



**Dallas City Council**  
129 East Memorial Drive  
Dallas, GA 30132  
<http://www.cityofdallasga.com>  
770-443-8110 x.1209

## **Regular Meeting 7:00 PM**

### **1. Public Hearing**

2nd Public Hearing - held prior to the regular meeting on the:

1. Proposed FY 2016-2017 Budget

### **2. Call to Order**

### **3. Invocation and Pledge**

### **4. Recognition of Visitors and Comments**

### **5. Minutes Approval**

- A. Monday, August 29, 2016 Regular Meeting
- B. Friday, September 23, 2016 Public Input Meeting

### **6. Consent Agenda**

### **7. Old Business**

- A. Second Read: Ord Amd OA-2016-06 Chapter 36 Taxation

### **8. New Business**

- A. Consideration of Millage Rate
- B. Proposed FY 2016-2017 Budget
- C. Proclamation 2016-15 Long-Term Care Residents' Rights
- D. Proclamation 2016-13 International Literacy Day
- E. Ord Amd OA-2016-08 Chapter 40 Utilities
- F. Appointments - HPC & Housing Authority

**9. Additional Items/Comments**

**10. Adjournment**

MINUTES  
Monday, August 29, 2016  
Dallas City Hall



## Dallas City Council

129 East Memorial Drive  
Dallas, GA 30132  
<http://www.cityofdallasga.com>

Tina Clark  
770-443-8110 x.1209

## Regular Meeting 7:00 PM

### 1. Call to Order

Staff Members Present: City Manager- Kendall Smith; City Clerk- Tina Clark; City Attorney- Glen Stinson; Police Chief- Scott Halter; Marshal- Michael Hester; Asst City Clerk; Lori Meienburg

Attendee Name	Title	Status	Arrived
James Kelly	Mayor Pro-Tem	Present	
Griffin White	Councilmember	Present	
Nancy Arnold	Councilmember	Present	
Mike Cason	Councilmember	Present	
James R Henson	Councilmember	Present	
Christopher B. Carter	Councilmember	Present	
Boyd Austin Jr.	Mayor	Present	

### 2. Invocation and Pledge

Councilman White led the Invocation and Pledge.

### 3. Recognition of Visitors and Comments

Mayor Austin recognized the South Paulding High School students in attendance. Ms. Bates of 225 Lafayette St in Bartlett Square Sub asked for help cleaning up their neighborhood. Mayor Austin called upon Chief Hester and Chief Halter to work on the issues.

### 4. Minutes Approval

A. Motion to approve Minutes of Aug 1, 2016 7:00 PM meeting.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	James Kelly, Mayor Pro-Tem
<b>SECONDER:</b>	James R Henson, Councilmember
<b>AYES:</b>	Kelly, White, Arnold, Cason, Henson, Carter

Minutes Acceptance: Minutes of Aug 29, 2016 7:00 PM (Minutes Approval)

## 5. Consent Agenda

- 1.) Confederate Avenue Streetscape Phase II- Excellere Construction, LLC., in the amount of \$454,390 to be paid from SPLOST.
- 2.) Purchase 2017 Ford F450 4X4 for WWTP, in the amount of \$40,610 to be paid from Water/Sewer fund.
- 3.) City of Dallas Police Department Building Demolition- LPC Contracting, Inc., in the amount of \$13,375.
- 4.) Dallas Battlefield Trail Phase 2 PI#0012885- Keck & Wood, in the amount of \$309,118 to be paid from SPLOST w/20% city match.
- 5.) Temsco, Inc. Maintenance Agreement - WWTP, in the amount of \$4,104 to be paid from Water/Sewer fund.
- 6.) Surplus 2007 Ford F450 VIN#1FDXF47P47EA96196.
- 7.) Compliance Order for Pumpkinvine Creek sewer spill, in the amount of \$750.
- 8.) Administrative approval on all upcoming Homecoming Parades this year.
- 9.) Courtyard fountain light installation- American Fountain, in the amount of \$15,067 to be paid from SPLOST.

### A. Motion to approve Consent Agenda.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Mike Cason, Councilmember
<b>SECONDER:</b>	Griffin White, Councilmember
<b>AYES:</b>	Kelly, White, Arnold, Cason, Henson, Carter

### B. Admin Review & Approval on School Parades

## 6. Old Business

### A. Ord Amd OA-2016-06 Chapter 36 Taxation

No action was taken, under further review by city attorney.

### B. Motion to adopt Ord Amd OA-2016-05 Chapter 10 Businesses.

Minutes Acceptance: Minutes of Aug 29, 2016 7:00 PM (Minutes Approval)

**RESULT:**           **ADOPTED [UNANIMOUS]**  
**MOVER:**           James Kelly, Mayor Pro-Tem  
**SECONDER:**       Nancy Arnold, Councilmember  
**AYES:**             Kelly, White, Arnold, Cason, Henson, Carter

## 7. New Business

### A. Motion to adopt Ord Amd OA-2016-07 Chapter 2 Administration.

**RESULT:**           **ADOPTED [UNANIMOUS]**  
**MOVER:**           Nancy Arnold, Councilmember  
**SECONDER:**       Griffin White, Councilmember  
**AYES:**             Kelly, White, Arnold, Cason, Henson, Carter

Federal requirements for procurement under Georgia State Registry, pass under emergency basis.

### B. Motion to approve request for Friends Walk for Life.

**RESULT:**           **ADOPTED [UNANIMOUS]**  
**MOVER:**           James R Henson, Councilmember  
**SECONDER:**       Griffin White, Councilmember  
**AYES:**             Kelly, White, Arnold, Cason, Henson, Carter

### C. Motion to approve lease with Jim Henson for property adjacent to the Public Works building for storage of confiscated cars by the Police Department.

**RESULT:**           **ADOPTED [5 TO 0]**  
**MOVER:**           Griffin White, Councilmember  
**SECONDER:**       Nancy Arnold, Councilmember  
**AYES:**             Kelly, White, Arnold, Cason, Carter  
**RECUSED:**       James R Henson

### D. Motion to approval of the Job Classification System from the Carl Vinson Institute of Government.

Minutes Acceptance: Minutes of Aug 29, 2016 7:00 PM (Minutes Approval)

**RESULT:**           **ADOPTED [UNANIMOUS]**  
**MOVER:**           James R Henson, Councilmember  
**SECONDER:**       Christopher B. Carter, Councilmember  
**AYES:**             Kelly, White, Arnold, Cason, Henson, Carter

## 8. Additional Items/Comments

Councilman Henson mentioned the ribbon cutting and reception of Chef Litton this past Saturday, and that she is looking for a building to open a restaurant.

## 9. Adjournment

### 1. Motion to adjourn.

**RESULT:**           **ADOPTED [UNANIMOUS]**  
**MOVER:**           James Kelly, Mayor Pro-Tem  
**SECONDER:**       Nancy Arnold, Councilmember  
**AYES:**             Kelly, White, Arnold, Cason, Henson, Carter

\_\_\_\_\_  
Mayor- Boyd L. Austin

\_\_\_\_\_  
Date

\_\_\_\_\_  
City Clerk - Tina Clark

\_\_\_\_\_  
Date

Minutes Acceptance: Minutes of Aug 29, 2016 7:00 PM (Minutes Approval)

MINUTES  
Friday, September 23, 2016  
Dallas City Hall



## Dallas City Council

129 East Memorial Drive  
Dallas, GA 30132  
<http://www.cityofdallasga.com>

Tina Clark  
770-443-8110 x.1209

## Public Input Meeting 5:00 PM

### 1. Call to Order

Staff Members Present: City Manager- Kendall Smith; City Clerk- Tina Clark; Police Chief- Scott Halter; Finance Director- Sandra Lee

Attendee Name	Title	Status	Arrived
Boyd Austin Jr.	Mayor	Present	
James Kelly	Mayor Pro-Tem	Present	
Griffin White	Councilmember	Absent	
Nancy Arnold	Councilmember	Present	
Mike Cason	Councilmember	Absent	
James R Henson	Councilmember	Present	
Christopher B. Carter	Councilmember	Present	

### 2. Public Hearings

#### A. Proposed FY 2016-2017 Budget

Mayor Austin ask for public comment, hearing none the public hearing was closed at 5:15 PM.

**RESULT:** REVIEWED; NO VOTE **Next: 10/3/2016 5:00 PM**

### 3. Consent Agenda

1. Motion to approve downtown filming on October 4 & 11, 2016.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** James Kelly, Mayor Pro-Tem  
**SECONDER:** Nancy Arnold, Councilmember  
**AYES:** James Kelly, Nancy Arnold, James R Henson, Christopher B. Carter  
**ABSENT:** Griffin White, Mike Cason

Minutes Acceptance: Minutes of Sep 23, 2016 5:00 PM (Minutes Approval)

## 4. Adjournment

### 1. Motion to adjourn.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Christopher B. Carter, Councilmember
<b>SECONDER:</b>	James R Henson, Councilmember
<b>AYES:</b>	James Kelly, Nancy Arnold, James R Henson, Christopher B. Carter
<b>ABSENT:</b>	Griffin White, Mike Cason

\_\_\_\_\_  
Mayor- Boyd L. Austin

\_\_\_\_\_  
Date

\_\_\_\_\_  
City Clerk - Tina Clark

\_\_\_\_\_  
Date

Minutes Acceptance: Minutes of Sep 23, 2016 5:00 PM (Minutes Approval)



# Ordinance/Ordinance Amend (ID # 1702)

DRAFT

## Amendment

### Second Read: Ord Amd OA-2016-06 Chapter 36 Taxation

To amend in accordance with HB960

OA-2016-06

1st Read

## Sec. 36-5. - Assessment of penalties; collection of delinquent property taxes.

The following penalties shall apply to all delinquent property (ad valorem) taxes billed by the city:

(1)

On December 21 of each and every year, unless date is changed by a majority vote of the mayor and council of the city, all unpaid property taxes shall be declared delinquent and a penalty shall be assessed upon each and every tax bill that is unpaid; penalties imposed or due by this section are not printed herein, but shall be as set forth in the schedule of fees and charges on file in the office of the city clerk and may be amended from time to time as needed, by the mayor and city council of Dallas, Georgia. In addition, the unpaid tax shall bear interest at a rate in accordance with O.C.G.A. § 48-2-40 as now adopted or hereafter amended.

(2)

As soon as possible after the due date set forth in subsection (1) of this section, the city clerk, or his agent, shall notify, in writing, each delinquent taxpayer that their taxes have not been paid and if not paid within 30 days after the date the notice set forth in this subsection was mailed, an execution shall be issued and recorded; a tax lien shall be recorded in the county clerk's office upon the property; and an execution fee shall be added to the penalty and interest assessed in subsection (1) of this section; fees imposed or due by this section are not printed herein, but shall be as set forth in the schedule of fees and charges on file in the office of the city clerk and may be amended from time to time as needed, by the mayor and city council of Dallas, Georgia.

(3)

If the property taxes (ad valorem) are still unpaid after 90 days from the date in subsection (1) of this section, then an additional penalty of <sup>five</sup> percent shall be added to the amount of tax and penalties due. This additional penalty shall not apply to unpaid taxes of \$500.00 or less on homestead property as defined in O.C.G.A. § 48-5-40. *Does this line still apply and need to stay?*

(4)

If the property taxes (ad valorem) are still unpaid after 180 days, then all collection avenues allowed by state law, including, but not limited to, a tax sale of property, shall be used by the city to ensure that the taxes are paid.

^ With an additional 5% after each successive 120 days to a maximum of 20% of the principle amount due.

Will We Keep the first late penalty of 5.00 referred to in section 1?

Taxation (Property) Fees	
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Description	Fees
1st Late Penalty (taxes delinquent as of 12/21 of each and every year)	\$5.00
Execution Fee (tax lien filing)	\$25.00
2nd Late Penalty (taxes 90 days delinquent after 12/21)	10% of taxes & penalties due (refer to code section)

120 days



HOME    MEMBER CITIES    SERVICES    ADVOCACY    TRAINING + EVENTS

NEWS + GRANTS    ADVICE + KNOWLEDGE

ADVICE + KNOWLEDGE \ ARTICLES & RESOURCES

## Delinquent Tax: Interest and Penalty Changes

June 22, 2016

Due to the passage of **House Bill 960** during the 2016 legislative session, calculation of penalties on property taxes and interest on most categories of taxes will change beginning July 1, 2016. These changes will apply regardless of whether your city directly provides tax billing or this function is handled externally. These changes DO NOT impact interest or penalties applied to proprietary fund billing or an occupation tax.\* A summary of the changes is outlined below.

### Resources

Sales and Use Tax Policy Bulletin  
SUT-2016-02 (PDF)

DOR Interest and Penalties Examples  
(PDF)

### Interest Calculations

The interest provision of HB960 applies to most taxes owed to local governments and by local governments. These include real and personal property taxes, alcoholic beverage taxes, hotel motel tax, and sales and use tax and refunds. Current law allows 1% per month (12% annually) to be collected on delinquent taxes. HB960 changes this interest calculation to .542% per-month, based on an annual calculation of the Federal Prime Rate (3.5%) plus

3%. This annual interest rate will change when the Federal Reserve announces the new bank prime loan rate each January.

## Penalty Fees – Ad Valorem Taxes

Penalty fees on delinquent property taxes change July 1<sup>st</sup> as well. Current law dictates that a penalty fee of 10% of the principle is assessed after 90 days. HB960 changes this penalty to 5% after 120 days with an additional 5% assessed after each successive 120 days to a maximum of 20% of the principle amount due. See reverse for billing examples with the new interest rate and penalty.

For cities that contract with their county tax commissioner to handle property tax billing and collection, a substantive change occurred in HB960 which may impact future contracts with the county. Under current law, when city property taxes are collected by a tax commissioner, penalty revenue is paid into the county treasury. In contrast, HB960 will require penalties on delinquent property taxes be disbursed by tax commissioners on a pro rata basis to the county and each city which is owed taxes. This statutory change will likely result in a loss of revenue to counties since penalty money will no longer go to county coffers when collected by tax commissioners. GMA anticipates that some county governments and tax commissioners will want to renegotiate property tax collection costs with cities as a result of this statutory change to make up for their decreased revenues.

## Other Provisions – Sales Tax Refunds

The bill made other substantial changes to the law regarding information related to large sales tax refunds. "Refunds of local significance" are defined as a sales tax refund that equals 10% or more of a local government's annual sales tax distributions (taken from the previous three years average). The Department of Revenue (DOR) will give notice to a local government designee if a refund of local significance is expected.

\*Occupation tax penalties and interest is governed by O.C.G.A. 48-13-21, which calls for a 10% penalty after 90 days and authorizes local governments to set a rate of interest not to exceed 1.5% per month.



# Dallas City Council

129 East Memorial Drive, Dallas, GA 30132

**DRAFT**

**TO:** City Council

**From:** City Hall, Kendall Smith

**Meeting:** October 3, 2016 07:00 PM

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## Consideration of Millage Rate

**Summary:**

Refer to attachment.

**Recommendation:**

**Financial Impact:**

Review:

Kendall Smith Completed 10/03/2016 9:45 AM

Dallas City Council Pending 10/03/2016 7:00 PM



# City of Dallas, Georgia

## Current 2016 Tax Digest and Five Year History of Levy

### NOTICE

The City of Dallas, Georgia does hereby announce that the millage rate will be set at a meeting to be held at Dallas City Hall, Council Chambers, 129 East Memorial Drive, Dallas, Ga. 30132, on October 3, 2016 and pursuant to the requirements of § 48-5-32 does hereby publish the following presentation of the current year's tax digest and levy along with the history of the tax digest and levy for the past five years.

	2011	2012	2013	2014	2015	2016
<b>GROSS DIGEST</b>	\$ 221,253,792	\$ 205,625,998	\$ 207,829,135	\$ 233,354,171	259,394,065	279,625,974
<b>REAL PROPERTY</b>	\$ 198,079,507	\$ 182,676,669	\$ 182,928,794	\$ 199,183,580	226,549,410	243,076,266
<b>PERSONAL PROPERTY</b>	\$ 23,174,285	\$ 22,949,329	\$ 24,900,341	\$ 34,170,591	32,844,655	36,549,708
<b>LESS M &amp; O EXEMPT</b>	\$ 7,756,423	\$ 7,394,174	\$ 3,213,789	\$ 3,258,564	3,401,807	4,094,903
<b>NET M &amp; O DIGEST</b>	\$ 213,497,369	\$ 198,231,824	\$ 204,615,346	\$ 230,095,607	255,992,258	275,531,071
<b>GROSS M &amp; O MILLAGE RATE</b>	7.264	10.259	9.227	10.651	10.226	9.910
<b>L.O.S.T. ROLLBACKS</b>	3.583	6.089	5.057	6.481	6.056	5.740
<b>NET M &amp; O MILLAGE RATE</b>	3.681	4.170	4.170	4.170	4.170	4.170
<b>NET TAXES LEVIED</b>	\$ 827,952	\$ 826,627	\$ 853,246	\$ 959,499	\$ 1,067,488	1,148,964
<b>NET TAX \$ INCREASE</b>	\$ ( 67,363)	\$ (1,325)	\$ 26,619	\$ 106,253	107,989	81,476
<b>NET TAX % INCREASE</b>	(- 7.52%)	(-.02%)	3.22%	11.07%	10.12%	7.09%



# Dallas City Council

129 East Memorial Drive, Dallas, GA 30132

**DRAFT**

**TO:** City Council

**From:** City Hall, Kendall Smith

**Meeting:** October 3, 2016 07:00 PM

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## Proposed FY 2016-2017 Budget

### Summary:

Vote for proposed budget

### Recommendation:

### Financial Impact:

Review:

Kendall Smith Completed 09/21/2016 10:55 AM

Dallas City Council Completed 09/23/2016 5:00 PM

Dallas City Council Pending 10/03/2016 7:00 PM



**Dallas City Council**

129 East Memorial Drive  
Dallas, GA 30132

**SCHEDULED**

Meeting: 10/03/16 07:00 PM

Department: City Hall

Category: Proclamation

Prepared By: Lori Meienburg

Initiator: Kendall Smith

Sponsors:

**PROCLAMATION (ID # 1726)**

DOC ID: 1726

**Proclamation 2016-15 Long-Term Care Residents' Rights**

Recognize October "My Vote Matters"

# PROCLAMATION 2016-15

## National Long-Term Care Residents' Rights Month 2016

### My Vote Matters

**WHEREAS:** In the State of Georgia, more than 70,000 individuals reside in long-term care facilities, including 369 nursing facilities and 2,516 board and care/personal care homes/assisted living communities across the state and nine facilities in the city of Dallas; and

**WHEREAS:** It is important to recognize the federal and state law guarantees of residents' rights in order to promote and maintain the dignity and autonomy of long-term care facility residents. All residents should be informed of their rights so they feel empowered to live with pride and self-determination; and

**WHEREAS:** Georgia affirms the rights of each long-term care facility resident to participate in decisions about care, exercise the right to vote, and to be active in the political process; and

**WHEREAS:** Organizations and individuals like Long-Term Care Ombudsman Representatives protect the health, safety, welfare, and rights of long-term care facility residents, acting as the voice of those who often cannot speak for themselves and collaborating with other state and law enforcement agencies to intervene and prevent resident abuse; and

**WHEREAS:** Individuals and groups across the country will be celebrating Residents' Rights Month with the theme – My Vote Matters – to emphasize the importance of affirming these rights through facility practices, public policy and resident-centered decision-making.

**Now, therefore, I, Boyd L. Austin, Jr.,** Mayor of the City of Dallas, do hereby Proclaim October 2016 as **National Long-Term Care Residents' Rights Month**, in the City of Dallas, and encourage all citizens to join me in these important observances.

Signed this 3<sup>rd</sup> day of October, 2016

\_\_\_\_\_  
Mayor

**Dallas City Council**

129 East Memorial Drive  
Dallas, GA 30132

**SCHEDULED**

Meeting: 10/03/16 07:00 PM

Department: City Hall

Category: Proclamation

Prepared By: Lori Meienburg

Initiator: Kendall Smith

Sponsors:

**PROCLAMATION (ID # 1720)**

DOC ID: 1720

**Proclamation 2016-13 International Literacy Day**

Request from Paulding Literacy Council

PROCLAMATION 2016-13

DALLAS DECLARES INTERNATIONAL LITERACY DAY

According to UNESCO, (The United Nations Educational, Scientific and Cultural Organization) about 774 million adults lack the minimum literacy skills. One in five adults is still not literate and two-thirds of them are women. About 75 million children are out-of-school and many more attend irregularly or drop out. However, literacy is also a cause for celebration on the day because there are nearly four billion literate people in the world.

On International Literacy Day each year, UNESCO reminds the international community of the status of literacy and adult learning globally. This day was first celebrated on September 8, 1966.

In connection with International Literacy Day, Dallas Mayor Boyd Austin signed the following proclamation:

- WHEREAS:** The day of September 8 is recognized as International Literacy Day; and
- WHEREAS:** The City of Dallas desires to improve the literacy levels of its citizens, and
- WHEREAS:** The level of adult literacy skills contributes to the emotional physical and economic well-being of our citizens; and
- WHEREAS:** The Paulding Literacy Council in conjunction with the Certified Literate Community Program and the Adult Education Program will assist greatly in increasing adult literacy skills of the citizens and thereby increase community productivity

**Now, Therefore, I, the Honorable Boyd L. Austin, Jr.,**  
**Mayor of the City of Dallas,**  
**Do hereby proclaim the day of September 8, 2016**  
**As International Literacy Day in the City of Dallas and endorse the**  
**Paulding Literacy Council and Adult Education Program, and**  
**Support the participation of the City of Dallas in these programs.**

Signed: \_\_\_\_\_,

Mayor

Attachment: PROC 2016-13 Ntl Literacy Day (1720 : Proclamation 2016-13 International Literacy Day)

# Ordinance/Ordinance Amend (ID # 1723)

DRAFT

## Amendment

### Ord Amd OA-2016-08 Chapter 40 Utilities

Amend utilities to add waste water mgmt - request emergency passage to comply with regs.

# ORDINANCE AMENDMENT OA-2016-08

## AN ORDINANCE TO AMEND CHAPTER 40 UTILITIES OF THE CODE OF ORDINANCES OF THE CITY OF DALLAS, GEORGIA

- WHEREAS,** The Charter of The City of Dallas, Georgia does allow the Mayor and Council of The City of Dallas, Georgia to adopt Ordinances and/or to amend existing Ordinances; **AND**
- WHEREAS,** The Mayor and Council recognize conservation of current water supplies and minimization of the effects of water supply shortages are essential to the public health, safety and welfare; **AND**
- WHEREAS,** The Mayor and Council also recognize waters of the State are to be put to beneficial use, that waste, unreasonable use, or unreasonable method of use of water be prevented, and that water be conserved for the public welfare;

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the City of Dallas, Georgia that the “City of Dallas Utilities Ordinance” is amended, restated and adopted as follows:

### **DALLAS, GEORGIA CODE OF ORDINANCES CHAPTER 40 UTILITIES, ARTICLE II., DIVISION 4, SUBDIVISION I., SEC. 40-184 THRU SEC. 40-220 AND SUBDIVISION V., SEC. 40-312**

#### **ARTICLE II., DIVISION 4, SUBDIVISION I., SEC. 40-184 THRU SEC. 40-220, SHALL BE AMENDED TO ADD THE FOLLOWING:**

##### **Sec. 40-184. - Waste of water; prohibitions.**

- (a) The following uses are a waste or unreasonable use or method of use of water and are prohibited:
  - (1) Allowing water to escape from any premises onto public right-of-way, such as streets and sidewalks, or upon any other person's property;
  - (2) Operating an irrigation system or other lawn or landscaping watering device during rain;
  - (3) Operating an irrigation system or other lawn or landscaping watering device that has any broken or missing sprinkler heads;
  - (4) Failing to repair a controllable leak, including a broken sprinkler head, or a leaking valve, or a leaking outdoor faucet, or a service line leak, or any other visible outside water leaks, on premises owned, leased, or managed by that person, within thirty (30) days;
  - (5) Washing any vehicle with a hose and not having a water shut-off nozzle or allowing water to run continuously from a hose while washing any vehicle is also prohibited.

##### **Sec. 40-185. - Exemptions.**

- (a) The restrictions in section 40-184 do not apply to the following authorized uses:

- (1) Flow resulting from firefighting or routine inspection of fire hydrants or from fire training activities;
- (2) Water applied as a dust control measure, as required by erosion and sedimentation rules;
- (3) Water applied to abate spills of flammable or otherwise hazardous materials, where water is the appropriate methodology;
- (4) Water applied to prevent or abate health, safety, or accident hazards when alternate methods are not available;
- (5) Water used for construction or maintenance activities where the application of water is appropriate methodology and where no other practical alternative exists;
- (6) Water used for power washing hard surfaces to alleviate safety or sanitary hazards, unless prohibited by drought restrictions;
- (7) Mobile car washes when approved or a special use permit is obtained from the local authority;
- (8) Emptying of swimming pools for maintenance when proper local rules are followed.

**Sec.40-186. - Penalties for violations.**

- (a) Water wasting includes water waste by any classifications of user;
- (b) Whenever the director of the city department of water resources, city manager or mayor determines that there is a waste of water in or about premises to which water is supplied from the city, either by willful waste or by means of a leak in any water pipe or fixture located in or upon the premises, said waste may cause the water to be cut off, subject to section 40-184;
- (c) Any person found guilty of violating any provision of this article shall be punished as provided in section 40-312 of this Code;
- (d) In addition to the penalty provided for the violation of this article, the city may maintain an action or proceeding in any court of competent jurisdiction to compel compliance with or restrain any violation of this article.

**Sec. 40-187 – 40-220. Reserved**

**ARTICLE II., DIVISION 4, SUBDIVISION V., SEC. 40-312, SHALL BE AMENDED AS FOLLOWS:**

**Sec. 40-312. - Enforcement; penalty.**

- (a) This division shall be enforced by the Marshal's Bureau Citations for violations may be issued by the Marshal's Bureau at the direction of the city manager or the public works director.
- (b) Any person, corporation, partnership or other entity violating this division shall be tried before the municipal court of the city. Upon conviction, a violation of this division may be fined up to \$125.00 for the first occurrence, \$250.00 for the second occurrence, and \$500.00 for the third and subsequent occurrences, unless otherwise specified. The municipal court of the city shall

also be empowered to award restitution costs, costs of damages to water service and meters, and unpaid bill amounts, in addition to the fines listed in this subsection.

- (c) Tampering fees may be assessed as specified by the Marshal’s Bureau and water service may be withheld until such fees are paid, along with prior overdue bills. The municipal court shall also be empowered to impose any unpaid tampering fee as a fine, in addition to the fines listed in subsection (b) of this section.
- (d) All persons are prohibited from interfering with or disturbing in any manner or form, any water meter, fire hydrant, locks, cutoffs, corporation cocks, or other appurtenances of the water system or to appropriate or use any water without first contracting with the system for such use or after service has been cut off or discontinued for the nonpayment of the charges therefore or for other cause. Any person violating this provision shall be assessed a tampering fee of \$500.00, unless otherwise specified in this division.

All provisions of Chapter 40 Utilities – Articles I and II or any other provisions of Chapter 40, which are not specifically amended by this Ordinance Amendment, shall remain in full force and effect and as Ordained.

This Ordinance shall become effective immediately upon its adoption.

**SO SHALL IT BE ORDAINED BY THE MAYOR AND THE COUNCIL OF THE CITY OF DALLAS, GEORGIA THIS DAY, THE \_\_\_\_\_ OF \_\_\_\_\_, 2016.**

\_\_\_\_\_  
Boyd L. Austin, Jr., Mayor

\_\_\_\_\_  
James R. Henson, Council Member

\_\_\_\_\_  
Michael G. Cason, Council Member

\_\_\_\_\_  
L. James Kelly, Council Member

\_\_\_\_\_  
Nancy R. Arnold, Council Member

\_\_\_\_\_  
R. Griffin White, Council Member

\_\_\_\_\_  
Christopher B. Carter, Council Member

ATTEST:

\_\_\_\_\_  
CITY CLERK

Attachment: ORD AMD OA-2016-08 Water Conservation Sec 40 (1723 : Ord Amd OA-2016-08 Chapter 40 Utilities)





# Dallas City Council

129 East Memorial Drive, Dallas, GA 30132

**DRAFT**

**TO:** City Council

**From:** City Hall, Kendall Smith

**Meeting:** October 3, 2016 07:00 PM

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## Appointments - HPC & Housing Authority

### Summary:

Jim Butler to HPC

LeAnne Austin to Housing Authority

### Recommendation:

### Financial Impact:

Review:

Kendall Smith Completed 09/22/2016 1:29 PM

Dallas City Council Pending 10/03/2016 7:00 PM