusive commercial dumpster and/or roll-off franchise contract to use the public streets, alleys, roads and thoroughfares within the City of Dallas, Georgia, for the purpose of operating and engaging in the business of collecting and disposing of solid waste by commercial dumpster; including, but not limited to, contracting with customers and providing service pursuant to the contract, placing and servicing containers, operating trucks, vehicles and trailers, and such other operations and activity as are customary and/or incidental to the business of commercial dumpster solid waste collection and disposal. It shall be unlawful for any company to operate outside the terms of this section.
  - (2) The company may collect and deliver for disposal all solid waste accumulated in a commercial dumpster and/or roll-off within the corporate limits of the City of Dallas, Georgia, by the company's customers. The company will furnish the personnel and equipment to provide the services described herein and as contracted with its customers, in an efficient and businesslike manner.
  - (3) Any company that operates in the City of Dallas, Georgia, providing commercial dumpster solid waste collection and disposal services shall meet the following minimum requirements.
    - a. Obtain a solid waste handling permit from the director of the environmental protection division of the state department of natural resources, pursuant to O.C.G.A. § 12-8-24.
    - b. Use only vehicles and containers which comply with state EPD rules. Waste collection vehicles must be compactor-type trucks, covered or enclosed vehicles, constructed to be substantially leak proof, constructed of durable metal, easily cleanable and designed to prevent litter from escaping during transport. Recycling

vehicles shall not be the same ones used for waste collection. Vehicles shall also meet all safety, size and weight requirements of the state department of transportation.

- c. Accurate monthly records shall be kept of the number of customers served and the monthly tonnage of solid waste handled, and provide a monthly report of these to the City of Dallas, Georgia Billing Clerk. The monthly reports shall also include a summary of all complaints received and resolutions of such during the reporting period. Reports should include, but not be limited to such items as new collection locations, collection locations served which do not show on the billing register, locations of new or replacement containers placed by the contractor performing curbside collection. The required reports shall be filed not later than ten calendar days after the last day of the preceding month. The final report format will be approved by the city manager of the City of Dallas, Georgia, or his designated agent. The city reserves the right to modify the report format and require more or different information throughout the term of the contract. The city reserves the right to terminate the awarded contract upon contractor's repetitive failure to comply with record keeping.

( Ord. No. OA-2021-09, 6-6-2021 )

### **Sec. 30-21. Enforcement, Penalties.**

- (1) It shall be the duty of the public works director to enforce these rules and regulations, and in performance of this duty the director or such director's authorized representative is hereby authorized to enter, at any reasonable hour, any premises as may be necessary for such enforcement. The chief marshal or his representative shall issue actual citations upon the request of the public works director.
- (2) Unless otherwise specified in this Chapter, any person or entity found in violation of this Chapter by the Municipal Court of this city shall be subject to a fine of up to \$500 and imprisonment up to 6 months. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement, injunctive relief and revocation of any franchise, license, or permit issued by the city pursuant to this chapter.

( Ord. No. OA-2021-09, 6-6-2021 )

**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 \_\_\_\_\_, 2023.**

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

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

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

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

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

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

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

ATTEST:

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

\_\_\_\_\_  
Date



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## STAFF ACTION ITEM

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**MEETING DATE:**06/05/2023

**TITLE:** Sec. 38-6 Traffic and Vehicles

**PRESENTED BY:** Marshal's Bureau

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**AGENDA ITEM DESCRIPTION (OA 2023-12)**

Heavy Vehicles

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**HISTORY/PAST ACTION:**

First read

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**FINANCIAL IMPACT:**

none

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**INFORMATION:**

Consideration for first read

**ORDINANCE  
AMENDMENT  
NO. \_\_OA-2023-12\_\_**

**CHAPTER 38 – TRAFFIC AND VEHICLES**

**Sec. 38-6. – Regulations on trucks over two tons.**

**WHEREAS,** The Mayor and the City Council of Dallas, Georgia have determined that it is necessary for the City to make certain amendments to its ordinances regarding the regulation of heavy vehicle parking within the city limits of Dallas; **AND**

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

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

**WHEREAS,** The Mayor and the City Council of Dallas, Georgia have determined that the proposed amendment regarding the regulation of heavy vehicle parking within the city limits of Dallas serves such purposes and benefits the public health safety and welfare of the Citizens and the City of Dallas, Georgia; **AND**

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

**SECTION I.**

That **CHAPTER 38 – TRAFFIC AND VEHICLES, Sec. 38-6. – Regulations on trucks over two tons,** is struck in its entirety and replaced as follows:

**CHAPTER 38 – TRAFFIC AND VEHICLES**

**Sec. 38-6. – Regulations on heavy vehicles.**

- (a) Definitions. For the purposes of this section, the following definitions shall apply.
  - (1) *Heavy vehicle*: Any self-propelled vehicle with a gross vehicle weight of over ~~two tons~~ **ten thousand pounds** or exceeding 24 feet in length (including load), or exceeding 96 inches in height (including racks, and excluding antennas). “Heavy vehicle” shall also include semi-trailers and truck-tractors.
  - (2) *Semi – trailer*: a vehicle of the trailer type so designed and used primarily in conjunction with a truck-tractor that a considerable part of its load rests upon and is carried by the truck-tractor and includes a trailer drawn by a truck-tractor and semi-trailer combination
  - (3) *Truck – tractor*: a motor vehicle designed and used primarily for drawing other vehicles and not constructed to carry a load other than a part of the weight of the vehicle and load drawn.
- (b) Heavy vehicles shall be prohibited from entering upon, passing through or stopping upon West Cooper Avenue Monday through Friday during the hour of 8:00 a.m. to 9:00 a.m. and during the hour of 11:00 a.m. to 12:00 noon.
- (c) ~~Commercial h~~**H** Heavy vehicles shall be prohibited from entering upon, passing through or stopping upon the following streets unless the purpose of doing so is to deliver a product or service to a residence, business or industry that is located upon that street. Heavy vehicles that are owned by any business that is

located on the following streets shall be exempted from this section but must utilize the most direct route to the nearest state route

- (1) South Main Street;
  - (2) Main Street;
  - (3) Hardee Street;
  - (4) South Johnston Street;
  - (5) East and West Foster Avenue;
  - (6) Vernoy Aiken Road.
- (d) It shall be unlawful for any person to permit or cause any heavy vehicle to be pulled, pushed or in any way moved across any curb in the city without prior permission from the director of public works or his designee.
- (e) It shall be unlawful for any person to permit or cause any heavy vehicle to be parked or stored on public property or (except as noted in this section) in a residential, office and institutional, business or industrial district not zoned for warehousing, parking or storage of said vehicles for a period longer than three hours during the day or night; except:
- (1) Any heavy vehicle actually engaged in loading or unloading activity where the driver is present and in charge thereof.
  - (2) Where such parking is necessary in the connection with construction activity which is actually occurring on the property pursuant to a valid and current building permit.
  - (3) A heavy vehicle customarily used specifically in connection with a business where the vehicle is parked, as noted on their City-approved business license, but not for the purpose of storage of materials, supplies and/or inventory for the business.
  - (4) *If the vehicle is for personal use and not registered as a commercial vehicle by any governmental unit.*
- (f) It shall further be unlawful for parts of these heavy vehicles, and their accessories, including materials hauled by the heavy vehicles, to be stored on residential property or to be serviced on residential property, except emergency service may be rendered upon permission of the chief of police or his designee.
- (g) Any person found to be in violation of this section shall be subject to the following penalties:
- (1) For violations of subsections (b), (c), (d) or (f) of this section, a fine not to exceed \$150.00 in addition to any restitution ordered by the Municipal Court for damages inflicted upon city or private property.
  - (2) For violations of subsection (e) of this section:
    - a. Owner/operator of the heavy vehicle:
      - i. For each violation of the 3-hour time limitation, a fine not to exceed \$150.00.
      - ii. For the purposes of this chapter, it shall be deemed a separate violation for each 12-hour period in which the heavy vehicle is parked on the same property in excess of such 3-hour limitation.
      - iii. If the heavy vehicle remains on the same property for longer than 48 consecutive hours; the city may, at the option of any police officer or marshal, remove and impound the offending heavy vehicle.
      - iv. Any heavy vehicle impounded under this section shall not be released until all fines and fees associated with impoundment and storage have been paid.
      - v. The owner/operator of any impounded vehicle may request bond pending a hearing in Municipal Court on said violations. Such bond shall be given in cash equal to the total outstanding amounts due on all citations plus impoundment and storage charges. Once bond is paid and certified by the chief of police or his authorized representative, said heavy vehicle shall be released,



- provided the owner presents satisfactory evidence of his/her right of possession and signs a receipt thereof.
- b. If the owner or manager (or authorized agent of the owner or manager) of the property is found to have permitted unlawful parking of a heavy vehicle on his property, said person shall be penalized as follows:
    - i. First offense: \$150.00 fine.
    - ii. Second offense within 180 days from the first offense: \$300.00 fine.
    - iii. Third and subsequent offenses within 180 days of the first offense: \$500.00 fine.
    - iv. These fines shall be in addition to any other penalties assessed as a result of violations of zoning ordinances and/or business license requirements.

**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.

*[REMAINDER OF PAGE INTENTIONALLY BLANK]*

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

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

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

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

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

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

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

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

ATTEST:

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

\_\_\_\_\_  
Date



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## STAFF ACTION ITEM

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**MEETING DATE:** October 9, 2023

**TITLE:** Ordinance Amendment No. OA-2023-13; Chapter 2 – Administration; Article II – Legislative Body; Sections 2-37 through 2-70 (1<sup>st</sup> read)

**PRESENTED BY:** Preston Kilgore, Community Development

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**AGENDA ITEM DESCRIPTION (Agenda Content):**

Ordinance Amendment No. OA-2023-13; Chapter 2 – Administration; Article II – Legislative Body; Sections 2-37 through 2-70 (1<sup>st</sup> read)

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**HISTORY/PAST ACTION:**

NA

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**FINANCIAL IMPACT:**

NA

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**INFORMATION:**

Ordinance Amendment No. OA-2023-13; Chapter 2 – Administration; Article II – Legislative Body; Sections 2-37 through 2-70 (1<sup>st</sup> read)

**ORDINANCE  
AMENDMENT  
NO. \_\_OA-2023-13\_\_**

**CHAPTER 2 – ADMINISTRATION**

**ARTICLE II. – LEGISLATIVE BODY**

**SECTIONS 2-37 through 2-70**

**WHEREAS,** The Mayor and the City Council of Dallas, Georgia have determined that it is necessary for the City to make certain amendments to its ordinances regarding structure of meetings, meeting times, procedures and rules of decorum for meetings; **AND**

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

**WHEREAS,** The Mayor and the City Council of Dallas, Georgia have determined that the proposed amendment confirming meeting times, procedures and rules of decorum for meetings serves such purposes and benefits the public health safety and welfare of the Citizens and the City of Dallas, Georgia; **AND**

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

**SECTION I.**

That **CHAPTER 2 – ADMINISTRATION, ARTICLE II. – LEGISLATIVE BODY, SECTIONS 2-37 through 2-70** are struck in their entirety and amended as follows:

**CHAPTER 2 – ADMINISTRATION**

**ARTICLE II. – LEGISLATIVE BODY**

**Sec. 2-37. Regular Meetings, Executive Sessions.**

- a) The regular meetings of the mayor and council of the city shall be held on the first Monday of each month at 5:15 p.m. at the city council chambers unless said meeting must be rescheduled due to conflicts such as holidays.
- b) Executive sessions of the mayor and council may be held for the purpose of conducting business excepted from public access requirements as authorized by O.C.G.A. 50-14-2 and 50-14-3.
  - 1. No executive session shall be held except pursuant to a majority affirmative vote of the mayor and council taken in a public meeting.
  - 2. The minutes of the public meeting shall reflect the names of the councilmembers present, those voting for the executive session and the specific reasons for the executive session. Minutes of the executive session may be maintained by the city clerk at the direction of the mayor. Any such minutes shall be maintained in a confidential file and shall not be subject to disclosure; except that disclosures of such portions of minutes identifying real estate to be acquired by the mayor and council may only be delayed until such time as the acquisition of the real estate has been completed, terminated or abandoned or court proceedings have been initiated.

**Sec. 2-38. - Special meetings.**

Special meetings of the mayor and council may be held in accordance with the provisions of section 2.19(b) of the city Charter and O.C.G.A. § 50-14-1.

**Sec. 2-39. - Order of business.**

At each meeting of the mayor and council the following regular order of business shall be observed unless dispensed with by a majority vote of the members present:

- (1) Call to order by the mayor.
- (2) Presentation of the minutes of previous meetings by the city clerk for correction and approval.
- (3) Recognition of visitors.
- (4) Consent agenda.
- (5) Old/unfinished business.
- (6) New business.
- (7) Adjournment.

**Sec. 2-40. - General rules of order; quorum.**

- a) Except as otherwise provided in the city Charter or this Code, the rules of order and parliamentary procedure contained in Robert's Rules of Order, Newly Revised, shall govern the transaction of business by and before the mayor and council at its meetings in all cases to which they are applicable. The city attorney shall serve as the parliamentarian for the council.
- b) A quorum of the city council must be present for the conducting of meetings. The mayor and three council members shall constitute a quorum and shall be authorized to transact business of the city council. When the mayor pro tem is presiding in the mayor's absence, the mayor pro tem and three council members shall constitute a quorum.

**Sec. 2-41. – Decorum**

The mayor and councilmembers must conduct themselves in a professional and respectful manner.

- a) All remarks should be directed to the mayor and not to individual councilmembers, staff or citizens in attendance. Personal remarks are inappropriate. A councilmember is not allowed to speak at a meeting until he has been recognized by the mayor. All comments made by a councilmember shall address the motion that is being discussed.
- b) The mayor shall enforce these rules of decorum. If a councilmember believes that a rule has been broken, he can raise a point of order. A second is not required. The mayor can rule on the question or he may allow the council to debate the issue and decide the issue by majority vote.

**Sec. 2-42. – Public Participation**

Public participation in meetings of the mayor and council shall be permitted in accordance with the provisions of this section.

- a) Public comments. The public will be afforded an opportunity to address the mayor and council at each meeting at the beginning of the meeting. Individuals will be allotted five minutes to make their comments, and their comments must be limited to their chosen topic. These limits can be waived by a majority vote of the mayor and council.
- b) Public participation on agenda items. By a majority vote, the mayor and council may allow public comment on an agenda item at the time the item is being considered by the mayor and council. These comments must be limited to the subject that is being debated. Members of the public may speak for two minutes and may only speak once. These limits may be waived by a majority vote of the mayor and council. Anyone wishing to speak at any meeting of the council must be recognized by the mayor before addressing the council.

- c) Decorum. Members of the public shall not make inappropriate or offensive comments at a meeting of the mayor and council and are expected to comply with the rules of decorum that are established for councilmembers. Individuals who violate any rules of the mayor and council may be ruled out of order by the mayor or on a point of order made by a councilmember. A majority vote of the mayor and council will rule on the point of order. An individual who violates the rules of decorum may be removed from the meeting at the direction of the mayor.
1. It shall be the duty of the chief of police or his designee to be present and on official duty at all special and regular meetings of the city council.
  2. Except during such periods of time at such meetings as the city council shall set aside for public discussion, it shall be unlawful for any person present as a spectator to interrupt or disturb the proceedings in any manner by voice, actions or otherwise.
  3. During periods set aside for public discussion of any nature, any person desiring to speak shall secure the permission of the presiding officer by first silently raising his hand and being recognized. The use of profanity, obscene language, threats or any violent or abusive conduct by any person shall constitute a violation of this section.
  4. It shall be the duty of the chief of police, upon the order of the presiding officer at any such meeting to, forcibly if necessary, evict any person violating the provisions of this section from the council meeting hall. Any such violation shall subject the offender, upon conviction thereof before the municipal court, to a fine and/or imprisonment as prescribed by section 1-11 of the Code of Ordinances.
- d) Public hearings. The mayor and council may schedule public hearings for the purpose of soliciting public comment on any subject of interest to the mayor and council. Hearings may be held immediately prior to or following a meeting of the mayor and council or at such other places and times as the mayor and council may determine.

**Secs. 2-43 – 2-70. – Reserved.**

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

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

**SECTION IV. EFFECTIVE DATE.** 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  
\_\_\_\_\_, 2023.**

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

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

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

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

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

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

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

ATTEST:

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

\_\_\_\_\_  
Date



## STAFF ACTION ITEM

**MEETING DATE:**10/09/2023

**TITLE:** Article VI Distilled  
Spirits Package Hours of Sale

**PRESENTED BY:** Marshal's Bureau

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### AGENDA ITEM DESCRIPTION (OA 2023-13)

Hours of Sale

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### HISTORY/PAST ACTION:

First read

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### FINANCIAL IMPACT:

none

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### INFORMATION:

Consideration for first read



**ORDINANCE  
AMENDMENT  
NO. OA-2023-14**

**CHAPTER 4 – Alcoholic Beverages  
Sec. 4-71. – Hours of Sale Distilled Spirits**

**WHEREAS,** The Mayor and the City Council of Dallas, Georgia have determined that it is necessary for the City to make certain amendments to its ordinances regarding the regulation of Alcoholic Beverages within the city limits of Dallas; **AND**

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

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

**WHEREAS,** The Mayor and the City Council of Dallas, Georgia have determined that the proposed amendment regarding the regulation of Alcoholic Beverages within the city limits of Dallas serves such purposes and benefits the public health safety and welfare of the Citizens and the City of Dallas, Georgia; **AND**

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

**SECTION I.**

That **CHAPTER 4 – Alcoholic Beverages, Sec. 4-71. – Hours of Sale,** is struck in its entirety and replaced as follows:

**CHAPTER 4– Alcoholic Beverages**

**Sec. 4-71. Hours of sale.**

- (a) The hours of sale of distilled spirits at retail and not for consumption on premises is 7:00 a.m. to 11:55 p.m. Monday through Saturday, and Sunday 12:30 p.m. to 11:30 p.m.

**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 \_\_\_\_\_, 2023.**

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

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

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

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

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

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

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

ATTEST:

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

\_\_\_\_\_  
Date