

FIRST READING: 07/03/2018

SECOND READING: 08/07/2018

PASSED: 08/07/2018

ORDINANCE NO. 2018-04

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF BLAIRSVILLE TO CLARIFY RATE SCHEDULES FOR METERED AND UNMETERED FIRE LINES; TO RATIFY AND REPEAL ANY CONFLICTING ORDINANCES OR RESOLUTIONS; AND FOR OTHER PURPOSES.

WHEREAS, the City Council of the City of Blairsville, Georgia is authorized by the Constitution of the State of Georgia to enact ordinances for the health, safety and welfare of the general public; and

WHEREAS, it is the intent and purpose of the Mayor and Council of the City of Blairsville to make its establishment of Water and/or Sewer Rate Schedule for Metered and Unmetered Fire Lines;

NOW THEREFORE BE IT RESOLVED AND ORDAINED by the Mayor and Council of the City of Blairsville, and it is hereby resolved and ordained by the authority of the same, that Ordinance Number 2017-01 is hereby amended and the following is substituted therefore:

ESTABLISHMENT OF WATER AND/OR SEWER RATE SCHEDULES AND SERVICE RULES AND REGULATIONS ORDINANCE
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**CHAPTER 1
WATER AND/OR SEWER RATE SCHEDULES AND SERVICE RULES AND
REGULATIONS**

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Section 1.1 Rate Schedule

The following water and sewer rate schedules for the City of Blairsville, Georgia (hereinafter “City”) are hereby adopted:

(a) Monthly **Water** Rate Schedule Imposed on Customers is as follows:

INSIDE CITY LIMITS:

Meter Size	0-2,000 Gallons	2,000-6,000 Gallons	Over 6,000 Gallons
¾” Meter	\$14.50 (minimum bill)	\$2.90 per 1,000 gallon	\$4.40 per 1,000 gallon
1” Meter	\$37.40 (minimum bill)	\$2.90 per 1,000 gallon	\$4.40 per 1,000 gallon
1 ½” Meter	\$96.80 (minimum bill)	\$2.90 per 1,000 gallon	\$4.40 per 1,000 gallon
2” Meter	\$206.90 (minimum bill)	\$2.90 per 1,000 gallon	\$4.40 per 1,000 gallon
3” Meter	\$578.60 (minimum bill)	\$2.90 per 1,000 gallon	\$4.40 per 1,000 gallon
4” Meter	\$599.50 (minimum bill)	\$2.90 per 1,000 gallon	\$4.40 per 1,000 gallon
6” Meter	\$852.50 (minimum bill)	\$2.90 per 1,000 gallon	\$4.40 per 1,000 gallon
8” Meter	\$1,104.40 (minimum bill)	\$2.90 per 1,000 gallon	\$4.40 per 1,000 gallon

THE GEORGIA EXPERIMENT STATION IN UNION COUNTY, GA

Meter Size	0-2,000 Gallons	2,000-6,000 Gallons	Over 6,000 Gallons
All treated as ¾” meter	\$14.50 (minimum bill)	Each 1,000 gallons over 2,000 is billed at the rate of \$0.65 per 1,000	Each 1,000 gallons over 2,000 is billed at the rate of \$0.65 per 1,000

OUTSIDE CITY LIMITS:

Meter Size	0-2,000 Gallons	2,000-6,000 Gallons	Over 6,000 Gallons
¾” Meter	\$18.90 (minimum bill)	\$3.85 per 1,000 gallon	\$5.30 per 1,000 gallon
1” Meter	\$55.00 (minimum bill)	\$3.85 per 1,000 gallon	\$5.30 per 1,000 gallon
1 ½” Meter	\$145.00 (minimum bill)	\$3.85 per 1,000 gallon	\$5.30 per 1,000 gallon
2” Meter	\$310.00 (minimum bill)	\$3.85 per 1,000 gallon	\$5.30 per 1,000 gallon
3” Meter	\$867.00 (minimum bill)	\$3.85 per 1,000 gallon	\$5.30 per 1,000 gallon
4” Meter	\$900.00 (minimum bill)	\$3.85 per 1,000 gallon	\$5.30 per 1,000 gallon
6” Meter	\$1,280.00 (minimum bill)	\$3.85 per 1,000 gallon	\$5.30 per 1,000 gallon

8" Meter	\$1,660.00 (minimum bill)	\$3.85 per 1,000 gallon	\$5.30 per 1,000 gallon
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The minimum charges outlined in Section 1.1(a) shall not apply to Unmetered Fire Line. Instead, recurring monthly rates are assessed for Unmetered Fire Lines in accordance with Section 1.1(b)

(b) Monthly **Unmetered Fire Line** Rate Schedule Imposed Inside & Outside the City Limits, based on water line size, is as follows:

2" Line	\$20.00
4" Line	\$26.00
6" Line	\$32.00
8" Line	\$40.00
10" Line	\$60.00
12" Line	\$85.00

Unmetered Fire Lines shall be charged the minimum monthly charges outlined in Section 1.1(b) in addition to any usage fees outlined in Section 1.1(a). In the event that the Fire Line is not metered, and the City determines that there has been usage of water from the unmetered Fire Line, the City shall establish a usage amount in accordance with the rates outlined in Section 1.1(a). As to Metered Fire Lines the usage rates outlined in Section 1.1(a) shall apply.

(c) Monthly **Sewer** Rate Schedule Imposed, Based on Water Consumption:

INSIDE CITY LIMITS:

Meter Size	0-2,000 Gallons	2,000-6,000 Gallons	Over 6,000 Gallons
¾" Meter	\$19.21 (minimum bill)	\$4.03 per 1,000 gallon	\$6.05 per 1,000 gallon
1" Meter	\$48.85 (minimum bill)	\$4.03 per 1,000 gallon	\$6.05 per 1,000 gallon
1 ½" Meter	\$127.92 (minimum bill)	\$4.03 per 1,000 gallon	\$6.05 per 1,000 gallon
2" Meter	\$270.55 (minimum bill)	\$4.03 per 1,000 gallon	\$6.05 per 1,000 gallon
3" Meter	\$763.51 (minimum bill)	\$4.03 per 1,000 gallon	\$6.05 per 1,000 gallon
4" Meter	\$792.20 (minimum bill)	\$4.03 per 1,000 gallon	\$6.05 per 1,000 gallon
6" Meter	\$1,227.66 (minimum bill)	\$4.03 per 1,000 gallon	\$6.05 per 1,000 gallon
8" Meter	\$2,182.99 (minimum bill)	\$4.03 per 1,000 gallon	\$6.05 per 1,000 gallon

OUTSIDE CITY LIMITS:

Meter Size	0-2,000 Gallons	2,000-6,000 Gallons	Over 6,000 Gallons
3/4" Meter	\$28.81 (minimum bill)	\$6.05 per 1,000 gallon	\$9.07 per 1,000 gallon
1" Meter	\$73.27 (minimum bill)	\$6.05 per 1,000 gallon	\$9.07 per 1,000 gallon
1 1/2" Meter	\$192.06 (minimum bill)	\$6.05 per 1,000 gallon	\$9.07 per 1,000 gallon
2" Meter	\$405.70 (minimum bill)	\$6.05 per 1,000 gallon	\$9.07 per 1,000 gallon
3" Meter	\$1,145.26 (minimum bill)	\$6.05 per 1,000 gallon	\$9.07 per 1,000 gallon
4" Meter	\$1,188.41 (minimum bill)	\$6.05 per 1,000 gallon	\$9.07 per 1,000 gallon
6" Meter	\$1,841.54 (minimum bill)	\$6.05 per 1,000 gallon	\$9.07 per 1,000 gallon
8" Meter	\$3,274.54 (minimum bill)	\$6.05 per 1,000 gallon	\$9.07 per 1,000 gallon

- (d) Security Deposit: Owner: \$100.00
 Tenant: \$150.00

- (e) Connect/Reconnect Fee: \$40.00

- (f) Relocation of Meter: \$990.00

- (g) Returned Check Fee: \$35.00

- (h) Coosa Water Delivery Area Premium: \$50.00 or 10% of the total water bill for each meter, whichever is greater.

Section 1.2 Application of Water Service

All consumers shall make application for water and sewer service in person, at the City Hall of the City of Blairsville, Georgia, and at the same time shall make a cash security deposit of \$100.00 in the case of a property owner and \$150.00 in the case of a tenant, or two month’s estimated consumption based up on the use to be made of the water, whichever sum is greater for water and sewer service.

Section 1.3 Impact Fee

This Section of the Ordinance is enacted pursuant to the police power, the authority granted to cities by the Georgia State Constitution and applicable Georgia law, and is for the purpose of requiring that new development pay for its fair share of public facilities through the imposition of impact fees which will be used to finance, defray, or reimburse all or a portion of the costs incurred by the City for public facilities that serve such development and shall apply to sewer connection charges and water connection charges only.

Definitions: When used in this Section, the following words, terms and phrases, and their derivations, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

- (a) **Benefit area** means the geographic area as defined by services for water and sewer customers in the City of Blairsville.

- (b) **Capital improvement** means an improvement with a useful life of ten (10) years or

more, by new construction or other action which increases the service capacity of a public facility.

- (c) **New development or development project** means any project undertaken for the purpose of development, including without limitation, a project involving the issuance of a permit for construction, reconstruction, or change of use, but not a project involving the issuance of a permit to operate or to remodel, rehabilitate, or improve an existing structure, which does not change the density or intensity of use, nor the rebuilding or a structure destroyed or damaged by an act of God, nor the replacement of one mobile home with another on the same pad if no dwelling unit is added.
- (d) **Dwelling unit** means one or more rooms in a building or a portion of a room designed or intended to be used, or actually used, for occupancy by one family for living and sleeping quarters, including mobile homes, but not hotel or motel units.
- (e) **Impact Fee** means a monetary exaction imposed by the City pursuant to this Section as a condition of, or in connection with, approval of a development project for the purpose of defraying all or some of the City’s cost or repaying costs previously expended from other City funds for capital improvements.
- (f) **Impose** means to determine that a particular development project is subject to the collection of impact fees as a condition of development approval.
- (g) **Non-residential development project** means all development other than residential development projects.
- (h) **Residential development project** means any development undertaken to create a new dwelling unit.

Each consumer subscribing for new service for residential and non-residential use shall be subject to the imposition of an impact fee. This fee will be imposed on any connection to the system. Said impact fee is designed to facilitate the City in providing safe and adequate service of both water and sewerage to its customers. Impact fees shall be a fee in addition to any tap-on or connection fee or fees that may be incurred by the property owner for the actual running of the line to the City’s prior service site.

Impact Fees:

Meter Size	Water	Sewer
¾” Meter	\$750.00	\$1,250.00
1” Meter	\$937.50	\$1,562.50
1 ½” Meter	\$1,172.00	\$1,955.00
2” Meter	\$1,465.00	\$2,445.00
3” Meter	\$1,831.00	\$3,055.00
4” Meter	\$2,290.00	\$3,820.00
6” Meter	\$2,860.00	\$4,770.00

8" Meter	\$3,580.00	\$5,960.00
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Accounting:

- (a) All impact fees collected shall be maintained in one or more interest-bearing accounts and shall be designated for each system improvement (i.e. water, sewer). Interest earned on said fees shall be considered funds of the account and expended in the same manner as the fee. Expenditures shall be made only for the category of system improvements and in the service area in which the fees are collected.
- (b) Development impact fees shall not be used to pay for any purpose that does not involve system improvements and create additional service available to serve new growth and development.
- (c) The City shall prepare an annual report describing the amount of any development impact fees collected, encumbered and used during the preceding year for both water and sewer.

Statute of Limitations:

Any judicial action or proceeding to attack, review, set aside or annul the reasonableness, legality or validity of any impact fee must be filed and service or process effected within ninety (90) days following the date of imposition of the fee or the final determination of the City Council, whichever is later.

Variance:

Recognizing that the strict application of the requirement of this Section may work an undue hardship on certain applicants, variance from the strict application of the provision of this Section may be granted by the City Council. Each application for variance under this Section shall be in writing and shall state the reason for the request for a variance.

Appeals:

Any person aggrieved or any applicant for a water or sewer meter who alleges that the City acted erroneously in enforcing this Section may appeal the decision and/or action of the City to the City Council. Such appeal, including an appeal fee of \$25, shall be filed within thirty (30) days of the receipt of written notice from the City of the person aggrieved of the action which is complained. The appeal shall be heard at the first regularly-scheduled City Council meeting held following ten (10) business days of the receipt of the appeal.

Refunds:

- (a) Upon application of the property owner, the City shall refund that portion of any impact fee which has been on deposit over five (5) years and which is unexpended and uncommitted, except as described in subsection (b) below. The refund shall be made to the then-current owner or owners of lots or units of the development project or projects.
- (b) If fees in any impact fee account are unexpended or uncommitted during the 5th year, the fees are exempt from subsection (a) above, if the City Council makes the following findings:
 - 1. A need for the capital improvement still exists;
 - 2. The fees will be used for an identified purpose; and
 - 3. The purpose for which the fees will be used is substantially similar to the purpose for which the fees were collected.
- (c) The City may refund by direct payment, by offsetting the refund against other impact fees due for development projects by the owner on the same or other property or otherwise by agreement with the owner.

Section 1.4 Charges for initial water and sewer service

Each consumer subscribing to use the water and sewer service of the City shall pay the

following tap on fees:

	INSIDE CITY LIMITS	OUTSIDE CITY LIMITS
Water Tap Service	\$858.00	\$990.00
Sewer Tap Service	\$965.00	\$1,114.00
Lift Station Customers	\$1,254.00	\$1,254.00

Tap fees are for each connection. The City shall provide the tap into the City water and sewer service. The consumer shall be responsible for tying onto the tap. Both the tap and tie-on shall remain uncovered until inspected and approved by the City.

Section 1.5 Material charges

Henceforth, until changed by the Mayor and City Council, the fees for material costs of setting meters shall be charged according to the most current quote to the City for those materials.

Section 1.6 Minimum charges

Consumers shall be charged for water and sewer service in accordance with the rate schedule based upon water used, if needed; otherwise, upon a flat rate set by the City. Each connection subscribed shall be made for no less than the minimum charge as provided in the rate schedule in Section 1.1 of this Ordinance. Water furnished for a given lot shall be used on that lot only and the City shall not under any condition furnish water free of charge to anyone.

Section 1.7 City's responsibility and liability

The City shall run a distribution line within road rights-of-way to the property or easement access line where the consumer's service line exists or is to be constructed, immediately adjacent and parallel to the point from when the property is to be served. No service charge, other than the tap fee referred to above, will be made for a 5/8" x 3/4" meter. A proportionately greater charge than the tap fee above will be made for a meter of larger dimensions.

- (a) The City may make connections to service other properties not adjacent to its line upon payment of reasonable costs for the extensions of its distribution lines as may be required to render such service, or the donation of property constructed facilities and necessary easements for such purpose.
- (b) The City may install its meter at or near the property line or, at the City's option, on the consumer's property or within the service easement within three (3) feet of the boundary line.
- (c) The City reserves the right to refuse service unless the consumer's lines or piping are installed in such a manner as to prevent cross-connections or back-flow.
- (d) Under normal conditions, the consumer will be notified of any anticipated interruptions of service by the City.

Section 1.8 Consumer's responsibility and liability

Water furnished by the City shall be used for consumption at his/her residence or business. Office buildings, trailer parks, apartment houses, and/or duplexes shall not be served through a master meter with the exception of those structures that already exist as of the effective date of this Ordinance. Each individual business or residence will be served by a separate meter for the tenant or occupant upon the premises (herein also called "consumer"), with the exception of an RV park consisting of more than 30 units served by a central zone system designated by construction plans approved in advance by the City Council. The City Council's consideration and approval of a variance to the general prohibition against master metering shall be based on: 1) the capability of the City's system, 2) the economic feasibility of the project, 3) the conduciveness of the project to the individual metering, 4) the physical layout of the property, 5)

the customer's compliance with the City's ordinance and construction standards and details, and 6) the recommendation of the City Engineer. The consumer shall not sell water to any other person or permit the water furnished to the consumer's dwelling or business to be used by any other dwelling or business, whether said dwelling is occupied by others, consumer or consumer's family, or whether said business is operated by others, consumer or members of consumer's family. Water shall not be used for irrigation, fire protection, or any other purposes, except when water is available in sufficient quantity without interfering with the regular domestic consumption in the area served. Disregard for these rules shall be sufficient cause for refusal and/or discontinuance of service.

- (a) Where a meter or meter box is placed on the premises or service easement of a consumer, a suitable place shall be provided by the consumer thereof, unobstructed and accessible at all times to the meter reader.
- (b) The consumer shall furnish and maintain a private cut-off valve on the consumer's side of the meter.
- (c) The consumer's piping and apparatus shall be installed and maintained by the consumer at the consumer's expenses, in a safe and efficient manner, and in accordance with the sanitary regulations of the State Health Department.
- (d) In order to be received as a consumer and entitled to receive water from the City's water system, all applicants must offer proof that any private wells located on their property are not physically connected to the lines of the City's water system, and all applicants, by becoming consumers of the City, covenant and agree that so long as they continue to be consumers of the City, they will not permit the connection of any private wells on their property to the City's water system.

Section 1.9 Access to premises and extensions of system

- (a) Duly authorized agents of the City shall have access at all hours to the premises or service easement of the consumer for the purpose of installing or removing City property, inspecting piping, reading and testing meters, or for any other purpose in connection with the water service and its facilities, and the sewer service and its facilities.
- (b) Extensions to the system shall be made when the consumer shall grant or convey or cause to be granted or conveyed, to the City a permanent easement of right-of-way across property traversed by the water and sewer line. In the event the consumer or other property owner will not voluntarily grant or convey a permanent easement of right-of-way across the property traversed or to be traversed by the water and sewer lines, the City shall be and is hereby authorized to condemn any such permanent easements of right-of-way across any property traversed or to be traversed by the water and sewer lines of the City or any system of storm drains which it may institute.

Section 1.10 Change of occupancy

Not less than three (3) days' notice must be given, in person or in writing, at the City Hall of the City of Blairsville to discontinue water and sewer service or change of occupancy. The out-going party shall be responsible for all water consumed up to the time of departure of the time specified for departure, whichever period is longer. The new occupant shall apply for water service within forty-eight (48) hours after occupying the premises, and failure to do so will make him/her liable for paying for the water consumed since the last meter reading.

Section 1.11 Meter reading- billings- collecting- disconnection of service

Bills to customers for water and sewer service shall be mailed out on such day(s) of each month as may be determined desirable by the City. Bills shall be paid at City Hall, and a failure to receive bills or notices shall not prevent such bills from becoming delinquent or relieve the

consumer from payment of the same. The failure of water and/or sewer users to pay charges duly imposed shall result in the automatic impositions of the following penalties:

- (a) Non-payment by the 10th day of each month will be subject to a penalty of ten percent (10%) of the delinquent accounts.
- (b) Non-payment by the 15th day of each month will result in the water being shut off from water user's property. An extension of one (1) month may be granted, provided there is a sufficient deposit for the account.
- (c) Non-payment for sixty (60) days after original due date will allow the City, in addition to all other rights and remedies, to terminate all service, and in such event, the user shall not be entitled to receive, nor the City obligated to supply any water under this Ordinance.

Service disconnected for non-payment of bills will be restored only after bills are paid in full and such security deposits as may be required by the Mayor and City Council is made, and a service charge of \$40.00 paid for each meter reconnected. Prior to disconnection of service for non-payment of bills, or for any other reason, the consumer shall be notified of an opportunity to be heard before the City Clerk, at which time and place the consumer shall show cause why the consumer's service should not be disconnected. The City Clerk shall determine whether the service should be disconnected, based upon evidence presented by the consumer. Service of the written decision shall be deemed perfected upon mailing a copy of said decision by the City Clerk to the consumer at the service address as shown by the City records. Any consumer dissatisfied with the decision of the City Clerk may appeal said decision within ten (10) days of the date of the mailing of the notice of the City Clerk's decision. Said appeal shall be in writing and shall be heard by the City Council. In addition to non-payment of bills, a consumer's service may be disconnected as provided herein for the following reasons: to prevent fraud or abuse; the consumer's willful disregard of the City's rules; or the failure of the consumer to comply with the terms and provisions of this Ordinance.

Section 1.12 Hardship and applications

A hardship application may be filed by any customer or water or sewer services if the full and complete payment of the monthly payment owed to the City would constitute a financial hardship to the customer. The Hardship Application shall be presented in writing at City Hall, and accompanied by a sworn affidavit and a written attestation from a third party as to the financial hardship of the customer. The Council herein appoints the City Clerk to make the decision on whether a customer qualifies for a hardship variance, based on the documents presented. In the event that the City Clerk determines that financial hardship exists, the disconnection of services shall be halted until the next City Council meeting, at which point, the Council will make a final determination on the hardship application.

Section 1.13 Suspension of service

When water and sewer service is discontinued and all bills paid, the security deposit shall be refunded to the consumer by the City.

- (a) Upon discontinuance of service for non-payment of bills, the security deposit will be applied by the City toward settlement of the account. Any balance will be refunded to the consumer; however, if the security deposit is insufficient to cover the bill, the City may proceed to collect the balance in the usual way provided by law for collection of debts and/or as authorized by the City Charter and/or Ordinance.
- (b) The City reserves the right to discontinue its service without notice for the following additional reasons:
 - 1. To prevent waste.
 - 2. Violation of the Drought Contingency Plan or Water Conservation Plan.

3. Emergency repairs.
4. Insufficiency of water supply due to circumstances beyond City's control.
5. Legal processes.
6. Direction of public authorities.
7. Strike, riot, fire, flood, or unavoidable accident.

Section 1.14 Complaints and adjustments

If the consumer believes his/her bill to be in error, he/she shall present his/her claim, in person at City Hall, or in writing, before the bill becomes delinquent. Such claim, if made after the bill has become delinquent, shall not be effective in preventing discontinuance of service as heretofore provided. The consumer may pay such bill under protest, which payment will not prejudice his/her claim.

- (a) The City will make a special water meter reading at the request of a consumer for a fee of \$5.00; provided, however, that if such special reading disclosed that the meter was over-read, the fee will be refunded.
- (b) Water meters will be tested at the request of the consumer upon payment to the City of the actual cost of making the test; provided, however, that if the meter is found to over-register beyond three percent (3%) of the correct volume, the cost will be refunded.
- (c) If the seal of a meter is broken by someone other than the City's representative, or if the meter fails to register correctly or is stopped for any cause, the consumer shall pay an amount estimated from the record of his/her previous bill and/or from other proper water/sewage service data.
- (d) The City Clerk shall be authorized to make a leak adjustment upon the written request of the customer, including evidence that the leak has been repaired. Adjustments are calculated by taking the previous three months water bills to determine an average, then subtract the average amount from the high water bill and divide by two. The adjustment amount for sewer is calculated by taking the previous three months sewer bills to determine an average, then subtracting the average amount from the high sewer bill.

Section 1.15 Damages

- (a) The City shall in no event be responsible for maintaining any service line owned by the consumer, nor for any damage done by water escaping there from, nor for any defects in lines or fixtures, on the property of the consumer. The consumer shall at all times comply with all regulations of the public works department, and of regulations relating to the service lines, and shall make all changes in the line as required on account of change in grade or otherwise.
- (b) All damage to service pipes or street mains caused by careless or negligent work, or improper filling at excavations, shall be chargeable to the persons causing such damage, and the expense or repairing the same shall be recovered by such persons.

Section 1.16 Responsibility for leaks and expense incurred

All leaks which occur on the discharge side of the water meter are the responsibility of the property owner. It shall be the responsibility of the water department to maintain and repair the water line end at the meter inlet coupling and meter. Consumer or property owners will be charged for water consumed due to any leak on the consumer's side of the meter.

Section 1.17 Taps by other than authorized person prohibited

It shall be unlawful for any person, other than an employee or agent of the City in the performance of his/her duties as such, to tap into or make any opening in connection with the

water mains or water lines of the City.

Section 1.18 Property owner liable for charges; procedure when tenant fails to pay

In every instance the property owner where the City water is used shall be liable to the City for the water rent in the amounts fixed in this Ordinance, and if his/her tenant shall fail to pay the charges when presented, then the bill shall be presented to the property owner or his/her agent, and on his/her failure or refusal to pay same, the water shall be at once cut off from his/her premises and no connection shall be made with such premises until all arrears, together with the cost of the connection, shall have been paid to the City Clerk.

Section 1.19 Penalties for violation of this ordinance

- (a) Any person found to be violating any provision of this Ordinance shall, upon conviction, be punished in accordance with laws enacted by the State of Georgia. Each day on which any such violation continues shall be deemed a separate offense. If the person violating the provisions of this Ordinance is a corporation or company, the president shall, upon conviction, be punished as provided for under penalty provided for under state law. If the person violating the provisions of this Ordinance is a sole proprietor or individual, the sole proprietor or individual shall, upon conviction, be punished as provided for under state law. If the person violating the provisions of this Ordinance is a partnership, all the partners of such partnership shall, upon conviction, be punished as provided under state law. If the person violating the provisions of this Ordinance is a firm, association, society or group with a president, the president shall, upon conviction, be punished as provided under state law; and if there is no president, then the individual in charge of the day-to-day operations of the firm, association, society, or group shall, upon conviction, be punished as provided for under state law.
- (b) Any person violating any of the provisions of this Ordinance shall be liable to the City for any expense, loss, damage, fine, penalty or fee occasioned the City by reason of such violation or violations, including but not limited to, any fee, penalty, or fine assessed against the City by any state or federal agency as a result of such violation or violations.

Section 1.20 Protection from damage

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the sewage works. Any person violating this section shall on conviction thereof be punished as prescribed under state law.

Section 1.21 Sewer Service connections

It shall be the policy of the City that a customer cannot be served by sewer service unless said customer is also served by City water.

**CHAPTER 2
CROSS-CONNECTION CONTROL AND BACKFLOW PREVENTION**

- Section 2.1 Short title, authority and applicability
- Section 2.2 Purpose and intent
- Section 2.3 Definitions
- Section 2.4 Water system
- Section 2.5 Backflow prevention and cross-connection control required
- Section 2.6 Authority to discontinue service
- Section 2.7 Inspection of customer's system

- Section 2.8 Department approval required
Section 2.9 Field test, repair and replacement required
Section 2.10 Existing approved assemblies may remain

Section 2.1 Short title, authority and applicability

- (a) This Section shall be known and may be cited as the City of Blairsville Cross-Connection Control and Backflow Prevention Ordinance.
- (b) The City of Blairsville has authority to adopt this division pursuant to Article 9, Section 2, Paragraph I and Article 9, Section 2, Paragraph III of the Constitution of the State of Georgia and Title 12, Chapter 5, Art. 3, Part 5 of the Official Code of Georgia Annotated, which is known as the Georgia Safe Drinking Water Act of 1977 and the Georgia Department of Natural Resources for Safe Drinking Water, Ga. Comp. R. and Regs. Ch. 391-3-5 (the “rules”).
- (c) The following documents are adopted by reference as if set forth herein: the rules; the Manual of Cross-Connection Control, 9th ed., Foundation for Cross-Connection Control and Hydraulic Research, University of Southern California, 1993; the Recommended Practice for Backflow Prevention and Cross-Connection Control, American Water Works Association Manual of Water Supply Practices, Manual 14, 2nd ed., 1990; the Georgia State Amendments to the Standard Plumbing Code, 2000 Edition; and the Cross-Connection Control Manual, United States Environmental Protection Agency, June 1989.

Section 2.2 Purpose and intent

- (a) The purpose of this division is to protect the health, safety, environment, and general welfare through the control of cross-connections and backflow into the public potable water supply of the City. The public potable water supply will be protected from contamination or pollution by isolating within the customer’s internal distribution system(s) or the customer’s private water system(s) such contaminants or pollutants which could backflow into the public water system.
- (b) It is the policy of the City to promote the elimination or control of existing cross-connections, actual or potential, between the customer’s in-plant potable water system(s) and non-potable water system(s), plumbing fixtures and industrial piping systems.
- (c) It is the policy of the City to provide for the maintenance of a continuing program of cross-connection control which will systematically and effectively prevent the contamination or pollution of all potable water systems.
- (d) The Mayor and City Council hereby delegates to the water department the authority and responsibility for the implementation of an effective cross-connection control program, for prevention of backflow and for the enforcement of the provisions of this division.

Section 2.3 Definitions

When used in this Section, the following words, terms and phrases, and their derivations, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Air Gap means a physical separation between the free flowing discharge end of a potable water supply pipeline and an open or non-pressure receiving vessel. An “approved air gap” shall be at least double the diameter of the supply pipe measured vertically above the overflow rim of the vessel-in no case less than one inch (2.54 cm).

Approved as used in reference to a water supply means a water supply that has been approved by the health agency and as used in reference to an air gap, double check valve assembly, a reduced pressure principle backflow prevention assembly or other backflow

prevention assemblies or methods shall mean an approval by the department as provided.

Approved backflow prevention assembly means an assembly that has been manufactured in full conformance with the standards established by the American Water Works Association entitled:

AWWA/ANSI C510-92 Standard for Double Check Valve Backflow Prevention Assemblies; or

AWWA/ANSI C511-093 Standard for Reduced Pressure Principle Backflow Prevention Assemblies; and has met completely the laboratory and field performance specifications of the Foundation for Cross Connection Control and Hydraulic Research of the University of Southern California (USCB FCCCHR) established in Specifications of Backflow Prevention Assemblies-Section 10 of the most current edition of the “Manual of Cross-Connection Control.”

Auxiliary water supply means any water supply on or available to the premises other than the purveyor’s approved public water supply. These auxiliary water supplies may include water from another spring, river, stream, harbor, etc. or used waters or industrial fluids. These natural waters may be contaminated or polluted or they may be objectionable and constitute an unacceptable water source which the water purveyor does not have sanitary control.

Backflow means the undesirable reversal of flow of water or mixtures of water and other liquids, gases, or other substances into the distribution pipes of the potable supply of water from any source or sources. See “backsiphonage” and “backpressure.”

Backpressure means any elevation of pressure in the downstream piping system (by pump, elevation or piping, or steam and/or air pressure) above the supply pressure at the point of consideration, which would cause, or tend to cause, a reversal of the normal direction of flow.

Backsiphonage means the flow of water or other liquids, mixtures or substances into the distribution system, as a potable water supply system from any sources other than its intended source caused by the sudden reduction of pressure in the potable water supply system.

Backflow preventer means an assembly or means designed to prevent backflow.

City means the City of Blairsville, a political subdivision of the State of Georgia.

Contamination means an impairment of the quality of the water, which created an actual hazard to the public health through poisoning or through the spread of disease by sewage, industrial fluids, waste, etc.

Cross-connection control by containment means installation of an approved backflow prevention device at the water service connection to any customer’s premises where it is physically and economically infeasible to find and permanently eliminate or control actual or potential cross-connections within the customer’s water system.

Cross-connection control by isolation means installation of an approved backflow prevention device on the service line leading to and supplying all or a portion of a customer’s water system where there are actual or potential cross-connections within the customer’s premises which cannot be effectively eliminated or controlled at the point of the cross-connections.

Cross-connection means any unprotected connection or structural arrangement between a

public or a customer's potable water system and any other source or system through which it is possible to introduce into any part of the potable system any used water, industrial fluid, gas, or substance other than the intended potable water with which the system is supplied. Bypass arrangements, jumper connections, removable sections, swivel or change-over devices and other temporary or permanent devices through which or because backflow can or may cause are considered to be cross-connections. A "direct cross-connection" shall mean a cross-connection which is subject to both backsiphonage and backpressure. An "indirect cross-connection" shall mean a cross connection which is subject to backsiphonage only.

Customer means any owner of premises receiving City water system service or any end-user thereof, including any and all persons, natural or artificial, including any individual firm, association or trust and any municipal or private corporation organized or existing under the laws of this or any other state or country.

Department means the City of Blairsville Water Department which operates the City water system.

Director means the director of the water department, or his/her designee who is vested with the authority and responsibility for the implementation of an effective cross-connection control and backflow prevention program and for the enforcement of the provisions of this division.

Double check valve backflow prevention assembly means an assembly composed of two independently acting, approved check valves, including tightly closing resilient seated shutoff valves attached at each end of the assembly and fitted with properly located resilient seated test cocks. This assembly shall only be used to protect against non-health hazard (i.e. pollutant).

Degree of hazard means a term for evaluating the potential risk to public health based on available information and categorization of potential sources of pollution or contamination and the adverse effect of the contamination or pollution upon the potable water system.

Fire line meter means a water line connected to commercial buildings to provide water availability on demand for fire protection.

Health agency means the Georgia Environmental Division ("EPD"), an agency of the State of Georgia, which is charged with administering the Georgia Safe Drinking Water Act of 1977, O.C.G.A. Ch. 12-5, Art. 3, Part 5 and the Georgia Rules for Safe Drinking Water.

Health hazard means any condition, device or practice affecting the water supply system and its operation which creates or could create, or in the judgment of the director may create a present or future danger to the health and well-being of the water customer or the City's potable water supply.

Industrial fluids means any fluid or solution which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration which would constitute a health, system, pollutional or plumbing hazard if introduced into an approved water supply. This may include, but is not limited to: polluted or contaminated used waters; all types of process waters and "used waters" originating from the public potable water system which may deteriorate in sanitary quality; chemical in fluid form; plating acids and alkalis; circulated cooling water connected to an open cooling tower and/or cooling waters that are chemically or biologically treated or stabilized with toxic substances; contaminated natural waters such as from wells, springs, streams, rivers, bays, harbors, seas, irrigation to canals or systems, etc.; oils, gases glycerin, paraffin, caustic and acid solutions and other liquid and gaseous fluids used industrially,

for other processes, or for firefighting purposes.

Non-potable water means a water supply which has not been approved for human consumption by the EPD.

Plumbing hazard means an internal or plumbing type cross-connection in a customer's potable water system that may be either a pollution or a contamination type hazard. This includes but is not limited to cross-connections to toilets, sinks, lavatories, wash trays and lawn sprinkling systems. Plumbing type cross-connections can be located in many types of structures including homes, apartment houses, hotels and commercial or industrial establishments. Such a connection, if permitted to exist, must be properly protected by an appropriate type of backflow prevention assembly.

Pollution hazard means an actual or potential threat to the physical properties of the water system or to the potability of the public or the customer's potable water system but which would not constitute a health hazard or a system hazard, as defined herein. The maximum degree of intensity of pollution to which the potable water system could be degraded under this definition would cause a nuisance or be aesthetically objectionable or could cause minor damage to the system or its appurtenances.

Pollution or polluted means the presence of any foreign substance (organic, inorganic, or biological) in water which tends to degrade the water's quality so as to constitute a hazard or to impair the usefulness or quality of the water to a degree which does not create an actual hazard to the public health, but which adversely and unreasonably affects such water's domestic use.

Potable water means any public potable water supply that has been investigated and approved by the EPD. The system must be operating under a valid health permit issued by the EPD. In determining what constitutes an approved water supply, the EPD has final judgment as to its safety and potability.

Premises means any location where there is a water service connection.

Reduced pressure principle backflow prevention assembly means an assembly containing two (2) independently acting approved check valves together with a hydraulically operating, mechanically independent pressure differential relief valve located between the check valves and at the same time below the first check valve. The unit shall include properly located resilient seated test cocks and tightly closing resilient seated shutoff valves at each end of the assembly. This assembly is designed to protect against a non-health (i.e. pollutant) or a health hazard (i.e. contaminant). This device shall be permitted to be installed where subject to continuous pressure conditions.

System hazard means an actual or potential threat of severe danger to the physical properties of the public or the customer's potable water system or of a pollution or contamination that would have a protracted effect on the quality of the potable water in the system.

Used water means any water supplied by a water purveyor from a public potable water system to a customer's water system after it has passed through the service connection and is no longer under the control of the water purveyor.

Water purveyor means a supplier of water, including the department, but also includes property owners supplying water from their own use.

Water service connection means the terminal end of a service connection from the public

potable water system, (i.e. where the water purveyor may lose jurisdiction and sanitary control of the water at its point of delivery to the customer's water system). If a water meter is installed at the end of the service connection, then the service connection shall mean the downstream end of the water meter. "Water service connection" shall also mean water service connections from fire hydrants and all other temporary or emergency water service connections from the public potable water system.

Section 2.4 Water system

This division shall apply to all water delivery facilities that provide potable water to the public for consumption. It is recognized that the City owns some of these facilities and that the customer may own other of these facilities. The City's system shall consist of all those facilities of the water system used for production, treatment, storage, and delivery of water, (including the water meter), to the water service connection. The customer's system shall include those parts of the facilities beyond the termination of the City's system that are used in conveying potable water delivered by the department to customers, (including any required backflow prevention devices used in conjunction therewith).

Section 2.5 Backflow prevention and cross-connection control required

- (a) The department shall not allow, install or maintain any water service connection to the City's system to any premise unless the water supply is protected from potential backflow and cross-connection, as required by the laws of the State of Georgia, the Rules of the Georgia Environmental Protection Division, the State of Georgia Plumbing Code and this Ordinance. An approved backflow prevention assembly shall be installed on each service line to a customer's system immediately downstream of the water meter or as close as physically feasible to the water meter. No backflow prevention assembly other than as specified in this section shall be allowed, installed or maintained without the express written approval of the City.
- (b) If, in the judgment of the City, an approved backflow prevention assembly is required at either the customer's water service connection or within the customer's private water system for the safety of the City's system, the City shall give written notice to said customer to install such an approved backflow prevention assembly(s) at a specific location(s) on his/her premises. The City's decision shall be based on the rules and on all policies that the City may adopt to implement this division.
- (c) Within thirty (30) days of receipt of written notice from the City that cross connection protection or backflow prevention assemblies are required, a customer shall install such approved protection or assemblies at the customer's sole expense.
- (d) In all cases, a backflow prevention assembly shall be installed before the first branch line leading off the service line wherever the following conditions exist:
 1. In the case of premises having an auxiliary water supply which is not or may not be of safe bacteriological or chemical quality and which is not acceptable as an additional source by the department, the public water system shall be protected against backflow from the premises by installing an approved air gap or an approved reduced pressure principle backflow prevention assembly in the service line commensurate with the degree of hazard.
 2. In the case of premises on which any industrial fluids or any other objectionable substance are handled in such a fashion as to create an actual or potential hazard to the public water system, the public system shall be protected against backflow from the premises by installing an approved backflow prevention assembly in the service line commensurate with the degree of hazard. This shall include the handling of process waters and

waters originating from the water purveyor's system which have been subject to deterioration in quality.

3. In the case of premises having one (1) internal cross-connection that cannot be permanently corrected or protected against, or two (2) intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not dangerous cross-connections exist, the public water system shall be protected against backflow from the premises by installing an approved backflow prevention assembly in the service line.
4. In the case of any premises where there is pollution or polluted water that would be objectionable, but not hazardous, to health if introduced into the public water system, the public water system shall be protected by an approved double check valve backflow prevention assembly.
5. In the case of any premises where there is any contamination which is handled in such a fashion as to create an actual or potential hazard to the public water system, the public water system shall be protected by an approved air gap or an approved reduced pressure principle backflow prevention assembly. Examples of premises where these conditions will exist include sewage treatment plants, sewage pumping stations, chemical manufacturing plants, hospitals, and mortuaries.
6. In the case of any premises where there are actual or potential unprotected cross connections, the public water system shall be protected by an approved backflow prevention assembly at the water service connection.
7. In the case of any premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete in-plant cross-connection survey, the public water system shall be protected against backflow from the premises by either an approved air gap or an approved reduced pressure backflow prevention assembly on each water service connection to the premises.

Section 2.6 Authority to discontinue service

The City may discontinue water service to any premises when a backflow prevention assembly required by this division is not installed, tested and/or maintained. The City may also discontinue water service for failure, refusal, or inability on the part of the customer to install, have tested and maintain said assembly(s), for the removal or bypass on said assembly(s) or if an unprotected cross connection exists on the premises. The City shall not allow water service to be restored until such conditions or defects are corrected.

Section 2.7 Inspection of customer's system

The City shall have the right at any reasonable time to enter the customer's premises and to inspect the piping system or systems thereof for cross-connections and for compliance with this division and the City's backflow prevention policy, unless conditions exist as described in this article. The customer's system shall be open for inspection at all reasonable times to authorized representatives of the City to determine whether unprotected cross-connections or other structural or sanitary hazards, including violations of this Ordinance, exist. When such a condition becomes known, the City shall deny or immediately discontinue service to the premises by providing for a physical break in the service line until the customer has corrected the condition(s) in conformance with the state statutes, regulations and codes relating to plumbing and water supplies and the regulations adopted pursuant thereto.

Section 2.8 Department approval required

Any backflow prevention assembly required herein shall be a make, model and size approved by the City. The EPD and the City have approved the following laboratory to test and approve backflow prevention assemblies:

Foundation for Cross-Connection Control and Hydraulic Research
University of Southern California
KAP-200 University Park MC-2531
Los Angeles, California 90089-2531

Section 2.9 Field test, repair and replacement required

It shall be the duty of the customer at any premises where backflow prevention assemblies are installed to have a field test performed by a certified backflow prevention assembly tester upon installation and at least once per year thereafter. In those instances where the City deems the hazard to be great enough, he/she may require field tests at more frequent intervals. These tests shall be at the expense of the customer and shall be performed by the City or by a certified tester approved by the City. The City shall see that these tests are made in a timely manner. The customer shall repair, overhaul or replace defective assemblies at their expense. Records of such tests, repairs and overhaul shall be kept and made available to the City upon request.

Section 2.10 Existing approved assemblies may remain

Backflow prevention assemblies that do not meet the requirement of this division, but which were approved by the testing laboratory identified in this division and were installed before or on the effective date of this division may, in the discretion of the director, remain so long as the director is assured that said assemblies will satisfactorily protect the water purveyor's system. The customer shall be required to establish to the City's satisfaction that any such backflow prevention assembly has been properly maintained. Moreover, the inspection and testing requirements established in this article shall apply to any such backflow prevention assemblies. Whenever the existing device is moved from the present location or requires more than the minimum maintenance or when the City finds that the maintenance constitutes a hazard to health, the unit shall be replaced by an approved backflow prevention assembly meeting the requirement of this Ordinance.

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**CHAPTER 3
EFFECTIVE DATE AND LEGAL STATUS PROVISION**

- Section 3.1 Liberality of construction
- Section 3.2 Severability of paragraphs
- Section 3.3 Repeal of conflicting ordinances
- Section 3.4 Effective date

Section 3.1 Liberality of construction

This Ordinance shall be constructed liberally in order to effectuate its purpose.

Section 3.2 Severability of paragraphs

If any portion of this Ordinance shall be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair the remaining portions unless it clearly appears that other parts are wholly and necessarily dependent upon the part held to be invalid or unconstitutional.

Section 3.3 Repeal of conflicting ordinances

All Ordinances and parts of Ordinances in conflict herewith are hereby repealed to the extent of the conflict.

Section 3.4 Effective date

The effective date of this Ordinance shall be August 7, 2018.

ADOPTED and APPROVED by the City Council of Blairsville, Georgia this 7th day of August, 2018.

Rhonda Mahan
COUNCIL MEMBER

Robert Moore
COUNCIL MEMBER

Tony Dyer
COUNCIL MEMBER

Betty Easter
COUNCIL MEMBER

Mary Ruth Cook
COUNCIL MEMBER

Jim Conley, MAYOR

Attested To:

Kaye McCann, City Clerk