

## CHAPTER 2-16

### UTILITIES AND SERVICES

#### ARTICLE I

### WATER AND SEWER ORDINANCE

#### GENERAL PROVISIONS

(Chapter Amended 12-4-97, 06-04-98, 06-18-98, 11/19/98, 5/17/01, 02/07/02, 05/22/03, 11/06/03, 04/01/04, 09/02/04, 02/03/05, 06/02/05, 12/16/05, 06/15/06; 06/21/07; 08/16/07; 11/06/08; 03/05/09; 06/03/10, 11/04/10, 12/02/10, 12/18/14, 01/07/16)

#### **Section 2-16-1 Short title.**

This Ordinance shall be known and cited as the "Water and Sewer Ordinance."

#### **Section 2-16-2 Scope; the Utility.**

- (a) On April 19, 2006, the Governor of Georgia signed into law House Bill 1585 (Ga. L. 2006, p. 3661) (hereinafter referred to as "Act 485") approved by referendum on July 18, 2006, creating the Brunswick-Glynn County Joint Water and Sewer Commission (JWSC) as a separate legal entity from the County.
- (b) In accordance with Section 7 of Act 485, the County entered into an Operational Agreement, effective June 5, 2007, as amended by an Addendum thereto, effective July 6, 2007, with the JWSC and the City of Brunswick (City) detailing the power of the JWSC to operate a unified system of County and City water and wastewater systems and which sets forth the rights of the City and County governing bodies for the duration of the Agreement.
- (c) In accordance with Section 9 of Act 485, the JWSC submitted to the Glynn County Board of Commissioners for adoption this Water and Sewer Ordinance which standardizes the County and City Water and Sewer Ordinances and which the County Commissioners adopted on June 3, 2010.
- (d) This Ordinance shall regulate maintenance, uses and operation of water and wastewater systems in the unincorporated areas of Glynn County, Georgia (except for Jekyll Island, Georgia). Pursuant to Act 485 and the Operational Agreement, as amended, the service areas of unincorporated Glynn County are combined with the service areas of the City of Brunswick to create a unified system of water and sewer systems under the authority of the JWSC. The service areas combined under the JWSC shall in no way limit future service areas within the boundaries of

Glynn County.

- (e) The JWSC shall be referred to hereinafter as the "Utility." The Utility shall be administered and governed pursuant to the rules and regulations set forth hereinafter and in accordance with federal, state and local laws, rules, and regulations promulgated thereunder having jurisdiction over the operations of the Utility.

**Section 2-16-3 Purpose and Policy.**

- (a) The objectives of this Ordinance are:
  - (1) To provide for the efficient administration and regulation of the water and wastewater Utility;
  - (2) To enable the Utility to comply with all applicable state and federal statutes and regulations governing the operations of the water and wastewater Utility, particularly the following:
    - (A) The Safe Drinking Water Act (SDWA), as amended, 42 U.S.C. § 300f *et seq.*
    - (B) The Federal Water Pollution Control Act (FWPCA), as amended, 33 U.S.C. § 1251 *et seq.*
    - (C) "General Pretreatment Regulations for Existing and New Sources of Pollution," 40 C.F.R., Part 403, applicable to general industrial pretreatment.
  - (3) To provide for protection of water resources in the unincorporated service areas of Glynn County, including both groundwater and surface water sources;
  - (4) To provide for protection of the drinking water production and distribution system to ensure users with high quality drinking water;
  - (5) To prevent the introduction of pollutants into the wastewater treatment system which will interfere with the operation of the system or contaminate the resulting sludge;
  - (6) To prevent the introduction of pollutants into the wastewater treatment system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
  - (7) To improve the opportunity to recycle and reclaim wastewater and sludge from the system;
  - (8) To provide for equitable distribution of the costs of the water production and distribution system; and

- (9) To provide for equitable distribution of the costs of the water and wastewater systems.
- (b) This Ordinance shall be liberally construed to affect the foregoing beneficial purposes provided, however, that such construction shall not impair vested contractual rights.

**Section 2-16-4 Director of Water and Wastewater Utility.**

The chief administrative officer of the water and wastewater Utility shall be the Director of the Utility, who shall have general responsibility, power and authority over the personnel, management and operations of the Utility, subject to the authority of the JWSC as provided by law. It shall be the duty of the JWSC to appoint a qualified person to the position of Director.

**Section 2-16-5 Definitions.**

Unless the context specifically indicates otherwise, the meaning of the words and phrases used in this Ordinance shall be as follows:

*Account:* A single point of Utility service billed on a periodic, regular basis.

*Act of God:* A cataclysmic phenomenon of nature, such as a hurricane, earthquake or abnormal flood. A natural phenomenon including, but not limited to, rain, wind or high water.

*Act or the Act:* The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251 *et seq.*

*Authorized representative of the user:*

- (a) If the user is a corporation, then by
  - (1) The president, secretary treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy-making or decision-making functions for the corporation; or
  - (2) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and when authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

- (b) If the user is a partnership or sole proprietorship, then by a general partner or proprietor, respectively.
- (c) If the user is a federal, state, or local government facility, then by a Director or the highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- (d) The individuals described in subsections (a) through (c), above, may designate another authorized representative if the authorization is in writing and notarized. The authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for the environmental matters for the company, and the written authorization is submitted to the Utility.

*Biochemical oxygen demand (BOD):* The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at twenty (20) degrees centigrade, usually expressed as a concentration (e.g., mg/L).

*Brunswick-Glynn County Joint Water and Sewer Commission (JWSC):* A body corporate and politic, a political subdivision of the State of Georgia and a public corporation created by an Act of the General Assembly (Ga. L. 2006, p. 3661), acting by and through its Commissioners, and responsible for the operations of the Utility.

*Building drain:* That part of the lowest horizontal piping of a plumbing system which receives the discharge of waste, and other drainage from pipes inside the walls of buildings and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

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

*Bypass:* The intentional diversion of waste streams from any portion of a user's treatment facility.

*Categorical pretreatment standards or categorical standards:* Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. § 1317) which apply to a specific category of users and which appear in 40 C.F.R. Chapter 1, Subchapter N, Parts 405-471.

*Chemical oxygen demand (COD):* A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

*City:* The City of Brunswick, a municipal corporation, created and existing under the laws of the State of Georgia, acting by and through its Mayor and Commissioners.

*Combined sewer:* A sewer receiving both surface runoff and sewage.

*Commercial wastes:*

- (a) Non-toxic, non-hazardous liquid wastewater from commercial facilities;
- (b) Grease device/interceptor contents generated by a commercial food operation or institutional food preparation facility, including without limitations, fats, oils, grease, and food scraps; or
- (c) Any oil waste residue produced from vehicle maintenance or washing that discharge to an oil-water separator or sand trap.

*Commercial Waste Transporter Permit:* A permit issued by the Utility for an individual tank truck.

*Composite:* A sample made up of a number of individual samples collected on the basis of either equal flow or equal time, and shall reasonably reflect the characteristics of the water, domestic wastewater or industrial wastewater at the time of each sample collection.

*County:* Glynn County, a political subdivision of the State of Georgia, acting by and through its Board of Commissioners.

*Customer:* The person responsible for one or more accounts.

*Developer:* Any person or legal entity undertaking development.

*Development:* Any construction or expansion of a building, structure or use, any change in use of a building or structure, or any change in the use of land, any of which creates additional demand and need for public facilities.

*Director:* The person designated as the chief administrative officer of the water and wastewater Utility, and appointed by the JWSC.

*Easement:* A right of use over the property of another.

*Effluent:* The discharge flow of a pretreatment device/interceptor and/or facility.

*Environmental Protection Agency (EPA or USEPA):* The United States Environmental Protection Agency or, when appropriate, the administrator of EPA or other duly authorized official of the agency.

*Environmental Protection Division (EPD):* The Environmental Protection Division, Department of Natural Resources, State of Georgia.

*Existing source:* Any source of discharge, the construction or operation of which commenced prior to the publication by the EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

*Floatable oil:* Oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment device/interceptor and/or facility.

*FOG separator or grease interceptor:* A structure or device designed to collect and retain fats, oils, grease and solids usually found in kitchen or similar wastes. Commonly referred to as a grease trap.

*Grab sample:* A sample which is taken from a wastestream, without regard to flow rate of the wastestream, over a period of time not to exceed fifteen (15) minutes and which reasonably represents the characteristics of the stream at the time of sampling.

*Grit trap:* A structure or device designed primarily for the accumulation and removal of grit.

*Hazardous waste:* Any solid waste that has been defined as a hazardous waste in regulations promulgated by the Board of Natural Resources, Chapter 391-3-11.

*Health Department:* The Glynn County Board of Health Department, and includes the director and/or other persons designated and their duly authorized assistants.

*Indirect discharge:* The introduction of nondomestic pollutants from any source regulated under Section 307 (b) and (c) of the Act into the POTW, including holding tank waste such as from vessels, chemical toilets, campers, trailers, septic tanks, and tank trucks.

*Infiltration and/or inflow:* Groundwater or surface water which leaks or otherwise enters into the sewers through defective pipes, joints, manholes, yard drains, down spouts, sump pumps, or by other means or openings.

*Interference:* A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes, operations, sludge processes, use or disposal; and which is or has the potential to be a cause of a violation of the Utility's NPDES and/or LAS permit, as applicable, or of the prevention of sewage sludge use or disposal by the POTW in compliance with any of the federal, state, or local statutory and/or regulatory provisions or permits issued hereunder.

*Land Application System (LAS):* Any method of disposing of pollutants in which the pollutants are applied to the surface or beneath the surface of the parcel of land and which results in the pollutants percolating, infiltrating, or being absorbed into the soil and then into the water of the State.

*Lint trap:* A structure or device designed primarily to collect and retain excessive amounts of fabric/clothing lint.

*National Pollutant Discharge Elimination System (NPDES) Permit:* A permit

issued pursuant to Section 402 of the Act, as amended.

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

*New source:*

- (a) Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that Section, provided that:
  - (1) The building, structure, facility or installation is constructed at a site at which no other source is located;
  - (2) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
  - (3) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.
- (b) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of paragraphs (a)(1) or (a)(3), above, but otherwise alters, replaces, or adds to existing process or production equipment.
- (c) Construction of a New Source as defined under subsections (a) and (b), above, has commenced if the owner or operator has:
  - (1) Begun, or caused to begin, as part of a continuous onsite construction program:
    - (A) Any placement, assembly, or installation of facilities or equipment; or
    - (B) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of New Source facilities or equipment.

(2) Entered into a binding contractual obligation for the purchase of facilities or equipment, which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

*Oil-water separator:* A structure or device designed primarily to collect and retain petroleum substances.

*Originator:* The owner or operator of a grease or FOG interceptor, grit trap, oil-water separator, lint trap or sand trap from which commercial wastes are removed.

*Pass through:* A discharge which exits the POTW into the waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES and/or LAS permit, including an increase in the magnitude or duration of the violation.

*Person:* Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine and the singular shall include the plural when indicated by the context.

*pH:* A measure of the acidity or alkalinity of a solution expressed in standard units.

*Pollutant:* Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, metals, organic and inorganic materials, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

*Pretreatment or treatment:* The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable Pretreatment Standard.

*Pretreatment device/interceptor:* A structure or device designed to collect and retain fats, oils, grease and solid substances usually found in the waste stream.

*Project Improvements:*

- (a) Site improvements and facilities that are planned and designed to provide service for a particular development project which are necessary for the use and convenience of the occupants or users of the project, and that are not system improvements.
- (b) The character of the improvement shall control a determination of whether an improvement is a project improvement or system improvement.
- (c) The physical location of the improvement on-site or off-site shall not be considered determinative of whether an improvement is a project improvement or a system improvement.
- (d) If an improvement or facility provides or will provide more than incidental services or facilities capacity to persons other than users or occupants of a particular project, the improvement or facility is a system improvement and shall not be considered a project improvement.
- (e) No improvement or facility included in a comprehensive plan for public facilities approved by the Utility shall be considered a project improvement.

*Proportionate Share:* That portion of the cost of system improvements which is reasonably related to the service demands and needs of the project.

*Public sewer:* A common sewer which is owned or leased or controlled by the Utility.

*Publicly owned treatment works (POTW):* A treatment works as defined in Section 212 of the Act which is owned or operated by the Utility, and includes any devices and systems used in the collection, storage, treatment, recycling and reclamation of municipal and/or industrial wastes of a liquid nature. This includes sewers, pipes, and other conveyances only if they convey wastewater to the POTW treatment plant, owned or operated by Utility. The term also means the municipality as defined in Section 502(4) of the Act, with jurisdiction over the indirect discharges to and the discharges from such treatment works.

*Receiving waters:* Those waters into which wastewater effluent is discharged.

*Registration:* Acceptance by the EPD of a transporter.

*Registered Commercial Waste Transporter:* A business and/or owner registered by EPD, and whose tank trucks are permitted by the Utility.

*Residential Equivalent Unit (REU):* That portion of a user's facility that has an impact on the water and/or wastewater systems equivalent to a single family unit.

*Sand trap:* A receptacle designed for the accumulation and removal of sand, grit, rocks and other similar debris.

*Sanitary sewer:* A sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not intentionally admitted.

*Satellite system:* A private and independently owned water and/or wastewater system, including infrastructure, appurtenances, structures, lift stations, and devices, which connect to the Utility's public water and/or wastewater systems.

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

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

*Septic wastes:* Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

*Service District:* An area delineated by functional separation of infrastructure in which a defined set of public facilities provide service for development within the area. Service districts shall be designated on the basis of sound planning or engineering principles or both.

*Sewer:* A pipe or conduit that carries wastewater.

*Significant industrial user:*

- (a) Any industrial user of the Utility's wastewater disposal system who is:
  - (1) A user subject to categorical pretreatment standards; or
  - (2) A user that discharges an average of 25,000 gpd or more of process wastewater to the POTW (excluding sanitary, non-contact cooling and boiler blowdown wastewater); contributes a process waste stream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the Utility on the basis that the user has reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
- (b) Upon a finding that an industrial user meeting the criteria in paragraph (a)(2), above, has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the Utility may at any time, on its own initiative or in

response to a petition received from an industrial user or POTW, and in accordance with 40 C.F.R. § 403.8(f)(6), determine that such industrial user is not a significant industrial user.

*Slug:* Any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow rate, and which adversely affects the collection system and/or performance of the wastewater facilities.

*Storm Water:* Any flow occurring during or following any form of natural precipitation.

*Tap fees:*

- (a) *Connection/capital tap fee:* A fee imposed upon new and existing development prior to connection to the Utility, or change of use of property already connected to the Utility, to pay for a proportionate share of the cost of capital system improvements needed to serve new growth and development and based on REUs.
- (b) *Installation/operational tap fee:* A fee charged for labor and materials for connecting to the mains of the Utility which are adjacent to the property or near the property line to be served.

*Total suspended solids (TSS) or Suspended Solids (SS):* The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering.

*Toxic Pollutant:* Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the EPA or EPD under the provisions of the Clean Water Act or other law; or that is determined to be toxic by laboratory analysis or other investigations performed with sound scientific principles.

*Tank truck:* Any vehicle that removes and transports commercial wastes.

*Transporter:* Any person or firm, which owns or operates one or more waste tank trucks that receive or dispose of commercial waste in the State of Georgia.

*User:*

- (a) As applied to commercial waste handling, the term refers to any owner of a facility, and any person who operates the facility, who contributes, causes, or permits the discharge of wastewater into the sanitary sewer system; or
- (b) A customer.

*Utility:* The combined or unified water and wastewater systems of the City and County under the authority of the Brunswick-Glynn County Joint Water and Sewer Commission, acting by and through its Commissioners, to operate and maintain the unified system, and any additions and extensions thereto.

*Wastewater:* A combination of the liquid and water-carried wastes from residences, commercial buildings, industrial establishments, and institutions, whether treated or untreated, together with any groundwater, surface water, and storm water that may be present and which may enter the POTW. The equivalent term is sewage.

**Section 2-16-6 Abbreviations.**

The following abbreviations shall have the designated meanings:

BOD	Biochemical oxygen demand
C.F.R.	Code of Federal Regulations
COD	Chemical oxygen demand
EPA	U.S. Environmental Protection Agency
FOG	Fats, oils and grease
gpd	Gallons per day
LAS	Land Application System
mg/L	Milligrams per liter (parts per million (ppm))
NPDES	National Pollutant Discharge Elimination System
O&M	Operation and maintenance
POTW	Publicly owned treatment works
RCRA	Resource Conservation and Recovery Act
NAICS	North American Industry Classification System
TSS	Total suspended solids
U.S.C.	United States Code

**Section 2-16-7 Water and Sewer Requirements.**

This Section shall be applicable to the Service Districts located in the unincorporated area of Glynn County (except for land under the jurisdiction of

the Jekyll Island State Park Authority).

(a) Water.

- (1) No person shall install or operate a private well within an established Service Area for the purpose of obtaining potable water when Utility water service is available.
- (2) All new developments and other new construction shall be required to connect to public water lines within sixty (60) days after service becomes available within five hundred (500) feet of the corner of the property nearest to the water main.
- (3) The Utility shall have the right to reserve a sufficient supply of water at all times in its reservoirs to provide for fires and other emergencies, and may restrict the quantity of water used by water service customers when a water shortage exists, or whenever the public welfare may require it. It shall be unlawful to violate any water use restriction established by the Utility.
- (4) No person shall use water supplied by the Utility system for the purpose of watering lawns, flowers, gardens or other vegetation, or for the purpose of washing motor vehicles, sidewalks or porches, during periods when a shortage of water exists, as determined by the Utility based on the best interests of the health and welfare of the users.
- (5) Outdoor watering with water supplied by the Utility for purposes of planting, growing, managing, or maintaining ground cover, trees, shrubs, or other plants in the unincorporated area of Glynn County may occur only between the hours of 4:00 p.m. and 10:00 a.m.; provided, however, that this limitation shall not create any limitation upon the following outdoor water uses:
  - (A) Commercial raising, harvesting, or storing of crops; feeding, breeding, or managing livestock or poultry; the commercial production or storing of feed for use in the production of livestock, including, but not limited to, cattle, calves, swine, hogs, mules, horses, goats, sheep, and rabbits, or for use in the production of poultry, including, but not limited to,

chickens, hens, ratites, and turkeys; producing plants, trees, fowl, or animals; or the commercial production of aquacultural, horticultural, dairy, livestock, poultry, eggs, and apiarian products or as otherwise defined in O.C.G.A. § 1-3-3;

- (B) Capture and reuse of cooling system condensate or storm water in compliance with applicable County ordinances and state guidelines;
- (C) Reuse of gray water in compliance with O.C.G.A. § 31-3-5.2 and applicable local board of health regulations;
- (D) Use of reclaimed waste water by a designated user from a system permitted by the Environmental Protection Division of the Georgia Department of Natural Resources to provide reclaimed waste water;
- (E) Watering personal food gardens;
- (F) Watering new and replanted plants, seed, or turf in landscapes, golf courses, or sports turf fields during installation and for a period of 30 days immediately following the date of installation;
- (G) Drip irrigation or irrigation using soaker hoses;
- (H) Hand watering with a hose with automatic cutoff or handheld container;
- (I) Use of water withdrawn from private water wells or surface water by an owner or operator of property if such well or surface water is on said property;
- (J) Watering horticultural crops held for sale, resale, or installation;
- (K) Watering athletic fields, golf courses, or public turf grass recreational areas;
- (L) Installation, maintenance, or calibration of irrigation systems; or

(M) Hydroseeding.

No person shall use or allow the use of water supplied by the Utility in violation of the restrictions on outdoor water use contained in this Ordinance.

The Glynn County Code Enforcement Division shall, on behalf of and in conjunction with the Utility, enforce violations of outdoor water use under this Paragraph 5. The penalty for violations shall be as provided in Section 2-1-10, Violations, of the Glynn County Code of Ordinances.

- (6) All leaks in the service line or any other pipe or fixture on the premises of the user shall be immediately repaired. Upon failure to repair any such leak, service may be discontinued until repairs are made.
- (7) The owner of any house, building, or property used for human occupancy, employment, recreation, or other human congregation purposes and abutting on any street, alley, or right-of-way in which there is now located a public water system, upon failure of a private water system, and at the owner's expense the owner shall connect directly with the public water in accordance with the provisions of this Ordinance within sixty (60) days after date of official notice to do so, provided that said public water is within five hundred (500) feet of the property line.

(b) Sewer.

- (1) No person shall install or operate a private facility for sewage treatment and disposal within an established Service Area when Utility sewer service is available.
- (2) All new developments and other new construction shall be required to connect to public sewer within sixty (60) days after it becomes available within five hundred (500) feet of the corner of the property nearest to the sewer main.
- (3) All premises shall be provided, by the owner thereof, with at least one (1) toilet. All toilets shall be kept in a sanitary and working condition.
- (4) No person shall dispose of human excrement except in a toilet.
- (5) It shall be unlawful to discharge to any natural outlet any non-storm

wastewater or other polluted waters, including septic tank effluent or cesspool overflow, to any open drain, ground or well-penetrating water bearing formation, except where an NPDES and/or LAS permit has been issued by the EPD.

- (6) Except as hereinafter provided, it shall be unlawful to construct or maintain any septic tank, cesspool or other facility intended or used for the disposal of wastewater.
  - (7) The owner of any house, building, or property used for human occupancy, employment, recreation, or other human congregation purposes and abutting on any street, alley, or right-of-way in which there is now located a public sanitary sewer, upon failure of a private wastewater disposal system, and at the owner's expense, a direct connection shall be made to the public sewer within sixty (60) days after notice, provided that said public sewer is within five hundred (500) feet of the property line.
  - (8) Except as otherwise provided herein, all sinks, dish washing machines, lavatories, basins, shower baths, bathtubs, laundry tubs, washing machines, and similar plumbing fixtures or appliances shall be connected to the public sewer.
- (c) When the owner determines that it is not feasible to install a water line or sewer service lateral and/or extension of water lines or sewer trunk lines for a single family residential unit, the owner may submit to the Director a written request for an exemption from connection to the Utility's system. The owner's request shall include documentation of such feasibility determination by the owner. The Director may request additional documentation before making a decision concerning the requested exemption. The Director shall submit his decision to the owner by certified mail.
- (1) Administrative Appeal: The owner who has been denied an exemption by the Director may appeal the adverse decision to the Board of Commissioners of the Utility as follows:
    - (A) The owner must submit to the Director a written appeal within thirty (30) calendar days from the date of the decision upon which the appeal is based. The written appeal must include an independent feasibility report by a professional qualified to make such determinations, such as an engineer. The feasibility report shall contain the reasons for specific objections to the Director's decision to deny the exemption, and the alternative the owner intends to utilize in lieu of connecting to the Utility system.
    - (B) Failure to submit a timely appeal to the Director or failure to provide the information required for the appeal in subparagraph (A), above, shall be deemed a waiver by the owner of the right to an administrative appeal.

- (2) Final Decision: The decision of the Board of Commissioners of the Utility shall be considered a final administrative action for purposes of judicial review.
- (d) The minimum size of the water and/or sewer infrastructure to be installed shall be sized to serve a new development or facility adequately, and any incremental increase in the sizing of the water and/or sewer infrastructure required by the Utility shall be paid for by the Utility.
- (e) No person shall interfere with or damage any Utility facility, machinery, or other property used for the procurement and distribution of water or for the collection and treatment of sewage.
- (f) As necessity may arise in the case of a break, emergency or for other unavoidable cause, the Utility shall have the right to temporarily cut off the water supply or wastewater service, in order to make necessary repairs, connections, etc. In such case, the Utility shall not be liable for any damage or inconvenience suffered by the customer; nor shall the Utility be liable for any claim against it at any time for interruption in service, lessening of the supply, inadequate pressure, quality of water or for any causes beyond its control.
- (g) Water connection shall be allowed for residential and light commercial landscape irrigation purposes by installation of a separate meter in accordance with Section 2-16-7.1. Non-domestic use of water for commercial application may be allowed when the use is no more than the monthly average for domestic use pursuant to national standards. Separate irrigation meters may be up to a maximum of one inch (1") in size. A separate service must be established for a landscape irrigation meter. (#O-2014-06)
- (h) It shall be a violation of this Ordinance:
- (1) For the owner or occupant of property served to drive or knowingly permit to be driven a motor vehicle over or so near water and/or sewer appurtenances including, but not limited to, water meters, valves, clean-outs, and manholes, located in unpaved areas, whether on private or public property, as to risk damage thereto; or
- (2) For any person to place, dispose or permit the placement, disposal or deposit of waste, trash, soil, building materials or other substances, objects, or obstructions in, on or around water and/or sewer appurtenances including, but not limited to, water meters, valves, clean-outs, and manholes on private or public property. No person shall allow or permit such appurtenances to be obstructed or obscured by vehicles, boats, trees, shrubs, plants or in any other manner so as to impede its intended use or access. The Utility shall have the legal authority and right hereunder to enter the premises to remove or trim any obstructions as needed to effect

replacement or repairs to such appurtenances. Any damage resulting from the removal of obstructions will be the responsibility of the property owner.

- (3) Repeated violations will be deemed cause for discontinuation of service.
- (i) Right of entry: The Utility shall have the legal authority and right hereunder to enter the premises, at all reasonable hours, or as necessity may dictate due to an emergency, where water or sewer lines are in use, for the purpose of inspecting pipes or fixtures, setting and repairing meters, connecting or disconnecting service, effecting emergency repairs, and collection of potable water samples when EPD/EPA regulations require the Utility to take samples "at the customer's tap," enforcing the provisions of this Ordinance or any rules or policies promulgated pursuant to the authority thereof including, but not limited to, access to determine compliance with all the requirements of this Ordinance and any permits or orders issued hereunder. Unreasonable delays in allowing the Utility access to the premises shall be a violation of this Ordinance.
- (j) If all or any portion of the Utility infrastructure is repaired or replaced for reasons, other than failure due to normal usage, resulting from neglect or some act of the customer or owner of the property served, then the cost of the repairs will be charged to the customer.

**Section 2-16-7.1 Water on Separate Meter Used for Landscape Irrigation Only.** (#O-2014-06)

- (a) *Water Conservation:* All irrigation systems shall be designed, installed, maintained, altered, repaired, serviced, and operated in a manner that shall prevent the waste of water, promotes the most efficient use of water, and applies the least amount of water that is required to maintain healthy individual plant material or turf and control erosion.
- (b) *Definitions:* As used in this Section the following words shall mean:
  - (1) *Backflow* means the undesirable reversal of flow of water or mixtures of water and other liquids, gasses, or other substances into the distribution pipes of the Utility's potable supply of water from any source or sources.
  - (2) *Backflow prevention assembly* means an assembly used to prevent backflow into the Utility's potable water system. The type of assembly used should be based on the degree of hazard or pollution which may impair or have an adverse effect on the quality of potable water.
- (c) *Application:* All users of the water of the unified system shall submit an application to the Director, or his designee, for the installation of separate meter for landscape or irrigation purposes.

The application must be completed, submitted and approved by the Director prior to installation. The Director, or his designee, may not approve the application for an irrigation meter when the existing water main does not provide sufficient water volume or pressure to support the demand of an irrigation system without causing unacceptably low water pressure for other customers on the same water main, or when installation of the meter would cause a situation which is likely to create an imminent hazard to the Utility's water distribution system. *No meter will be issued when the Utility determines, based on USGS geological study results, that the Floridan Aquifer, or any other aquifer, supplying the water to the customer is in distress.*

(d) *Fees, Rates and Charges; Billing:* The costs associated with installing a landscape or irrigation meter shall be set forth in the Utility's rate resolution, as amended from time to time. A monthly bill will be provided to customers itemizing irrigation only meters.

(e) *Equipment and Maintenance:*

(1) All automatic sprinkler systems shall be equipped with a functioning rain sensor/shut-off device that ensures the automatic irrigation system will not operate during time of precipitation. Rain sensors shall be adjusted and set so that they automatically shut off the irrigation system after one-fourth (1/4) inch of rainfall or more has occurred. No person shall adjust either the rain sensor or the irrigation system so that the rain sensor is not able to override and turn off the irrigation system after one-fourth (1/4) inch of rain has fallen.

(2) Irrigation heads shall be adjusted as to prevent water from landing on impervious surfaces including, but not limited to, sidewalks, driveways, and streets.

(3) Backflow prevention assemblies shall be installed to ensure protection of the potable water supply and tested annually by a certified backflow technician to ensure proper operation. The results of the test shall be submitted to the Director, or his designee, within ten (10) working days of the customer receiving the inspection report.

(f) *Operating schedule:*

(1) Irrigation systems shall be allowed to operate only on the scheduled days and time periods set forth by the Utility.

(2) Irrigation systems shall not be allowed to operate during periods of rainfall in accordance with paragraph (e)(1) herein above.

- (3) During water emergencies, irrigation systems shall only be allowed to operate during times as set forth either by the State of Georgia or the Utility.
- (g) *Discontinuance of service:* Service may be discontinued for any one of the following reasons:
- (1) For misrepresentation in the application as to property fixtures to be supplied or the use to be made of the water supply;
  - (2) For the use of water for any other property or purpose than that described in the application;
  - (3) For waste of water through improperly sized pipes, fixture or otherwise;
  - (4) For failure to keep the connections, service lines or fixtures in good repair;
  - (5) For nonpayment of account for irrigation meter service or of any scheduled related fee or charge;
  - (6) For tampering with any service pipe, meter, curb stop, or any other appliance of the Utility controlling or regarding the water supply;
  - (7) In case of vacancy of the premises; or
  - (8) For causing to be introduced, without permission, into the customer's water system from a supply other than that of the Utility.
  - (9) The customer's service may be discontinued, either temporarily or permanently, when the Utility determines, based on USGS geological study results, that the Floridan Aquifer, or any other aquifer, supplying the water to the customer is in distress.

**Section 2-16-8 Application and Connection to Water and Sewer Service.**

- (a) No connection shall be made to a public sewer or water main, nor water furnished to any premises, without a written and approved application having first been made to the Utility in compliance with the requirements of this Section. (#O-2014-06)
- (1) The Utility furnishing water or sewer service for residential use to a tenant will not seek to recover any charges or penalties for the furnishing of water or sewer service to or for the tenant's residential use from any subsequent tenant on account of nonpayment of charges by a previous tenant.

The Utility may, however, require that service to subsequent tenants be furnished on the account of the landlord or property owner in accordance with Utility policies.

- (2) The Utility may refuse water or sewer service to commercial or industrial property based on unpaid bills incurred by a former tenant on the property in accordance with Utility policies.
- (b) At the time of filing an application, the applicant for connection to the public sewer or water main or for water service shall pay to the Utility all such charges, fees and deposit(s) as required herein, except as otherwise provided for herein below. In the event that the applicant is required to reimburse the Utility for actual costs, the applicant shall pay the amount estimated by the Utility. An adjustment shall be made after completion of the connection if the estimate of charges is inconsistent with actual costs to the Utility. (#O-2014-06)
- (1) A customer with ten (10) or more accounts may provide the Utility with an irrevocable letter of credit in lieu of a cash deposit for account(s), provided, however, the customer is in good standing with the Utility, and has had no more than two (2) late payments, no collection charges, no cut-offs, and no returned (NSF) checks within the prior twelve (12) months.
  - (2) The letter of credit shall be issued by a federally insured lending institution authorized to do business in the State of Georgia, payable to the Utility, and in a form acceptable to the Utility's chief financial officer. All fees for the letter of credit shall be paid by the customer. For new accounts, the letter of credit shall become effective on or before the date the customer account(s) is established.
  - (3) If the letter of credit is for a time period less than the life of the customer account(s), then the customer must renew the letter of credit or replace it on or before forty-five (45) days prior to the expiration date of the letter of credit. If the customer fails to deliver to the Utility either the renewal letter of credit or a replacement prior to the forty-five (45) days, then the Utility may draw the entire face amount of the letter of credit held by the Utility as security for the customer's obligations to pay all deposits for its accounts.
  - (4) The Utility will release the letter of credit when the customer closes the account(s); except that the Utility shall be authorized to draw upon such letter of credit to recover any fines, penalties or sums due and owing to and assessed by the Utility.

- (c) All new construction or rehabilitation of a current water or wastewater system shall be designed and constructed in conformance with the Utility's standards as set forth in the Utility's "*Standards for Water and Sewer and Design and Construction*" and "*Water and Wastewater Development Procedures*," as amended from time to time. No certificate of occupancy will be issued for new construction until the Utility affirms that the new construction meets the specifications set forth herein. (#O-2014-06)
- (1) No person other than an authorized employee of the Utility shall uncover, make any connection with or opening into, alter, use or disturb any public sewer or water main or appurtenances thereof except by written permission of the Director. Connection shall be made at a wye, manhole or connection point unless otherwise approved by the Director.
  - (2) The Director may authorize licensed master plumbers and utility contractors licensed in any state to install connections to water or wastewater facilities upon written application.
  - (3) The owner, or his designee, is responsible for contacting the Utility to request an inspection of the installation prior to the work being covered over. In the event that such installation is not made in accordance with specifications and/or standards of the Utility, then the Director may require the installation to be corrected or removed and reinstalled as necessary, including uncovering the work if the customer failed to have it previously inspected by the Utility.
- (d) The owner of the property to be served shall be responsible for the cost of the installation of the building sewer and/or water service lines from the facility to be served to a point where the building sewer and/or service lines tie into the Utility's system. The owner is responsible also for any portion of the building sewer and/or water service lines extending onto the public right-of-way or Utility easement.
- (e) The Utility shall install and maintain all necessary fittings, pipes and appurtenances, including all meters and meter boxes, to deliver water to the water service line, at a point immediately outside the property line in an alley, easement or public right-of-way. Notwithstanding that the applicant for service will have paid the cost of labor and materials, all such fittings, pipes, appurtenances, meters and meter boxes will be and remain the property of the Utility, and shall be accessible to, and under the control of, the Utility at all times.
- (f) The water service line and building sewer line shall be of appropriate material and of ample size, weight and quality for the premises and for the purpose intended and shall be subject to the approval of the Director, who shall have authority to refuse connection and service to the premises, in his discretion, if he deems the installation inadequate based

on sound engineering practices.

- (g) New connections for water service shall be available to individual customers only, on the basis of connection for each residential or commercial unit on the premises, and shall not be provided for multiple residential or business units by a single connection.
- (h) The owner of the property served shall be responsible for maintenance of portions of the building sewer line between the facility served and the public right-of-way or Utility easement and portions of the water service line between the facility served and the water meter, provided that if the water meter is located on the property served, the owner shall be responsible, also, for maintenance of portions of the water service line between the meter and the public right-of-way or Utility easement. The Utility shall be responsible for maintenance of the other portions of the building sewer line and water service lines and meter, provided, however, that the Director shall hold the owner responsible for the cost of repairs or replacement of such portions of the building sewer or water service lines and meter when he finds that such repairs or replacement were made necessary by fault attributable to the owner or occupant of the property, or his agent, employee or contractor.
- (i) No person, firm or corporation shall make, cause to be made, or allow to exist, a cross-connection between a private water or sewerage facility and any system belonging to the Utility. All private water or sewerage facilities shall be kept entirely separate and apart from the Utility systems at all times, and the separation of a private facility by the placement of a valve between such facility and the Utility system shall not be permitted.
- (j) A separate and independent building sewer line shall be provided for every building. Where a building stands to the rear of another on a single lot and no separate building sewer is available or can be constructed to the rear building through an adjoining alley, courtyard, or driveway, the Utility may grant permission for the building sewer from the front building to be extended to the rear building and the whole considered as one building sewer line, upon a showing of necessity. The Utility does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.
- (k) Existing building sewers may be used in connection with new buildings only when they are found on examination and test by the Utility to meet all of the requirements of this Ordinance.
- (l) The size, slope, alignment, materials of construction of a building water and/or sewer line, the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the County's building code or "Standard Construction Practices for Water and Sewer Improvement," as applicable, or as such document(s) is superseded by the Utility's "Water and Sewer Design and Construction Standards and Specifications."

- (m) Whenever possible, the building sewer line shall be brought to the building at an elevation below the basement or first floor. No building sewer line shall be laid parallel to or within three (3) feet of any bearing wall which might thereby be weakened. The depth shall be sufficient to afford protection from live loads (automobiles, etc.) which may be superimposed. The building sewer line shall be made at uniform grade and in straight alignment insofar as possible; and when turns of ninety (90) degree angles are required clean outs shall be installed. 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.
- (n) No person shall maintain or make a connection of roof down spouts, exterior foundation drains, area-way drains, or other sources of surface runoff or groundwater to a building sewer line or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
- (o) Before any underground portions of a public water service line or sewer line are covered, the applicant shall notify the Utility when the lines are ready for inspection and connection to the Utility systems. The connection thereof shall be made to the public water main or sewer by an authorized representative of the Utility and only after inspection and approval.
- (p) All excavations for installation or repair of water service lines and building sewer lines in the right-of-way and/or easement shall be adequately guarded with barricades and lights so as to protect the public from hazards. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored to County standards by the person, his agents and assigns, responsible for doing the work. All restoration by such person shall be accomplished as soon as the construction in the disturbed area has been completed and performed to the satisfaction of the County Engineer.
- (q) The Director shall keep a permanent and accurate record of the location, depth, and direction of all new public water and sewer lines for connections, including any landmarks that may be necessary to provide an adequate description.
- (r) When any building heretofore having water service is to be occupied by two or more tenants using water through one (1) meter, the application for service shall be made only by the owner of the building or his authorized agent. The owner shall agree in such application to be responsible for the payment of all bills for water and wastewater services to the premises.
- (s) A new application must be made, and approved by the Director, or his designee, for re-connection in the event of a change in the occupancy or possession of premises furnished water and/or sewer service. The Utility shall have the right to discontinue such service until a new application is made and approved. Should a new occupant of such

premises fail to apply to the Utility for service within forty-eight (48) hours after taking possession, he shall be liable for all charges that have accrued since the last account of record, unless the applicant proves occupancy at a later date.

- (t) Notwithstanding the provisions of subsection (e), above, the Director shall have discretion to permit the location of the water meter or meters within the property line of the owner of the premises, subject to agreement of the owner upon reasonable conditions therefore.
- (u) The Utility shall define the availability of sewers and project scope associated with construction.
- (v) If any owner allows the entrance of infiltration or inflow, the Utility, upon written notice, may take one or more of the following actions:
  - (1) Require the owner to repair or replace the sewer lateral within thirty (30) days of notice;
  - (2) Charge the owner a sewer rate that reflects the costs of the additional expense of sewage treatment from the owner's property; and/or
  - (3) Require the owner to disconnect his sewer from the Utility sewer system or be charged for Utility disconnection.
  - (4) The Utility shall have the right to enter the premises to periodically inspect sewer service laterals and systems of individual users to determine the existence of ground water infiltration.

#### **Section 2-16-9 Private Wastewater Disposal.**

- (a) Where a public sanitary sewer is not available under the provisions of Section 2-16-7, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this Ordinance and the requirements of the Health Department.
- (b) Septic tanks, and/or a decentralized treatment unit, shall be constructed, repaired, altered, enlarged, and maintained in accordance with the plans and specifications approved by the Health Department. Septic tanks shall be maintained in sanitary working order.
- (c) No person shall construct, repair, alter, or enlarge any septic tank and/or a decentralized treatment unit unless he shall hold a valid permit for such work issued by the Health Department.
- (d) When a public sewer becomes available within five hundred (500) feet to a property served by a private wastewater disposal system, and upon failure of such private system, and at the owner's expenses, a direct connection shall be made to the public sewer within sixty (60) days after notice. Any septic tanks, cesspools, and similar private wastewater

disposal facilities shall then be cleaned of sludge and filled with suitable material.

- (e) When connected to the Utility, the owner shall operate and maintain the private wastewater disposal facilities to the Utility's standards and specifications and in a sanitary manner at all times, at no expense to the Utility.
- (f) Any wastewater consisting of pumpage from a septic tank or other disposal system will be accepted only at the appropriate facility with the prior approval of the Director.
- (g) No statement contained in this Ordinance shall be construed to interfere with any additional requirements that may be imposed by the appropriate state or local regulatory agencies having jurisdiction over such matters.

#### **Section 2-16-10 Metering.**

- (a) All water required by the user from the Utility system shall be metered by the Utility except fire suppression systems. All meters shall be furnished by the Utility and shall remain the property of the Utility and be accessible to it and under its control. The meter shall be connected to the customer's water service line so as to measure the entire water supply to the premises.
- (b) The first meter shall be installed by the Utility at the property owner's expense and will be maintained by the Utility against normal usage and wear and tear. The customer shall notify the Utility of any injury to or the non-working of the meter as soon as it comes to his knowledge. When the size of the meter is upgraded for any reason, the difference between the fees charged for the old meter size and the new meter size shall be collected prior to installation of the new meter.
- (c) No person shall run or extend a water line, pipe or hose from one lot or tract of land across another lot or boundary line for the purpose of serving more than one residence or other building from a single water meter except when authorized by the Director under emergency conditions. Notwithstanding, in the event such emergency occurs outside the office hours of the Utility, then the next business day the person shall notify the Director; an action plan will be developed to resolve the problem.
- (d) The quantity of water registered by a meter shall be conclusive on both the water customer and the Utility, except when the meter has been found to be registering inaccurately, or has ceased to register. In the latter case, the quantity may be determined by the average registration of the meter when in order. In case of a disputed account involving the accuracy of a meter, such meter shall be tested upon request of the customer in conformity with the usual standards or methods of testing meters. In the event that the meter so tested is found to have an error in registration of three percent (3%) or more, the customer's bill will be

increased or decreased accordingly. If the meter is removed at the customer's request and for the purpose of testing its accuracy, a fee as established from time to time by the Utility will be assessed if the meter proves to be accurate to current American Water Works Association standards. If the meter registers outside said standards, then no charge will be assessed, the customer's bill will be adjusted, and a new meter installed.

- (e) If the water meter is repaired or replaced for reasons, other than failure due to normal usage, resulting from neglect or some act of the customer or owner of the property served, then the cost of the repairs will be charged to the customer.
- (f) It shall be a violation of this Ordinance:
  - (1) For the owner or occupant of property served to drive or knowingly permit to be driven a motor vehicle over or so near the water meter, when located in unpaved areas and whether on public or private property, as to risk damage to the meter or connections thereto; or
  - (2) For any person to place, dispose or permit the placement, disposal or deposit of waste, trash, soil, sod, building materials or other substances, objects, or obstructions in, on or around meters on private or public property. No person shall allow or permit a meter to be obstructed or obscured by vehicles, boats, trees, shrubs, plants or in any other manner so as to impede its intended use or access. The Utility shall have the legal authority and right hereunder to enter the premises to remove or trim any obstructions as needed to read or effect replacement or repairs to the meter. Any damage resulting from the removal of obstructions will be the responsibility of the property owner.
  - (3) Repeated violations will be deemed cause for discontinuation of service.
- (g) It shall be unlawful for any person except authorized personnel of the Utility to remove or otherwise handle or tamper with water meters.
- (h) When a user pumps water from his own well or other source of supply and discharges waste, process water or sewage into the sanitary sewage system, said user shall be required to install a proper measuring device or devices to measure all such wastewater.
  - (1) The user shall be required to pay the cost of installation and all fees and user charges for sewer service in an amount equal to the amount charged as if all water used was purchased from the Utility.
  - (2) When the user connects to the Utility water system, the Utility will credit the user the value of the meter and meter box against the installation/operational tap fee and move the meter to the property line. User may continue to use the private water supply for

irrigation purposes but shall separate private water supply from the Utility water supply at the expense of the user.

#### **Section 2-16-11 Curb Stop or Cutoff Valve Requirements.**

- (a) It shall be unlawful for any person other than an authorized employee of the Utility, or person specifically authorized in writing by the Director, to cut the water supply on or off by use of the curb stop between a water meter and water main, or at any other location or point on the Utility system, except in an emergency.
- (b) In all water connections, a curb stop or cutoff valve shall be placed between the water meter and water service line, which will be owned by and under the control of the property owner for emergency use, so that the water supply may be cut off for the repair of any pipe or plumbing fixture on the premises without interference with the meter or Utility curb stop.
- (c) The Director shall be authorized to require the installation, at the property owner's expense, of a curb stop or cutoff valve between the water meter and water service line at any or all premises heretofore having Utility water service, as circumstances may render appropriate in the discretion of the Director, to reduce interference with the Utility system.
- (d) The curb stop, meter box, and meter at or near the property lines shall be the property of the Utility. The line from the meter to the premises served shall be the property of the owner, and all repairs to such lines shall be at the owner's expense.
- (e) The Utility shall have the legal authority and right hereunder to enter the premises to repair, replace, or remove the meter assembly when such assembly is located within the owner's property.

#### **Section 2-16-12 Service to Fire Suppression Systems.**

- (a) All new customers who desire both regular commercial service and fire suppression service shall install separate lines, one to be used for fire suppression. The Director may require all customers who now have only one service connection for combined commercial service and for fire suppression to install separate lines.
- (b) The customer shall provide and maintain separate and independent plumbing facilities, including a Globe Detector Check Valve or comparable equipment, and shall maintain the fire suppression system in good working order. The Director may require, at the owner's expense, installation of such a valve on an existing system when the valve is missing or inoperable and incapable of repair.
- (c) The customer shall not be permitted to take water from the fire suppression system except for fire suppression purposes.

- (d) Monthly fees for fire suppression service will be charged in accordance with a schedule of fees established by the Utility.

#### **Section 2-16-13 Fire Hydrants.**

- (a) No person, except those duly authorized, shall take water from any fire hydrant for any purpose, unless specifically permitted in writing by the Director, or his designee, for the particular time and purpose.
- (b) When a permit is granted, the customer will establish an account, pay the applicable fees, and install a hydrant meter. The quantity of water used shall be charged to the customer at the prevailing rates in effect in that particular water service district.
- (c) In the event that any person shall take water from a fire hydrant, with or without permission, he shall be liable for payment for the quantity of water so taken or consumed, as estimated by the Director, in an amount consistent with charges for water service in that particular water service district. The estimate of the Director shall be conclusive upon such person.
- (d) In the case of any person taking water from a fire hydrant without permission, the foregoing liability for payment in subsection (b), above, for the water so taken shall be in addition to any penalties otherwise provided in this Ordinance or by law.

#### **Section 2-16-14 Backflow Prevention; Public Water Supply.**

- (a) No water service connection to any premises shall be installed or maintained or permitted by the Utility unless the water supply is protected as required by state laws and regulations and this Ordinance. Service of water to any premises shall be discontinued by the Utility should a backflow prevention device required by this Ordinance not be installed (or not be installed as designed), tested and maintained, or if it is found that a backflow prevention device has been removed or bypassed, or if an unprotected cross-connection exists on the premises. The user shall be notified in writing that he has thirty (30) days from the date of the communication to correct the condition or defect. Any corrective action taken will be the responsibility of the user and at the user's expense. At the expiration of the 30-day period, the service will be disconnected if corrective action has not been taken. Should it be determined that there could be a possibility of high-hazard contaminants entering the Utility water system, service will be disconnected immediately, without waiting said 30-day period, and the user shall be promptly notified in writing that service will not be reconnected until corrective action has been taken.
- (b) Should it be determined that the installation of the water facilities of a user have not been made in accordance with plans approved by the Utility when application for service was made, where such approval is

required pursuant to this Ordinance, service shall be discontinued immediately.

- (c) Each service connection from the public water system supplying water to premises having an auxiliary water system shall be protected against backflow of water from the premises into the public water system.
- (d) Each service connection from the public water system supplying water to premises on which any substance is or may be handled in such a manner as to create an actual or potential hazard to the water system shall be protected against backflow of the water from the premises into the public system. This shall include premises having industrial piping systems handling industrial fluids or process water, or waters originating from the public water supply which have been subject to deterioration in sanitary quality, or any other premises or circumstances where a hydraulic linkage may occur permanently or temporarily connecting a source of contamination or pollution to the public water system.
- (e) The protective device required shall be an approved reduced pressure principle backflow preventer device, or a double check-valve assembly, that has been designed, constructed, and tested to be operative in accordance with nationally accepted standards. Backflow prevention devices required hereunder shall be approved by the Utility and shall be installed by and at the expense of the user. The devices shall be installed in an accessible location and in a manner approved by the Utility. The devices shall be placed within five (5) feet of the building, but not at the property line, unless otherwise approved by the Director, or his designee, based on the feasibility of placement. The user shall regularly test and service such devices and maintain them in satisfactory operating condition and shall repair or replace such devices if they are found to be defective. A record of such tests shall be maintained for review by the Utility.
- (f) Typical installations and placement pursuant to subsection (e), above, which require an approved backflow prevention device shall include, but not be limited to, the following:
  - (1) Service connections to any premises where there is an auxiliary water supply.
  - (2) Service connections to any premises on which industrial fluids are handled in a separate system and there is or may be an actual or potential cross-connection on the premises.
  - (3) Service connections to any premises on which there is a sewage treatment plant, including privately owned sewage plants in buildings, sewage pumping stations, and storm water pumping stations.
  - (4) Service connections to a hospital, medical or dental building, mortuary, multi-story apartment or office building, or other similar

premises where the Utility determines that an actual or potential hazard exists.

- (5) Temporary connection to a fire hydrant.
- (g) It shall be the duty of the Director, or his designee, to implement and enforce the provisions of this Section and to develop and implement an effective cross-connection control program in accordance with EPD regulations and guidelines, to ensure that no connections with unapproved water sources or cross-connections with nonpotable systems are made to the public water system. The Utility shall have the legal authority and right hereunder to enter and make inspections of any new premises pending application for water service or any existing premises connected to the public water system, to approve or disapprove existing or new installations, to require the submission of plans for new construction where appropriate and to approve or disapprove the same, to make periodic inspections of all connections to the public water system, and to order the termination of water service when such termination is authorized hereby.

#### **Section 2-16-15 Satellite System.**

- (a) The owner or an association of home owners formed under Georgia law (hereinafter referred to as "owner" in this Section), of an existing, or proposed, satellite system who currently, or in the future, receives potable water from the Utility and/or discharges into the Utility's system shall enter into an agreement between the Utility and the owner. The agreement shall be conditioned upon and include, but will not be limited to, agreed areas of responsibility, standards of operation and maintenance, quality of discharge, quantity of infiltration and inflow, authority for Utility inspections, and remedies for non-compliant issues.
- (b) The owner of an existing, or proposed, satellite system consisting of a sanitary sewer system discharging wastewater to the Utility's facilities shall maintain and operate the satellite system in a manner that prevents the discharge of abnormal wastewater, storm water, excessive groundwater infiltration, excessive amounts of sand or other settling solids, cooling water, and other unpolluted wastewater into the Utility's system.
- (c) Failure of the owner to adequately operate and maintain a water and/or sanitary sewer system wastewater in the manner prescribed in paragraphs (a) and (b), above, is subject to discontinuance of service.
- (d) All damages and costs to facilities of the Utility caused by the inadequate operation or maintenance of a satellite system, and costs incurred by the Utility in providing remedial maintenance, repair, engineering and administrative efforts, surveillance and sampling, cleanup equipment, and legal fees and expenses which are directly attributable to the inadequate maintenance and operation of the satellite system, shall be paid by the owner of the satellite system. Failure to adequately operate

and maintain a satellite system may result in the discontinuance of services.

**Section 2-16-16 Unserved Areas.**

- (a) Request for service may be initiated by a property owner, a group of property owners, a neighborhood association, the City of Brunswick, Glynn County, the Utility, or the Glynn County Board of Health. Request shall be submitted to the Director in writing.
- (b) The installation of primary transition mains will be normally funded by the Utility; however, in some instances participation by property owners is appropriate. In other instances, mains may be constructed through an unserved area to reach a new development for which the Utility has required water and/or sewer, in which case, funding may be accompanied by participation of the Utility and the developer.
- (c) Upon receipt of a request, the Director shall:
  - (1) Evaluate the request in the light of circumstances prevailing at the time and future plan including, but not limited to, the following factors:
    - (A) Failure of existing wells and septic tanks in the area;
    - (B) Programmed pavement of a dirt road;
    - (C) Projected revenue and availability of funds budgeted in the Capital Improvement Plan as designated in the Utility's Master Plan;
    - (D) Enlargement or constriction of the area to be served;
    - (E) Compatibility with other water and sewer projects; and
    - (F) The best interests of the Utility with respect to the public health, safety and welfare of the community.

Coordination may be effected with the Glynn County Board of Health as required and such other County or City agencies or departments which may be effected.

- (2) Prepare an estimate of the cost of the project.
- (3) Within forty-five (45) days after receipt of the request for service, a report will be submitted to the Water and Sewer Commission indicating facts bearing on the project and his recommendation.
- (4) Immediately subsequent to action of the Water and Sewer Commission, notify in writing the applicants and all property owners affected by the decision of the Commission.

- (5) If the project is approved, schedule the work at the earliest practicable time.
- (d) In the case of minor extension of lines, the Director may proceed with the work provided:
    - (1) Unexpended funds for "unserved areas" are available in the approved budget.
    - (2) Expenditures do not exceed the spending authority of the Director.
    - (3) Report is made to the Water and Sewer Commission at its next regular meeting.
- (e) Contractual Arrangement with Developers.
    - (1) Notwithstanding any provision in this Section to the contrary, the Utility may enter into private contracts with developers consistent with provisions of O.C.G.A. Section 36-71-13(b) to construct system improvements that benefit the water or sewer systems as a whole as well as the developer involved. Contracts involve financial participation of the developer. The degree of benefit to the Utility and developer shall be evaluated by the Director based on facts available at the time and applicable capital improvement plans of the Utility. The evaluation shall identify capacities created and shall fix the percentage of participation by the developer as his proportionate share of development.
    - (2) Contracts should be standardized to the extent circumstances and special conditions pertaining to systems improvement will permit. This standardization does not pertain to the capacity evaluation by the Director that identifies the developer's proportionate share.
    - (3) Costs of required land, other than street rights-of-way and easements, shall be considered as part of the improvement cost. If the land required is within the development, however, its value shall be based on cost to the developer of the unimproved acreage of the planned development.
    - (4) The contract may specify reimbursement to the developer from Capital Tapping Fees generated in the area benefitting from the improvement to the extent of developers financial participation that is in excess of the amount specified in the contract as the developer's proportionate share. A map delineating the area of improvement shall be prepared and attached to the contract. Reimbursement shall not exceed the dollar amount of such developer's participation in cost.
    - (5) Expenditures and costs which may be eligible for reimbursement of proportionate share of development: Construction of water

production facilities, wastewater pollution control plants, wastewater lift stations, water distribution and sewer collection infrastructure; engineering pertaining to such construction; survey and legal costs pertaining to the improvements, and land required for system improvements.

- (6) The contract may require, at developer's expense, a guarantee of performance by irrevocable letter of credit or other guarantee acceptable to the Utility's Attorney.
- (7) Project improvements solely benefitting the developer are not eligible for Utility participation. Such improvements shall be constructed at the developer's or owner's expense in accordance with the County's "Standard Construction Practices for Water and Sewer Improvement" or as such document is superseded by the Utility's "Water and Sewer Design and Construction Standards and Specifications."

**Sections 2-16-17 - 2-16-20 Reserved.**

## ARTICLE II

### COMMERCIAL WASTE HANDLING (FATS, OILS AND GREASE)

#### Section 2-16-21 Purpose.

- (a) Excessive amounts of fats, oils, grease, grit, sand and other solid or viscous materials can cause blockage and obstruction in the sanitary sewer system causing untreated wastewater to overflow into the environment. Much of the waste material that has the potential to cause blockage or obstruction originates from commercial facilities, such as food preparation and vehicle maintenance facilities. This Ordinance sets forth minimum and uniform requirements for the treatment and disposal of commercial waste into the sanitary sewer system, and the transportation and ultimate disposal of commercial waste sludge and byproducts.
- (b) The objective of this Ordinance is:
  - (1) To minimize the discharge of pollutants associated with commercial waste discharged into the sanitary sewer system that may interfere with normal operation of the system; and
  - (2) To assure that the sludge and byproducts removed from commercial waste treatment systems are transported and disposed of in accordance with Chapter 391-3-6-.24 of the Rules and Regulations of the EPD.

#### Section 2-16-22 Coverage and Exclusions.

- (a) This Ordinance applies to any facility that generates commercial wastes, to any person who removes commercial wastes, to any person who processes commercial wastes, and to any person who accepts commercial waste for final disposal.
  - (b) This Ordinance applies only within the geographical and political boundaries of the unincorporated area of Glynn County, Georgia. However, any transporter or disposal site operator within Glynn County, who receives commercial wastes (whether such wastes originate within or outside the County or State), must still comply with the registration, permitting, and manifest requirements.

#### Section 2-16-23 Requirements.

- (a) General.
  - (1) It is the responsibility of the originator to assure that the

commercial waste removed from the originator's facility is properly treated and discharged to the sewer system, wastewater, sludge and byproducts are transported by a permitted transporter, and disposed of at an EPD approved commercial waste processing and disposal facility.

- (2) The originator of commercial waste shall not allow a transporter to remove waste from their facility without a current commercial waste transporter issued by the Utility.

(b) Permitting Process.

- (1) There is only one type of permit required under this Ordinance, which is a Commercial Waste Transporter Permit.
- (2) The permit for the transporter is issued by the Utility under this Ordinance. However, prior to obtaining a Commercial Waste Transporter Permit, the transporter must first register as a transporter of commercial waste with the EPD and obtain a transporter registration number. This registration number must be included in the permit number issued by the Utility.

**Section 2-16-24 Manifests.**

All originators, transporters, processing and disposal site operators, involved in the removal, transport, and disposal of commercial wastes and commercial waste sludge and byproducts, shall participate in proper maintenance of manifests. This manifest will require signatures from the originator, transporter and disposer in order to maintain and establish accountability. The approved manifest is a multi-copy form. A sample copy of an Approved Manifest is on file with the Utility.

(a) The originator shall:

- (1) Sign the received manifest form, maintain such record on site for a period of three (3) years, making it available for inspection by the Utility.
- (2) Upon receipt of the completed copy of the manifest from the transporter, the originator must provide a copy of the manifest within ten (10) working days to the Utility. A manifest is considered complete after the commercial waste is delivered and disposed of at the commercial waste disposal or processing facility and the manifest has been signed and completed by the disposal or processing facility.
- (3) Report any spills to the Utility upon becoming

aware of a spill that could impact any surrounding areas such as storm drains, adjacent streams or ground surface where the transporter has removed waste from the facility's pretreatment system. Failure to notify the Utility of a spill will constitute a violation of this Ordinance and fines may be assessed to the commercial waste originator as well as the transporter.

- (b) The transporter shall:
- (1) Utilize a manifest for each location being serviced.
  - (2) Sign the transporter portion of the manifest and leave a copy of the manifest with the originator.
  - (3) Present the manifest to the disposal operator to complete and sign the disposal section, and shall leave one copy of the manifest with the disposal site operator.
  - (4) Send a completed copy of the manifest to the originator with the signature of the disposal site operator within thirty (30) days.
  - (5) Keep one copy of the completed manifest form demonstrating delivery to the disposal site operator for their records and shall maintain such records for a period of three (3) years; except that the transporter's manifest (or copy thereof) covering not less than the immediately preceding thirty (30) day period for a particular tank truck shall be kept in the transporter's tank truck. All such records shall be available for inspection.
  - (6) Ensure that the manifest contains all the information required on the manifest form prescribed and furnished from time to time by the EPD.
  - (7) A transporter must remove the entire contents of any commercial tank that is serviced and dispose of such contents, unmingled with hazardous wastes or septic wastes, and only at a facility authorized to receive such waste.
  - (8) A transporter shall provide a copy of the commercial waste transporter permit for the

tank truck to each disposal site where the transporter disposes of commercial wastes.

- (c) Processing or Disposal: A processing or disposal facility of commercial waste shall maintain copies of all manifests of tank pumping at their principal place of business for a period of three (3) years and make such records available for inspection.

**Section 2-16-25 Food Service Establishments.**

(a) New Facilities.

- (1) Facilities likely to discharge fats, oils and grease which are newly proposed or constructed, or existing facilities which shall be expanded or renovated to include a food service facility where such facilities did not previously exist, shall be required to install an approved, and properly operated and maintained pretreatment device/interceptor. Pretreatment devices/interceptors shall be installed prior to the opening or reopening of said facilities.

- (2) New pretreatment devices/interceptors shall be inspected by the Utility during installation and prior to use to ascertain compliance with this Ordinance.

- (b) Existing Facilities: Existing commercial facilities shall be required to install an approved, properly operated and maintained pretreatment device/interceptor when any of the following conditions exist:

- (1) Facilities that are found to be contributing fats, oils and grease in quantities sufficient to cause line stoppages or necessitate increased maintenance on the collection system.

- (2) Remodeling of the food preparation or kitchen waste plumbing facility.

(3) Facility change of ownership or lease holder.

- (c) The separator(s) shall exclude sanitary wastewater and is best located outside of any building and accessible for proper maintenance and inspection. See subparagraph 2-16-27(c)(1) for alternative installations when special conditions exist. In areas where additional weight loads may exist, the separator(s) shall be installed with traffic bearing

covers. A manhole opening must be provided over the discharge pipe and the inlet and outlet pipe(s) for inspection and maintenance purposes. A separate sampling manhole may be required by the Utility.

- (d) The FOG separator equipment shall be pumped out as required herein and maintained by the originator.
- (e) Alternative Treatment Methods: The use of any alternative method of treatment is prohibited without written approval of the Utility. Alternative treatment systems, such as mechanical grease recovery devices, shall be used on a case-by-case evaluation and authorization of the Utility.
- (f) The use of chemical, enzymes and bacteria is prohibited. The use of any additives shall not be considered as an alternative to an adequate treatment system or in lieu of regular maintenance, as prescribed in this Ordinance.
- (g) Maintenance Required: All FOG separators shall be maintained at the originator's expense. Maintenance shall include the complete removal of all contents of the separator. All FOG separators shall be pumped out at a frequency not to exceed ninety (90) days or as required by the Utility pursuant to the schedule established by the Director or his designee.

**Section 2-16-26 Maintenance and Service Facilities.**

- (a) Sand/Oil Separator Required: All maintenance or service facilities shall provide approved oil and solids removal equipment or facilities sufficient to meet the limitations set forth in this Ordinance, including remodeling of an automotive related enterprise, commercial laundry or other users that potentially may contribute wastes with petroleum-based oils, greases or lint.
- (b) The separator(s) shall exclude sanitary wastewater and be located outside of any building and accessible for proper maintenance and inspection. In areas where additional weight loads may exist, the separator(s) shall be installed with traffic bearing covers. A manhole opening must be provided over the discharge pipe and the inlet and outlet pipe(s) for inspection and maintenance purposes. A separate monitoring manhole may be required

by the Utility.

- (c) The equipment or facilities shall be installed and maintained by the originator.
- (d) Maintenance Required: All separators shall be maintained at the originator's expense. Maintenance shall include the complete removal of all contents of the separator. All separators shall be pumped out at a frequency not to exceed ninety (90) days or as required by the Utility pursuant to the schedule established by the Director or his designee.

**Section 2-16-27 Interceptor Requirements.**

- (a) Design: Approved type of pretreatment device/interceptors shall be either interior and exterior sealed concrete construction or fiberglass construction or equivalent provided that use of any equivalent type requires pre-approval by the Utility. Any unit requiring the installation of an outlet filter shall have an approved sample port installed immediately outside the unit.
- (b) Capacity.
  - (1) Capacity will be based on the following design criteria and will meet the required effluent quality parameters stated in Section 216-38. Certain applications may require the installation of multiple units installed in series with outlet filters and approved sample port.
  - (2) Restaurants and Food Service Establishments:

$(S) \times (GS) \times (HR/12) \times (LF) = \text{Interceptor Capacity}$ , where

(S) means number of seats in dining area

(GS) means gallons of wastewater per seat (at 25 gallons per seat)

(HR) means number of hours open (divided by 12)

(LF) means loading factor:

1.25	Interstate highways
1.00	4 Lane highways
0.8	Two lane highways
0.5	Other highways, locations

- (3) Hospitals, nursing homes, other types of commercial kitchens with varied seating capacity:

$(M) \times (GM) \times (LF) = \text{Interceptor Capacity}$ , where

(M) means meals per day

(GM) means gallons of wastewater per meal (at 5 gallons per meal)

(LF) means loading factor:

1.0 With dishwasher

0.5 Without dishwasher

(c) Location:

- (1) The best location for a grease pretreatment device/interceptor is in an area outside of an outside wall and installed in-ground. An alternative device and location will be evaluated on an individual basis for facilities when space limitations prohibit the installation of an in-ground unit, or when special conditions exist, such as highly variable flows, high levels of grease discharge, or other unusual situations that are not adequately addressed by the formulas.
- (2) Each grease pretreatment device/interceptor shall be installed and connected so that it is easily accessible for inspection, cleaning, and removal of the intercepted grease at any time whether the unit is installed outside in-ground or inside the facility.

### **Section 2-16-28 Transporter Permits.**

- (a) Any transporter, owning or operating one or more waste tank trucks that receive, transport or dispose of commercial waste in the County, must be registered with EPD.
  - (b) No transporter shall pump-out or vacuum FOG separators, grit traps, sand traps, or oil-water separators without a valid commercial waste transporter permit issued by the Utility or other entity authorized by law to issue such permit.
  - (c) Application for the transporter permit must be made on a form prescribed by the EPD. A copy of the Transporter Permit Application is on file with the Utility. The Utility will issue or deny a request for commercial waste transporter permit within thirty (30) days of receipt of the initial permit application.
  - (d) The transporter shall include the location of the disposal

site(s) on the commercial Waste Transporter Permit Application.

- (e) No commercial waste transporter permit shall be issued if the owner of the tank truck(s) is not registered with the EPD.
- (f) A commercial waste transporter permit shall be required for each individual tank truck owned and operated by a transporter. A copy of a sample Commercial Waste Transporter Permit is on file with the Utility.
- (g) The commercial waste transporter permit issued by the Utility for operation of a tank truck shall be valid throughout the State.
- (h) A transporter, who has trucks permitted by the Utility, and who decides to have additional trucks permitted by another city or county, or their designee, must provide copies of the current commercial waste transporter permits with the new commercial waste transporter permit application.
- (i) A transporter cannot have two tank trucks permitted with the same commercial waste transporter permit number. The registration number shall be part of the commercial waste transporter permit number issued by the Utility. Every vehicle that transports commercial waste must display on the vehicle the FOG/permit number.
- (j) Transporter Permit Fees: A transporter permitting fee will be assessed on an annual basis at a rate of \$250 for the first truck and \$100 for each additional truck, payable to the Utility, pursuant to O.C.G.A. § 12-15-21(a)(3), or such fee as required by State law, as amended.
- (k) Vehicle Inspection: Annually the Utility shall inspect each tank truck prior to the issuance of a commercial waste transporter permit. Such inspection shall verify that the tank truck is substantially leak proof, durable, of easily cleaned construction, and is maintained in good repair. The Utility shall maintain records of each inspection. A copy of a sample Vehicle Inspection Form is on file with the Utility.
- (l) Any commercial waste transporter permit issued shall have a fixed term not to exceed one (1) year, or as

otherwise established by state law.

**Section 2-16-29 Enforcement.**

(a) Inspection and Entry.

- (1) Representatives of the Utility, after proper identification, shall be permitted to enter the premises of any originator, transporter, processor, disposal site or food service establishment in the County at any reasonable time for the purpose of making inspections to determine compliance with this Ordinance or the commercial waste transporter permit.
- (2) Representatives of the Utility during inspections of the originator, transporter, processor, and the disposal site operator, may review records to determine compliance with provisions of this Ordinance.
- (3) The right of inspection shall include the right to measure, observe, sample, test, record, review and make copies of all pertinent documents in accordance with this Ordinance.

(b) Monitoring.

- (1) The Utility may require the user to provide, operate and maintain, at the user's expense, appropriate monitoring facilities, such as a control manhole, that are safe and accessible at all times, for observation, inspection, sample collection and flow measurement of the user's discharge to the POTW.
- (2) The Utility may impose additional limitations and monitoring requirements for the discharge to the POTW in accordance with the provisions set forth in this Ordinance.

(c) Violations.

- (1) Facility Management Practices.
  - (A) Written Warning: A written warning shall be issued to a user for any one or more multiple violations as set forth below. The user shall have ten (10) working days to complete corrective action and submit evidence of compliance to the Utility. A written warning will be issued for failure to:
    - (i) Report pumping activities (manifest);
    - (ii) Maintain on site records at all times;
    - (iii) Maintain the pretreatment device/interceptor and

associated components; or

(iv) Maintain inspection access.

(B) Notice of Violation: Upon re-inspection, a notice of violation shall be issued to a user for failure to comply with the corrective action specified in the written warning. The user shall have five (5) working days to complete the corrective action and submit evidence of compliance to the Utility.

(C) Show Cause Hearing.

(i) When a user fails to initiate and/or complete corrective action within the specified time period in response to a Notice of Violation, the user shall be notified by certified mail of the date, time and place of a hearing, the proposed enforcement action to suspend service, the reasons for such action, and a request that the user show cause why water and/or wastewater service should not be suspended immediately. The hearing date shall be within ten (10) working days of the date the notice is mailed.

(ii) The Director, or his designee, shall preside as the hearing officer. Upon hearing, the Director may suspend service immediately or he may extend an additional time up to fifteen (15) working days for the user to remedy the violation(s). The user shall have the right to appear at the hearing with or without an attorney, to introduce evidence, and to cross-examine the witnesses against them. If the user is not in compliance following the extension of time, then the Director will suspend water and/or wastewater service immediately. The decision of the hearing officer shall be final, and it shall be submitted to the user in writing by certified mail.

(2) Interceptor Noncompliance.

(A) Notice to Install: Upon inspection, if the Utility inspector determines a new facility does not have a pretreatment device/interceptor, or that an existing facility has a pretreatment interceptor that is not functioning properly to meet the pretreatment standards of this Ordinance, then the inspector shall issue a Notice to Install an approved, properly functioning pretreatment device/interceptor. The user shall have ninety (90) working days to come into compliance by installing such a device/interceptor.

(B) Show Cause Hearing.

- (i) If the violation specified in the Notice to Install is not remedied at the end of the ninety (90) day period, as shown by a second inspection, the inspector shall issue a second notice, by certified mail, stating the date, place and time of a hearing, and to show cause why the water and/or wastewater service to the user should not be suspended immediately. The hearing date shall be within ten (10) working days of the date the notice is mailed.
- (ii) The Director, or his designee, shall preside as the hearing officer. Upon hearing, the Director may suspend service immediately or he may extend an additional time up to thirty (30) working days for the user to remedy the violation(s). The user shall have the right to appear at the hearing with or without an attorney, to introduce evidence, and to cross-examine the witnesses against them. If the user is not in compliance following the extension of time, then the Director will suspend the water and/or wastewater service immediately. The decision of the hearing officer shall be final, and it shall be submitted to the user in writing by certified mail.

(3) Emergency Suspension of Services: The Utility may suspend water and/or wastewater services when, in the opinion of the Utility, an actual or threatened discharge may present an imminent or substantial endangerment to the health or welfare of persons or the environment, may cause sanitary sewer stoppages or overflows, damage to the sanitary sewer collection system, interference to the POTW, or cause a violation of any condition of a NPDES and/or LAS permit.

(4) Reinstatement Fees and Charges: The user shall pay all outstanding Utility fees and other charges prior to, and associated with, restoration of water and/or wastewater services.

(5) Transporter.

(A) Any permit issued by the Utility may be suspended, revoked or modified by the Utility upon a finding that the holder is not in compliance with the terms of the permit or other conditions outlined in this Ordinance.

(B) The permit may be reissued by the Utility upon remedy of the noncompliance that

caused the suspension, revocation or modification of the permit.

- (6) Notwithstanding any other provisions of law, the Utility shall be authorized to impose a civil penalty not to exceed one thousand dollars (\$1,000.00) for each violation of the commercial waste handling or pretreatment device/interceptor provisions of this Ordinance by any person, originator or transporter, pursuant to O.C.G.A. § 12-15-21(d), or such penalty amount as set forth in State law, as amended. For purposes of enforcing this civil penalty, magistrate court shall have jurisdiction in cases of violations committed within the unincorporated area of Glynn County to impose the civil penalty stated herein for each violation.
  
- (d) Nothing in this Section shall be a bar against, or a prerequisite for, taking any other action against the user in a court of law for violating this Section.

**Sections 2-16-30 - 2-16-35 Reserved.**

## ARTICLE III

### PRETREATMENT STANDARDS AND ENFORCEMENT

#### Section 2-16-36 Restricted Use of the Public Sewers.

- (a) A user may not introduce into any public sewer any pollutant(s), which cause pass through or interference of the POTW. These general prohibitions and the specific prohibitions in subsection (d), below, apply to each user introducing pollutants into the POTW whether or not the user is subject to other national pretreatment standards or any national, state, or local pretreatment requirements.
- (b) No person shall discharge or cause to be discharged any unpolluted waters such as storm water, surface water, groundwater, roof runoff, subsurface drainage, noncontact cooling water, or unpolluted industrial process waters to any sanitary sewer.
- (c) Specific prohibitions: Except as herein provided, no person shall discharge any of the following described waters or wastes into any public sewer:
- (1) Pollutants which create a fire or explosion hazard in the POTW, including, but not limited to, waste streams with a closed cup flash point of less than one hundred forty (140) degrees Fahrenheit or sixty (60) degrees centigrade using the test methods specified in 40 C.F.R. 261.21.
  - (2) Pollutants which will cause corrosive or structural damage to the POTW or discharges with pH lower than 6.0 or higher than 10.0.
  - (3) Solids or viscous pollutants in amounts which will cause obstruction to the flow in the POTW resulting in interference.
  - (4) Any pollutant, including oxygen-demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration, which will cause interference with the POTW.
  - (5) Pollutants exceeding the following parameters and concentrations:

<u>Parameter</u>	<u>Concentration mg/L</u>
BOD	1,000
TSS	1,000
TKN	100
Amonia-N	50
COD	2,000

- (6) Wastewater having a temperature greater than one hundred four (104) degrees Fahrenheit

(forty (40) degrees Celsius), or which will inhibit biological activity in the POTW resulting in interference.

- (7) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil that will cause interference or pass through at the POTW.
- (8) Pollutants that will result in the presence of toxic gases, vapors, or fumes within the POTW in quantities that may cause acute or chronic worker health and/or safety problems. Any noxious or malodorous gas or substance, capable of creating a public nuisance or preventing entry into sewers for their maintenance, inspection, and repair.
- (9) Any trucked or hauled pollutants, except at discharge points designated by the POTW.
- (10) Any water or waste that contains more than one hundred (100) milligrams per liter fat, oil, or grease, of animal or vegetable origin.
- (11) Any waters or waste containing in excess of one milligram per liter (1.0 mg/L) of any of the following hazardous or dangerous gases: hydrogen sulfide, sulfur dioxide, or nitrous oxide.
- (12) Any non-domestic waters, wastes or materials containing toxic organic and inorganic priority pollutants, unless issued a written permit by the Utility that provides numerical limits on the quantity of such pollutants. Such limits will be calculated based on national pretreatment standards, local conditions of the POTW, and the presence of any pollutants causing pass through or interference with the POTW.
- (13) Any radioactive materials except in compliance with applicable state or federal regulations.
- (14) Any concentrated dye wastes, or other wastes which are highly colored, and adversely affect the effluent of the POTW.
- (15) Detergents, surfactants, or other substances which may cause excessive foaming in the POTW or effluent.
- (16) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test.

### **Section 2-16-37 Local Discharge Limits.**

Using EPA approved methodology, the Utility has established local discharge limits for the pollutants of concern to the POTW. These limits are designed to protect the receiving stream, prevent interference with POTW operations and protect the quality of the sludge produced by the POTW. These limits apply to all users of the system. For industrial users subject to national categorical

pretreatment standards, the local limit will be compared to the categorical limit and the lower value will be used. The Utility reserves the right to set higher discharge limits for individual industrial users provided that the following conditions apply:

- (a) There are no other industrial users discharging the pollutant of concern or if there are other significant industrial users discharging the pollutant of concern they are discharging below the established limit;
- (b) If any other significant industrial users are discharging the pollutant of concern they agree to accept a lower limit; and
- (c) The total combined loading on the POTW will not exceed the established maximum head works loading.
  - (1) A user which desires to have a higher local discharge limit should petition the Director in writing.
  - (2) Any discharge to the POTW that contains concentrations of conventional pollutants above the local discharge limit will be subject to surcharges as provided in the current rate resolution. For purposes of this Article conventional pollutants are considered biochemical oxygen demand, total suspended solids, chemical oxygen demand, total nitrogen, and oil and grease.
  - (3) All other regulated pollutants are considered non-conventional pollutants and any discharge to the POTW that contains concentrations of these pollutant(s) above the local discharge limit will be subject to an enforcement action as provided in this Article.
- (d) Except where expressly authorized to do so by an applicable pretreatment standard or requirement, no industrial user shall ever increase the use of process water, or in any other way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a pretreatment standard or requirement. The Utility may impose mass limitations on industrial users that are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations is appropriate.

#### **Section 2-16-38 National Categorical Pretreatment Standards.**

The categorical pretreatment standards found at 40 C.F.R. Chapter 1, Subchapter N, Parts 405-471 are incorporated herein by reference.

- (a) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Director may impose equivalent concentration or mass limits in accordance with 40 C.F.R. 403.6(c).
- (b) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Director

shall impose an alternate limit using the combined waste stream formula in 40 C.F.R. 403.6(e).

- (c) A user may obtain a variance from a categorical pretreatment standard if the user can prove pursuant to the procedural and substantive provisions in 40 C.F.R. 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.
- (d) A user may obtain a net gross adjustment to a categorical standard in accordance with 40 C.F.R. 403.15.

### **Section 2-16-39 Pretreatment of Wastewater.**

- (a) Pretreatment facilities: Users shall provide wastewater treatment as necessary to comply with this Ordinance and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in Section 2-16-36 within the time limitations specified by EPA, the State of Georgia, or the Director, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Director for review, and shall be acceptable to the Director before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the Utility under the provisions of this Ordinance.
- (b) Additional pretreatment measures.
  - (1) Whenever deemed necessary, the Utility may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sanitary waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this Ordinance.
  - (2) The Director may require any person discharging into the POTW to install and maintain, on his or her own property and at their expense, a suitable storage and flow control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.
  - (3) The Utility may, upon notification, require users to install a suitable control manhole together with the necessary meters and other appurtenances to facilitate the observation, sampling, and measurement of the wastes. The manhole shall be installed by the owner at the owner's expense, and shall be maintained by the

owner in a safe and accessible condition at all times.

- (4) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.
- (c) Accidental discharge/slug control plans: At least once every two (2) years, the Utility shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. The Utility may require a user to develop, submit for approval, and implement such a plan. An accidental discharge/slug control plan shall address, at a minimum, the following:
- (1) Description of discharge practices, including non-routine batch discharges;
  - (2) Description of stored chemicals;
  - (3) Procedures for immediately notifying the POTW superintendent of any accidental or slug discharge, as required by subsection 2-16-42(g) of this Ordinance; and
  - (4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.
- (d) Hauled waste.
- (1) Hauled waste may be introduced into the POTW only at locations designated by the Director, and at such times as are established by the Director. The Director may require haulers to obtain wastewater discharge permits. Such permits may be revoked at any time if, in the opinion of the Director, continued dumping of such matter into the sewers will be injurious to the sewer system or treatment processes.
  - (2) A charge shall be made for the privilege of dumping hauled waste. A record shall be kept of such dumps and statements rendered at the first of each month, the amount of such statements shall be payable within ten (10) days after rendition. Failure to pay the amounts due within such ten-day period shall be cause for revoking the permit.
  - (3) The Director may require generators of hauled waste to obtain permits. The Director also may prohibit the disposal of hauled waste

into the POTW.

- (4) The Director may require the hauler to provide a waste analysis of any load prior to discharge.

**Section 2-16-40 Wastewater Discharge Permits.**

- (a) Wastewater analysis: When requested by the Director, a user must submit information on the nature and characteristics of its wastewater within ninety (90) days of the request. The Director is authorized to prepare a form for this purpose and may periodically require users to update this information.
- (b) Wastewater discharge permit requirement.
  - (1) No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Director, except that a significant industrial user that has filed a timely application pursuant to Section 2-16-41 may continue to discharge for the time period specified therein.
  - (2) The Director may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this Ordinance.
  - (3) Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this Article and subjects the wastewater discharge permittee to the sanctions set out in Sections 2-16-48 and 2-16-49 of this Article. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state, and local law.
- (c) Wastewater discharge permitting: A user is required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW and must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with subsection (b), above, must be filed at least ninety (90) days prior to the date which any discharge will begin or recommence.
- (d) Wastewater discharge permitting – reissuance: A user who is issued a wastewater discharge permit must submit an application to have their permit reissued at least ninety (90) days prior to the expiration date on the permit.
  - (e) Wastewater discharge permit application contents: All users required to obtain a wastewater discharge permit must submit a permit application. The

Director may require all users to submit as part of an application the following information:

- (1) All information required by subsection 2-16-42(a) of this Ordinance;
  - (2) Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could be accidentally or intentionally, discharged to the POTW;
  - (3) Number and type of employees, hours of operation, and proposed or actual hours of operation;
  - (4) Each product produced by type, amount, process or processes, and rate of production;
  - (5) Type and amount of raw materials processed (average and maximum per day);
  - (6) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
  - (7) Time and duration of discharges; and
  - (8) Any other information as may be deemed necessary by the Director to evaluate the wastewater discharge permit application.
- (f) Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.
- (g) Application signatories and certifications. All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

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

- (h) Wastewater discharge permit decisions: The Director will evaluate the data furnished by the user and may require additional information. Within ninety (90) days of receipt of a complete wastewater discharge permit application the Director will determine

whether or not to issue a wastewater discharge permit. The Director may deny any application for a wastewater discharge permit.

### **Section 2-16-41 Wastewater Discharge Permit Issuance.**

- (a) Wastewater discharge permit duration: A wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five (5) years at the discretion of the Director. Each wastewater discharge permit will indicate a specific date upon which it will expire.
- (b) Wastewater discharge permit contents: A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Director to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.
  - (1) Wastewater discharge permits must contain:
    - (A) A statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years;
    - (B) A statement that the wastewater discharge permit is nontransferable without prior notification to the Utility in accordance with subsection (f), below, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
    - (C) Effluent limits based on applicable pretreatment standards;
    - (D) Self-monitoring, sampling, reporting, notification, and record keeping requirements. These requirements shall include an identification of pollutants to be monitored; sampling location, sampling frequency, and sample type based on federal, state, and local law; and
    - (E) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state, or local law.
  - (2) Wastewater discharge permits may contain, but need not be limited to, the following conditions:
    - (A) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and

equalization;

- (B) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
  - (C) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;
  - (D) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
  - (E) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
  - (F) Requirements for installation and maintenance of inspection and sampling facilities and equipment;
  - (G) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and
  - (H) Other conditions as deemed appropriate by the Director to ensure compliance with this Ordinance, and state and federal laws, rules, and regulations.
- (c) Public notification: The Director will cause to be published a notice to issue a pretreatment permit in the legal organ of Glynn County, and by electronic means on the Utility's web site, at least thirty (30) days prior to issuance of a wastewater discharge permit. The notice will indicate a location where the draft permit may be reviewed and an address where written comments may be submitted.
- (d) Wastewater discharge permit appeals: Any person, including the user, may petition the Director to reconsider the terms of a wastewater discharge permit within thirty (30) days of notice of its issuance.
- (1) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
    - (2) In its petition, the appealing party must indicate the wastewater discharge permit provisions

objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.

- (3) The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
  - (4) If the Director fails to act within ninety (90) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.
- (e) Wastewater discharge permit modifications: The Director may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:
- (1) To incorporate any new or revised federal, state, or local pretreatment standards or requirements;
  - (2) To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;
  - (3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
  - (4) Information indicating that the permitted discharge poses a threat to the Utility's POTW, Utility personnel, or the receiving waters;
  - (5) Violation of any terms or conditions of the wastewater discharge permit;
  - (6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
  - (7) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 C.F.R. 403.13;
  - (8) To correct typographical or other errors in the wastewater discharge permit; or
  - (9) To reflect a transfer of the facility ownership or operation to a new owner or operator.
- (f) Wastewater discharge permit transfer: Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least ninety (90) days advance notice to the Director and the Director

approves the wastewater discharge permit transfer. The notice to the Director must include a written certification by the new owner or operator which:

- (1) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- (2) Identifies the specific date on which the transfer is to occur; and
- (3) Acknowledges full responsibility for complying with the existing wastewater discharge permit.

Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

(g) Wastewater discharge permit revocation: The Director may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- (1) Failure to notify the Director of significant changes to the wastewater prior to the changed discharge;
- (2) Failure to provide prior notification to the Director of changed conditions pursuant to subsection 2-16-42(f) of this Ordinance;
- (3) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- (4) Falsifying self-monitoring reports;
- (5) Tampering with monitoring equipment;
- (6) Refusing to allow Utility representatives timely access to the facility premises and records;
- (7) Failure to meet effluent limitations;
- (8) Failure to pay fines;
- (9) Failure to pay sewer charges;
- (10) Failure to meet compliance schedules;
- (11) Failure to complete a wastewater survey or the wastewater discharge permit application;
- (12) Failure to provide advance notice of the transfer of business ownership of permitted facility; or
- (13) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this Ordinance.

- (h) Wastewater discharge permits shall be void upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.

**Section 2-16-42 Reporting requirements.**

- (a) Baseline monitoring reports: Within either one hundred eighty (180) days after the effective date of a national categorical pretreatment standard, or the final administrative decision on a category determination under 40 C.F.R. 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the Director a report which contains the information listed in paragraphs (b)(1)-(8), below. At least (90) days prior to commencement of their discharge, new sources that become categorical users subsequent to the promulgation of an applicable categorical standard shall submit to the Director a report that contains the information listed in paragraphs (b)(1)-(5), below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
- (b) Users described above shall submit the information set forth below:
  - (1) Identifying information: The name and address of the facility, including the name of the operator and owner.
  - (2) Environmental permits: A list of any environmental control permits held by or for the facility.
  - (3) Description of operations: A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description shall include a schematic process diagram that indicates points of discharge to the POTW from the regulated process.
  - (4) Flow measurement: Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 C.F.R. 403.6(e).
  - (5) Measurement of pollutants.
    - (A) The categorical pretreatment standards applicable to each regulated process.
    - (B) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Director, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily

maximum, and long term average concentrations, and/or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in subsection (k), below.

- (C) Sampling must be performed in accordance with procedures set out in subsection (l), below.
- (6) Certification: A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional O&M and/or additional pretreatment is required to meet the pretreatment standards and requirements.
- (7) Compliance schedule: If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance pursuant to this Section must meet the requirements set out in paragraph (c)(1), below.
- (8) Signature and certification: All baseline monitoring reports must be certified in accordance with subsection 2-16-40(g) of this Ordinance, and signed by an authorized representative as defined in Section 2-16-5.
- (c) Compliance schedule progress reports: The following conditions shall apply to the compliance schedule required by subsection (b), above:
  - (1) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major comments, commencing and completing construction, and beginning and conducting routine operation);
  - (2) No increment referred to above shall exceed nine (9) months;
  - (3) The user shall submit a progress report to the Director no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and
  - (4) In no event shall more than nine (9) months elapse between such

progress reports to the Director.

- (d) Reports on compliance with categorical pretreatment standard deadline: Within (90) calendar days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, a user subject to pretreatment standards and requirements shall submit to the Utility a report containing the information described in subsection (b), above. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 C.F.R. 403.6(c), this report shall contain a reasonable measure of the user's long term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be certified in accordance with subsection 2-16-40(g) of this Ordinance, and signed by an authorized representative as defined in Section 2-16-5.
- (e) Periodic compliance reports.
  - (1) All significant industrial users shall, at a frequency determined by the Utility but in no case less than twice per year, submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be certified in accordance with subsection 2-16-40(g) of this Ordinance, and signed by an authorized representative as defined in Section 2-16-5.
  - (2) All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
  - (3) If a user subject to the reporting requirement in this Section monitors any pollutant more frequently than required by the Utility, using the procedures prescribed in paragraph (1), above, the results of this monitoring shall be included in the report.
- (f) Reports of changed conditions: Each user must notify the Utility of any planned significant changes to the user's operations or system, which might alter the nature, quality, or volume of its wastewater at least ninety (90) days before the change.
  - (1) The Utility may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including

the submission of a wastewater discharge permit application under Section 2-16-40 of this Ordinance.

- (2) The Utility may issue a wastewater discharge permit under Section 2-16-41 of this Ordinance, or modify an existing wastewater discharge permit under subsection 2-16-41(e) in response to changed conditions or anticipated changed conditions.
  - (3) For purposes of this requirement, significant changes include, but are not limited to, flow or concentration increases of twenty percent (20%) or greater, and the discharge of any previously unreported pollutants.
  - (4) Significant industrial users are required to notify the Utility immediately of any changes at its facility effecting the potential for a slug discharge.
- (g) Reports of potential problems.
- (1) In the case of any discharge, including, but not limited to accidental discharges, discharges of non-routine, episodic nature, a non-customary batch discharge, or a slug load that may cause potential problems for the POTW, the user shall immediately telephone and notify the plant Director of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.
  - (2) Within five (5) days following such discharge in paragraph (1), above, the user shall, unless waived by the Utility, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability, which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this Article.
  - (3) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in paragraph (1), above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.
- (h) Reports from unpermitted users: All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Utility as the Utility may require.
- (i) Notice of violation/repeat sampling and reporting: If sampling performed by the user indicates a violation, the user must notify the Utility within twenty-four (24) hours of becoming aware of the violation. The user shall

also repeat the sampling and analysis and submit the results of the repeat analysis to the Utility within thirty (30) days after becoming aware of the violation. The user is not required to resample if the Utility monitors at the user's facility at least once a month, or if the Utility samples between the user's initial sampling and when the user receives the results of this sampling.

- (j) Notification of the discharge of hazardous waste.
  - (1) A user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and state hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 C.F.R. Part 261. Such notification must include the name of the hazardous waste as set forth in 40 C.F.R. Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. Notifications of changed conditions, however, must be submitted under subsection (f), above. The notification requirement in this Section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of paragraph 2-16-41(b)(1) and paragraph 2-16-43(a)(1) of this Ordinance.
  - (2) Dischargers are exempt from the requirements of paragraph (1), above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 C.F.R. 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 C.F.R. 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.
  - (3) In the cases of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must

notify the Utility, the EPA Regional Waste Management Division Director, and Georgia Hazardous Waste Department authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

- (4) In the case of any notification made under this Section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
  - (5) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this Ordinance, a permit issued thereunder, or any applicable federal or state law.
- (k) Analytical requirements: All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 C.F.R. Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 C.F.R. Part 136 does not contain then sampling or analytical techniques for the pollutant in question, sampling and analysis must be performed in accordance with procedures approved by EPA.
- (l) Sample collection.
- (1) Except as indicated in paragraph (2), below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is not feasible, the Utility may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.
  - (2) Samples for oil and grease, temperature, pH, cyanide, phenols, sulfide, and volatile organic compounds must be obtained using grab collection techniques.
- (m) Timing: Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.
- (n) Record keeping: Users subject to the reporting requirements of this Article shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Article and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling, name of the person(s) taking the samples, the date(s) analysis was performed, who performed the

analysis, the analytical techniques or methods used, and the results of such analysis. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the Utility, or when the user has been specifically notified of a longer retention period by the Utility.

### **Section 2-16-43 Compliance Monitoring.**

- (a) Right of entry – inspection and sampling: The Utility shall have the right to enter the premises of a user to determine whether the user is complying with all requirements of this Article and any wastewater discharge permit or order issued hereunder. Users shall allow the Utility ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.
  - (1) Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Utility personnel will be permitted to enter without delay for the purposes of performing specific responsibilities.
  - (2) The Utility shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.
  - (3) The Utility may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated on at least an semi-annual basis to ensure their accuracy.
  - (4) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the Utility and shall not be replaced. The costs of clearing such access shall be borne by the user.
  - (5) Unreasonable delays in allowing the Utility access to the user's premises shall be a violation of this Article.
- (b) Search warrants: If the Utility has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this Article, or that there is need to inspect and/or sample as part of a routine inspection and sampling program of the Utility designed to verify compliance with

this Article or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Utility may seek issuance of a search warrant from magistrate court.

**Section 2-16-44 Confidential information.**

User Information and data obtained from reports, questionnaires, permit applications, permits, monitoring programs, and from inspections shall be available to the public, EPD, EPA or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the Utility, EPD, and EPA that release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. Users wishing to keep such information confidential must assert a claim of confidentiality at the time the information is submitted to the Utility, such confidential information may be withheld from the public but it will always be made available to the EPD and/or EPA. Effluent data will be available to the public without restriction.

**Section 2-16-45 Publication of Significant Noncompliance.**

The Utility shall publish annually, in the legal organ of Glynn County, a list of the users, which, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall mean any one or more of the following:

- (a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken for the same pollutant parameter during a six-month period exceed, by any magnitude, a numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 C.F.R. 403(1).
- (b) Technical review criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements taken for the same pollutant parameter during a six-month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by 40 C.F.R. 403.3(1) multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH).
- (c) Any other violation of a pretreatment standard or requirement that the Utility determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public.
- (d) Any discharge of a pollutant that has caused imminent endangerment to the human health, welfare or to the environment, or has resulted in the Utility's exercise of its emergency authority to halt or prevent such a discharge.
- (e) Failure to meet, within ninety (90) days of the schedule date, a

compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance.

- (f) Failure to provide, within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.
- (g) Failure to accurately report noncompliance.
- (h) Any other violation(s) which the Utility determines will adversely affect the operation or implementation of the local pretreatment program.

#### **Section 2-16-46 Service Charges.**

The Utility may adopt charges and fees, which may include:

- (a) Fees for reimbursement of costs of setting up and operating the Utility's pretreatment program.
- (b) Fees for monitoring, inspections and surveillance procedures.
- (c) Fees for reviewing accidental discharge procedures and construction.
- (d) Fees for permit applications.
- (e) Fees for filing appeals.
- (f) Fees for consistent removal by the Utility of pollutants otherwise subject to federal pretreatment standards.
- (g) Other fees as the Utility may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by this Article and are separate from all other fees chargeable by the Utility. The applicable charges shall be set forth in the Utility's rate resolution.

#### **Section 2-16-47 Administrative Enforcement Remedies.**

- (a) Notification of violation: When the Utility finds that a user has violated, or continues to violate, any provision of this Article, or a wastewater permit or order issued hereunder, or any other pretreatment standard or requirement, the Director, or his designee, may serve upon said user written Notice of Violation by personal service or by registered or certified mail, return receipt requested. Within ten (10) days of the receipt date of the Notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the Director, or his designee.

Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the Utility to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

- (b) Consent orders: The Director is authorized to enter into consent orders, assurances of compliance, or other similar documents establishing an agreement with a user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period also specified by the document. Such documents shall have the same force and effect as compliance orders issued pursuant to subsection (d), below, and shall be judicially enforceable.
- (c) Show cause hearing: The Director may order a user which has violated, or continues to violate, any provision of this Article or wastewater permit or order issued hereunder, or any other pretreatment standard or requirement, to show cause why a proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail, return receipt requested, at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user including, but not limited to, immediate enforcement action.
- (d) Compliance order: When the Director finds that a user has violated, or continues to violate, any provision of this Article or a permit or order issued thereunder, or any other pretreatment standard or requirement, the Director may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time period. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances have been installed and are properly operated. Orders may contain such other requirements to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring, and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.
- (e) Cease and desist order: When the Director finds that a user has violated, or continues to violate, any provision of this Article or any permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the Director may issue an order to cease and desist all such violations and direct the user to:

- (1) Immediately comply with all requirements; and
- (2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

- (f) Administrative fines: Notwithstanding any other provision herein, when the Utility finds that a user has violated, or continues to violate, any provision of this Article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Utility may fine such user in an amount not to exceed one thousand dollars (\$1,000.00) per violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. In the case of monthly or other long term average discharge limits, fines shall be assessed for each day during the period of violation. Such assessments may be added to the user's next scheduled sewer service charge.

- (1) Unpaid charges, fines, and penalties shall, after ten (10) calendar days, be assessed an additional penalty of seven percent (7%) of the unpaid balance, and interest shall accrue thereafter at a rate of seven percent (7%) per month. A lien against the user's real property will be sought for unpaid charges, fines, and penalties provided the owner of such real property is the person who incurred the charges.
- (2) Users desiring to dispute administrative fines must file a written request with the Director seeking reconsideration of the fine along with full payment of the fine amount within ten (10) days of being notified of the fine. When the Director determines a request has merit, the Director may convene a hearing on the matter within fifteen (15) days of receipt of such request from the user. In the event the user's appeal is successful, the payment shall be returned to the user without interest.
- (3) The Utility may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

- (g) Emergency suspensions.
- (1) The Director may immediately suspend the wastewater treatment service and/or wastewater permit of a user when such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons, the POTW, or the environment.

- (2) A user notified of a suspension of the wastewater treatment service and/or the wastewater permit shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Director may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals or the environment. The Director may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Director that the period of endangerment has passed, unless termination proceedings set forth in subsection (h), below, are initiated against the user. A user who is the subject of a suspension order shall have the right to appeal to the Director from such suspension, but such suspension shall remain in full force and effect pending such hearing and the decision of the Director.
- (3) A user who is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the Director prior to the date of any show cause or termination hearing under subsection (c), above, or subsection (h), below.

Nothing in this Section shall be interpreted as requiring a hearing prior to any emergency suspension.

- (h) Termination of permit: Significant industrial users proposing to discharge into the POTW must first obtain a wastewater discharge permit from the Utility. A user who violates the following conditions of this Ordinance or a wastewater discharge permit or order, or any other pretreatment standard or requirement, or any applicable state or federal law, is subject to permit termination:
  - (1) Violation of wastewater discharge permit conditions;
  - (2) Failure to accurately report the wastewater constituents and characteristics of its discharge;
  - (3) Failure to report significant changes in operations or wastewater volume, or wastewater constituents and characteristics prior to discharge; or
  - (4) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling.
  - (5) Repeatedly violates this Ordinance.

Noncompliant industrial users will be notified of the proposed termination of their wastewater permit and will be offered an opportunity to show cause under subsection (c), above, why the proposed action should not

be taken. Exercise of this option by the Utility shall not be a bar to, or a prerequisite for, taking any other action against the user.

- (i) Termination of services: The Director may order a user who violates, or continues to violate, this Ordinance, or allows an unauthorized discharge to enter the POTW, to show cause before the Director as to why termination of services should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the Director regarding the termination of services, the reasons why the action is to be taken, and directing the user to show cause before the Director why the proposed enforcement action should not be taken. The notice of the hearing shall be served by registered or certified mail, return receipt requested, at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.

- (1) The Director may take evidence and hear witnesses.

- (2) After the Director has reviewed the evidence, he may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service will be discontinued unless adequate treatment facilities, devices, or other related appurtenances are properly installed and/or operated. Further orders and directives as are necessary and appropriate may be issued.

Exercise of this option by the Utility shall not be a bar to, or a prerequisite for, taking any other action against the user.

#### **Section 2-16-48 Judicial Remedies.**

When a user discharges sewage, industrial wastes, or other wastes into the wastewater disposal system contrary to the provisions of this Article, or violates, or continues to violate, any order or permit issued hereunder or any other pretreatment standard or requirement, the Utility may commence an action for appropriate legal and/or equitable relief in a court having jurisdiction over such matters.

- (a) Injunctive relief: When the Utility finds a user has violated, or continues to violate, any provision of this Article or any order or permit issued hereunder, or any other pretreatment standard or requirement, the Utility may petition the court for the issuance of a preliminary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this Ordinance on activities of the user. The Utility may seek also such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user including, but not limited to, nuisance abatement proceedings in a court of competent jurisdiction.

(b) Civil penalties.

- (1) A user who has violated, or continues to violate, any provision of this Article or any order or permit issued hereunder, or any other pretreatment standard or requirement, shall be liable to the Utility for a civil penalty of up to one thousand dollars (\$1,000.00) per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of violation. In addition to the above described penalty, the Utility may recover reasonable attorneys' fees, court costs, and other expenses associated with the enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the POTW and Utility, and any economic benefit gained through the user's violation.
- (2) The Utility shall petition a court of competent jurisdiction to impose, assess, and recover such sums set forth in paragraph (1), above. In determining the amount of liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

(c) Criminal prosecution.

- (1) A user who willfully or negligently violates any provision of this Article, any orders or permits issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine not to exceed one thousand dollars (\$1,000.00) per violation, per day, or imprisonment for not more than sixty (60) days, or both.
- (2) A user who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor, punishable by a fine not to exceed one thousand dollars (\$1,000.00) per violation, per day, or imprisonment for not more than sixty (60) days, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available to the Utility.
- (3) A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other document filed, or required to be maintained, pursuant to this Article, wastewater permit or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Article shall, upon conviction, be guilty of a misdemeanor,

punishable by a fine not to exceed one thousand dollars (\$1,000.00) per violation, per day, or imprisonment for not more than sixty (60) days, or both.

- (d) Remedies Nonexclusive: The remedies provided for in this Article are not exclusive. The Director may take any, all, or any combination of these actions against a noncompliant user. The Director may take other action against any user when the circumstances warrant. Further, the Director is empowered to take more than one enforcement action against any noncompliant user.

#### **Section 2-16-49 Supplemental Enforcement Remedies.**

- (a) Liability insurance: The Director may decline to reissue a permit to any industrial user which has failed to comply with any provision of this Article, or any order or previous permit issued hereunder, unless the industrial user first submits proof that it has obtained financial assurances sufficient to restore or repair POTW damage caused by its discharge.
- (b) Water supply severance: When an industrial user has been found after hearing to be in violation of any provision of this Article, or an order issued hereunder, water service to the industrial user may be severed and service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

#### **Section 2-16-50 Affirmative Defenses.**

- (a) Treatment upsets.
  - (1) For the purposes of this Article, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.
  - (2) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (3), below, are met.
  - (3) A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
    - (A) An upset occurred and the user can identify the cause(s) of the upset;
    - (B) The facility was at the time being operated in a prudent and

workman-like manner and in compliance with applicable operation and maintenance procedures; and

(C) The user has submitted the following information to the Director within twenty-four (24) hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five (5) days):

(i) A description of the indirect discharge and cause of noncompliance;

(ii) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

(iii) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

(4) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

(5) Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

(6) Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

(b) Treatment bypass.

(1) A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs (2) and (3) of this subsection (b).

(2) If a user knows in advance of the need for a bypass, then it shall submit prior notice to the Director at least ten (10) days before the date of the bypass, if possible.

(A) A user shall submit oral notice to the Director of an anticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. A written submission shall

contain a description of the bypass and its cause, the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue, and the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.

- (B) The Director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.
- (3) Bypass is prohibited: The Director may take an enforcement action against a user for a bypass, unless:
  - (A) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage including, but not limited to, substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not include economic loss caused by delays in production;
  - (B) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
  - (C) The user submitted notices as required under paragraph (2) of this subsection (b).
  - (D) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three (3) conditions listed in subparagraphs (3)(A)-(C) of this subsection (b).
- (c) Prohibited discharge standards: A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 2-16-36, except for paragraphs 2-16-36(d)(1), (2) and (9), if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:
  - (1) A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or

- (2) No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the Utility was regularly in compliance with its NPDES and/or LAS permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

**Sections 2-16-51 - 2-16-60 Reserved.**

**ARTICLE IV**  
**RATES AND FEES**

**Section 2-16-61 User Charge System.** (Amended: #O-2010-07/11/04/2010)

- (a) Charges for water service and for wastewater service shall be made and billed in compliance with the user charge system approved by the Utility with adjusted rates herein established; except, however, the Utility may suspend or forego the imposition and collection of connection/capital tap fees at any time when determine to be in the best interests of Utility. The user charge system shall be:
- (1) A base rate shall be charged based on the administration and debt costs and shall be calculated based on the number of water and wastewater customers and the assignment of REUs. Every customer connected to the Utility system will pay a base rate each month regardless of usage;
  - (2) A consumption rate shall be charged based on the metered volume of water used by each water and each wastewater customer for the operation, maintenance, and replacement costs incurred by the Utility to be calculated on the basis of water used per thousand gallons; and
  - (3) Water and wastewater tap fees consists of two (2) components, connection/capital tap fees and installation/operational tap fees. Subject to the exception in paragraph (a), above, the customer at whose request for connection is made shall pay all fees and charges at the time an official request is made or at the time application is made for a building or plumbing permit, as applicable. All tap fees are payable to the Utility.
    - (A) The connection/capital tap fee shall be calculated and charged on the basis of REUs. Any fractional units resulting from the calculation of REUs shall be treated as a whole unit.
    - (B) The installation/operational tap fee shall be charged in accordance with schedules listed in the Utility's current rate resolution. Installation/operational tap fees shall apply only to installations on mains that are adjacent to the location to be served; for any extensions necessary beyond this condition the actual costs shall be charged in addition to connection/capital tap fees and installation/operational tap fees.
- (b) A user who discharges any toxic pollutants or other constituents which causes an increase in the cost of managing the effluent or the sludge of the aforementioned treatment works shall be required to pay for such increased costs. A surcharge will be applied to the overall strength of

commercial or industrial wastewater based on the strength and volume of such wastes and the costs of treatment thereof.

- (c) The Utility shall review not less often than every two (2) years water consumption and wastewater contribution of users, the total costs of operation and maintenance of the water and sewer systems, and the approved user charge system. The Utility may revise the charges for users to accomplish the following:
  - (1) Maintain the proportionate distribution of operation and maintenance costs among users;
  - (2) Generate sufficient revenue to pay debt service, administrative costs, and total operation and maintenance costs necessary for proper operation and maintenance (including minor replacement) of the water and sewer systems; and
  - (3) Generate reserve fund contributions for emergency and/or capital planning requirements.
- (d) The user charge system shall take precedence over any terms or conditions of agreements or contracts between the Utility and users which are inconsistent with the requirements of Section 204(b)(1)(a) of the Act and 40 C.F.R. Part 35.
- (e) The Utility may collect samples for the purpose of determining surcharge and compliance, and may charge the industrial user for this service.
  - (1) The Utility may require industrial users to sample and test at their own expense for the purposes of determining surcharges and permit compliance.
  - (2) In the event of a disagreement in results between samples collected by the industrial user and the Utility, the Utility results will prevail unless it can be proven that there was an error in Utility sampling or testing protocol.
- (f) Where a user has a private water source and discharges into the Utility sanitary sewer system, said user shall be required to install a proper water flow measuring device and pay the user charges for sewer service in an amount equal to the amount charged if all water used was purchased from the Utility, unless an accurate wastewater flow measuring device is installed, in which case the bill will be based on the wastewater meter.
- (g) Timing of Billing: Water and/or sewer charges shall accrue on a monthly basis from the date of connection and will be billed monthly thereafter.

## Section 2-16-62 Other Rates, Fees and Charges.

- (a) Charges for water and sewer service, tap fees, and other related fees and deposits or letters of credit, established in a rate resolution by the Utility, will be as follows: (#O-2014-06)
- (1) When service has been cut-off for nonpayment or other action resulting in unauthorized use, service shall not be restored until the unpaid bill, either at the present location or at any previous location at which service was supplied to the applicant, and the service fees provided by the rate resolution are satisfied, including the following cumulative fees for each action taken to prevent unauthorized use of Utility services:
    - (A) Turn-on after a delinquent cut-off.
    - (B) Locking meter.
    - (C) Removal of meter.
    - (D) Removal of straight line.
    - (E) Removal of unauthorized relocated meter.
    - (F) Cutting off water at main.
  - (2) Payment of the fees in paragraph (1) above shall not exempt a user from any civil or criminal action resulting from violations of this Ordinance.
- (b) In addition to the fees and deposits, each applicant for service shall pay in advance an account establishment charge for either new service or transfer of service from one location to another.
- (c) Connection fees and deposits for a facility will be based on the facility's REUs. The amount of REUs is determined by the flow characteristics as set forth in the REU table of the Utility's rate resolution, as amended from time to time. In the case of existing facilities with an increase in REUs, additional fees and charges will be due.
- (d) Deposits will be required for all customer accounts. The deposit may increase by a factor of 250% if the customer has a history of three (3) or more issuances of non-sufficient funds checks, cut-offs for non-payment, or an account with the Utility has been turned over to collections in the previous twenty-four (24) months. A deposit will be refunded upon termination of service; provided, however, any deposit for a single-family residential account for water and/or sewer service connected to the system by an individual meter will be automatically credited to the customer's account after thirty-six (36) months of consecutive timely payments for accounts in good standing, as set forth under the criteria in

the Utility's Rate Resolution. All refunds will be the actual amount paid as a deposit. No interest will be paid on deposits for refunding purposes. (#O-2014-06)

- (e) The Utility may refuse to supply service to any customer if there is a delinquent account for water and/or sewer service until the bill for all prior charges billed to that customer both at the present location or at a previous location have been paid by the customer owing the outstanding amount.

**Section 2-16-63 Leak Adjustments in Water and Sewer Billing.** (#O-2014-06)

The Utility recognizes that occasionally water service lines may develop hidden leaks, leading to unusually high water bills. The Utility encourages customers to make prompt and permanent repairs while showing consideration for unusual circumstances without burdening the Utility's other customers with the expenses of an individual customer's lost water. Accordingly, the Utility, under certain circumstances, provides customers the opportunity to request a leak adjustment in their water and/or sewer bill. This Section shall not apply to irrigation metered service.

- (a) For purposes of this Section the following definitions shall apply:
  - (1) "Physical damage" means damage to a facility or equipment supplying water to the premises and the damage:
    - (A) is not visible or detectable in the customer's premises except upon excavation or some other disturbance of the property; and
    - (B) is not the result of an act of the customer, or of any agent or contractor hired by the customer.
  - (2) "Unusually high water bill" means a water and/or sewer bill for a particular month that reflects monthly water usage, in whatever units measured, that is at least two (2) times the customer's average monthly usage of the premises as measured during the previous twelve (12) monthly billing periods.
- (b) The customer retains control over the use of water on the customer's premises, and as such, the customer is responsible for all the water passing through the meter, including water which may be lost or wasted through leaking pipes or fixtures on the premises. The customer is responsible for monitoring for unusually high water usage as reflected on the customer's bill. The customer must promptly investigate any unusually high water bills. A customer is required to repair any water leak promptly, and the customer is responsible for all repair costs.

- (c) A customer may seek an adjustment under this Ordinance to an unusually high water bill caused by physical damage to the customer's water service line. A customer may not receive an adjustment unless the customer has paid all outstanding water and sewer bills owed prior to the unusually high water bill.
- (d) A customer is not eligible for a leak adjustment to an unusually high water bill due to circumstances not caused by an undetected leak, leaks that should reasonably have been discovered, high usage caused by negligence or failure to properly maintain pools or water using/consuming items or usage from appliances whether or not operating properly.
- (e) A customer seeking a water bill adjustment must provide written notice to the Director, or his designee, within sixty (60) days of the end of the billing period for which the adjustment is being requested. The written notice/request shall contain the following information:
  - (1) the name, address, and telephone number of the customer reporting the leak;
  - (2) a description of how the leak was discovered;
  - (3) the date the leak was discovered;
  - (4) the nature and location of the leak;
  - (5) the date the leak was repaired; and
  - (6) a description of the repair work completed.

The customer shall provide any other information, documents, or access requested by the Director as may be necessary or appropriate for investigating the circumstances of any alleged leak and/or related repairs and verifying the customer's eligibility for an adjustment.

- (f) The adjustment period for undetected leaks cannot exceed one regular meter reading period, unless (i) the meter reading was missed during the leak period, or (ii) the leak affected two consecutive bills.
- (g) If the Director, or his designee, determines, upon investigation, that a customer is eligible for a leak adjustment, then the Director, or his designee, is authorized to adjust the unusually high water bill as follows:
  - (1) The customer shall be responsible for an amount of the water and/or sewer bill equal to four (4) times the customer's average monthly consumption, as calculated by

averaging the prior twelve (12) months bills before the leak, or any portion of the prior twelve (12) months if the customer has fewer than twelve (12) previous bills; plus an amount for the adjustments set forth below.

- (2) For those amounts of the bill above four (4) times the normal bill, the Director, or his designee, may provide an adjustment reducing the bill amount that is more than four (4) times the normal bill by seventy-five (75) percent.
- (3) The customer may pay the adjusted water and/or sewer bill in equal payments over a twelve (12) month billing period in addition to the regular applicable monthly billing.
- (4) No adjustments will be made to the portions of the bill representing the fixed charges such as, for example, debt service.

An illustration: A customer's normal (variable) average water and/or sewer bill is \$50 and the customer receives an unusually high water bill for \$500 that is caused by undetected damage to the water service line. The adjusted bill amount would be \$275.00 ( $4 \times \$50 = \$200$ ;  $75\% \times \$300 = \$75$  for a total of \$275).

- (h) The Director's, or his designee's, determination of eligibility for a leak adjustment is a final disposition of the matter; provided, however, any leak adjustment totaling \$2,000 or more shall be presented by the Director to the Commission for final determination.

#### **Section 2-16-64 Discontinuance of Service.**

- (a) Voluntary Discontinuance: A customer may discontinue service by providing the Utility with written notice which shall contain the customer's name, address at which service is provided, and the cut-off date. Written notice is waived if the Director determines exigent circumstances exist.
- (b) Involuntary Discontinuance: Service to any customer may be discontinued by the Utility for any one of the following reasons:
  - (1) For misrepresentation in application as to property or fixtures to be supplied, or the use to be made of the water supply or character of waste discharged into the sanitary wastewater system;
  - (2) For the use of water for any other property or purpose than that described in the application;
  - (3) For willful or negligent waste of water;
  - (4) For failure to protect the connection, service lines and fixtures, or to maintain them in good order;

- (5) For non-payment of any account for water or sewer service furnished, or of any scheduled fee or charge as required by the Utility's rate resolution, provisions of this Ordinance, rules and regulations promulgated pursuant to the terms hereof, or any amendments thereto; however, the service will be discontinued five (5) business days after the date of notice thereof but in any event prior to issuance of the customer's next successive month's bill, unless payment in full is received by the Utility;
  - (6) For damaging any service pipe, meter, curb stop, seal, or any other appliance of the Utility controlling or regulating the water supply;
  - (7) For violation of any provisions of this Ordinance or amendments thereto;
  - (8) For violation of any rules or regulations promulgated hereunder, including policies and resolutions of the Utility;
  - (9) For turning off or on water at the "water main" or "water connection" or curb stop or for disconnecting or removing the meter by an unauthorized person without the prior written consent of the Director. Emergency cut-off of such water without damage to any Utility property shall not be considered a cause for discontinuance of service; or
  - (10) In case of vacancy of premises.
  - (11) If water is used without the knowledge of the Utility by any person, then the Utility upon discovery of the illegal water use, shall cause a charge to be made against the occupant of the property served for the time the water has been used as indicated from the last account of record. Water service shall be immediately discontinued and will not be restored to the occupant until all charges and fees have been paid.
  - (12) If the sewer is used without the knowledge of the Utility by any person, then the Utility upon discovery of the illegal sewer use, shall bill the customer for the time the sewer has been used based on the last account of record. Services shall be discontinued and not resumed until all charges and fees have been paid.
- (c) The Director shall have authority to order the temporary discontinuance of water or wastewater service in any emergency, under exigent circumstances, or whenever such discontinuance is necessary for repairs or to protect life, health or property or to prevent immediate interference with the Utility systems. In such case, the Utility shall not be liable for any damage or inconvenience suffered by the customer; nor shall the Utility be liable for any claim against it at any time for interruption in service, lessening of the supply, inadequate pressure, quality of water, or wastewater flows for any causes beyond its control.

- (d) In all other circumstances service shall be discontinued only after five (5) business days written notice delivered to an adult person occupying the premises served, or posted in a conspicuous place thereon, stating the reason for discontinuance and informing the user of his right to a hearing during regular business hours before the Director within such five (5) working days from receipt or posting of said notice.

**Section 2-16-65      Increasing Rates.** (#O-2014-06)

Prior to any increase in the variable water consumption and wastewater discharge rates charged by the Utility to the public, a public hearing shall be had to allow public response. The hearing required herein may be held during a regularly scheduled meeting of the Board of Commissioners of the Utility and must be attended by at least a quorum of the Commissioners to qualify as a hearing under this Section. Notice of the public hearing shall be given by publication in the official organ of Glynn County not more than twenty (20) and not less than ten (10) days prior the date of the hearing.

**Sections 2-16-66 - 2-16-70 Reserved.**

## **ARTICLE V**

### **PENALTIES AND ADMINISTRATION**

#### **Section 2-16-71 Penalties.**

This Section sets forth minimum penalties payable to the Utility for certain specific violations of this Ordinance:

- (a) Violation of water use during a proclaimed period of water shortage (Section 2-16-7(a)(3) or (a)(4)):  
\$250.00 for each offense.
- (b) Interfere with and/or damage to facilities and/or machinery owned, operated or leased by the Utility (Section 2-16-7(e)):  
\$100.00 plus all costs for repairs or replacement.
- (c) Unauthorized dumping from septic tank or septic tank clean out trucks (Section 2-16-9(f)):  
\$200 each offense plus all clean up costs.
- (d) Unauthorized turning on and off of water and handling of meters (Section 2-16-11(a)):  
\$50.00 first offense, \$100.00 for each offense thereafter, plus costs of any damages inflicted.
- (e) Use of water from a fire hydrant without permission (Section 2-16-13(c)):  
\$250.00 first offense, \$500.00 for each offense thereafter.
- (f) Use of water without knowledge of the Utility (Section 2-16-8(s) and Section 2-16-64(b)(11)):  
\$100.00 first offense, \$200.00 for each offense thereafter, plus estimated usage for each offense.
- (g) Use of sewer without knowledge of the Utility (Section 2-16-64(b)(12)):  
\$100.00 first offense, \$200.00 for each offense thereafter, plus estimated usage for each offense.

#### **Section 2-16-72 Injunctions.**

The Utility or County Attorney or their designee may seek an injunction against any person or legal entity who violates this Ordinance.

#### **Section 2-16-73 Liens.**

- (a) Any charges and/or fees made by the Utility for furnishing water and wastewater services and services related thereto and for every kind of service necessary or incidental to the furnishing of water and wastewater services, shall constitute a lien against the real property to which such services are furnished upon the issuance and recording of an execution provided the owner of such real property is the person who incurred the

charges.

- (b) Should the customer, as identified in subsection (a), above, fail to pay any of the foregoing charges and the same be in default for a period of ten (10) days after the due date, the Director shall be authorized to have an execution issued by the Finance Director of the Utility, or such person designated for same, which execution shall issue against the property, as described on the latest ad valorem tax digest and *in personam* against the owner of the property, for the principal amount due plus interest at the rate of seven percent (7%) per annum from the due date and the costs for issuance of the execution. Subsequent costs shall be the same as those allowed by law relative to tax executions. Such executions shall be recorded on the general execution docket of the Clerk of Superior Court of Glynn County and shall be delivered to the County Sheriff and processed in accordance with the state law covering the enforcement of executions for taxes. The execution shall constitute a lien against the property from the time of its filing, which lien shall rank on a parity with and be of equal dignity to other liens for special tax assessments.

#### **Section 2-16-74 Unauthorized Obligation of Utility.**

No officer, agent or employee of the Utility shall have authority to bind the Utility by any promise, agreement or representation in violation of this Ordinance and the rules and regulations promulgated in accordance herewith, including any policies and resolutions adopted by the Utility.

#### **Section 2-16-75 Amendment.**

- (a) The Board of Commissioners reserves the right at any time to alter, amend, or add to this Ordinance and to the rules and regulations promulgated by authority hereof, or to substitute other ordinances, rules and regulations therefore in consultation with the Utility pursuant to Section 2 of the Operational Agreement, as amended.
- (b) Rates, fees and charges provided for herein shall be established by resolution of the Utility and shall be subject to revision or increase at any time by resolution of the Utility, in the middle of any billing period, retroactively to the beginning of such billing period.

#### **Section 2-16-76 Severability.**

If any provision, paragraph, word, or section of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, and sections shall not be affected and shall continue in full force and effect.

#### **Section 2-16-77 Repeal of Conflicting Laws.**

All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of such

inconsistency or conflict.

**Section 2-16-78 Effective Date.**

This Ordinance became effective upon the approval by the Board of Commissioners of Glynn County, Georgia, the 3<sup>rd</sup> day of June, 2010.

**Sections 2-16-79 - 2-16- 99 Reserved.**

## SCRAP TIRE AND SOLID WASTE MANAGEMENT ORDINANCE

### ARTICLE III (Amended 4/20/00)

#### **2-16-150 Short Title.**

This Article shall be known and may be cited as the “Scrap Tire and Solid Waste Management Ordinance.”

#### **2-16-151 Purpose.**

This Ordinance is adopted pursuant to O.C.G.A. Section 36-1-20 for the purpose of protecting and preserving the public health, safety and welfare of the citizens of Glynn County, Georgia, as well as to maintain a healthful, orderly, clean and beautiful environment. This Ordinance is intended to supplement and to coordinate existing litter control efforts and the Clean Community Ordinance and it is not intended to repeal existing laws, except as specifically stated, or to supersede, amend, or modify any other ordinance governing or prohibiting the control and disposition of litter or waste.

#### **2-16-152 Applicability.**

- (a) Scrap tire handling shall be regulated from the point of generation through disposal. The provisions of this Ordinance shall apply to all persons presently engaged in or proposing to be engaged in the retail sale of new replacement tires and/or handling of scrap tires.
- (b) All the persons defined as scrap tire generators, carriers, sorters, processors and retail tire dealers shall be subject to this Ordinance as well as the requirements of Chapter 391-3-4 of the Georgia Rules and O.C.G.A. '12-8-20 et seq., as amended from time to time.

#### **2-16-153 Definitions.**

Definitions set forth in Section 2-16-333 of the Glynn County Code of Ordinances are incorporated herein by reference and in addition thereto the following definitions shall apply to this Ordinance:

- (a) End user means the last person who uses scrap tires, chips, crumb rubber, or similar materials to make a product with economic value or in the case of energy recovery, the person who utilizes the heat content or other forms of energy from the incineration or pyrolysis of waste tires, chips or similar materials.

- (b) Georgia Rules means the rules and regulations promulgated by the Georgia Department of Natural Resources, Environmental Protection Division.
- (c) Financial Assurance means a mechanism designed to demonstrate that funds will be available to ensure compliance with statutory, regulatory and permit requirements of scrap tire carriers. The financial mechanisms must either be performance bonds or letters of credit.
- (d) Manifest means a form or document used for identifying the quantity and composition and the origin, routing and destination of scrap tires during transportation from the point of generation, through any intermediate points, to an end user, processor, or disposer approved by the Department of Natural Resources, Environmental Protection Division.
- (e) Mixed Tires means a heterogeneous group of tires consisting of "used", "retreadable casings", and "scrap tires".
- (f) Retreadable Casing means a tire that has the quality and soundness of the tire structure to accept a retread or repair and provide additional service and is destined for retreading.
- (g) Retail Tire Dealer means a person actively engaged in the business of selling new replacement tires. Retail tire dealers may be also, but are not limited to, manufacturers, wholesalers and others who sell new replacement tires to the ultimate consumer.
- (h) Scrap Tire means a tire that is no longer suitable for its original intended purpose because of wear, damage, or defect and does not meet the definition of a "Used Tire" as defined herein.
- (i) Scrap Tire Carrier means any person engaged in picking up or transporting scrap tires, not otherwise exempted, for the purpose of removal to a scrap tire processor, end user, or disposal facility.
- (j) Scrap Tire Generator means any person who generates scrap tires. Generators may include, but are not limited to, retail tire dealers, retreaders, scrap tire processors, automobile dealers, private company vehicle maintenance shops, garages, and service stations.
- (k) Scrap Tire Processing means any method, system, or other treatment designed to change the physical form, size, or chemical content of scrap tires and includes all aspects of its management,

such as administration, personnel, land, equipment, buildings and other elements. Processing includes, but is not limited to, shredding, baling, recycling or sorting of scrap tires.

- (l) Scrap Tire Processor means any person who is approved by the Department of Natural Resources, Environmental Protection Division. to receive scrap tires from scrap tire generators or scrap tire carriers for the purpose of scrap tire processing.
- (m) Scrap Tire Sorter means any person, other than the original scrap tire generator, who handles mixed tires by separating used tires and retreadable casings from scrap tires.
- (n) Solid Waste means business trash, garbage, hazardous refuse, household trash, industrial waste, litter, refuse and yard trash.
- (o) Tire Retreader means any person actively engaged in the business of retreading scrap tires by scarifying the surface to remove the old surface tread and attaching a new tread to make a useable tire.
- (p) Ultimate Consumer means the last person who receives and uses a new replacement tire. Ultimate consumers may be, but are not limited to, the following:
  - (1) An individual consumer;
  - (2) A leasing company purchasing tires from retail dealers for their vehicle fleet;
  - (3) A private company purchasing tires from retail dealers for their vehicle fleet; or
  - (4) A government agency purchasing tires from retail dealers for their vehicle fleet.
- (q) Used Tire means a tire which has a minimum of 2/32 inch of road tread and which is still suitable for its original purpose. It must be inventoried and marketed in substantially the same fashion as a new tire. The dealer must be able to provide satisfactory evidence that the market exists, and that the used tires are, in fact, being marketed.

#### **2-16-154 Retail Tire Dealers.**

Retail Tire Dealers shall be subject to Section 391-3-4-.19(3) of the Georgia Rules for Scrap Tire Management and O.C.G.A. ' 12-8-40.1 for Tire Disposal Restrictions, as amended from time to time.

**2-16-155 Scrap Tire Generators.**

Scrap Tire Generators shall be subject to Section 391-3-4-.19(4) of the Georgia Rules for Scrap Tire Management and O.C.G.A. ' 12-8-40.1 for Tire Disposal Restrictions, as amended from time to time.

**2-16-156 Scrap Tire Carriers.**

Scrap Tire Carriers shall be subject to Section 391-3-4-.19(5) of the Georgia Rules for Scrap Tire Management and O.C.G.A. ' 12-8-40.1 for Tire Disposal Restrictions, as amended from time to time.

**2-16-157 Scrap Tire Processors.**

Scrap Tire Processors shall be subject to Section 391-3-4-.19(7)(a) of the Georgia Rules for Scrap Tire Management and O.C.G.A. ' 12-8-40.1 for Tire Disposal Restrictions, as amended from time to time.

**2-16-158 Scrap Tire Sorters.**

Scrap Tire Sorters shall be subject to Section 391-3-4-.19(7)(b) of the Georgia Rules for Scrap Tire Management and O.C.G.A. ' 12-8-40.1 for Tire Disposal Restrictions, as amended from time to time.

**2-16-159 Scrap Tire Disposal.**

- (a) No person may store, dispose, leave, cause to be left, throw, place, dump or to cause or permit the dumping, depositing, or placing of any scrap tires on any public or private property in the unincorporated area of Glynn County or any waters or waterways, streams, marsh areas, drainage ditches, alleys, median strips, walkways or public places of travel or in any containers or receptacles designed for household trash, business trash, garbage, or any dumpster, except as otherwise stated in the provisions governing the disposal and storage of scrap tires in Section 391-3-4-.19 of the Georgia Rules for Scrap Tire Management and O.C.G.A. '12-8-40.1 for Tire Disposal Restrictions, as amended from time to time, governing the disposal and storage of scrap tires.
- (b) No person shall burn or cause to be burned scrap tires of any quantities that is not in compliance with the solid waste thermal treatment technology facilities as defined on O.C.G.A. Section' 12-8-22(36), as amended from time to time, and the person is authorized to use the property for such treatment.

**2-16-160      Transporting of Solid Waste.**

- (a) It shall be unlawful to drive or operate a vehicle in Glynn County when hauling municipal, commercial, or industrial solid waste that leaks, flows freely or spills from said vehicle.
- (b) Any litter or municipal, commercial, or industrial solid waste shall be covered or secured in such a manner that litter or such waste will not blow or escape from said vehicle while moving or parked on public or private property in Glynn County.

**2-16-161      Solid Waste Violations.**

Unlawful solid waste activities shall be determined in accordance with the Clean Community Ordinance of the Glynn County Code of Ordinances (Article IV, Section 2-16-231 et seq.).

**2-16-162      Reserved.** (#O-2016-01)

**2-16-163      Penalty for Violations of this Ordinance.**

Any person, firm, business, or corporation violating any portion of this Ordinance shall be guilty of a misdemeanor and, upon conviction thereof in the Magistrate Court of Glynn County, shall be punishable as follows:

- (a) The punishment imposed for any single violation of this Ordinance shall not exceed a maximum fine of one thousand dollars (\$1,000.00) or sixty (60) days imprisonment, or both.
- (b) The minimum punishment imposed for any violation of this Ordinance shall be a fine of one hundred dollars (\$100.00) for the first offense and five hundred dollars (\$500.00) for the second offense, and one thousand dollars (\$1,000.00) for the third offense and for each subsequent offense. Each day a continuing violation occurs shall constitute a separate violation, excepting violations for littering.
- (c) Nothing contained herein shall not preclude the County from choosing to seek civil redress in a court of competent jurisdiction in addition to the criminal prosecution, it being the intent of the County to have both the civil and criminal rights of prosecution in this area.
- (d) In the sound discretion of the Magistrate Court, the violator may be directed to pick up and remove from any public street or highway or public right of way for the distance not to exceed one mile, any solid waste or scrap tires the person has deposited and any solid waste or scrap tires deposited thereon by anyone else prior to the date of

execution or sentence. (#O-2003-19)

- (e) In the sound discretion of the Judge of the Magistrate Court, the violator may be directed to pick up and remove solid waste or scrap tires from any public area, private right of way, or with the prior permission of the legal owner or tenant in lawful possession of such property, any private property upon which it can be established by competent evidence that the person has deposited solid waste or scrap tires thereon, and all solid waste and scrap tires deposited thereon by anyone prior to the date of execution of sentence. (#O-2003-19)
- (f) The Judge of the Magistrate Court may order the publication of the names of persons convicted of violating this Ordinance.

**2-16-164 Severability.**

Should any sentence, section, subsection, or provision of this Ordinance or application of a provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of this Ordinance as a whole nor any part thereof that is not specifically declared to be invalid or unconstitutional.

**2-16-165 Repeal of Conflicting Resolutions or Ordinances.**

Be it ordained, that all conflicting resolutions, ordinances, or part of ordinances, or parts of resolutions in conflict with this Ordinance are hereby repealed.

## CLEAN COMMUNITY ORDINANCE

### DIVISION 1 - IN GENERAL

#### 2-16-231 Short title.

This article shall be known and may be cited as the "Clean Community Ordinance." (Ord. of 11-20-80; Amended 1-8-81, 9-17-81, 6-2-83, 1-22-87, 12-17-87; 4-16-92, 3-20-97, 5-1-97, 02-07-02, 110603-Effective 010104, 09/02/04, 4/21/05, 12/15/05)

#### 2-16-232 Declaration of intent.

It is the intention of the Board of Commissioners in enacting this article to provide for uniform collection of solid waste in the unincorporated area of the County; to provide for the uniform prohibition throughout the unincorporated area of the County of any and all littering on public or private property and to curb thereby the desecration of the beauty of the County which is harmful to the health, welfare and safety of its citizens.

#### 2-16-233 Definitions.

For the purpose of this article, the following terms, phrases, words and their derivations shall have the meaning indicated herein. Unless the context requires otherwise, words used in the present tense include the future and all definitions shall be applicable equally to the singular and the plural form of such terms. The word "shall" is mandatory, the word "may" is permissive.

- (a) Backdoor: Collection of refuse from the side or rear of the structure being served.
- (b) Building: Any structure having a roof supported by columns or walls intended for shelter, housing or enclosure of persons, animals, chattels or property of any kind.
- (c) Building material: Any material such as lumber, roofing material, brick, concrete block, plaster, gutters, sand, gravel or other substances used in repairs of alteration of existing buildings, construction of new buildings, or demolition of existing structures.
- (d) Bulk container: A metal, watertight, container with a lid or lids opening on top or side and constructed so that it can be emptied mechanically by specially equipped trucks. The bulk container, while in service and use, shall be equipped with a lid or cover. After the effective date of the ordinance from which this Article is derived,

all new bulk containers used in the unincorporated area of the County shall comply with these specifications.

- (e) Business trash: Any waste accumulation such as dust, paper, cardboard, excelsior, rags or other substances, except for garbage or household trash, which are usually attendant to the operation of stores, offices, commercial buildings and similar type activities.
- (f) Commercial establishment: Any building devoted to the retail or wholesale sales uses, warehousing uses, institutional uses, religious uses, governmental uses, or other nonresidential uses at which garbage or trash may be generated.
- (g) County: The County of Glynn, a political subdivision of the State of Georgia.
- (h) Curbside: Within ten (10) feet of that area designated for public vehicular travel and bordering an occupied residential tract of land, which is deemed to be suitably accessible for collection.
- (i) Delegation: The Utility Director shall have the authority to establish and administer the operating policies and practices under Article IV, Clean Community. The Code Enforcement Division of Community Development shall be responsible for enforcement.
- (j) Discard: To get rid of as unwanted any physical material, substance or thing which has been left, dropped, placed, thrown or otherwise disposed of in a manner or place that does not reasonably suggest an intent to preserve, protect or retain the use or possession of that which is left.
- (k) Disposal site: A location for the final disposal of solid waste, putrescible waste, hazardous waste or other waste, except this term shall not be deemed to include land or a facility used for the disposal of solid waste or other waste from a single-family dwelling by the owner, occupant or lessee thereof.
- (l) Garbage: The by-product of animal or vegetable food resulting from the handling, preparation, cooking and consumption of food, or other matter which is subject to decomposition, decay, putrefaction or the generation of noxious or offensive gases or odor, or which during or after decay may serve as breeding areas or feeding material for flies, insects or animals.
- (m) Hazardous refuse: Materials that are harmful to humans, animals, or environmental health, such as poisons, acids, caustics matter or

solutions, chemicals, infected materials, offal, fecal matter, explosives, sewage sludge, radioactive materials and highly flammable substances.

- (n) Household trash: Form of waste such as paper, sweepings, dust, rags, bottles, cans, or all other materials of any kind, other than garbage, which is normally attendant to the occupancy of a building for dwelling purposes.
- (o) Industrial waste: All waste, including solids, semisolids, sludges and liquids, created by factories, processing plants or other manufacturing concerns.
- (p) Litter: "Litter" means all forms of discarded materials including but not limited to sand, gravel, slag, brickbats, rubbish, waste material, tin cans, refuse, garbage, trash, debris, dead animals, bottles, glass, cans, boxes, containers, unclaimed papers or paper products, tobacco products, tires, appliances, furniture, tree and shrubbery trimmings, grass trimmings, leaves, mechanical equipment or parts, building or construction materials, tools, machinery, wood, motor vehicles and motor vehicle parts, vessels, aircraft equipment, waste oil, batteries, antifreeze, sludge, or any other discarded material or substance of every kind and description.
- (q) Loading and unloading area: Space or area used by any moving vehicle or other form of transportation for the purpose of receiving, shipping, and transporting goods, ware, commodities and persons, which shall be established pursuant to the County Zoning Ordinance.
- (r) Multifamily dwelling: Any duplex, apartment, group of apartments, townhouses, or condominiums used as a residential dwelling for more than one family.
- (s) Multifamily projects: Apartment and condominiums as defined in the County Zoning Ordinance and consisting of more than four (4) units located on the same premises.
- (t) Person: An individual, firm, company, partnership, corporation, association, institution, or other legal entity.
- (u) Public or Private Property: "Public or private property" means the right of way of any road, street, highway, alley, or thoroughfare; any body of water or watercourse, including any river, channel, ditch, canal, stream, and marshland; any tidal or coastal water or the

shores or beaches thereof; any park, playground, sidewalk, or public building and the grounds thereof; any refuge, conservation, or recreation area; any residential, private, or farm properties; any timberlands or forests; any dumpsters or litter receptacles; and any other site, place, or location of every kind and description.

- (v) Recycling: The process by which materials are collected and used as raw materials for new products.
- (w) Refuse: Solid waste accumulations consisting of garbage, household trash, yard trash and business trash as herein defined.
- (x) Refuse receptacle: A container, not to exceed ninety-five (95) gallons, of substantial construction, with tight-fitting lid and equipped with handles sufficient for safe and convenient handling. Such receptacles shall be maintained in a serviceable condition at all times.
- (y) Rowhouse Condominium: A multi-family dwelling complex in which all individual units are owned as undivided real estate parcels and each unit has a ground level entrance directly onto the street.
- (z) Scavenge or scavenging: Unauthorized or uncontrolled retrieval of discarded refuse materials.
- (aa) Single-family dwelling unit: A detached dwelling place designated for, or occupied exclusively by, one family.
- (bb) Solid waste: Refuse accumulations consisting of garbage, household trash, yard trash and business trash as herein defined.
- (cc) Small dead animals: Cats, dogs, small household pets and other animals of similar size.
- (dd) Street: The portion of a public right-of-way that is dedicated and used for vehicular travel.
- (ee) Tree and shrubbery trimmings: Waste accumulation of tree branches, tree limbs, parts of trees, bushes, shrubbery cuttings or clippings, or other natural waste.
- (ff) Yard trash: Waste accumulation of lawn grass, or shrubbery cuttings or clippings and dry leaf rakings, free of dirt, rocks, branches and other bulky or noncombustible material.
- (gg) Urban Service Tax District shall be defined as that area of the

unincorporated area of Glynn County, where Glynn County provides fire protection and the citizens residing therein pay a specific ad valorem tax for such service. (O-2004-15)

**2-16-234 Transportation of refuse generally.**

All persons who desire to haul refuse over roads which are a part of the County road system shall use a vehicle provided with a cover and operate it so as to prevent refuse from being dropped, blown, or spilled therefrom.

**2-16-235 Maintenance of property.**

- (a) Property. All owners or occupants of property shall maintain their property in a litter-free condition.
- (b) Sweeping into sidewalks, streets, gutters or drains. No person shall sweep into or deposit on any street, sidewalk or gutter or into or adjacent to any drainage structure the accumulation of litter from any building or property.

**2-16-236 Special refuse disposal.**

- (a) Contagious disease refuse. The removal of clothing, bedding or other refuse from places where highly infectious diseases have prevailed shall not be placed in receptacles or bulk containers for regular collection. The producers of pathological wastes, or the owners of premises upon which pathological waste is produced shall arrange for disposal of such waste adhering to all federal, state and local laws.
- (b) Disposal of needles or hypodermic instruments. Any person who uses, disposes of, or discards any hypodermic syringes, hypodermic needles, or devices for making hypodermic injections shall be required to dispose of these instruments into containers that are puncture resistant, leak proof on the bottom and sides, sealable, labeled and color coded as biohazardous materials. Any person who uses disposable needles shall be required to dispose of these in containers that are rigid, puncture resistant and leak proof, and which are taped closed or tightly lidded to completely contain the contents therein and prevent any spillage. Said containers shall be disposed of in a manner that adheres to all federal, state and local laws.
- (c) Cardboard boxes and cartons. Prior to depositing refuse for collection in authorized containers or receptacles or in commercial containers, the person disposing of any such boxes or cartons or

the person in charge of the premises shall collapse all cardboard boxes and cartons.

**2-16-237                    Nuisances designated.**

Within the urban service tax district, it shall be unlawful for any person having an ownership or leasehold interest in property, having a contractual obligation to manage property, or occupying property, to create, commit, conduct, promote, facilitate, permit, fail to prevent, let happen, or to allow to remain any nuisance in or on such property. For the purpose of this Ordinance, the term nuisance is defined to mean any condition which tends to the immediate annoyance of the public in general, or is manifestly injurious to the public health, or safety. A nuisance includes, but is not limited to, the keeping, depositing, or scattering on or over the property of dead animals, stagnant water, decayed vegetables or fruits, filthy privies, unkept stables, junk, trash, litter, or debris, or any dilapidated furniture, appliance, machinery, equipment, building material, junked motor vehicle, boat, or other item which is either in a wrecked, junked, dismantled or inoperative condition, and which is not completely enclosed within a building or a dwelling, or anything having an offensive odor. (#O-2003-19)

**2-16-238                    Trash and weeds: Duty of person responsible.**

- (a) Within the urban service tax district, it shall be unlawful for any person having an ownership or leasehold interest in property, having a contractual obligation to manage property, or occupying property to maintain such property, including vacant lots or land, in such a way as to allow trash, garbage, litter, or miscellaneous refuse to accumulate. Drive-in restaurants and other food establishments that permit carry-out food service shall maintain at all times on their premises sufficient receptacles for the disposal of trash, garbage, and miscellaneous refuse.
- (b) Within the urban service tax district, it shall be unlawful for any person having an ownership or leasehold interest in property, having a contractual obligation to manage property, or occupying property to maintain or cause or permit to be maintained uncut grass or weeds on such property under circumstances that the grass or weeds become a breeding place for insects, rodents or reptiles, or constitutes a fire hazard. (#O-2003-19)

**2-16-239                    Abandoned motor vehicles.**

It shall be unlawful to abandon any motor vehicle as provided in O.C.G.A.

at Section 40-11-1. Any motor vehicle abandoned within the County shall be disposed of by the proper authorities as provided in O.C.G.A. at Title 40, Chapter 11.

**2-16-240 Littering.**

- (a) It shall be unlawful for any person or persons to dump, deposit, throw, leave, discard, place, discharge, dispose, drop or to cause or permit the dumping, depositing, placing, throwing, leaving, discarding, placing, discharging, disposing, or dropping of litter on any public or private property in the unincorporated area of Glynn County or any waters in the unincorporated area of Glynn County, unless:
  - (1) The property is designated by Glynn County or an agency of the State of Georgia for the disposal of litter and the person is authorized by the proper public authority to use such property;
  - (2) The litter is placed into a litter receptacle or container installed on the property and the person is authorized or permitted to place litter in such litter receptacle or container; or
  - (3) The person is the owner or tenant in lawful possession of such property or has first obtained consent of the owner or tenant in lawful possession or unless the act is done under the personal direction of the owner or tenant, all in a manner consistent with the public welfare.
  
- (b) Any person who violates subsection (a) of this Section 2-16-240 shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as follows:
  - (1) By a fine of not less than \$200.00 nor more than \$500 for the first offense, by imprisonment for up to sixty (60) days for the second offense, and by both a fine of not less than \$500 nor more than \$1,000 and imprisonment for up to sixty (60) days for the third offense and each offense thereafter; and
  - (2) (A) In the sound discretion of the Judge of the Magistrate Court, the person may be directed to pick up and remove from any public property or private right of way, for a distance not to exceed one (1) mile, any litter the person has deposited and any and all litter deposited thereon by anyone else prior to the date of execution of sentence; or

- (B) In the sound discretion of the Judge of the Magistrate Court, the person may be directed to pick up and remove from any private property upon which it can be established by competent evidence that the person has deposited litter, any and all litter deposited thereon prior to the date of execution of sentence so long as the legal owner or tenant in lawful possession of such private property has given prior permission; or
  - (C) If in the sound discretion of the Judge of the Magistrate Court, removal of the litter by the person would be unsafe, impractical, not feasible, or impossible, the person may be directed to reimburse Glynn County for the cost of removal and/or cleanup of the litter that the person deposited on public property.
- (3) The Judge of the Magistrate Court may publish the names of persons convicted of violating subsection (a) of this Section 2-16-240.
- (c) Whenever litter is thrown, deposited, dropped, discarded, discharged, disposed, or dumped from any motor vehicle, boat, airplane, or other conveyance in violation of this Section 2-16-240, it shall be prima-facie evidence that the operator of the conveyance has violated subsection (a) of this Section 2-16-240.
  - (d) Except as provided in subsection (c) of this Section 2-16-240, whenever any litter which is dumped, deposited, thrown, left, discarded, placed, discharged, disposed, or dropped on public or private property in violation of this Section 2-16-240 is discovered to contain any article or articles, including but not limited to letters, bills, publications, or other writings which display the name of a person thereon in such a manner as to indicate that the article belongs or belonged to such person, it shall be a rebuttable presumption that such person has violated subsection (a) of this Section 2-16-240. (#O-2003-19)

**2-16-241 - 2-16-244 Reserved.**

## **DIVISION 2 - ADMINISTRATION AND ENFORCEMENT**

### **2-16-245 Director of Utilities Management.**

The management and administration of collection, transportation and disposal of refuse shall be under the Utilities Management Division.

### **2-16-246 Collections.**

Private collection. It shall be unlawful for any person to collect refuse within the County, except from his or her own residence, business or industrial plant, without first having obtained a proper permit from the Georgia Department of Natural Resources and without first having obtained a County occupational tax license. All licensed private businesses shall meet all federal, state and local laws and regulations.

### **2-16-247 Receptacles and containers.**

- (a) Required. Every person in possession, charge or control of any building, or from which business trash, industrial waste or other waste is accumulated or produced, shall be required by this Article to provide and keep in a suitable and accessible location for the licensed private collector, receptacles and containers suitable for the storage of all such waste materials generated at the premises between the established collection dates. Receptacles and containers are to be maintained in good serviceable condition.
- (b) To be safe. All receptacles as required by this Article shall be of safe construction and design and shall be maintained in good, orderly and serviceable condition at all times. Any person who does not conform to the requirements of this Article shall be issued a citation for non-compliance and returnable to Magistrate Court.

### **2-16-248 Responsible enforcing agency, violations and penalties.**

- (a) The Glynn County Code Enforcement Division of the Community Development Department, the Glynn County Police Department and those employees designated by the department directors of the Glynn County Public Works Department and the Glynn County Recreation Department shall investigate complaints or violations of any provisions of this Article and determine if there has been a violation and initiate an attempt to obtain compliance with this Article by the person in violation thereof. (#O-2003-19)
- (b) The Glynn County Code Enforcement Division of Community

Development Department, the Glynn County Police Department and those employees designated by the department directors of the Glynn County Public Works Department and the Glynn County Recreation Department shall be authorized to enforce the provisions of this Article by issuing citations. (#O-2003-19)

Upon appropriate notice to the person, business or industry violating this Article, a judge of Magistrate Court may suspend any service or the use of any facility maintained by the County during the period such violation continues to exist.

**2-16-249 Punishment.**

Any person who violates the provisions of this Ordinance, with the exception of Section 2-16-240, Littering, which punishment is set forth separately therein, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in Section 2-16-163 of the Code of Ordinances. (#O-2003-19)

**2-16-250 - 2-16-253 Reserved.**

## DIVISION 3 – COLLECTION

### 2-16-254 Precollection practices - Generally.

The following practices and procedures shall be employed by persons in the County in order to facilitate the collection of solid wastes:

- (a) Refuse. All refuse shall be placed and maintained in containers as specified herein. All containers shall be maintained at all times with tight-fitting lids or covers.
- (b) Standard refuse collection. All refuse shall be placed and maintained in containers as specified herein. Tree and shrubbery trimmings not suitable for bagging shall be placed for collection in secured bundles of 36"x24"x24" or less. Each container, bag, or bundle shall not exceed forty (40) pounds in weight. Refuse shall be placed at curbside for collection no later than 7:00 a.m. on the scheduled collection day, but no earlier than 6:00 p.m. of the previous day. Containers must be removed from curbside within twelve (12) hours following collection.
- (c) Garbage. All garbage placed in containers for collection shall first be drained of all liquids, and shall be wrapped, bagged, or enclosed in paper or plastic material.
- (d) Household trash. All household trash shall be drained of all liquids prior to its being placed in refuse receptacles. Household trash may be combined with garbage.
- (e) Injurious trash items. All waste material of an injurious nature, such as broken glass, light bulbs, sharp pieces of metal, fluorescent tubes and television tubes shall be securely packaged or wrapped for the purpose of preventing injury to the collection crews or other third parties.
- (f) Hazardous refuse and building materials. No hazardous refuse or building materials shall be placed in any household receptacle at any time.
- (g) Yard trash. Tree and shrubbery trimmings in excess of that allowed for standard collection may be collected by private vendors.
- (h) Trees, shrubbery branches, etc. Tree and shrubbery branches, limbs and trimmings cut by landscape or tree service contractors or other commercial workmen or resulting from land being cleared shall be collected and removed by those who have performed the

work or shall be removed by the person for whom the work was performed in accordance with all local, state and federal laws.

- (i) Household furniture, furnishings and bulky items. Upon request, persons requesting this service may schedule an appointment with a private vendor to collect normal household furniture and appliances, such as sofas, chairs, beds, refrigerators, washers, dryers, water heaters and similar items. Special collections are scheduled by appointment and are subject to a fee.
- (j) Back door refuse collection shall be available subject to an additional fee.
- (k) Standard refuse collection for multi-family dwelling projects shall be by on-site bulk containers. Entire rowhouse condominium complexes may receive individual curbside collection.

**2-16-255 Same - Prohibited activities - Generally.**

The following activities are hereby declared to be unlawful and in violation of this Article.

- (a) Public streets and private property. No person shall place any accumulations of refuse and trash in any street, median strip, alley or other public place of travel, nor upon any private property except with the written consent and then only in accordance with the provisions of this Article.
- (b) Blockage of drainage. No person shall place any refuse, trash, refuse receptacles, or containers on, over or near any storm drain or drainage ditches, or so close thereto as to cause such material to interfere in any way with such drainage.
- (c) Unauthorized storage. Any accumulation of refuse or trash items on any lot, property, premises, public streets, alley or other public or private place not permitted by this Article is hereby declared to be a public nuisance. Failure of owner or occupant to remove and correct any such accumulation of refuse shall raise the presumption that such person intended to violate this Article.
- (d) Junk. It shall be unlawful for any person to place or leave outside any building or dwelling except as specified in subsection (5) any dilapidated furniture, appliance, machinery, equipment, building material, junked motor vehicle, or other items which is either in a partially rusted, wrecked, junked, dismantled or inoperative condition, and which is not completely enclosed within a building or

dwelling. Any such item or items which remain on the property of the occupant for a period of thirty (30) days after notice of violation of this Article, shall be presumed to be abandoned and subject to being removed from the property by the County without further notice. The County may charge the owner or occupant a fee for the cost of removing said item or items. This section shall not apply to licensed junk dealers or currently licensed establishments engaged in the repair, rebuilding, reconditioning, or salvaging of equipment or furniture.

- (e) Appliances. It shall be unlawful for any person to leave outside any building in a place accessible to children any appliance, refrigerator, or other container which has an airtight snap lock or similar device without first removing there from the lock or door. This Section shall not apply to any appliances, refrigerators or container which has been placed on or adjacent to the rear of the building and which has been crated, strapped or locked so that it will be impossible for a child to obtain access to any compartment thereof.
- (f) Scavenging. No person other than the owner thereof, or an agent or employee of the County, shall disturb or interfere with any container used for the purpose of storing refuse pending its collection, or remove any contents there from or remove such container from its location.
- (g) Scattering of refuse and littering prohibited. It shall be unlawful for any person to:
  - (1) Throw or deposit any refuse on any public or private street or to scatter such refuse or litter on any public or private property; or
  - (2) Throw or deposit any refuse, trash, or debris in any marsh area, stream, drainage ditch, body of water or beach area.
- (h) Use of streets. It shall be unlawful for any vehicle transporting loose materials on any County road to transport same without suitable covers securely fastened to the vehicle. This Section shall not apply to the transportation of poultry, livestock, silage or other feed grain used in the feeding of poultry or livestock.

**2-16-256 Same - Handbills and advertising matter.**

In addition to the activities declared to be in violation of this Article as set forth in Section 2-16-240, the following activities are hereby declared to be unlawful and shall constitute a violation of this Article:

- (a) It shall be unlawful to place in or on any automobile in the County a handbill, circular, pamphlet, poster, or other literature except with the express permission of the owner or the occupant of such automobile.
- (b) It shall be unlawful for any person to distribute or to place, or for any person not residing in the property on which a publication is placed, to authorize the distribution or placement on any private property any handbill, circular, pamphlet, poster, bulletin, newspaper or other literature, whether single page or multi-page, unless:
  - (1) The distributor shall return and remove any unclaimed literature within a period of three (3) days from the date of delivery; or
  - (2) The literature is fastened or hung from the building or from the mailbox structure without damaging the building or structure or is placed in a reasonably secure and private location near the building entrance including but not limited to on the door knob or at the door jam, screen door, door mat, door step, or porch; or
  - (3) The literature is delivered by the United States Postal Service or by commercial delivery service and is placed in the containers or locations required by the delivery service; or
  - (4) The literature is delivered pursuant to subscription, such as newspapers, or other contract arrangements and is placed on private property in such a manner as to prevent its being carried or deposited by the elements upon any street, sidewalk, or other public place or upon other private property. (O#2004-15)

**2-16-257 Residential collection generally.**

Refuse collection shall be at a minimum of once each week.

**2-16-258 Commercial establishments generally.**

Service to commercial establishments will be provided generally at a minimum of once each week.

**2-16-259 Bulk containers.**

Any commercial establishment or multi-family project that furnishes and

maintains a bulk container shall meet the requirements set forth in this Article. Containers are to be kept clean, neat, painted and in a good state of repair.

**2-16-260 Holidays.**

Residential collections may not be made on legally designated County holidays except as the County may provide by contract for solid waste services.

**2-16-261 Special refuse and wastes.**

- (a) Industrial waste. Industrial waste shall be collected, removed and disposed of by any factory, plant or enterprise creating or causing said waste.
- (b) Hazardous refuse. No hazardous refuse shall be placed in any household receptacle used for collection of refuse.
- (c) Building materials. The owner will be responsible for the collecting or hauling of building material originating from private property preliminary to, during or subsequent to the construction of new building, alterations or additions to an existing building of whatever type or from demolition of existing structures. Such material shall be removed by the owner of the property or by the contractor.
- (d) Hazardous or liquid waste. Hazardous or liquid waste or highly combustible industrial waste shall be disposed of in a manner which meets all federal, state and local laws and regulations.

**2-16-262 Solid Waste Collection Ordinance** (Ordinance of 04/21/05; Amended 12/15/05, 11/6/08)

- (a) Jurisdiction. The provisions of this Ordinance shall apply to all unincorporated areas of Glynn County, except Jekyll Island State Park.
- (b) Definitions.
  - (1) Business Any person, wholly-owned corporation, individual, or sole proprietorship or other legal entity which engages in, causes to be engaged in, and/or represents or holds out to the public to be engaged in any occupation or activity with the object of gain or benefit, either directly or indirectly.
  - (2) Business Location The physical location of a business. This definition does not include a temporary work site.

- (3) Dwelling Unit A building or portion of a building designed, occupied, or intended for occupancy as separate living quarters, with cooking, sleeping, and sanitary facilities provided therein. The term dwelling unit shall not be deemed to include individual rooms or suites in a hotel, motel, rooming house, or hospital.
- (4) Mobile Home Park An undivided parcel of land under single management which is used or intended to be used for rental or lease of spaces or lots and the provision of services for two (2) or more mobile homes.
- (5) Mobile home A movable or portable dwelling constructed to be towed on its own chassis, connected to utilities and designed without a permanent foundation for year-round occupancy, which can consist of one or more components that can be retracted for towing purposes, and subsequently expanded for additional capacity, or of two (2) or more units separately towable but designed to be joined into one integral unit.
- (6) Multi-Family Dwelling A dwelling designed for or occupied by three (3) or more persons or families living independently of each other.
- (7) Non-homestead Mobile Home A mobile home that sits upon property owned by one other than the owner of the mobile home.

- (c) Assessment and Allocation.

There is assessed upon every dwelling unit in Glynn County a fee for providing solid waste collection and disposal to be levied upon the owners of residential property in an amount to be set by the Glynn County Board of Commissioners each year. In the case of a non-homestead mobile home, the fee for providing solid waste collection and disposal shall be levied upon the owner of the mobile home. Each dwelling unit within Glynn County shall be provided with a solid waste receptacle unless the property owner elects to contract with a private vendor for on-site solid waste collection and disposal under subsection (e), paragraph 2 or paragraph 3 of this Section.
- (d) Collection by Tax Commissioner.

All fees for solid waste collection and disposal shall be assessed upon the tax commissioner's books for each year and shall be

collected by the tax commissioner. After collection, the tax commissioner shall transfer the solid waste fee to the county treasury at the same time as county ad valorem taxes. In collection of this solid waste fee, the tax commissioner shall have the authority to resort to any remedy or right allowed by law for the collection and payment of county ad valorem taxes.

The tax commissioner shall prepare and mail to each owner of residential property and to each owner of a non-homestead mobile home an annual billing for solid waste fees. The property owner shall be assessed a solid waste fee for each dwelling unit on the property. This solid waste fee will appear as a separate line item assessment on the owner's annual property tax bill and shall become due and payable at the same time that county taxes are due and payable. Each year's payment entitles the property owner to solid waste collection and disposal service for each dwelling unit at that property location for the succeeding year. If the solid waste fee remains unpaid, the tax commissioner or an authorized designee, shall have the authority to issue a writ of fieri facias or execution against the property served. The writ of fieri facias or execution shall have the same lien dignity and priority as a writ of fieri facias or execution issued for county ad valorem taxes. Each annual installment shall become a lien against the property served on January 1 of each year in the same manner and same priority that a lien attaches for county ad valorem taxes. Any solid waste fee that remains unpaid shall accrue penalty, interest, and fieri facias, charges in the same manner and the same rate as delinquent county ad valorem taxes.

(e) Exemptions.

1. 62 and over. Any dwelling unit owned in whole or in part by an individual who is sixty-two (62) years old as of January 1 of the service year and whose income falls below the federal poverty guidelines, as issued from time to time by the United States Department of Health and Human Services, shall be exempt from this solid waste fee. In order to qualify for this exemption, the individual must submit an exemption application to the County Administrator, or their designee, by August 1 of the service year. Applications for this exemption must be filed every year, including those individuals that have previously applied for, and received, this exemption.
2. Mobile Home Parks and Multi-Family Dwellings. In lieu of payment of this solid waste fee, an owner of a mobile home park or a multi-family dwelling may produce proof to the County Administrator, or their designee, clearly showing payment of a full year's fees to a private vendor or an executed contract with a private vendor to

provide for on-site solid waste collection services for all dwelling units on the property for the entire service year. In order to qualify for this exemption, the owner must submit such proof to the County Administrator between January 1 and August 1 of each year. Applications for this exemption shall apply to the succeeding service year. If the contract between the property owner and the private vendor should be terminated at any time during the service year, the property owner shall give written notice to the County Administrator within three (3) business days of termination of the contract. Property owner shall have seven (7) business days from mailing such notice to obtain replacement solid waste collection and disposal service from a private vendor and to produce proof of this service to the County Administrator. Notice shall be deemed given on the date of mailing the notice. If the property owner does not obtain replacement service and produce proof of that service to the County Administrator within seven (7) business days of the notice of termination, the Tax Commissioner shall bill the solid waste fee to the property owner on a pro-rated basis with the owner paying 1/12 of the annual fee for each of the months or parts of months remaining in that year.

3. Business owners. In lieu of payment of this solid waste fee, a property owner that is also the owner of a business may produce proof to the County Administrator, or their designee, clearly showing payment of a full year's fees to a private vendor or an executed contract with a private vendor to provide for on-site solid waste collection services for the owner's business location for the entire service year. The property owner shall also submit a sworn, written statement declaring that they, as the business owner, possess the exclusive right to manage and control the disposal of solid waste at the business location. The statement shall also declare that the property owner possesses the exclusive right to deposit their household solid waste at the business location and that there is sufficient capacity to accommodate their household solid waste. In order to qualify for this exemption, the property owner must submit such proof to the County Administrator between January 1 and August 1 of each year. Applications for this exemption shall apply to the succeeding service year. This exception to payment of the solid waste fee shall apply only to the property owner's place of residence. If the contract between the property owner and the private vendor should be terminated at any time during the service year, the property owner shall give written notice to the County Administrator within three (3) business days of termination of the contract. The property owner shall have seven (7) business days from mailing such notice to obtain replacement solid waste collection and disposal service from a private vendor and to produce proof of this service to the County Administrator. Notice shall be deemed given on the date of mailing the notice. If the property owner does not obtain replacement service within seven (7) business days of the notice of termination, the property owner shall immediately submit

payment of the solid waste fee to the Tax Commissioner on a pro-rated basis with the owner paying 1/12 of the annual fee for each of the months or parts of months remaining in that year.

4. Disability. Any dwelling unit owned in whole or in part by an individual who, as of January 1 of the service year, has been found, adjudged, or declared totally (100%) disabled and unable to work by either the U.S. Social Security Administration or U.S. Department of Veterans Affairs and whose income falls below the federal poverty guidelines, as issued from time to time by the U.S. Department of Health and Human Services, shall be exempt from this solid waste fee. In order to qualify for this exemption the individual must submit an exemption application to the County Administrator, or their designee, by August 1 of the service year. Applications for this exemption must be filed every year, including those individuals that have previously applied for, and received, this exemption.
  5. Other Exemptions. The Finance Committee may make recommendations to the Board of Commissioners to consider amendments to this Ordinance to provide for further exemptions. Proposed exemptions to this Ordinance must be placed on the agenda of a regularly scheduled open meeting of the Finance Committee.
  6. Appeals. Whenever an application for an exemption filed in accordance with paragraphs 2, 3, or 4 of this subsection has been disapproved, the applicant may appeal the decision to the Finance Committee. Such appeals shall be taken within 30 days of the date of the decision by filing with the County Administrator, or their designee, a written notice of appeal specifying the grounds thereof. Upon receipt of the notice of appeal, the County Administrator, or their designee, shall place the appeal on the agenda of a regularly scheduled open meeting of the Finance Committee. The decision of the Finance Committee is final insofar as administrative remedies of the applicant are concerned.
  7. Penalties. Failure of a property owner to notify the County Administrator of the termination of private solid waste collection and disposal service as required by this Ordinance shall be punishable by a fine of \$500.00.
- (f) Property Tax Appeals.  
If a residential property owner files an appeal concerning the amount of county ad valorem taxes under O.C.G.A. § 48-5-311, the owner shall pay the solid waste fee in full.
- (g) Partial Year Service.  
If construction is begun on undeveloped residential property after January 1st, the tax commissioner shall bill the property owner

upon the issuance of a certificate of occupancy for the property. The solid waste fee in such an instance shall be billed on a pro-rated basis with the owner paying 1/12 of the annual fee for each of the months or parts of months remaining in that year.

- (h) Severability.  
Should any section, subsection, sentence, clause or phrase of this Ordinance, or the application thereof to any person or circumstances for any reason be held by a court of competent jurisdiction to be invalid or void, the validity of the remainder of this Ordinance, or the application of such provision to other persons or circumstances shall not be affected thereby to the extent that any remaining portion of the Ordinance may reasonably be given effect without the invalid or void portion. (O#-2005-21)

**2-16-263 - 2-16-266 Reserved.**

## **DIVISION 4 - COMMERCIAL ESTABLISHMENTS**

### **2-16-267 Use of bulk containers.**

All commercial establishments shall provide on-site bulk containers for the collection and storage of household trash. The bulk containers shall be installed so as to eliminate wind-driven debris and unsightly litter in and about premises. Any spillage or overflow shall be immediately cleaned up by said establishment.

### **2-16-268 Loading and unloading areas.**

All loading and unloading areas shall be provided with refuse receptacles for loose debris, paper, packaging materials and other trash. The owner or occupant of the commercial establishment or multi-family project shall place a sufficient number of containers in said area to maintain a clean, neat and sanitary condition at all times. The occupant of the premises shall insure that all litter is placed in the proper container and the area is kept clean.

### **2-16-269 Parking lots.**

- (a) Receptacles within parking areas shall be weighted or attached to the ground as necessary to prevent spillage. It shall be the responsibility of the owner or his agent to collect the refuse and trash deposited in such containers and store until collected.
- (b) It shall be the obligation of all persons using the parking areas to place any litter in receptacles or containers and it shall be unlawful for any person or persons to dump, scatter, or throw on any parking lot, any refuse, garbage or trash of any kind.

### **2-16-270 Construction sites and demolition sites.**

All construction and demolition contractors shall provide on-site refuse receptacles, bulk containers, or detachable containers for loose debris, paper, building material waste, scrap building materials and other trash produced by those working at the construction site. The site shall be kept in a litter-free condition. The number of refuse receptacles (not to exceed four (4) bulk containers, or detachable containers) shall be determined by the size of the job. Dirt, mud, construction materials or other debris upon any public or private property belonging to a person other than the owner of the construction site shall be removed by the contractor upon completion of the construction.

### **2-16-271 - 2-16-275 Reserved.**

## **DIVISION 5 - DISPOSAL SITES**

### **2-16-276 Permit required for private sites.**

It shall be unlawful for any person to deposit or permit to be deposited on land under his ownership and control any refuse without first having obtained a disposal area permit as required by any regulation of the

Georgia Department of Natural Resources, the Federal Environment Protection Agency and the Glynn County Board of Commissioners.

### **2-16-277 General maintenance.**

It shall be the duty and responsibility of the owner of any private disposal site to keep the site in an orderly condition and maintained so as not to be a public nuisance or a menace to public health.

### **2-16-278 Right to enter to inspect.**

The Utility Director, Code Enforcement Officer, or other designated representative shall have the right to enter a private disposal site at any time during normal business hours for the purpose of inspecting the site to determine whether or not the site is in compliance with this Article and all other pertinent laws and regulations of the County.

### **2-16-279 Burning prohibited.**

- (a) No person shall set fire to, or burn any papers or other refuse deposited at any disposal site or on the grounds thereof, within the urban service tax district.
- (b) No garbage or other materials, from which offensive odors emanate during combustion, shall be burned outside of any building within the urban service tax district.

## **DIVISION 6 - SURFACE DRAINAGE**

### **2-16-280 Restrictions.**

No person(s) shall throw or place any building material, business trash, garbage, hazardous refuse, household trash, industrial waste or litter as defined in Section 2-16-233 of this Article in any ditch, stream, river, tidal creek, drainage collection system or retention basin that regularly or periodically carries surface water runoff. Any person(s) who deposits any

of the above shall immediately remove or be responsible for the immediate removal of said materials.

**2-16-281 Punishment.**

Any person violating the provisions of this Division shall be punished as provided for in Section 2-16-163 of the Code of Ordinances.

**2-16-282 Reimbursement of Costs.**

In the event the County deems it necessary to remove said materials contractually or with its own force and/or bring civil action to enforce the terms of this Division, the violator shall be responsible for all contractual, County force, court costs and attorney fees incurred by the County.

**2-16-283 – 2-16-292 Reserved.**

**DIVISION 7 - ANNUAL SOLID WASTE SERVICE FEES**

An occupant is exempt from paying the annual solid waste service fee for curbside collection if he/she has annual income delineated under the Federal Poverty Guideline Levels. An occupant must apply in writing, in a form and manner determined by the Finance Director, each year to receive the exemption.

**2-16-293 Residential Curbside Reinstatement Fees**

When service has been stopped by the County due to nonpayment of the solid waste collection fees, a \$10 administrative fee will be assessed to the customer by the County in order to reinstate the service. When the County has instructed the Contractor to remove a cart due to non-payment and the cart has been removed, prior to the reinstatement of service and return of the cart, an additional \$25 fee will be charged to the customer and remitted by the County to the Contractor. Such fees may be waived by the Finance Director should it appear that the mailed billing notice was not received by the occupant. (Section added 11/07/02)

**2-16-294 - 2-16-300 Reserved.**

## ARTICLE V. TREE ORDINANCE

Adopted 5/6/93; Repealed 8/19/99;. Reinstated 2/5/04; Amended 9/7/06

### 2-16-301 Purpose and Intent

This ordinance is enacted to provide policies and plans for the planting, maintenance, replacement, preservation and removal of trees on public property and to provide policies for nuisance and diseased trees with the following goals:

Enhance wildlife habitat.

Prevent increases in air pollution and carbon dioxide levels in the air.

Minimize increases in temperatures on parks and along streets with natural tree cover.

Maintain moisture levels in the air of parks and land with natural tree cover.

Protect and enhance the aesthetic qualities of the community.

Prevent soil erosion.

Minimize conflicts with other public infrastructure.

Protect the public safety, welfare and health of the community.

### 2-16-302 DEFINITIONS

Tree: A self-supporting woody plant which includes a tree, shrub, or any portion of these plants, i.e. limbs, roots, et cetera of a species which has developed or can develop a trunk or trunks of two (2) inches diameter or more at a height of six (6) inches above ground level.

Street Trees: Trees whose trunk is entirely on land lying within the boundaries of any County owned property on streets, roads, or avenues within the county.

Park Trees: Trees in public parks, or in areas to which the public has free access as a park, or in other areas owned by the county.

Topping: The severe cutting back of limbs to stubs within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree.

Specimen Trees: Any tree designated by state government, the Glynn

County Board of Commissioners, or the Tree Board as being of notable historic interest or value because of its size, age, type, or historic association.

County: The jurisdiction encompassing the unincorporated area of Glynn County, Georgia, or its governing authority, the Glynn County Board of Commissioners.

Board: The Tree Board established by this ordinance.

**2-16-303**

**Creation and Establishment of a Tree Board**

- a. **Composition and Appointment:** There is hereby created a Tree Board to consist of seven (7) members to be appointed by the Board of Commissioners to serve for terms of four (4) years or until their successor is appointed, except that the initial terms shall be staggered as described herein.

Each district and at-large post of the Board of Commissioners shall correspond to a seat on the Tree Board. Nominations for appointment to the Tree Board shall be made by the member of the Glynn County Board of Commissioners serving the corresponding district on the Glynn County Board of Commissioners.

Nominees may be residents of the nominating Commissioner's District. The nominee from the Glynn County Board of Commissioners At-Large Posts shall be a resident of any part of Glynn County. (Amended 02/05/04)

Appointments for the Tree Board seats corresponding to Glynn County Board of Commissioners Districts 3 and 4 shall serve for an initial term of two (2) years. Appointments for the Tree Board seats corresponding to Glynn County Board of Commissioners Districts 5 and At-Large Post 1 shall serve for an initial term of three (3) years. The appointments corresponding to Glynn County Board of Commissioners Districts 1, 2 and At-Large Post 2 shall serve for an initial term of four (4) years. However, any member nominated by an individual District or At-Large Commissioner shall have his or her term end six (6) months after the ending date of that nominating Commissioner's term of office. This latter provision shall not apply to persons whose nominating Commissioner fails to complete their term of office nor shall appointments which can be nominated by any member of the Board of Commissioners be effected by this provision unless directly ordered by the Board of Commissioners, This provision shall apply to all appointments made after November 18, 1998.

All subsequent appointments for full or partially expired terms shall be made by the Board of Commissioners after nomination by the appropriate Commissioner in the same manner as set forth herein. Each succeeding nominee must meet the same residence standards as his or her predecessor. No person shall serve more than two (2) consecutive full terms on the Board.

- b. **Qualifications:** All members shall have been full-time residents of Glynn County for a period of at least two years and have an interest and/or experience in urban forestry.
- c. **Ex-Officio Members:** Non-Voting Ex-Officio members to assist with the duties and responsibilities shall be appointed by the Glynn County Board of Commissioners to include the following:

The Glynn County Administrator;

A representative member of the Glynn County Board of Commissioners;

A representative of the Glynn County Planning Commission;

The Director of County Public Works Department;

The Director of County Community Development Department;

The County Engineer;

The County Traffic Engineer;

The Georgia Forestry Commission Forester;

The Cooperative Extension Service Agent;

The Chairman of Glynn Clean and Beautiful;

The Land Forester of Georgia Power; and

The Director of the Sea Island Landscape Department.

Individuals serving as Ex-Officio members may serve any number of terms provided they continue to hold their office as listed above. Ex-Officio members may be removed as described in (d) below. Ex-Officio members shall have full rights of debate with other Board

members.

d. **Vacancies and Removal of Members**

Any Board member who resigns or who is found by the Glynn County Board of Commissioners to be unable or unwilling to perform the functions required of a member of the Board shall be replaced by the Glynn County Board of Commissioners. Any individual appointed to the Board to replace such a Board member shall be appointed to serve the balance of the unexpired term. No part of such a partial term shall count towards the two (2) consecutive term limit. Alternatively, any member may be removed from office six (6) months after the ending date of the Commissioner's term of office who initially nominated them to serve on the Planning Commission, unless prohibited by state statute. Alternatively, a member's term shall automatically end six (6) months after the ending date of the nominating Commissioner's term of office. (Amended 02/05/04)

**2-16-304 Duties and Responsibilities**

It shall be the responsibility of the Tree Board to study, investigate, counsel, and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in the public areas. Such plan will be presented annually to the Board of Commissioners and upon its acceptance and approval by the Glynn County Board of Commissioners shall constitute the official comprehensive tree plan for the county. The Tree Board shall consider, investigate make findings, report, recommend upon and administer any special matter or question coming within the scope of tree planting, maintenance, replacement, protection or removal.

**2-16-305 Operation of Tree Board**

The rules and regulations governing the operation of the Tree Board shall be stated in the by-laws of the organization, which must be approved by the Board of Commissioners. The by-laws can be modified by the Board with the approval of the Glynn County Board of Commissioners or by the Glynn County Board of Commissioners acting on its own initiative.

**2-16-306 Care of Public Trees**

At the direction of the Tree Board in conformance with the approved tree plan, the county shall plant, prune, maintain and remove trees and shrubs within all streets, alleys, avenues, lands and squares owned by the

county, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds. The Tree Board may remove or cause or order to be removed any such tree or part thereof which is an unsafe condition or which may by reason of its nature be injurious to sewers, electric power lines, water lines, or other public improvements, or is afflicted with any injurious fungus, insect, or other pest or disease.

The planting, maintenance and removal of trees shall be conducted according to the written plan developed by the Tree Board and approved by the county. As part of the plan, the Tree Board shall also develop a list of tree species to be planted and grouped by three size classifications. No species other than those on the list shall be planted without written approval by the Tree Board.

### **2-16-307 Proper Pruning Practices**

Only public utilities, Glynn County, or other public authorities or persons or firms employed by any of the preceding may trim street trees or park trees. The following are accepted tree trimming and tree maintenance standards to be followed when such work is deemed necessary:

All trees designated for trimming shall be trimmed according to International Society of Arboriculture standards.

Trees trimmed for clearance from utility lines may be trimmed in such a manner as to provide clearance from lines for a designated period of time or cycle not to exceed three (3) years. Clearance is defined as the distance necessary to prevent regrowth from contacting utility lines before the tree is retrimmed on the designated cycle. In all cases where conditions permit, drop-crotch or side trimming methods will be used to obtain necessary clearance.

- c. Where necessary trimming harms the shape of the tree, additional trimming shall be done so as to give the tree satisfactory shape and appearance.
- d. Where possible all cuts should be flush with the trunk of the tree in order to eliminate excessive sprouts and unsightly stubs. A stub is defined as any limb not cut to a lateral or any limb cut to a lateral less than 1/4 the diameter of the cut limb.
- e. All cuts shall be made so as to prevent rips of the bark.
- f. No hanging limb shall be left in trees.

The person(s) trimming the tree is responsible for disposal of wood residue and trimmed parts of the tree, including, without limitations, chips, logs, and limbs.

**2-16-308     Spacing**

Except as approved otherwise by the Tree Board, the spacing of street trees shall be in accordance with that specified for each of the species size classifications determined in the tree plan.

**2-16-309     Distance from Curbs or Sidewalks**

Except as approved otherwise by the Tree Board, the distance street trees are planted from curbs or curb lines and sidewalks shall be in accordance with the species size classifications listed in the tree plan; excepting those cases where a Planned Development, as set forth in Section 723 of the Zoning Ordinance of Glynn County, has been approved. No trees may be planted within eight (8) feet of the edge of paving, curb or gutter of any road nor closer than five (5) feet from the edge of any sidewalk. The allowable distance of street trees from curbs or sidewalks shall not pertain to existing trees. The Tree Plan shall define the terms small, medium or large trees as used herein.

**2-16-310     Distance from Street Corners and Fireplugs**

Except as approved otherwise by the Tree Board, street trees shall be planted no closer than 30 feet of any street corner, measured from the point of nearest intersecting curbs or curb lines. Street trees or park trees shall be planted no closer than 8 feet of a fireplug. The allowable distance from street corners and fireplugs shall not apply to existing trees.

**2-16-311     Utilities**

Except as approved otherwise by the Tree Board:

Trees categorized as small-height, small-spread (SS); small-height, medium-spread (SM); and medium-height, small-spread in the tree plan shall not be planted under or within twenty (20) lateral feet of any overhead utility wire.

Trees categorized as medium-height, medium-spread (MM) or large-height, medium-spread (LM) in the tree plan shall not be planted under or within forty (40) lateral feet of any overhead utility wire.

Trees categorized as large-height, wide-spread (LW) in the tree plan shall not be planted under or within fifty (50) lateral feet of any overhead utility wire.

No tree shall be planted over or within five (5) lateral feet of any underground water line, sewer or drainage line, transmission line or other utility. The allowable distance of trees from utilities shall not apply to existing trees. (Amended 09/07/06)

**2-16-312 Dead or Diseased Tree Removal on Private Property**

Upon receiving a complaint of a tree or trees on private property constituting a hazard to life or property, or having diseases or other pests which constitute an imminent threat to other trees within the county, the Tree Board shall notify in writing the owner of such tree(s) requesting an inspection to determine the extent of the threat and the appropriate remedial action such as pruning, treatment or removal of such tree(s).

Should the property owner fail to grant an inspection or effect remediation of such condition within sixty (60) days of written notification, the Tree Board shall notify the District Attorney of Glynn County of the existence or probable existence of a nuisance with their recommendations as to what should be done to correct the situation (if known) and their request that the District Attorney take the necessary steps to abate the nuisance.

**2-16-313 Removal of Stumps**

All stumps of street and park tree shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground if such removal is deemed by the Glynn County Director of Public Works to be necessary to avoid the stump becoming a safety hazard.

**2-16-314 Specimen Trees**

The Tree Board shall have the responsibility of identifying specimen trees. Identification shall include the species, size, location, and significance of the tree.

**2-16-315 Interference With Tree Board**

It shall be unlawful for any person to prevent the operation of or interfere with the Tree Board, or any of its agents or any county employee operating pursuant to directions of the Tree Board while engaging in the planting, cultivation, mulching, pruning, treating, or removing of any street

trees or park trees. Any person guilty of such interference shall be punished as provided herein for a violation on this ordinance.

**2-16-316 Appeals**

Any person may appeal any ruling or order or act of the Tree Board to the Glynn County Board of Commissioners. Written notice of the appeal shall be delivered to the Glynn County Administrator within thirty (30) days of the date the decision being appealed was made. Any such notice of appeal shall state with specificity what action(s) are being appealed and the grounds therefor.

**2-16-317 Review by Board of Commissioners of Tree Board Actions**

The Board of Commissioners shall have the right to review, approve, countermand or alter any conduct, act, or decision of the Tree Board.

**2-16-318 Emergency Conditions**

In case of declared emergencies under Section 2-2-24 of the Glynn County Code of Ordinances from hurricanes, tornados, windstorms, or other disasters, the requirements of this ordinance may be waived by the Glynn County Board of Commissioners during the emergency period so that the requirements of this ordinance will not hamper public or private efforts to restore public order, safety, services or welfare in the county.

**2-16-319 Excepted Trees**

The following trees shall not be subject to this ordinance or to the jurisdiction of the Tree Board:

- a) trees that are declared dead by the County Agent or a registered forester;
- b) trees located within an area to which Glynn County has a utility or drainage easement;
- c) downed trees, which is defined for this ordinance as any tree that has fallen down onto the earth, or onto some other tree or thing so that it is not entirely supportive of its own weight.
- d) any tree within an approved road improvement project area.

**2-16-320 Roadway Improvement Projects**

The initial plans for any county-designed or reviewed roadway improvement project shall be submitted to the Tree Board during the design or review phase and prior to their submission to Glynn County Board of Commissioners for final approval. The plans for any privately developed public roadway improvement project shall be submitted to the Tree Board at the same time as submission to the Community Development Department. The Tree Board shall have fourteen (14) days to submit their recommendations to the County Engineer as to such project. The County Engineer or his designee shall respond to the Tree Boards' recommendations and make such changes as he deems appropriate prior to submission to the Glynn County Board of Commissioners for final approval. The Glynn County Board of Commissioners shall either approve the plan, approve it with changes or refuse approval and return it to the County Engineer for further work. Should the plan be returned to the County Engineer, it must be resubmitted to the Tree Board for comments at least five (5) days before resubmission to the Glynn County Board of Commissioners for final approval.

**2-16-321**      **Violations**

Any persons violating any provision of this Ordinance shall be punished by any combination of a fine of up to \$1,000.00 or imprisonment for a period of up to sixty (60) days or both.